



MISC 2006102019



SEP 05 2006 15:41 P 14

PERMANENT SEWER EASEMENT

Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
9/5/2006 15:41:57.92



2006102019

KNOW ALL MEN BY THESE PRESENTS:

THAT **ELK CREEK PINE, L.L.C.**, a Nebraska limited liability company, hereinafter referred to as GRANTOR (whether one or more) for and in consideration of the sum of One and no/100 Dollars (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, 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, and **SANITARY AND IMPROVEMENT DISTRICT NO. 536 OF DOUGLAS COUNTY, NEBRASKA**, a Nebraska political subdivision, hereinafter referred to as SID, hereinafter referred to collectively as GRANTEE, a permanent easement for the right to construct, maintain and operate sewers (either for storm or sanitary purposes), drainage structures and/or drainage way, and appurtenances thereto, in, through and under the parcel of land described as follows, to-wit:

SEE EXHIBITS "A" THROUGH "F", INCLUSIVE, ATTACHED HERETO

TO HAVE AND TO HOLD unto CITY and SID, their successors and assigns, and SID together with the right of ingress and egress from said premises for the purpose of constructing, inspecting, maintaining, operating, repairing or replacing said sewers, drainage structures and/or drainage way at the will of the CITY. The GRANTOR may, following construction of said sewers, drainage structures and/or drainage way continue to use the surface of the easement strip conveying hereby for other purposes, subject to the right of the CITY and SID to use the same for the purposes herein expressed.

It is further agreed as follows:

- 1) That no buildings, improvements or other structures, nor any grading, fill or fill material or embankment work, shall be placed in, on, over or across said easement strip by GRANTOR and GRANTOR'S successors and assigns without express approval of the CITY. Improvements which may be approved by the SID and CITY include landscaping, road and/or street surfaces, parking area surfacing and/or pavement. These improvements and any trees, grass or shrubbery placed on said easement shall be maintained by GRANTOR and GRANTOR'S successors or assigns.
- 2) That CITY or SID will replace or rebuild any and all damage to improvements caused by CITY or SID exercising their rights of inspecting, maintaining or operating said sewer, except that damage to, or loss of trees and shrubbery will not be compensated for by CITY.
- 3) This permanent sewer easement is also for the benefit of any contractor, agent, employee or representative of the CITY and SID and any of said construction and work.

Return to:

John Q. Bachman
PANSING HOGAN ERNST & BACHMAN LLP
10250 Regency Circle, Suite 300
Omaha, NE 68114

misc
FEE 74⁰⁰ FB _____
BKP _____ C/O _____ COMP _____
DEL _____ SCAN _____ FV _____

(C)

- 4) That CITY or SID shall cause any trench made on said easement strip to be properly refilled and shall cause the premises to be left in a neat and orderly condition.
- 5) That GRANTOR and its successors and assigns does confirm with the said CITY and SID and their assigns, that the GRANTOR is well seized in fee of the above-described property and that it has the right to grant and convey this permanent sewer easement in the manner and form aforesaid, and it will, and GRANTOR'S successors and assigns shall warrant and defend this permanent easement to said CITY or SID and its assigns against the lawful claims and demands of all persons. This permanent sewer easement runs with the land.
- 6) That said permanent sewer easement is granted upon the condition that the CITY or SID may remove or cause to be removed all presently existing improvements thereon, including but not limited to, crops, vines, trees within the easement area as necessary for construction.
- 7) The CITY or SID reserves the absolute right to terminate this permanent easement at any time prior to the payment of the above-stated consideration, but in no event later than sixty (60) days after the execution of this Easement Agreement.
- 8) That this instrument contains the entire agreement of the parties; that there are no other or different agreements or understandings, except a Temporary Construction Easement if and as applicable, between the GRANTOR and the CITY or SID or their agents; and that the GRANTOR, in executing and delivering this instrument, has not relied upon any promises, inducements, or representations of the CITY or SID or their agents, except as are set forth herein (if applicable):
None

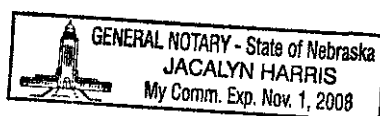
IN WITNESS WHEREOF said GRANTOR has hereunto set his, her, their or its hand or hands this 16th day of August, 2006.

