

60-2927

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PAPIO NATURAL RESOURCES DISTRICT
PAPILLION CREEK LEVEE EASEMENT

Good and valuable
RECEIVED in consideration of One Dollar (\$1.00) and other
good and valuable consideration, the receipt whereof is hereby
acknowledged,

RICHARD D. WHITTED, SR., and MARTHA T. WHITTED, husband and wife;
WALTER A. DIMMITT widower; CHERYL M. ABUSHEERY and JOHN
ABUSHEERY, wife and husband; and WALTER L. DIMMITT and MARY JANE
DIMMITT husband and wife

herein called the GRANTORS, whether one or more, owners of or
persons having interests in the following tract of land in the
County of Sarpy, State of Nebraska, more particularly described
as follows, to-wit:

A tract of land in Tax Lots 3A and 9A, in the North One Half
(N1/2) of Section 10, T13N, R13E, Sarpy County, Nebraska,
such tract consisting of a continuous and contiguous
corridor of land 190 feet in width extending Easterly from
the West line of said section and being all that land within
such Tax Lots 3A and 9A lying within radii and distances of
140 feet southerly and 50 feet northerly of the following
described centerline, to-wit: Beginning at a point on the
West line of said section (assumed bearing South 00°00'00"
West) which beginning point is 596.03 feet South of the
Northwest corner of said section; thence South 83°02'41"
East a distance of 780.54 feet to a point; thence South
41°56'19" East a distance of 828.70 feet to a point; thence
South 59°32'54" East a distance of 1149.50 feet to a point;
thence North 74°34'44" East a distance of 524.46 feet to a
point comprising the end of such centerline, such tract
(hereinafter referred to as "the easement area") consisting
of approximately 14.3 acres.

do hereby grant, convey and release unto the PAPIO NATURAL
RESOURCES DISTRICT, Nebraska, herein called the GRANTEE, and its
successors and assigns, a perpetual and assignable easement in,
over, and upon the easement area.

Pursuant to this easement, the GRANTEE and its successors
and assigns, shall have permanent, full and free right, liberty
and authority to enter upon the easement area and construct,
operate, repair and maintain thereon a levee and other permanent
improvements to the Papillion Creek and tributary channels
located on or adjacent to the above described lands. Such
channel improvements may include, but shall not be limited to
channel widening, reshaping, deepening and straightening, and
clearing and snagging of trees, brush, and other debris, for or
in connection with the operation, maintenance, and inspection of
such levee and channels and for the flowage of any waters in,
over, upon or through such channel. The rights and privileges
herein granted shall be subject to the following terms and

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conditions:

(1) The consideration recited herein shall constitute payment in full for all damages sustained by the GRANTORS by reason of the exercise of any of the rights or privileges described or granted by the above; and the GRANTORS further waive the statutory procedure for arriving at damages by reason of changes in grade, and the statutory procedure for acquiring private property for public use (see Sec. 25-2501 to 25-2506 R.R.S. 1974 as amended).

(2) This easement includes the GRANTEE'S right of pedestrian and vehicular ingress and egress at any reasonable time over and upon the easement area, and over and upon any other adjoining land of the GRANTORS, not then occupied by buildings or other fixtures which would be damaged by the exercise of such right, for the purpose of construction, inspection, maintenance, upkeep or repair of the works of improvement. This Easement also includes the GRANTEE'S right to control the vegetation and insects in the easement area, the right to have the air space above the easement area free from obstruction, the right to have lateral and subjacent support for the levee, improved channel and appurtenances, and also includes the GRANTEE'S right to construct and maintain fences enclosing such portions of the easement area as the GRANTEE determines necessary for public safety and preservation of the works of improvement.

(3) There is reserved to the GRANTORS, and to their heirs, successors and assigns, the right and privilege to use the easement area at any time, in any manner and for any purpose not inconsistent with the full use and enjoyment by the GRANTEE, its successors and assigns, of the rights and privileges herein granted.

