

2010-04634

02/23/2010 12:59:26 PM

Clay J. Dowling

REGISTER OF DEEDS



EASE

COUNTER *WB* C.E. *WB*
VERIFY *WB* D.E. *WB*
PROOF *IM*
FEES \$ *25.50*
CHECK # _____
CHG *209* CASH _____
REFUND _____ CREDIT _____
SHORT _____ NCR _____

PERMANENT EASEMENT

The undersigned, Schewe Farms, Inc., a Nebraska corporation, hereinafter called the "Grantor" in consideration of \$1.00 and other good and valuable consideration, the receipt of which is hereby acknowledged, hereby grants and conveys to the City of Papillion, a municipal corporation, located in Sarpy County, Nebraska, hereinafter called "City", its successors and assigns, a permanent easement to construct and install a water line main along the easterly side of future 126th Street and northerly side of future Crest Road, for the purpose of conveying water over, across, through and under the land hereinafter described, together with the right to excavate and refill ditches or trenches for the location of said water line, and the further right to remove trees, bushes, undergrowth and other obstructions interfering with the location.

Said easement will be over and under the following described area:

LEGAL DESCRIPTION

THAT PART OF THE SW 1/4 OF THE SE 1/4 OF SECTION 30, T14N, R12E OF THE 6th P.M., SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF SAID SE 1/4;
THENCE N00°04'23"E (ASSUMED BEARING) 229.10 FEET ON THE WEST LINE OF SAID SE 1/4 TO THE NORTH RIGHT-OF-WAY LINE OF HIGHWAY 370;
THENCE N85°54'41"E 99.26 FEET ON THE NORTH RIGHT-OF-WAY LINE OF HIGHWAY 370 TO THE POINT OF BEGINNING;
THENCE CONTINUING N85°54'41"E 20.05 FEET ON THE NORTH RIGHT-OF-WAY LINE OF HIGHWAY 370;
THENCE N00°04'23"E 672.60 FEET ON A LINE 119.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SE 1/4;
THENCE N22°34'23"E 176.37 FEET;

*R+E City of Papillion
Beverly McCauley
1212 E 3rd Street
Papillion NE 68046*

THENCE S67°25'37"E 19.84 FEET;
 THENCE S89°55'37"E 42.93 FEET;
 THENCE NORTHEASTERLY ON A NON-TANGENT 1015.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING N73°38'22"E, CHORD DISTANCE 207.23 FEET, AN ARC DISTANCE OF 207.59 FEET;
 THENCE N67°46'49"E 434.25 FEET;
 THENCE N22°13'11"W 20.00 FEET;
 THENCE S67°46'49"W 434.25 FEET;
 THENCE SOUTHWESTERLY ON A 995.00 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING S73°35'11"W, CHORD DISTANCE 201.32 FEET, AN ARC DISTANCE OF 201.66 FEET;
 THENCE N89°55'37"W 37.09 FEET ON A NON-TANGENT LINE;
 THENCE N67°25'37"W 54.04 FEET;
 THENCE N44°54'45"W 111.10 FEET;
 THENCE S45°05'15"W 20.00 FEET;
 THENCE S44°54'45"E 115.08 FEET;
 THENCE S67°25'37" E 22.15 FEET;
 THENCE S22°34'23"W 180.34 FEET;
 THENCE S00°04'23"W 678.03 FEET ON A LINE 99.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SE 1/4 TO THE POINT OF BEGINNING.

1. The points described above are subject to adjustment by subsequent agreement between the City of Papillion and Grantor.
2. That attached hereto as Exhibit "A" and incorporated herein by reference is a graphic description of said water line easement area.
3. The Grantor hereby grants to the City, its successors and assigns, the right, privilege and authority to enter upon and pass over said property for the purpose of constructing, repairing, operating and maintaining said water main upon the property above described.
4. The Grantor does hereby covenant with the City that it is lawfully seized and possessed of the real estate above described; that it has good and lawful right to convey it or any part thereof; that it is free from encumbrance and it will, forever warrant and defend the title thereto against the lawful claims of all persons or entities whomsoever.
5. The City shall at all times exercise due care and diligence to avoid injury, loss or damage to structures or property of the Grantor, its successors and assigns and will indemnify and save harmless the Grantor, its successors and assigns for any and all loss, damage or injuries sustained to such property by reason of the construction, future maintenance, operation or reconstruction of said underground water main, or any part thereof.

