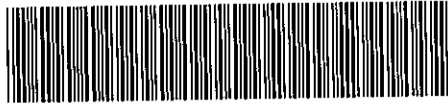


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**CITY COPY
RECEIVED**

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When recorded, please return to:
Tim Phelan
Public Works Dept./ROW Sect.

Project No.: s.p. 86-23
Tract No.: 28
Address: 928 So.72nd Street
Omaha, NE 68124
RICHARD H. TAKECHI
REGISTERED DEEDS
DOUGLAS COUNTY, NE

PERMANENT SIDEWALK EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT **Raymond F. Ellis & Lorraine Ellis, Randal D. Ellis**, hereinafter referred to as GRANTOR, (whether one or more) for and in consideration of the sum of Three hundred thirty-five and 00/100 dollars (\$335.00) and other valuable consideration, the receipt of which is hereby acknowledged, does hereby grant and convey unto the *City of Omaha, Nebraska, a Municipal Corporation*, hereinafter referred to as CITY, and to its successors and assigns, a permanent easement for the right to construct, maintain and operate a sidewalk, and appurtenances thereto, in, through, and under the parcel of land described as follows, to-wit:

SEE ATTACHED EXHIBIT "A" PERMANENT EASEMENT LEGAL DESCRIPTION

TO HAVE AND TO HOLD unto said CITY, its successors and assigns, together with the right of ingress and egress from said premises for the purpose of constructing, inspecting, maintaining, operating, repairing or replacing said sidewalk at the will of the CITY. The GRANTOR may, following construction of said sidewalk continue to use the surface of the easement strip conveyed hereby for other purposes, subject to the right of the CITY to use the same for the purposes herein expressed.

It is further agreed as follows:

- That no buildings, improvements, or other structures, nor any grading, fill or fill material, or embankment work, shall be placed in, on, over, or across said easement strip by GRANTOR, his or their successors and assigns without express approval of the CITY. Improvements which may be approved by CITY include landscaping, road and/or street surfaces, parking area surfacing, and/or pavement. These improvements and any trees, grass or shrubbery placed on said easement shall be maintained by GRANTOR, his heirs, successors or assigns.
- That CITY will replace or rebuild any and all damage to improvements caused by CITY exercising its rights of inspecting, maintaining or operating said sidewalk, except that damage to, or loss of trees and shrubbery will not be compensated for by CITY.
- This permanent easement is also for the benefit of any contractor, agent, employee, or representative of the CITY and any of said construction and work.
- That CITY shall cause any trench made on said easement strip to be properly refilled and shall cause the premises to be left in a neat and orderly condition.
- That said GRANTOR for themselves and their heirs, executors and administrators do confirm with the said CITY and its assigns, that they, the GRANTOR are well seized in fee of the above described property and that they have the right to grant and convey this permanent sidewalk easement in the manner and form aforesaid, and that they will, and their heirs, executors, and administrators, shall warrant and defend this permanent easement to said CITY and its assigns against the lawful claims and demands of all persons. This permanent sidewalk easement runs with the land.
- That said permanent easement is granted upon the condition that the CITY may remove or cause to be removed all presently existing improvements thereon, including but not limited to, lawns, trees within the easement area as necessary for construction.