ELK CREEK PINE, L.L.C., a Nebraska limited liability company,

By JAY B. NODDLE, Vice-President and Member

STATE OF NEBRASKA)
) ss.:
COUNTY OF DOUGLAS)

On this 16th day of August, 2006, before me, the undersigned, a Notary Public in and for said County, personally came JAY B. NODDLE, Vice-President and Member of ELK CREEK PINE, L.L.C., a Nebraska limited liability company, to me personally known to be the Vice-President and Member of said company and the identical person whose name is affixed to the foregoing instrument, and acknowledged the execution thereof to be his voluntary act and deed as such officer and the voluntary act and deed of said company.



Jacalyn Harris
Notary Public

LEGAL DESCRIPTION

A permanent easement for the construction and maintenance of sanitary sewers over that part of Lots 1, 4, 7 and 9 AND Outlot 3, ELK CREEK PINES, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, described as follows:

Beginning at the southeast corner of said Lot 9;

Thence South 87°42'25" West (bearings referenced to the Final Plat of ELK CREEK PINES) for 6.62 feet along the south line of said Lot 9;

Thence North 02°11'07" West for 29.39 feet;

Thence North 08°47'35" West for 197.55 feet;

Thence North 50°50'11" West for 122.04 feet;

Thence North 45°42'06" West for 138.73 feet;

Thence South 38°29'21" West for 148.37 feet;

Thence North 51°30'39" West for 4.74 feet;

Thence South 72°58'03" West for 33.14 feet;

Thence North 17°01'57" West for 2.53 feet to the northwest line of said Lot 1;

Thence North 36°12'25" East for 29.19 feet along said northwest line;

Thence North 72°58'03" East for 11.92 feet;

Thence North 38°29'21" East for 133.93 feet to the west line of said Outlot 3;

Thence North 30°45'10" West for 22.08 feet along said west line;

Thence South 78°50'27" East for 4.32 feet;

Thence North 35°14'21" West for 167.51 feet to the north line of said Outlot 3;

Thence North 50°42'50" East for 20.05 feet along said north line;

Thence South 35°14'21" East for 193.01 feet;

Thence South 45°42'06" East for 136.36 feet;

Thence North 33°33'26" East for 9.55 feet to the east line of said Outlot 3;

Thence South 64°07'26" East for 5.86 feet along said east line to an angle

therein;

Thence South 08°47'35" East for 17.76 feet along said east line;

Thence South 50°50'11" East for 122.44 feet;

Thence South 08°47'35" East for 189.39 feet;

Thence North 53°53'41" East for 48.73 feet to the east line of said Lot 7;

Thence South 08°54'31" East for 22.49 feet along said east line;

Thence South 53°53'41" West for 49.54 feet;

Thence South 02°11'07" East for 24.60 feet to the south line of said Lot 7;

Thence South 87°42'25" West for 13.38 feet along said south line to the Point of

Beginning.

Contains 18,557 square feet.

August 1, 2006

LAMP, RYNEARSON & ASSOCIATES, INC.
05064/TEXT/0564EAS.doc (E101)

(san sewer ease over Lots 1, 4, 7, and 9 & Outlot 3)

EXHIBIT "A"

OUTLOT 2

Permanent Sidewalk
Easement to the City of
Omaha and SID 536 Per
Instrument Number

Permanent 20.00' Storm Sewer
Easement to the City of Omaha and
SID 536 Per Instrument Number

Permanent
to the City

4 S78°50'27"E
4.32'

N30°45'10"W
22.08'

Permanent Sanitary Sewer Easement to
the City of Omaha and SID 536 Per
Instrument Number

N33°33'26"E
9.55'

S64°07'26"E
5.86'

S8°47'35"E
17.76'

S50°50'11"E
122.44'

N50°50'11"W
122.04'

OUTLOT 3

N72°58'03"E
11.92'
N36°12'25"E
29.19'
N17°01'57"W
2.53'

N51°30'39"W
4.74'
S72°58'03"W
33.14'

ELK CREEK PINES

N08°47'35"W
197.55'

S08°47'35"E
189.39'

N53°53'41"E
48.73'

S8°54'31"E
22.49'

S53°53'41"W
49.54'

N02°11'07"W
29.39'

S87°42'25"W
6.62'

S02°11'07"E
24.60'

S87°42'25"W
13.38'

Point of Beginning

Permane
to the

100 0 100 200

West Maple Road

Nebraska Highway #64



Lamp, Rynearson & Associates, Inc.