(4) The GRANTORS shall not be responsible for operating or maintaining the above described works of improvements.

(5) This Easement shall not pass nor shall the same be construed to pass, to the GRANTEE, any fee simple interest or title to the above described lands.

IN WITNESS WHEREOF, the GRANTORS set their hands this 1st day of September, 1987.

Richard D. Whitted Sr.
RICHARD D. WHITTED, SR.

Martha T. Whitted
MARTHA T. WHITTED

Walter A. Dimmitt
WALTER A. DIMMITT

Cheryl M. Abusheery
CHERYL M. ABUSHEERY

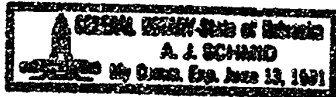
John Abusheery
JOHN ABUSHEERY

Walter L. Dimmitt
WALTER L. DIMMITT

Mary Jane Dimmitt
MARY JANE DIMMITT

STATE OF NEBRASKA)
) SS.
COUNTY OF SARPY)

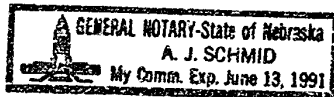
The foregoing instrument was acknowledged before me this
1st day of September, 1987, by RICHARD D. WHITTED,
SR.



A. J. Schmid
Notary Public

STATE OF NEBRASKA)
) SS.
COUNTY OF SARPY)

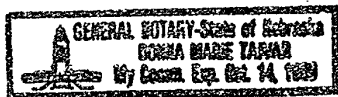
The foregoing instrument was acknowledged before me this
1st day of September, 1987, by MARTHA T. WHITTED.



A. J. Schmid
Notary Public

STATE OF NEBRASKA)
) SS.
COUNTY OF Douglas)

The foregoing instrument was acknowledged before me this
2nd day of September, 1987, by WALTER A. DIMMITT.

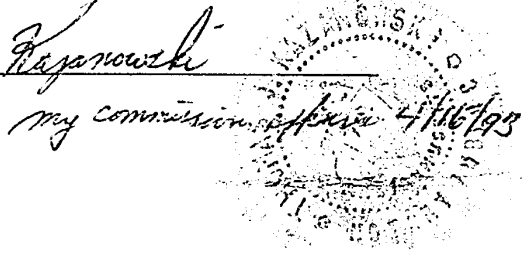


Donna Marie Fayran
Notary Public

MASSACHUSETTS
STATE OF NEBRASKA)
COUNTY OF PLYMOUTH) SS.

The foregoing instrument was acknowledged before me this 12TH
day of SEPTEMBER, 1987, by CHERYL M. ABUSHEERY.

Thomas J. Kajanowski
Notary Public



MASSACHUSETTS
STATE OF NEBRASKA)
COUNTY OF PLYMOUTH) SS.

12TH The foregoing instrument was acknowledged before me this
day of SEPTEMBER, 1987, by JOHN ABUSHEERY.

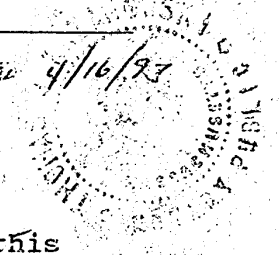
Thomas J. Kajanowski
Notary Public

my commission expires 4/16/93

STATE OF NEBRASKA)
COUNTY OF Douglas) SS.

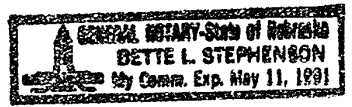
The foregoing instrument was acknowledged before me this
4 day of Sept, 1987, by WALTER L. DIMMITT

W. L. Dimmitt
Notary Public



STATE OF NEBRASKA)
COUNTY OF Douglas) SS.

8 The foregoing instrument was acknowledged before me this
day of Sept, 1987, by MARY JANE DIMMITT



Dorte L. Stephenson
Notary Public

