

FILED SARPY CO. NE.	COUNTER <u>LM</u> G.E. <u>D</u>
INSTRUMENT NUMBER	VERIFY <u>abc 123</u> D.E. <u>P</u>
<u>2006-20681</u>	PROOF <u>2</u>
2006 JUN 20 A 10:48 AM	FEE \$ <u>20.50</u>
<i>Glenn J. Dowling</i>	CHECK # _____
REGISTER OF DEEDS	CHC <u>COP</u> CASH _____
	REFUND _____ CREDIT _____
	SHORT _____ NCR _____

TEMPORARY EASEMENT

The undersigned, Rogers Development, Inc., a Nebraska corporation, hereinafter called the "Grantor" in consideration of \$10.00 and other good and valuable consideration, the receipt of which is hereby acknowledged, hereby grants and conveys to the City of Papillion, a municipal corporation, located in Sarpy County, Nebraska, hereinafter called "City" its successors and assigns, a temporary easement to construct and install a water line main along the east side of 72nd Street, for the purpose of conveying water over, across, through and under the land hereinafter described, together with the right to excavate and refill ditches or trenches for the location of said water line, and the further right to remove trees, bushes, undergrowth and other obstructions interfering with the location.

Said easement will be thirty (30) feet wide over and under the following described area:

That part of Lot 81, Settlers Creek, a subdivision in Sarpy County, Nebraska, described as follows: Beginning at the Northwest Corner of said Lot 81; thence S05°21'34"W (Assuming Bearing) 100.65 feet on the West line of said Lot 81; thence S00°00'02"E 103.15 feet on the West line of said Lot 81; thence S00°11'43"E 496.85 feet; thence S00°12'45"E 299.98 feet on the West line of said Lot 81; thence S12°57'13"E 85.00 feet on the West line of said Lot 81 to the Southwest corner thereof; thence S75°46'17"E 15.00 feet on the South line of said Lot 81; thence S87°12'57"E 17.31 feet on the South Line of Lot 81; thence N12°57'13"W 93.20 feet; thence N00°12'45"W 296.63 feet; thence N00°11'43"W 496.80 feet; thence N00°00'02"W 101.69 feet; thence N05°21'34"E 102.15 feet to the North line of said Lot 81; thence S89°50'07"W 30.14 feet on the North line of said Lot 81 to the point of beginning.

1. The points described above are subject to adjustment by subsequent agreement between the City of Papillion and Rogers Development, Inc.

Jennifer Niemier, City Clerk
 122 E. 3rd Street
 Papillion, NE 68046

20681

A

2. That attached hereto as attachment AA@ and incorporated herein by reference is a graphic description of said water line easement
3. The Grantor hereby grants to the City, its successors and assigns, the right, privilege and authority to enter upon and pass over said property for the construction, future maintenance, operation or reconstruction of said underground water main, or any part thereof under or upon the property above described.
4. The City shall at all times exercise due care and diligence to avoid injury, loss or damage to structures or property of the Grantor, its successors and assigns and will indemnify and save harmless the Grantor, its successors and assigns for any and all loss, damage or injuries sustained to such property by reason of the construction, future maintenance, operation or reconstruction of said underground water main, or any part thereof. The City shall restore said property to its original condition upon completion of construction.
5. This easement is binding upon the assigns and successors of the Grantor.
6. The above payment shall cover all damages caused by the establishment and construction of the above project.
7. The Grantor waives compliance by Papillion with the notice and other provisions of the Uniform Procedure for Acquiring Private Property for Public Use (Neb. Rev. Stat. ' 25-2501, et seq., as amended).
8. This easement shall not pass, nor be construed to pass, to Papillion, in fee simple interest or title to the easement area. The Grantor shall have the reserved right to make reasonable non-structural uses of the easement area which do not interfere with Papillion=s rights under this easement.
9. The Grantor warrants that no verbal or written representations or inducements have been made or given by Papillion or by any of its officers, agents or employees, other than as may be recited in this document.
10. This easement runs with the land and terminates thirty (30) days after the improvement is completed, with the total duration of actual use of this temporary construction easement not to exceed one year or 365 calendar days from date of recording with Register of Deeds.

B

IN WITNESS WHEREOF, the Grantor has executed this Easement the 18 day of May, 2006.

