

33-291

RIGHT OF WAY EASEMENT

THIS INDEMNITY, made and entered into this 18th day of February, 1964, by and between RICHARD D. WHITTED, SR. and MARTHA WHITTED, husband and wife, and RUTH DIMITT and WALTER DIMITT, wife and husband, Parties of the First Part, and SANITARY AND IMPROVEMENT DISTRICT NO. 25 OF SARPY COUNTY, NEBRASKA, Party of the Second Part,

WITNESSETH: That

The Parties of the First Part for and in consideration of One Dollar and other valuable consideration, receipt of which is hereby acknowledged, do grant and convey unto the Party of the Second Part a temporary and perpetual right, privilege, and easement to construct, maintain and operate a sanitary sewer line and appurtenances thereto over and across the following described property located in Sarpy County, Nebraska, to-wit:

A 15-foot permanent and 60-foot temporary construction easement for sanitary sewer purposes lying in the NW 1/4 of Section 10, Township 13 North, Range 13, East of the 6th P. M., Sarpy County, Nebraska, the centerline of said easement being described as follows: Beginning at a point 589.81 feet south and 33.04 feet south $87^{\circ} 17' 45''$ east of the northwest corner of said Section 10, said point lying on the east line of the County Road; thence south $87^{\circ} 17' 45''$ east a distance of 2383.59 feet,

The temporary easement shall terminate on completion of the installation of the sewer but in any event on or before July 1, 1964.

The agents, employees and contractors of the Party of the Second

FILED FOR RECORD IN SARPY COUNTY NEBR. Mar. 9 1964 AT 9 O'CLOCK A.M.
RECORDED IN BOOK 11 PAGE 197 MARSHAL REGISTER OF DEEDS
[Handwritten mark]

Part shall have the right of ingress and egress from said property for the purpose of constructing, maintaining and repairing the said sewer line.

The said sewer shall be buried at least three feet beneath the surface of the ground and all ditches made in the installation, repair or upkeep of the sewer shall be refilled by the Party of the Second Part and any trees, shrubbery, grass, fence or other items removed or damaged in the course of construction, maintenance or repair of said sewer shall be replaced, repaired or restored by the Party of the Second Part so that the area involved is in substantially the same condition as before the work was done.

If any growing crops are damaged or destroyed in connection with the construction, maintenance or repair of said sewer line, the Party of the Second Part shall reimburse the Parties of the First Part or the then owners of said property for any crops damaged or destroyed in connection with said work.

Also a permanent easement for roadway over and across the following described tract of land, to-wit:

That part of the North 1/2 of Section 10, Township 13 North, Range 13 East of the 6th P. M., Sarpy County, Nebraska, described as follows: Commencing at the northwest corner of said Section 10; thence south 597.32 feet; thence south 87° 17' 45" east 2416.63 feet; thence north 150 feet; thence east 131.44 feet to the point of beginning; thence north 11° 41' 40" west 310.08 feet to a point of curve; thence on a curve to the left (radius being 122.5 feet) for an arc distance of 162.96 feet; thence north 87° 55' west 837.64 feet; thence north 2° 05' east 15 feet to a point on the south ROW line of Caphart Road; thence south 87° 55' east along the south ROW line of Caphart Road 837.64 feet to a point of curve; thence on a curve to the right (radius being 137.5 feet) for an arc distance of 182.92 feet; thence south 11° 41' 40" east 310.4 feet; thence west 15.32 feet to the point of beginning, containing .46 acres.

The Party of the Second Part, its successors and assigns, shall have the right to improve and maintain said road by grading, rockling or surfacing so as to make it an all-year roadway to the Second Party's treatment plant.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement

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to be executed in duplicate as of the day and year first above written.

Richard Whitted
Richard D. Whitted, Sr.

Martha Whitted
Martha Whitted

Ruth Dimitt
Ruth Dimitt

Walter Dimitt
Walter Dimitt

PARTIES OF THE FIRST PART

SANITARY AND IMPROVEMENT DISTRICT NO. 25 OF
SARPY COUNTY, NEBRASKA

RE: John J. Martz Chairman
Maryne Anderson Clerk

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STATE OF NEBRASKA } ss.

COUNTY OF SARPY }

On this 18 day of February, 1964, before me, a notary public in
and for said County, personally came Richard D. Whitted, Sr. and Martha
Whitted, husband and wife, and Ruth Dimitt and Walter Dimitt, wife and
husband, to me personally known to be the identical persons who executed the
foregoing instrument and acknowledged the execution thereof to be their
voluntary act and deed.

WITNESS my hand and notarial seal in said County the day and year
last above written.



D. Whitted
Notary Public

NOTARY
My Commission expires:

March 18, 1964

STATE OF NEBRASKA } ss.

COUNTY OF DOUGLAS }

On this 18 day of February, 1964, before me, a notary public in
and for said County, personally came John J. Moritz and Mayme Anderson to me
personally known to be the Chairman and Clerk of Sanitary and Improvement
District No. 25 of Sarpy County, Nebraska, and the identical persons whose
names are affixed to the foregoing instrument and acknowledged the execution
thereof to be their voluntary act and deed as such officers and the voluntary
act and deed of said District.

WITNESS my hand and notarial seal at Omaha, Nebraska, in said County
this 18 day of February, 1964.

Catherine Martin

Notary Public

My Commission expired:

Mar. 23 - 1966

