



BK 0909 PG 394



MISC 1990 00084

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CLERK OF DISTRICT COURT  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NE

PERMANENT EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT RICHARD E. BRASEL & BONNIE M. BRASEL, hereinafter referred to as GRANTOR, (whether one or more) for the sole consideration of the City of Omaha constructing a 100 year storm drainage channel on the property described below; does hereby donate, grant and convey unto the CITY OF OMAHA, NEBRASKA, a Municipal Corporation, hereinafter referred to as CITY, and to its successors and assigns, an easement for the right to maintain or operate a 100 year storm drainage channel and appurtenances thereto, in, through, and under or over the parcel of land described as follows, to-wit:

SEE ATTACHED FIGURE NO. 1 AND LEGAL DESCRIPTION (EXHIBIT "A")

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 inspecting, maintaining or operating said 100 year storm drainage channel at the will of the CITY. The GRANTOR may, following construction of said 100 year storm drainage channel 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:

1. That no buildings, improvements, or other structures, except as shown on attached Figure No. 2, 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 or road, street or parking area surfacing or pavement.
2. That CITY will replace or rebuild any and all damage to improvements caused by CITY exercising its rights of inspecting or maintaining said 100 year storm drainage channel except that, damage to, or loss of, trees and shrubbery will not be compensated for by CITY.
3. This easement is also for the benefit of any contractor, agent, employee, or representative of the CITY and any of said construction and work.
4. That said GRANTOR for himself or themselves and his or their heirs, executors and administrators does or do confirm with the said CITY and its assigns, that he or they, the GRANTOR is or are well seized in fee of the above described property and that he or they has or have the right to grant and convey this easement in the manner and form aforesaid, and that he or they will, and his or their heirs, executors, and administrators shall warrant, and defend this easement to said CITY and its assigns against the lawful claims and demands of all persons. This easement runs with the land.

84  
Brasel

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 PG 394-398 \_\_\_\_\_ DEL VK MC WC  
 OF Misc COMP \_\_\_\_\_ F/B 62-293809

5. That this instrument contains the entire agreement of the parties; that there are no other or different agreements or understandings, between the GRANTOR and the CITY or its agents; and that the GRANTOR, in executing and delivering this instrument, has not relied upon any promises, inducements, or representations of the CITY or its agents or employees, except as are set forth herein.

6. The undersigned wish(es) to donate a permanent easement to the City of Omaha, Douglas County, Nebraska, a Nebraska corporation, for public use.

7. The undersigned was informed of the right to have said land appraised and a written offer to purchase made for said permanent easement right, and have by their voluntary act and deed waived these rights.

IN WITNESS WHEREOF said GRANTOR has or have hereunto set his or their hand(s) this 2nd day of January A.D., 1990.

INDIVIDUAL AND PARTNERSHIP

Richard E. Brasel  
Richard E. Brasel

Bonnie M. Brasel  
Bonnie M. Brasel

Date 1-2-90

INDIVIDUAL ACKNOWLEDGEMENT

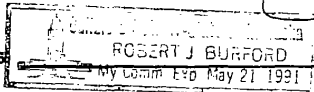
STATE OF NEBRASKA )  
                          ) SS  
COUNTY OF DOUGLAS )

On this 2nd day of January, 1990, before me, a Notary Public, in and for said County, personally came the above named: Richard E. Brasel and Bonnie M. Brasel, who are personally known to me to be the identical persons whose names are affixed to the above instrument and acknowledged the instrument to be their voluntary act and deed for the purpose therein stated.

WITNESS my hand and Notarial Seal at Omaha in said County the day and year last above written.