14710 West Dodge Road, Suite 100
Omaha, Nebraska 68154-2027

WWW.LRA-INC.COM

(Ph) 402.496.2498
(Fax) 402.496.2730

drawn by: ARJ
designer: RDP
job number-tasks: 05064.11-030
date: 07-25-06
book: page:
file name: 05064E101.DWG

LEGAL DESCRIPTION

A permanent easement twenty foot in width for the construction and maintenance of storm sewers over that part of Lots 1, 7, 8, and 9 AND Outlot 2, ELK CREEK PINES, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, the perimeter of which is described as follows:

Commencing at the southeast corner of said Lot 1;

Thence North 08°52'44" West (bearings referenced to the Final Plat of ELK CREEK PINES) for 4.95 feet along the east line of said Lot 1 to the TRUE POINT OF BEGINNING;

Thence South 87°42'25" West for 11.15 feet;

Thence North 02°17'35" West for 20.00 feet;

Thence North 87°42'25" East for 404.69 feet parallel with and 24.92 feet north of the south property line;

Thence South 62°17'35" East for 17.28 feet to the platted east line of Outlot 2;

Thence South 03°32'30" East for 2.69 feet along said east line;

Thence South 27°42'25" West for 15.69 feet to the south line of said Outlot 2;

Thence South 87°42'25" West for 4.02 feet along said south line;

Thence North 62°17'35" West for 9.84 feet;

Thence South 87°42'25" West for 388.18 feet parallel with and 4.92 feet north of the south property line to the Point of Beginning.

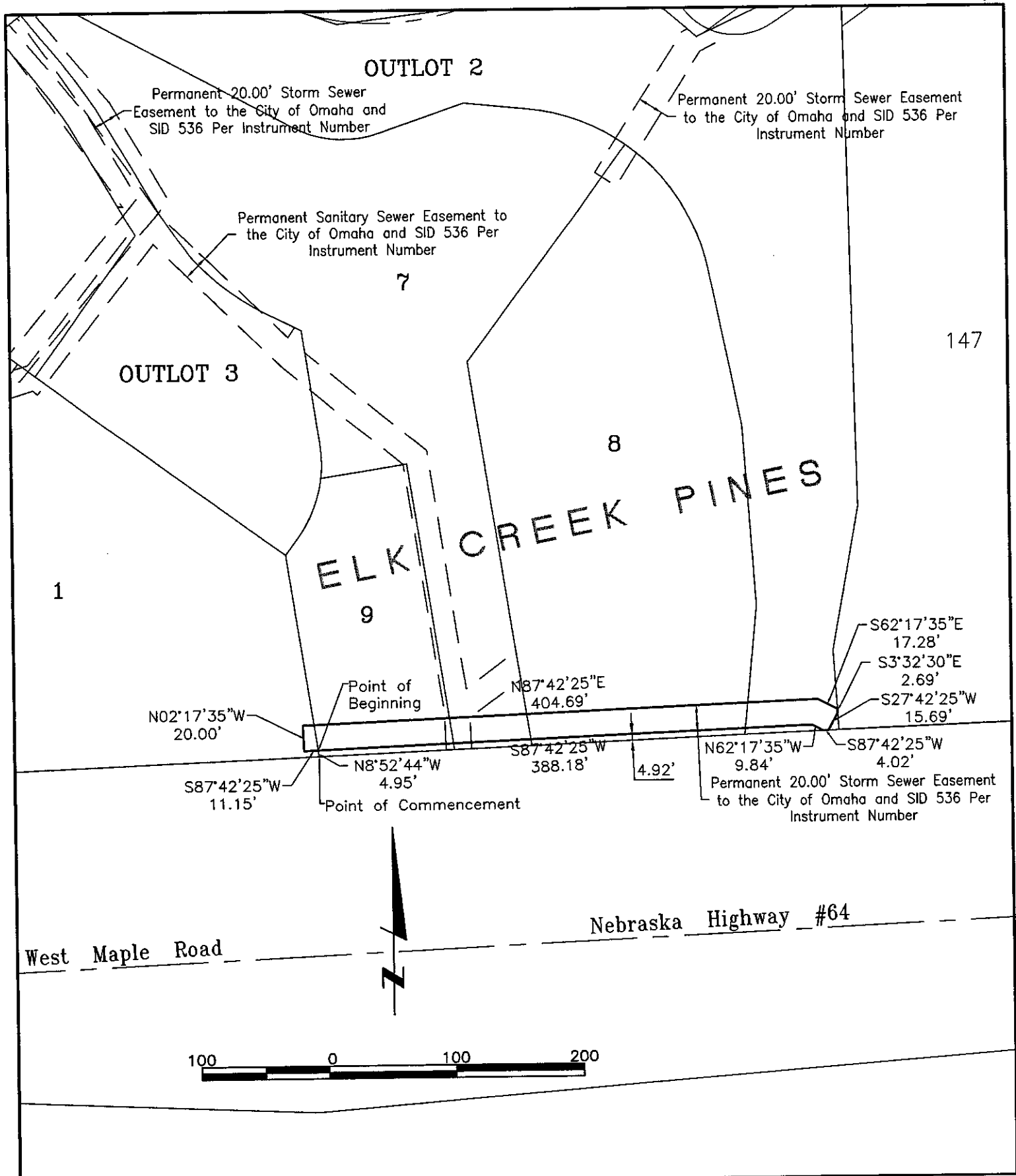
Contains 8355 square feet.

