

EASEMENT

In consideration of the sum of Six Hundred Fifty and No/100 Dollars (\$650.00) and other good and valuable consideration in hand paid to Donald E. Turner and Mary Lou Turner, Husband and wife

(hereinafter referred to as "GRANTOR", whether one or more and irrespective of gender) by the PAPIO NATURAL RESOURCES DISTRICT (hereinafter referred to as "GRANTEE"), receipt of which is hereby acknowledged, the GRANTOR herein grants the easements designated in paragraph(s) "C" below, for and in connection with the construction, operation and maintenance of a grade stabilization structure designated as S-6 in the plans for the Papillion Creek Watershed (hereinafter referred to as "the Structure"), as the plans for the same now exist or as they be amended by the GRANTEE from time to time, that is, the GRANTOR does hereby grant, convey and release unto the GRANTEE and its successors and assigns, permanent full and free right, liberty, and authority,

(Structure) To enter upon the following described part of the GRANTOR, to-wit:

(Not Applicable)

said portion containing _____ acres, more or less, for the purpose of constructing, operating and maintaining the Structure and appurtenances thereto, said easement also including the GRANTEE's rights to control vegetation and insects, to borrow or deposit earth fill, to fence the above-described land, to have the air space above the Structure free from obstruction, to have lateral and subjacent support for the Structure and appurtenances, and to prohibit excavation or filling of such land.

B. (Permanent Pool) To enter upon all that portion of the following described land of the Grantor, to-wit:

(Not Applicable)

lying below contour elevation _____ m.s.l. (feet above mean sea level), said portion containing _____ acres, more or less, for the purpose of impounding a permanent pool of water and sediment detained by the Structure, said easement also including the GRANTEE's rights to control vegetation and insects, to borrow or deposit earth fill, and to prohibit excavation or filling of such land .

C. (Emergency Flood Pool) To enter upon all that portion of the following described land of the GRANTOR, to-wit: Part of the Northwest Quarter of Section 21, Township 14 North, Range 11 East of the 6th P.M. in Sarpy County, Nebraska described as follows: Beginning at the Southwest Corner of said Northwest Quarter, then North (assumed bearing) on the West line of said Northwest Quarter 862.69 feet; thence East 1336.0 feet; thence South 0°04'27" West on a line 1318.50 feet West of and parallel to the East line of said Northwest Quarter 864.38 feet; thence North 89°55'38" West on the South line of said Northwest Quarter 1334.87 feet to the point of beginning, lying below contour elevation 1139.0 m.s.l. (feet above mean sea level), said portion containing 1.4 acres more or less (including land described in paragraph B, above) for the purpose of occasional and temporary inundation by flood water and sediment detained by the structure.

The rights and privileges herein granted shall be subject to the following terms and conditions:

(1) The consideration recited herein shall constitute payment in full for all damages sustained by the GRANTOR, his heirs, successors and assigns, by reason of the exercise of any of the rights or privileges herein described or granted. The GRANTOR states his awareness that the GRANTEE may have a planned project involving acquisition of this easement and that the Grantee may be authorized to use eminent domain for its acquisition, but the GRANTOR further states that he is also aware that the GRANTEE is not required by law or by this easement to undertake or perform the project and that this grant of easement is not conditional on, but is made for the purpose of encouraging the GRANTEE to undertake and perform the project. The GRANTOR therefore voluntarily waives compliance by the GRANTEE with the notice and other provisions of the Uniform Relocation for Acquiring Private Property for Public Use (Sec. 25-2501 R.R.S. 1961, et seq., as amended), and the Uniform Relocation Assistance and Real Property Acquisition Policies Act (PL 91-646), if either is applicable.

