

FILED SARPY CO. NE  
INSTRUMENT NUMBER

2006-26742

2006 AU -1, PH 12: 12

*Lloyd J. Dowding*

REGISTER OF DEEDS

COUNTER	<u>LM</u>	S.E.	<u>8</u>
VERIFY	<u>pa</u>	D.E.	<u>at</u>
PROOF	<u>pa</u>		
FEE \$	<u>25.50</u>		
CHECK #			
CHC	<u>cap</u>	CASH	
REFUND		CREDIT	
SHORT		NCR	



**THIS PAGE ADDED  
FOR RECORDING  
INFORMATION.**

**DOCUMENT STARTS ON  
NEXT PAGE.**

**LLOYD J. DOWDING**

SARPY COUNTY REGISTER OF DEEDS  
1210 GOLDEN GATE DRIVE, STE 1109  
PAPILLION, NE 68046-2895  
402-593-5773

*L+R  
City of Papillion  
122 E Third St  
Papillion, NE 68046*

**TEMPORARY EASEMENT**

**WALNUT CREEK OUTFALL SEWER**

FOR AND IN CONSIDERATION of the sum of \$10.00 and other good and valuable consideration, the receipt of which is hereby acknowledged, Mary L. Haug, (hereinafter referred to as the "GRANTOR", whether one or more), for himself, herself, themselves, or itself, and for his, her their or its heirs, successors and assigns, does hereby grant, bargain, sell, convey and confirm unto the CITY OF PAPIILLION, NEBRASKA, (hereinafter referred to as "PAPIILLION") and its successors and assigns, a Temporary Easement, hereinafter described, in, over and upon parcels of land in Sarpy County, Nebraska, more particularly described in the legal descriptions attached hereto as Exhibit "A" and incorporated herein by reference. (Such parcel of land hereinafter being referred to as the "Easement Area".)

Said easement will be over and under the following described area:

THAT PART OF TAX LOT 4 IN THE NW ¼ OF SECTION 5, T13N, R12E OF THE 6<sup>th</sup> P.M., SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:  
 COMMENCING AT THE SOUTHEAST CORNER OF SAID NW 1/4;  
 THENCE N02°57'30"W (ASSUMED BEARING) 300.00 FEET ON THE WEST LINE OF SAID NW 1/4;  
 THENCE S87°01'25"W 33.00 FEET ON A LINE 300.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID NW ¼ TO THE POINT OF BEGINNING;  
 THENCE CONTINUING S87°01'25"W 45.00 FEET ON A LINE 300.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID NW ¼;  
 THENCE N02°57'30"W 153.25 FEET ON A LINE 78.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NW 1/4;  
 THENCE N87°01'25"E 45.00 FEET;  
 THENCE S02°57'30"E 153.25 FEET ON A LINE 33.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NW ¼ TO THE POINT OF BEGINNING.

CONTAINING 0.16 ACRES MORE OR LESS.  
 0.07 ACRES IN PERMANENT EASEMENT  
 0.09 ACRES EXCLUDING PERMANENT EASEMENT

After issuance by Papillion of a notice to its contractor to proceed with construction of the Walnut Creek Outfall Sewer – Phase 5 (hereinafter the “PROJECT”), and commencing 2 days after Papillion’s mailing to the GRANTOR a written notice of its intent to temporarily occupy the Easement Area for a period that terminates thirty (30) days after the improvement is completed, with the maximum duration of actual use of 365 consecutive days for any necessary or convenient purpose associated with the original construction of the PROJECT, including, but not limited to, construction and installation of a sanitary sewer outfall line for the purposes of conveying sanitary sewage over, across, through and under the land hereinafter described, together with the right to excavate and refill ditches or trenches of the location of said sanitary sewer outfall line, and the further right to remove trees, bushes, undergrowth and other obstructions interfering with the location.