July 24, 2006

LAMP, RYNEARSON & ASSOCIATES, INC.
05064/TEXT/0564EAS.doc (E102)

(storm sewer ease over Lots 1, 7, 8, and 9 & Outlot 2)

EXHIBIT "B"



 **Lamp, Rynearson & Associates, Inc.**
14710 West Dodge Road, Suite 100
Omaha, Nebraska 68154-2027

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drawn by: ARJ
designer: RDP
job number-tasks: 05064.11-040
date: 07-25-06
book: page:
file name: 05064E102.DWG

LEGAL DESCRIPTION

A permanent easement twenty foot in width for the construction and maintenance of storm sewers over that part of Lots 1, 2, 4, and 7 AND Outlot 3, ELK CREEK PINES, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, the perimeter of which is described as follows:

Commencing at the east corner of said Lot 2;

Thence South 36°12'25" West (bearings referenced to the Final Plat of ELK CREEK PINES) for 10.02 feet along the southeast line of said Lot 2 to the TRUE POINT OF BEGINNING;

Thence North 49°46'56" West for 10.70 feet;

Thence North 40°13'04" East for 169.89 feet;

Thence North 30°23'12" West for 73.55 feet;

Thence North 39°49'43" West for 96.30 feet to the north line of said Lot 4;

Thence North 50°42'50" East for 20.00 feet along the north line of said Lots 4 and 7;

Thence South 39°49'43" East for 97.76 feet;

Thence South 30°23'12" East for 89.37 feet;

Thence South 40°13'04" West for 184.05 feet;

Thence North 49°46'56" West for 9.30 feet to the Point of Beginning.

