

51-670

AGREEMENT AND EASEMENT

This instrument, made and entered into this 19<sup>th</sup> day of August, 1978, by and between JERRY A. BRUST and DOLORES A. BRUST, husband and wife, CECIL V. DEMPSEY, a widow, and ANTON PALUBECKI, hereinafter referred to as Grantors, and SANITARY AND IMPROVEMENT DISTRICT NO. 114 OF SARPY COUNTY, NEBRASKA, hereinafter referred to as Grantee;

WITNESS THAT:

WHEREAS, Cecil V. Dempsey is the record titleholder of the real estate described herein, which real estate is being sold to Jerry A. Brust and Dolores A. Brust on a land contract, and Anton Palubecki is the Lessee of the real estate described herein from Jerry A. Brust and Dolores A. Brust, and

WHEREAS, all of the Grantors warrant that they are the sole and only owners of any interest, lien or title to the real estate described herein, and that the Grantors' interests are as set out above, and

WHEREAS, Sanitary and Improvement District No. 114 of Sarpy County, Nebraska, desires to obtain from the Grantors a permanent perpetual 20-foot easement and a temporary construction easement across the real estate described herein for the purpose of constructing, laying, maintaining, operating, inspecting, altering, repairing, removing, changing the size of or replacing from time to time one or more sanitary or storm sewers at such locations within the permanent easement as the Grantee shall choose. That in addition thereto, the Grantee needs a construction easement for the construction and laying

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of said sewers for a period of 120 days over a strip of real estate described as 50 feet on either side of the Midline of the permanent easement described herein.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, it is agreed by and between the parties hereto as follows:

1. The Grantors hereby grant to the Grantee a permanent easement 20 feet in width, and a temporary construction easement 100 feet in width, being 50 feet on either side of the centerline of the permanent easement, all as are described more particularly in the legal descriptions and drawings attached hereto, labeled Exhibit "A", and by reference to made a part of this easement.
2. Grantee agrees that it or its successors or assigns will not build, create, construct nor allow to be built, created or constructed, ~~any building or other structure, nor~~ ~~any building or other structure, nor~~ anywhere on the land upon which the Grantee has reserved its permanent easement without the written consent of the Grantors.
3. In consideration of the above Grantee is paying to Grantors the sum of Two Thousand Five Hundred Dollars (\$2,500.00) payable by construction warrants of S.I.D. No. 114 of Sarpy County, Nebraska, and in addition, grant to Jerry A. Brust and Dolores A. Brust the right to attach four separate residences onto the sanitary sewer owned by Grantee to be placed within the permanent easement. If multiple dwellings or duplexes are part of the four residences set out herein, each unit within said multiple dwelling or duplex shall be considered to be one residence. All costs of bringing the sanitary sewer line from

each of the four residences, together with all costs of locating and tapping into said sanitary sewer, shall be borne by Grantor Brusts or their assigns. No costs or expense in connection with the attachment of the four residences set out above shall be borne by Grantee.

This instrument and the covenants and agreements herein contained shall extend to and be binding upon the heirs, executors, administrators, successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

Witness:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

GRANTORS:

Jerry A. Brust  
Jerry A. Brust  
Dolores A. Brust  
Dolores A. Brust  
Cecil V. Dempsey  
Cecil V. Dempsey  
Anton Palubecki  
Anton Palubecki

GRANTEE:

SANITARY AND IMPROVEMENT DISTRICT  
NO. 114 OF SARPY COUNTY, NEBRASKA  
By Mary Kay McCornack  
Chairman

Attest:

Ronald M. Newacche  
Clerk

A 20.00 FOOT PERMANENT SANITARY SEWER EASEMENT AND A 100.00 FOOT TEMPORARY CONSTRUCTION EASEMENT LOCATED ACROSS TAX LOT 2A, LOCATED IN THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 14 NORTH, RANGE 13 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, AND THE CENTERLINE OF SAID EASEMENTS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 27, TOWNSHIP 14 NORTH, RANGE 13 EAST, THENCE N89°49'03"W (ASSUMED BEARING) ALONG THE NORTH LINE OF SECTION 27 A DISTANCE OF 606.95 FEET TO THE POINT OF BEGINNING SAID POINT OF BEGINNING BEING THE CENTERLINE OF AFORESAID SEWER EASEMENTS, THENCE S31°12'41"E ALONG THE CENTERLINE OF SAID SEWER EASEMENTS A DISTANCE OF 27.19 FEET, THENCE S76°58'21"E CONTINUING ALONG THE CENTERLINE OF SAID SEWER EASEMENTS A DISTANCE OF 333.00 FEET, THENCE S21°02'21"E CONTINUING ALONG THE CENTERLINE OF SAID SEWER EASEMENTS A DISTANCE OF 260.00 FEET, THENCE S34°15'06"E CONTINUING ALONG SAID SANITARY SEWER EASEMENTS A DISTANCE OF 301.56 FEET, THENCE S89°49'03"E CONTINUING ALONG SAID SANITARY SEWER EASEMENTS A DISTANCE OF 5.30 FEET TO THE SOUTHEAST CORNER OF TAX LOT 2A AND THE END OF SAID SANITARY SEWER EASEMENTS, THENCE N00°00'02"E ALONG THE EAST LINE OF TAX LOT 2A A DISTANCE OF 588.33 FEET TO THE NORTH QUARTER CORNER OF SECTION 27, TOWNSHIP 14 NORTH, RANGE 13 EAST.

18,400 Square Foot Permanent Easement