- 6. This easement is binding upon the assigns and successors of the Grantor and shall be a permanent easement.
- 7. The above payment shall cover all damages caused by the establishment and construction of the above project.
- 8. The Grantor waives compliance by Papillion with the notice and other provisions of the Uniform Procedure for Acquiring Private Property for Public Use (Neb. Rev. Stat. '25-2501, et seq., as amended).
- 9. This easement shall not pass, nor be construed to pass, to Papillion, in fee simple interest or title to the easement area. The Grantor shall have the reserved right to make reasonable non-structural uses of the easement area which do not interfere with Papillion's rights under this easement.
- 10. The Grantor warrants that no verbal or written representations or inducements have been made or given by Papillion or by any of its officers, agents or employees, other than as may be recited in this document.

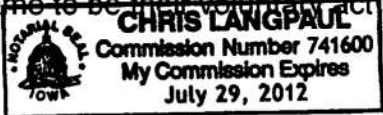
IN WITNESS WHEREOF, the Grantor has executed this Easement the 28th day of January, ~~2009~~ 2010
ML

GRANTOR: SCHEWE FARMS INC.,
 A Nebraska Corporation

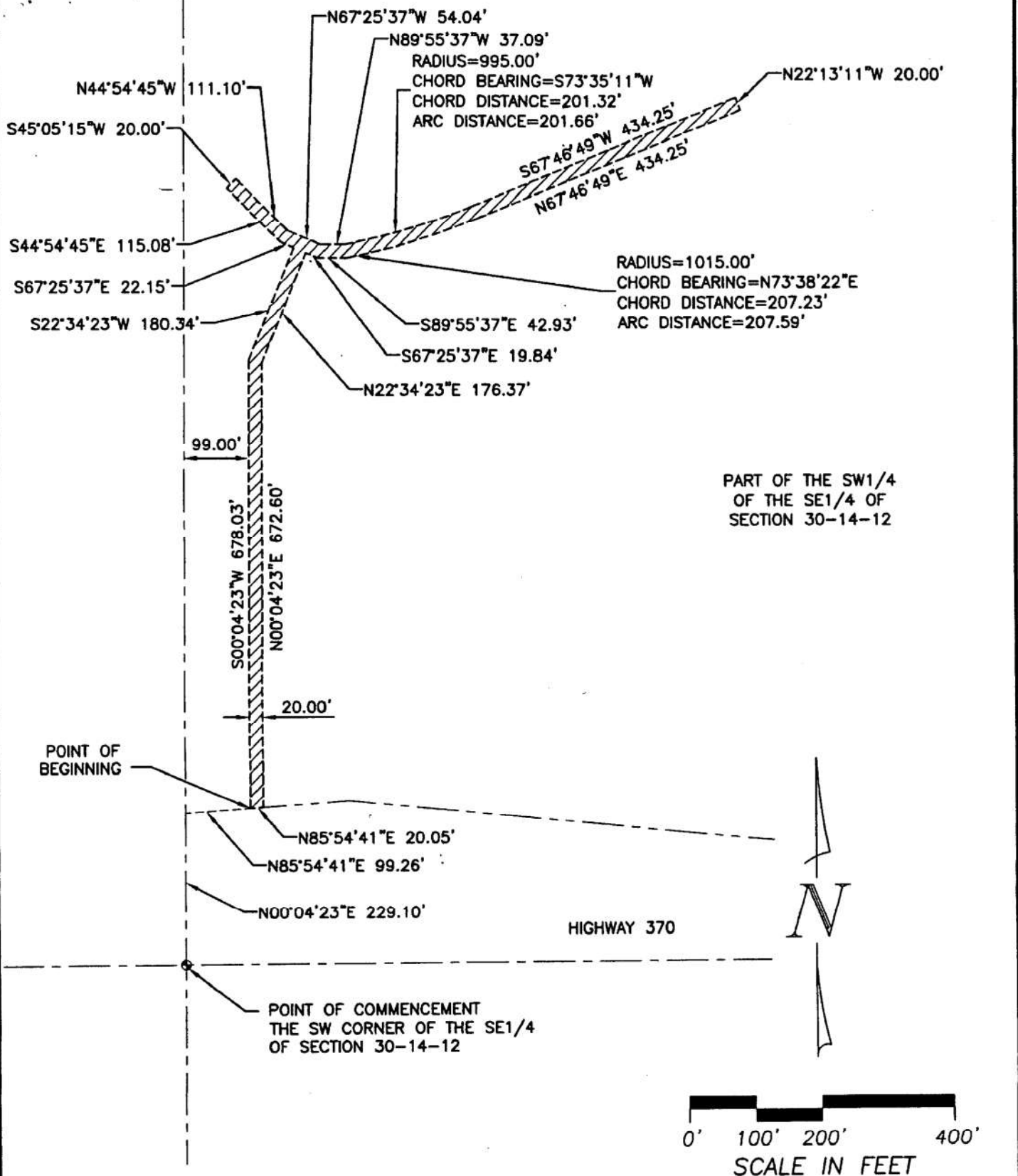
BY: *Margaret Langpaal*
 Member

FOWA
CL STATE OF ~~NEBRASKA~~)
 POLK)ss
CL COUNTY OF ~~SARPY~~)

Before me, a Notary Public, qualified for said county, personally came *Margaret Langpaal*, member of Schewe Farms Inc., known to me to be the identical person who signed the foregoing instrument, and who acknowledged the same to be their voluntary act and deed.




Chris Langpaal
 Notary Public



SEE PAGE 2 FOR LEGAL DESCRIPTION

PAGE 1 OF 2

181544EXA.dwg

 THOMPSON, DRESSEN & DORNER, INC. Consulting Engineers & Land Surveyors 10836 OLD MILL ROAD OMAHA, NEBRASKA 68154 P: 402.330.8860 F: 402.330.5866 WWW.TD2CO.COM	EXHIBIT A		DATE 12/15/09
	CITY OF PAPHILLION	TD2 NO. 181-544	DRAWN BY MRS