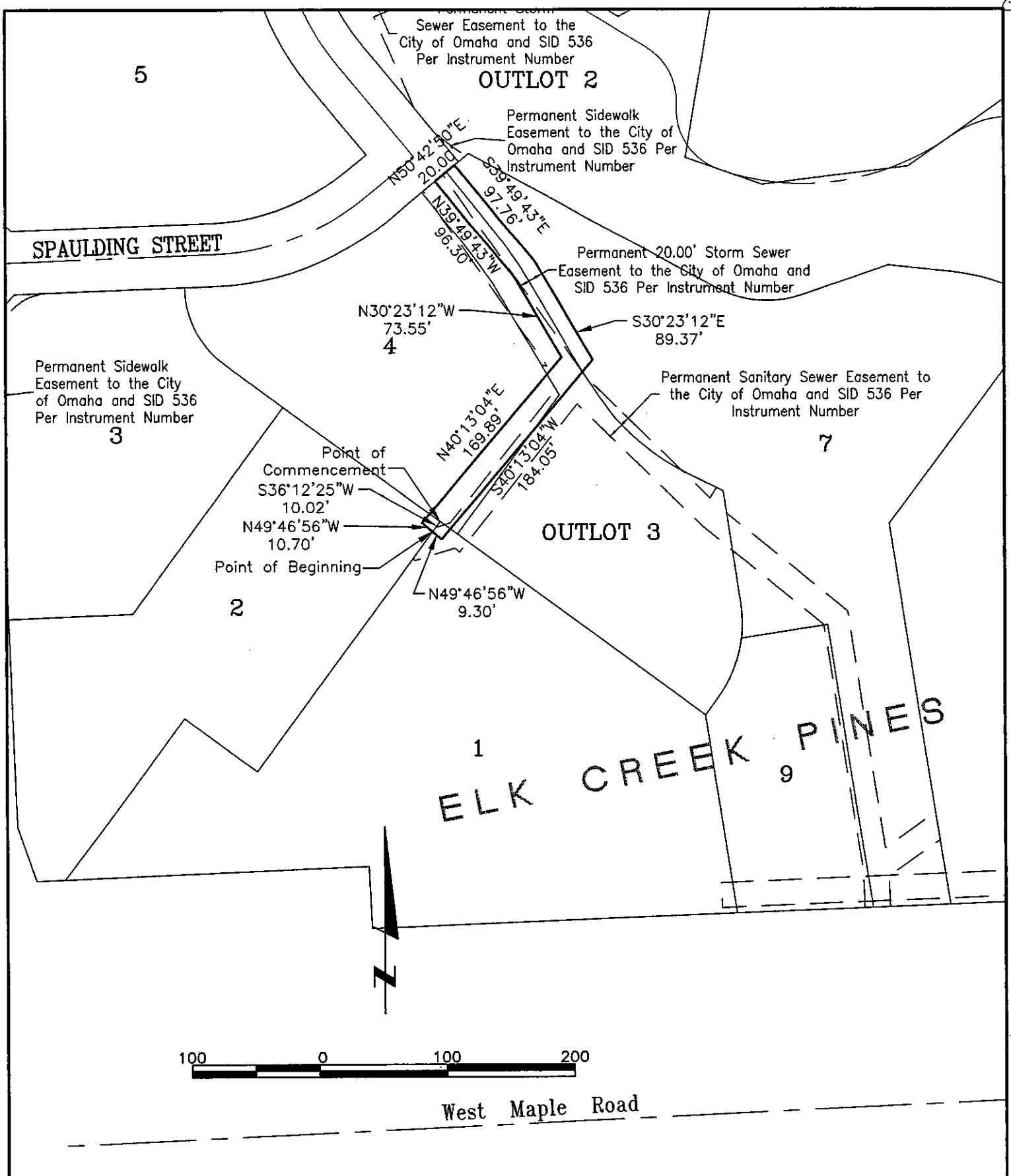
Contains 7109 square feet.

July 24, 2006

LAMP, RYNEARSON & ASSOCIATES, INC.
05064/TEXT/0564EAS.doc (E103)

(storm sewer ease over Lots 1, 2, and 4 & Outlot 3)

EXHIBIT "C"



 **Lamp, Rynearson & Associates, Inc.**
14710 West Dodge Road, Suite 100
Omaha, Nebraska 68154-2027

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drawn by: ARJ
designer: RDP
job number-tasks: 05064.11-040
date: 07-25-06
book: page:
file name: 05064E103.DWG

LEGAL DESCRIPTION

A permanent easement twenty foot in width for the construction and maintenance of storm sewers over that part of Lots 7 and 8 AND Outlot 2, ELK CREEK PINES, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, the perimeter of which is described as follows:

Commencing at the corner common to said Lots 7 and 8 in the southwest line of Outlot 2;

Thence South 36°43'52" West (bearings referenced to the Final Plat of ELK CREEK PINES) for 31.52 feet along the line common to said Lots 7 and 8 to the TRUE POINT OF BEGINNING;

Thence North 57°39'01" West for 6.37 feet;

Thence North 32°20'59" East for 130.21 feet;

Thence North 62°13'33" East for 5.10 feet to the platted east line of Outlot 2;

Thence South 49°11'02" East for 9.12 feet along said platted line;

Thence North 64°37'22" East for 10.25 feet along said platted line;

Thence South 27°46'27" East for 11.08 feet;

Thence South 62°13'33" West for 13.33 feet;

Thence South 32°20'59" West for 124.87 feet;

Thence North 57°39'01" West for 13.63 feet to the Point of Beginning.

