PROJECT NO. SU-147(13)
TRACT NO. 800K 504 MAGE 47

## EASEMENT

THIS INDENTURE, made this \_\_\_\_\_\_ day of August, 1971, between PHILIP GERELICK, hereinafter referred to as "Grantor", and the COUNTY OF DOUGLAS, STATE OF NEBRASKA, hereinafter called "County", WITNESSETH:

That said Grantor in consideration of the sum of Two Hundred Ninety Dollars (\$290.00) and other valuable consideration, to Grantor in hand paid by said County, the receipt whereof is hereby acknowledged, does hereby grant, sell, convey and confirm unto said County and its assigns forever, a drainage easement for the right to use, install, construct, and build and to complete, maintain, repair and operate a drainage facility consisting of a reinforced concrete Drop Inlet, together with all other applicable equipment pertaining thereto, in conformance with the drawing and specifications annexed hereto marked Exhibit "A", and by this reference made a part hereof, upon, in, through, over and under the parcel of land described as follows, to-wit:

A tract of land being a part of Lot 1, Block 99 in Benson, an addition in Douglas County, Nebraska as surveyed, platted and recorded, more particularly described as follows: Commencing at the Southeast corner of said Lot 1; thence running northerly along the East line of said Lot 1, a distance of 181.54 feet; thence westerly 90°00' left, a distance of 17 feet to the west right of way line of 72nd Street which point is the true point of beginning; thence continuing westerly on the same bearing a distance of 22 feet; thence northerly 90000' right, a distance of 20 feet; thence Easterly 90000' right, a distance of 22 feet to the westerly right of way line of 72nd Street; thence southerly 90000' right along the westerly right of way line of 72nd Street, a distance of 20 feet to the point of beginning. Containing 440 Sq. Ft. more or less.

No buildings, improvements or structures, shall be placed in, on, over or across said easement by undersigned, his or their successors and assigns without express approval of Douglas County. Any trees, grass, and shrubery placed within the area of said easement shall be maintained by Grantor, his heirs, successors and assigns.

Said County shall cause any trench made on aforesaid realty to be properly refilled, and shall cause grass seed to be sown over said trench, and shall cause the premises to be left in a neat and orderly condition. This easement is also for the benefit of any contractor, agent, employee and representative of the County and for any of the aforesaid construction and work, as well as subsequent maintenance thereof.

Said Grantor for himself and his heirs, executors and administrators does confirm with the said County and its assigns, that he,

800% 504 PAGE 48

the Grantor is well seized in fee of the above described property and that he has the right to grant and convey this easement in the manner and form aforesaid, and that he will, and his heirs, executors and administrators, shall warrant and defend this easement to said County and its assigns against the lawful claims and demands of all persons.

This easement runs with the land, reserving, however, to the Grantor, his heirs, executors, administrators and assigns, the right and privilege at all times to attach and connect such storm drain pipes and/or structures to the aforedescribed servient Drop Inlet as may be deemed requisite or desirable for drainage purposes of abutting land now belonging to said Grantor, and County will provide an opening with temporary plug in the west wall of said Drop Inlet for such connection.

The consideration recited includes damages for change of grade, if any, and any and all claims for damage arising from change of grade or grading are hereby waived.

IN WITNESS WHEREOF, said Grantor has hereunto set his hand and seal the day and year first above written.

Philip Gerelick

STATE OF NEBRASKA )

COUNTY OF DOUGLAS )

On this day of August, 1971, before me, a notary public, in and for said County, personally came the above-named PHILIP GERELICK, who is personally known to me to be the identical person whose name is affixed to the above instrument and acknowledged said instrument to be his voluntary act and deed for the purpose muntherein stated.

WITNESS my hand and notarial seal the date aforesaid.

Notary Public

My Commission expires:

3-74-74

8. ENTERED IN NUMERICAL INDEX AND REPORDED IN THE RECIDIER OF DEEDS OFFICE IN DOUGLAS COUNTY, NEBRASION DAY OF OCTOBER 1971 AT 11:15 M. C. HAROLD OSTLER, REGISTER OF DELCO