			CHECKED BY DHN
			REVISION

LEGAL DESCRIPTION

THAT PART OF THE SW 1/4 OF THE SE 1/4 OF SECTION 30, T14N, R12E OF THE 6th P.M., SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:
 COMMENCING AT THE SOUTHWEST CORNER OF SAID SE 1/4;
 THENCE N00°04'23"E (ASSUMED BEARING) 229.10 FEET ON THE WEST LINE OF SAID SE 1/4 TO THE NORTH RIGHT-OF-WAY LINE OF HIGHWAY 370;
 THENCE N85°54'41"E 99.26 FEET ON THE NORTH RIGHT-OF-WAY LINE OF HIGHWAY 370 TO THE POINT OF BEGINNING;
 THENCE CONTINUING N85°54'41"E 20.05 FEET ON THE NORTH RIGHT-OF-WAY LINE OF HIGHWAY 370;
 THENCE N00°04'23"E 672.60 FEET ON A LINE 119.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SE 1/4;
 THENCE N22°34'23"E 176.37 FEET;
 THENCE S67°25'37"E 19.84 FEET;
 THENCE S89°55'37"E 42.93 FEET;
 THENCE NORTHEASTERLY ON A NON-TANGENT 1015.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING N73°38'22"E, CHORD DISTANCE 207.23 FEET, AN ARC DISTANCE OF 207.59 FEET;
 THENCE N67°46'49"E 434.25 FEET;
 THENCE N22°13'11"W 20.00 FEET;
 THENCE S67°46'49"W 434.25 FEET;
 THENCE SOUTHWESTERLY ON A 995.00 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING S73°35'11"W, CHORD DISTANCE 201.32 FEET, AN ARC DISTANCE OF 201.66 FEET;
 THENCE N89°55'37"W 37.09 FEET ON A NON-TANGENT LINE;
 THENCE N67°25'37"W 54.04 FEET;
 THENCE N44°54'45"W 111.10 FEET;
 THENCE S45°05'15"W 20.00 FEET;
 THENCE S44°54'45"E 115.08 FEET;
 THENCE S67°25'37" E 22.15 FEET;
 THENCE S22°34'23"W 180.34 FEET;
 THENCE S00°04'23"W 678.03 FEET ON A LINE 99.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SE 1/4 TO THE POINT OF BEGINNING.

TD² THOMPSON, DRESSEN & DORNER, INC.
 Consulting Engineers & Land Surveyors
 10836 OLD MILL ROAD OMAHA, NEBRASKA 68154
 P: 402.330.8860 F: 402.330.5866 WWW.TD2CO.COM

EXHIBIT A

CITY OF PAPIILLION		TD2 NO. 181-544	DATE 12/15/09
			DRAWN BY MRS
			CHECKED BY DHN
			REVISION