Contains 2768 square feet.

OUTLOT 2

Permanent Sidewalk
Easement to the City of
Omaha and SID 536 Per
Instrument Number

Permanent 20.00' Storm Sewer
Easement to the City of Omaha and
SID 536 Per Instrument Number

Permanent Sanitary Sewer Easement to
the City of Omaha and SID 536 Per
Instrument Number

N62°13'33"E
5.10'

N32°20'59"E
130.21'

S49°11'02"E
9.12'
N64°37'22"E
10.25'

S27°46'27"E
11.08'

S62°13'33"W
13.33'
Permanent 20.00' Storm Sewer Easement
to the City of Omaha and SID 536 Per
Instrument Number

S32°20'59"W
124.87'

S36°43'52"W
31.52'

N57°39'01"W
13.63'

Point of
Commencement
N57°39'01"W
6.37'

Point of Beginning

OUTLOT 3

ELK CREEK PINES

Permanent 20.00' Storm Sewer Easement
to the City of Omaha and SID 536 Per
Instrument Number



West Maple Road

Nebraska Highway #64



Lamp, Rynearson & Associates, Inc.

4710 West Dodge Road, Suite 100
Omaha, Nebraska 68154-2027

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(Ph) 402.496.2498
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drawn by: ARJ
designer: RDP
job number-task: 05064.11-040
date: 07-25-06
book: page:
file name: 05064E104.DWG

LEGAL DESCRIPTION

A permanent easement for the construction and maintenance of storm sewers over that part of Outlot 2, ELK CREEK PINES, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, described as follows:

Commencing at the intersection of the east right of way line of 167th Avenue with the south right of way line of Spaulding Street;

Thence North 39°17'10" West (bearings referenced to the Final Plat of ELK CREEK PINES) for 119.16 feet along the east right of way line of 167th Avenue to the TRUE POINT OF BEGINNING;

Thence North 39°17'10" West for 64.30 feet along said east right of way line;

Thence along a curve to the right (having a radius of 175.00 feet and a long chord bearing North 30°07'56" West for 55.68 feet) for an arc length of 55.92 feet along said east right of way line;

Thence along a curve to the right (having a radius of 775.00 feet and a long chord bearing North 16°20'51" West for 125.09 feet) for an arc length of 125.23 feet along said east right of way line;

Thence South 26°35'51" East for 143.16 feet;

Thence North 66°26'46" East for 110.03 feet to the platted east line of said Outlot

2;

Thence South 57°52'21" East for 21.13 feet along said platted line;

