

EASEMENT

THIS INDENTURE, made this 3rd day of September, 1981, between THE TESTAMENTARY TRUST OF LYNN P. DEMARCO, DECEASED, 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 One Thousand, Five Hundred Seventy-Five Dollars (\$1,575.00) 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, construct, build, maintain, repair and construct a storm sewer or culvert, together with all appurtenances, structures, and other applicable equipment pertaining to such drainage facility, in, through, over and under the parcel of land described as follows to-wit:

A PARCEL OF LAND LYING IN THE NORTHEAST 1/4 OF SECTION 26, TOWNSHIP 15 NORTH, RANGE 11 EAST OF THE 6TH P.M., IN DOUGLAS COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 26; THENCE S 89°47'06" W (ASSUMED BEARING) ALONG THE NORTH LINE OF SAID NORTHEAST 1/4, 200.00 FEET; THENCE S 00°12'54" E, 33.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF PACIFIC STREET, BEING THE POINT OF BEGINNING; THENCE CONTINUING S 00°12'54" E, 55.00 FEET; THENCE S 89°47'06" W, 25.00 FEET; THENCE N 00°12'54" W, 55.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF PACIFIC STREET; THENCE N 89°47'06" E ALONG SAID SOUTH RIGHT-OF-WAY LINE 25.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 1,375 SQUARE FEET (0.03 ACRES) MORE OR LESS.

No buildings, improvements, or structures shall be placed in, on, over or across said easements by undersigned, and shall cause the and assigns without express approval of Douglas County. Any trees, grass and shrubbery placed on said easement shall be maintained by Grantor, its successors and assigns.

Said County shall cause any trench made on aforesaid realty to be properly refilled, seeded or sodded, 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 any of said construction and work. Said County shall maintain its storm sewer structure in good order so as to protect Grantor's lands from damage on account of improper failure of maintenance.

Said Grantor for itself and its successors and assigns does confirm with the said County and its assigns, that the Grantor is well seized in fee of the above-described property and that it has the right to grant and convey this easement in the manner and form aforesaid, and that it will, and its successors and assigns 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.

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 its hand

and seal the day and year first above written.

THE TESTAMENTARY TRUST OF
LYNN P. DEMARCO, DECEASED

BY: Gina DeMarco
Gina DeMarco

STATE OF NEBRASKA)
) SS
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on
September 3, 1981, by Gina DeMarco on behalf of the
Testamentary Trust of Lynn P. DeMarco, Deceased.

Gregory D. Jahn
Signature of Person Taking
Acknowledgement



Notary Public
Title

TRUSTEE RESOLUTIONS

The undersigned, being all of the trustees of the testamentary trust provided for in the Will of Lynn P. DeMarco, Deceased, do hereby evidence their unanimous written consent to the adoption of the following resolutions:

RESOLVED, that the construction easement and the permanent easements proposed to be granted by the trust to Douglas County, all of which are attached hereto and by this reference made a part hereof, be, and they hereby are, approved according to their terms;

RESOLVED FURTHER, that Gina DeMarco, on behalf of the trustees, is hereby authorized, empowered and directed to do all things necessary and to execute any and all documents on behalf of the trustees necessary to implement the above resolution.

DATED this 10th day of August, 1981.

Lynn I. DeMarco
Lynn I. DeMarco, M.D., Trustee

Peter R. DeMarco
Peter R. DeMarco, M.D., Trustee

Arvin V. DeMarco
Arvin V. DeMarco, Trustee

Louise DeMarco
Louise DeMarco, Trustee

Innocente L. DeMarco
Innocente Louis DeMarco, Trustee

RECEIVED
1981 SEP -9 AM 9:37
C. HAROLD COLLIER
REGISTER OF DEEDS
DOUGLAS COUNTY, KANSAS

19 Proic

Book 659
Page 57
of 1102

Fee 9.01
Index
Comped

66-15-11
26-15-11