Robert J. Burford  
NOTARY PUBLIC

My Commission expires



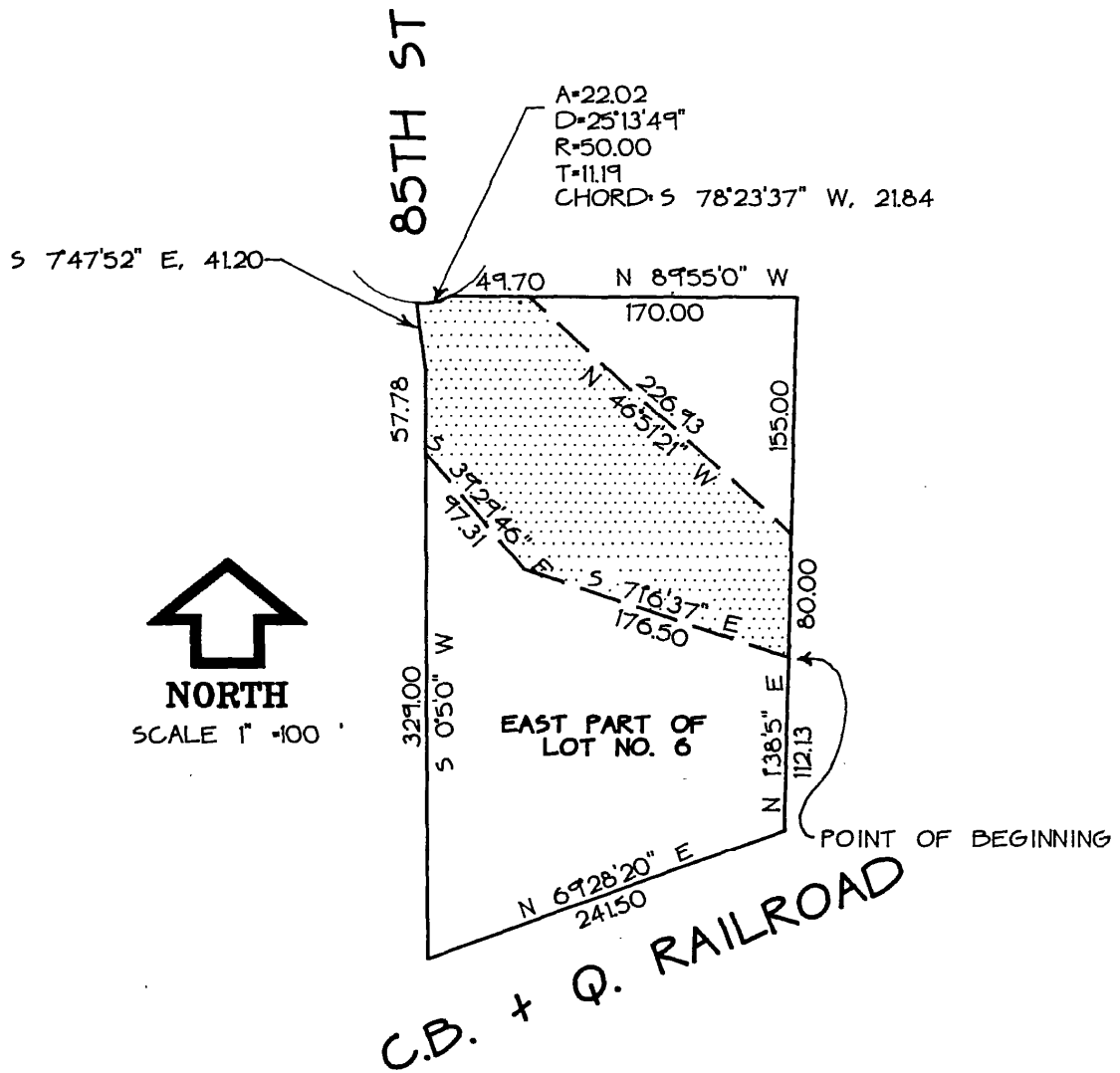


FIGURE NO. 1

## EXHIBIT "A"

## LEGAL DESCRIPTION

AN EASEMENT LOCATED IN A PART OF LOT NO. 6 OF PARK EIGHTY FOUR, AN ADDITION AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 6; THENCE NORTH 1° 38' 05" EAST ALONG THE EAST LINE OF SAID LOT 6 A DISTANCE OF 112.13 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID EAST LINE A DISTANCE OF 80.00 FEET; THENCE NORTH 46° 51' 21" WEST A DISTANCE OF 226.93 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 6; THENCE NORTH 89° 55' 00" WEST ALONG SAID NORTH LINE A DISTANCE OF 49.70 FEET TO A POINT OF CURVATURE; THENCE ALONG A 50 RADIUS CURVE TO THE RIGHT (CHORD BEARING SOUTH 78° 23' 37" WEST, CHORD DISTANCE OF 21.84 FEET) AN ARC DISTANCE OF 22.02 FEET; THENCE SOUTH 7° 47' 52" EAST A DISTANCE OF 41.20 FEET; THENCE SOUTH 0° 05' 00" WEST A DISTANCE OF 57.78 FEET; THENCE 39° 29' 46" EAST A DISTANCE OF 97.31 FEET; THENCE SOUTH 71° 06' 37" EAST A DISTANCE OF 176.50 FEET TO THE POINT OF BEGINNING.