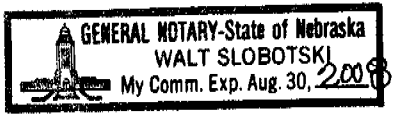
GRANTOR: ROGERS DEVELOPMENT, INC., A
Nebraska Corporation

BY: [Signature]
Corporate President

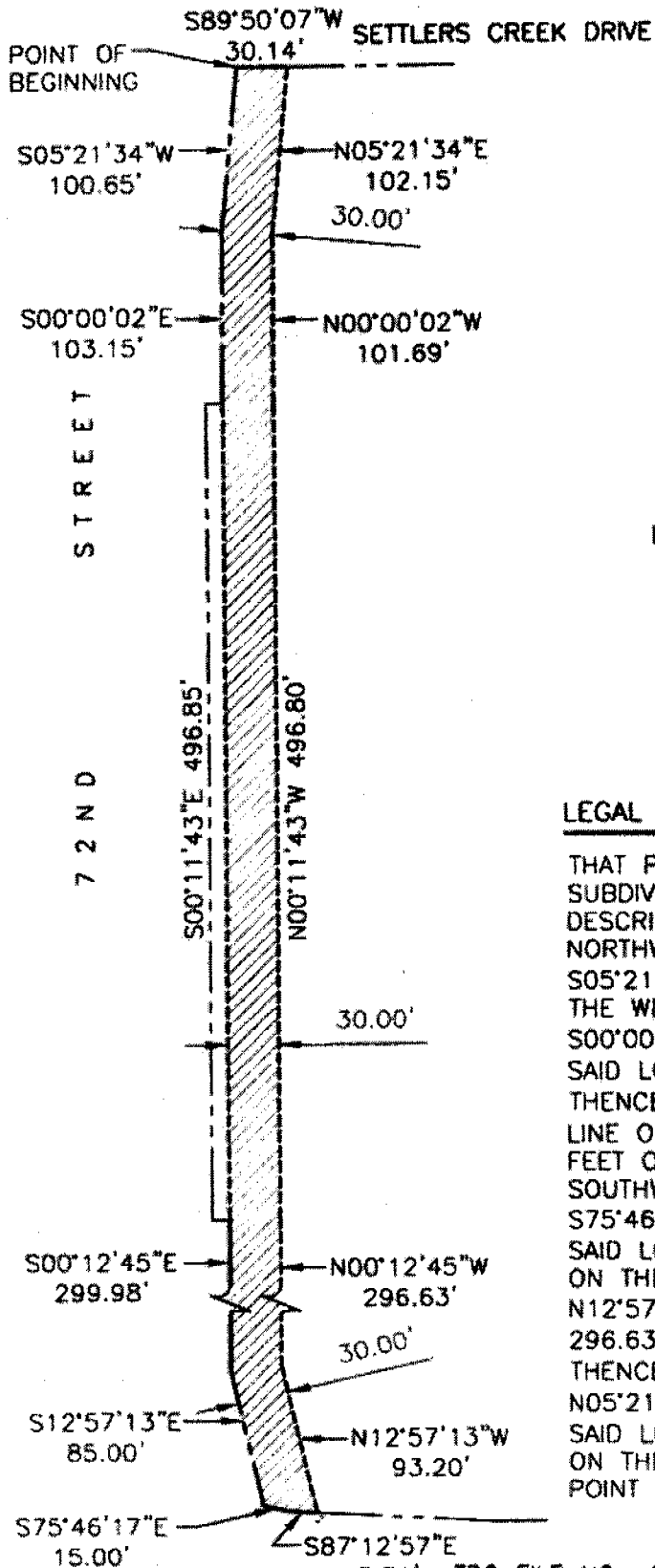
STATE OF NEBRASKA)
)ss
COUNTY OF SARPY)

Before me, a Notary Public, qualified for said county, personally came MICHAEL F. ROGERS, President of Rogers Development, Inc., a Nebraska Corporation known to me to be the identical person who signed the foregoing instrument, and who acknowledged the same to be his voluntary act and deed.

[Signature]
Notary Public



2006-20681 C



LOT 81



SCALE: 1"=100'

LEGAL DESCRIPTION- TEMPORARY EASEMENT

THAT PART OF LOT 81, SETTLERS CREEK, A SUBDIVISION IN SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 81; THENCE S05°21'34"W (ASSUMED BEARING) 100.65 FEET ON THE WEST LINE OF SAID LOT 81; THENCE S00°00'02"E 103.15 FEET ON THE WEST LINE OF SAID LOT 81; THENCE S00°11'43"E 496.85 FEET; THENCE S00°12'45"E 299.98 FEET ON THE WEST LINE OF SAID LOT 81; THENCE S12°57'13"E 85.00 FEET ON THE WEST LINE OF SAID LOT 81 TO THE SOUTHWEST CORNER THEREOF; THENCE S75°46'17"E 15.00 FEET ON THE SOUTH LINE OF SAID LOT 81; THENCE S87°12'57"E 17.31 FEET ON THE SOUTH LINE OF SAID LOT 81; THENCE N12°57'13"W 93.20 FEET; THENCE N00°12'45"W 296.63 FEET; THENCE N00°11'43"W 496.80 FEET; THENCE N00°00'02"W 101.69 FEET; THENCE N05°21'34"E 102.15 FEET TO THE NORTH LINE OF SAID LOT 81; THENCE S89°50'07"W 30.14 FEET ON THE NORTH LINE OF SAID LOT 81 TO THE POINT OF BEGINNING.

CITY OF PAPIILLION

TD2 FILE NO.: 181-448-EASEG

DATE: MARCH 28, 2006

THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860