

FILED SARPY CO. NE.	COUNTER <u>LM</u> B.E. <u>D</u>
INSTRUMENT NUMBER	VERIFY <u>ahcm</u> D.E. <u>P</u>
<u>2006-20683</u>	PROOF <u>a</u> <u>P</u>
2006 JUN 20 A 10:49	FEE \$ <u>20.50</u>
<i>Glenn J. Lawling</i>	CHECK # _____
REGISTER OF DEEDS	CHC <u>COP</u> CASH _____
	REFUND _____ CREDIT _____
	SHORT _____ NCR _____

**PERMANENT 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 ACity@, its successors and assigns, a temporary easement to construct and install a water line main along the east side of 72<sup>nd</sup> 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 twenty (20) 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: Commencing at the Northwest Corner of said Lot 81; thence Southerly on the West lines of said Lot 81 on the following described five courses; thence S05°21'34"W (assumed bearing) 100.65 feet; thence S00°00'02"E 103.15 feet to the point of beginning; thence S89°31'01"W 9.83 feet; thence S00°10'32"E 496.79 feet; thence N89°52'33"E 10.00 feet; thence N00°11'43"W 496.85 feet 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.
2. That attached hereto as attachment "A" and incorporated herein by reference is a graphic description of said water line easement area.

Jennifer Niemier, City Clerk  
 122 E. 3<sup>rd</sup> Street  
 Papillion, NE 68046

**20683**

A

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 purpose of constructing, repairing, operating and maintaining said water main 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 and shall be a permanent easement.
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.

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



2006-20683 C

POINT OF COMMENCEMENT SETTLERS CREEK DRIVE

S05°21'34"W 100.65'

S00°00'02"E 103.15'

S89°31'01"W 9.83'

POINT OF BEGINNING

STREET

72ND

S00°10'32"E 496.79'

N00°11'43"W 496.85'

LOT 81

N89°52'33"E 10.00'



SCALE: 1" = 100'

LEGAL DESCRIPTION - PERMANENT EASEMENT

THAT PART OF LOT 81, SETTLERS CREEK, A SUBDIVISION IN SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 81; THENCE SOUTHERLY (ON THE WEST LINES OF SAID LOT 81) ON THE FOLLOWING DESCRIBED 5 COURSES; THENCE S05°21'34"W (ASSUMED BEARING) 100.65 FEET; THENCE S00°00'02"E 103.15 FEET TO THE POINT OF BEGINNING; THENCE S89°31'01"W 9.83 FEET; THENCE S00°10'32"E 496.79 FEET; THENCE N89°52'33"E 10.00 FEET; THENCE N00°11'43"W 496.85 FEET TO THE POINT OF BEGINNING.

CITY OF PAPIILLION

TD2 FILE NO.: 181-448-EASEF

DATE: MARCH 28, 2006

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