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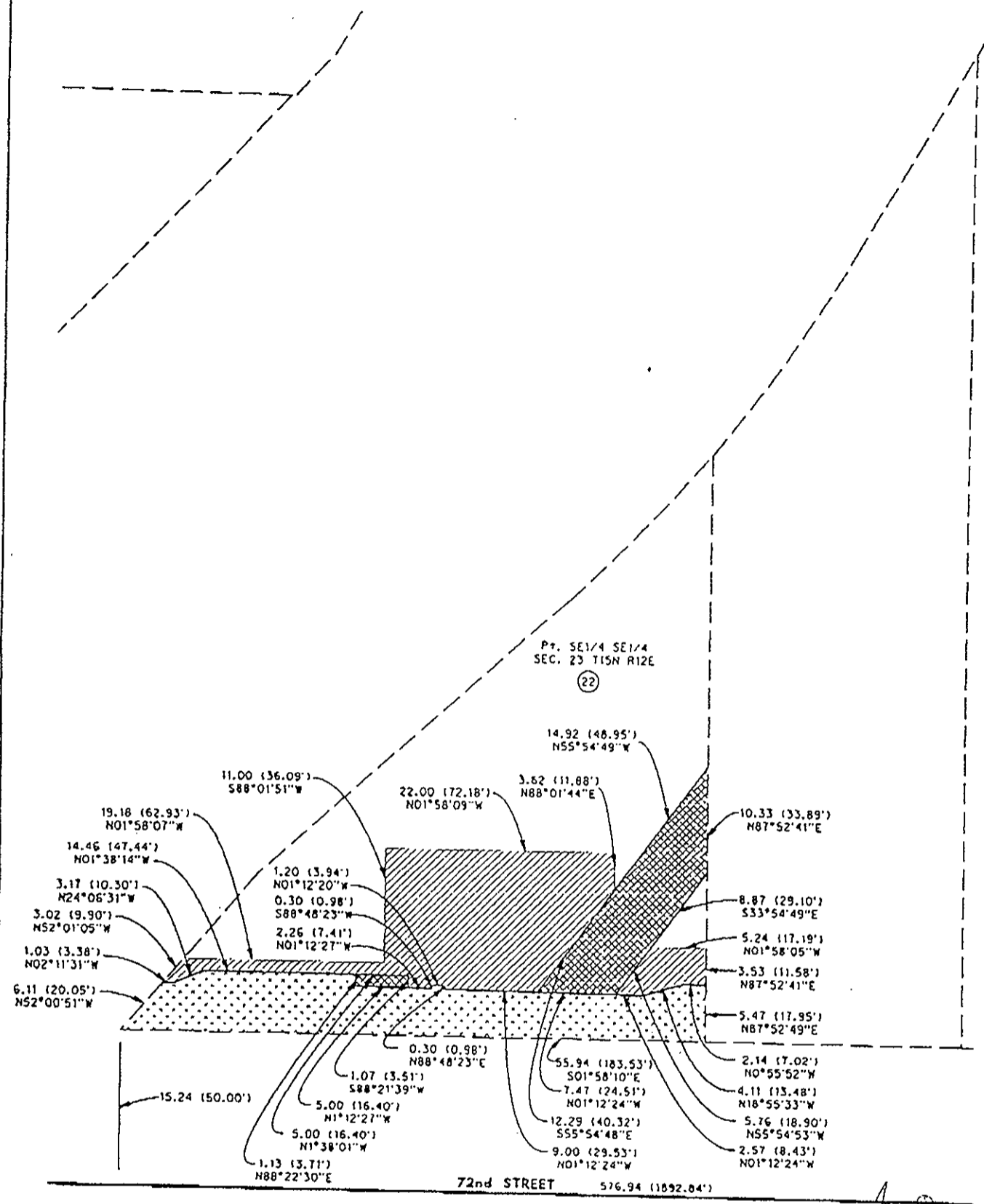
FEE 2050 FB 01-0000
 BKP 350 COMP VP
 REF SCAN dc

EXHIBIT "A"




Permanent Sidewalk Easement:

A tract of land located in the SE1/4 of the SE1/4 of Section 23, T15N, R12E of the 6th P.M., Douglas County, Nebraska, and described as follows: Beginning at a point 549.58 meters (1803.08 feet) south of and 4.71 meters (15.45 feet) west of the northeast corner of the said SE1/4 of the SE1/4 of Section 23; thence S01°12'27"E a distance of 5.00 meters (16.40 feet); thence S88°22'30"W a distance of 1.13 meters (3.71 feet); thence N01°38'01"W a distance of 5.00 meters (16.40 feet); thence N88°21'39"E a distance of 1.07 meters (3.51 feet) to the Point of Beginning and both containing 133.32 square metes (1435.04 square feet) more or less.

Scale = 1:500



NE COR.
SE1/4
SEC. 23-15-12

<p>  LAND ACQUISITION <u>282.80 (3044.03)</u>  PERMANENT EASEMENT <u>133.32 (1435.04)</u>  TEMPORARY EASEMENT <u>310.50 (3342.19)</u> LEGEND: S.M. (S.F.) </p>	<p> PROJECT NO. <u>SP 86-23</u> TRACT NO. <u>22</u> DATE: <u>FEB 2, 1998</u> </p>
<p>OWNER: RAYMOND F. & LORRAINE ELLIS, ETAL 928 S. 72nd STREET OMAHA, NE. 68124</p>	<p>LEAD AGENCY: CITY OF OMAHA PUBLIC WORKS DEPARTMENT</p>