**GENERAL PROVISIONS**

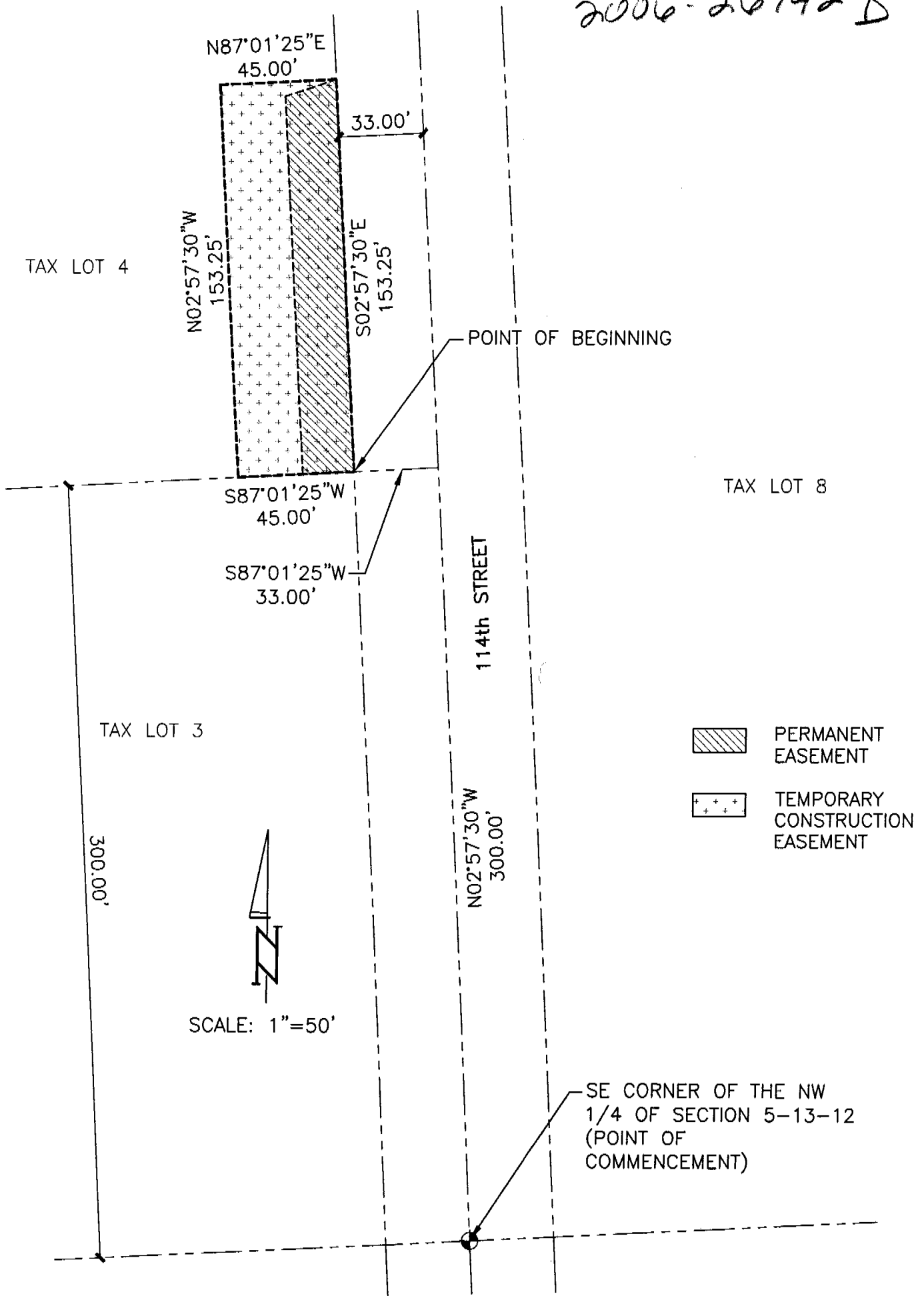
A. The above payments shall cover all damages caused by the establishment and construction of the above project.

B. The GRANTOR waives compliance by Papillion with the notice and other provisions of the Uniform Procedure for Acquiring Private Property for Public Use (Sec. 25-2501, R.R.S. 1943, et seq., as amended.)

C. The GRANTOR, for itself and for its successors and assigns, covenants and agrees that GRANTOR is the owner of the Easement Area and that it has good right to convey these easements over the same; that said premises are free and clear of all liens and encumbrances, except easements and covenants of record; and, that it will warrant and defend the title to this Easement against all lawful claims and demands of all persons whatsoever.



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**LEGAL DESCRIPTION – TEMPORARY CONSTRUCTION EASEMENT**

THAT PART OF TAX LOT 4 IN THE NW 1/4 OF SECTION 5, T13N, R12E OF THE 6th P.M., SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID NW 1/4; THENCE N02°57'30"W (ASSUMED BEARING) 300.00 FEET ON THE WEST LINE OF SAID NW 1/4; THENCE S87°01'25"W 33.00 FEET ON A LINE 300.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID NW 1/4 TO THE POINT OF BEGINNING; THENCE CONTINUING S87°01'25"W 45.00 FEET ON A LINE 300.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID NW 1/4; THENCE N02°57'30"W 153.25 FEET ON A LINE 78.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NW 1/4; THENCE N87°01'25"E 45.00 FEET; THENCE S02°57'30"E 153.25 FEET ON A LINE 33.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NW 1/4 TO THE POINT OF BEGINNING.

CONTAINING 0.16 ACRES MORE OR LESS.  
0.07 ACRES IN PERMANENT EASEMENT  
0.09 ACRES EXCLUDING PERMANENT EASEMENT