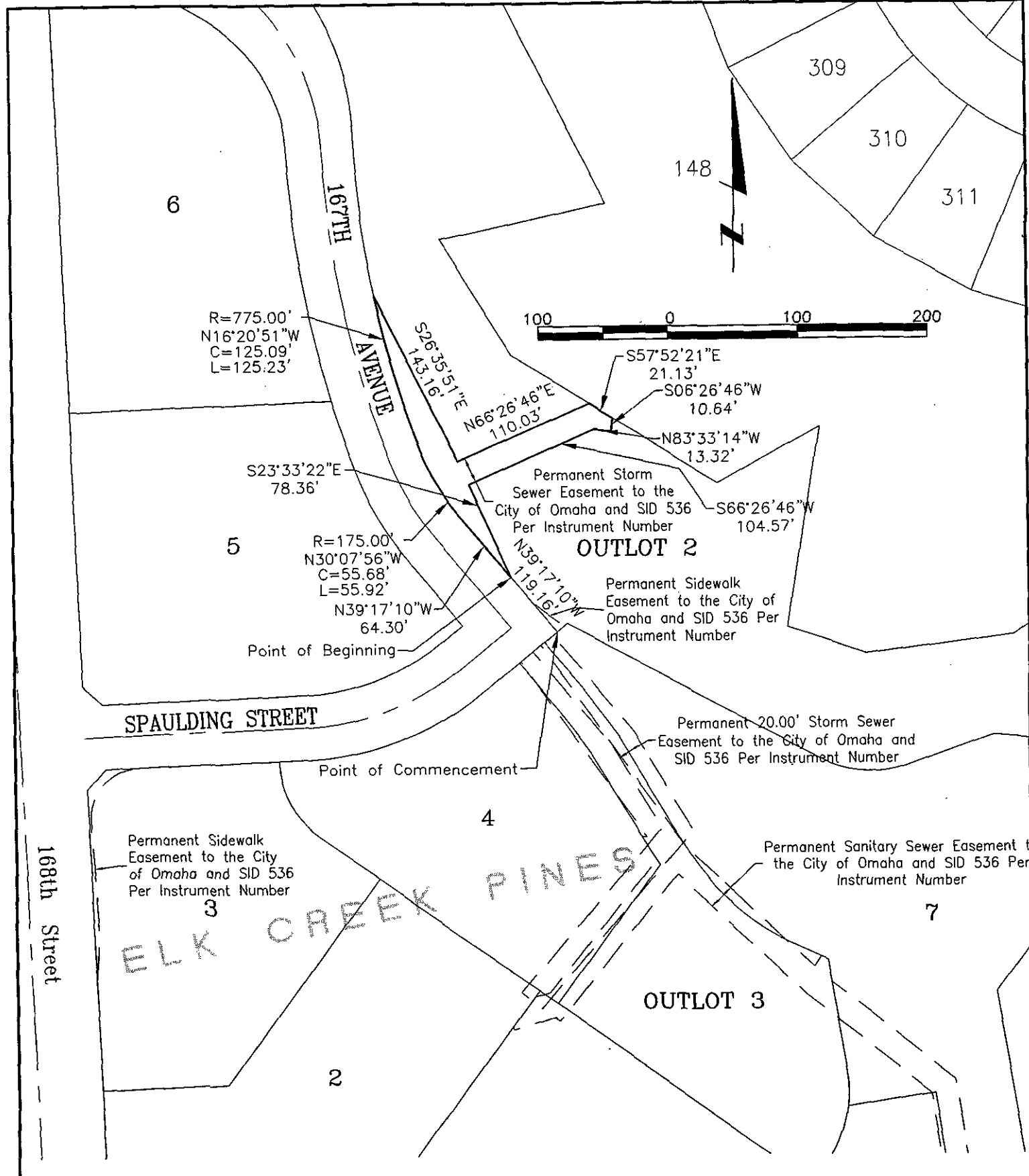
Thence South 06°26'46" West for 10.64 feet;


Thence North 83°33'14" West for 13.32 feet;

Thence South 66°26'46" West for 104.57 feet;

Thence South 23°33'22" East for 78.36 feet to the Point of Beginning.

Contains 5712 square feet.



 **Lamp, Rynearson & Associates, Inc.**
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drawn by: ARJ
 designer: RDP
 job number-tasks: 05064.11-040
 date: 07-25-06
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 file name: 05064E105.DWG

LEGAL DESCRIPTION

A permanent easement twenty foot in width for the construction and maintenance of storm sewers over that part of Outlot 2, ELK CREEK PINES, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, the perimeter of which is described as follows:

Beginning in the east right of way line of 167th Avenue at the westerly most corner of said Outlot 2;

Thence North 24°47'14" East (bearings referenced to the Final Plat of ELK CREEK PINES) for 4.27 feet along the platted west line said Outlot 2;

Thence North 43°25'50" East for 14.50 feet;

Thence North 37°21'38" East for 17.72 feet;

Thence South 52°38'22" East for 20.00 feet;

Thence South 37°21'38" West for 18.78 feet;

Thence South 43°25'50" West for 15.50 feet to the east right of way line of 167th Avenue;

Thence along a curve to the left (having a radius of 182.50 feet and a long chord bearing North 57°17'02" West for 7.17 feet) for an arc length of 7.17 feet along said east right of way line;

Thence along a curve to the left (having a radius of 210.00 feet and a long chord bearing North 60°02'44" West for 11.99 feet) for an arc length of 12.00 feet along said east right of way line to the Point of Beginning.

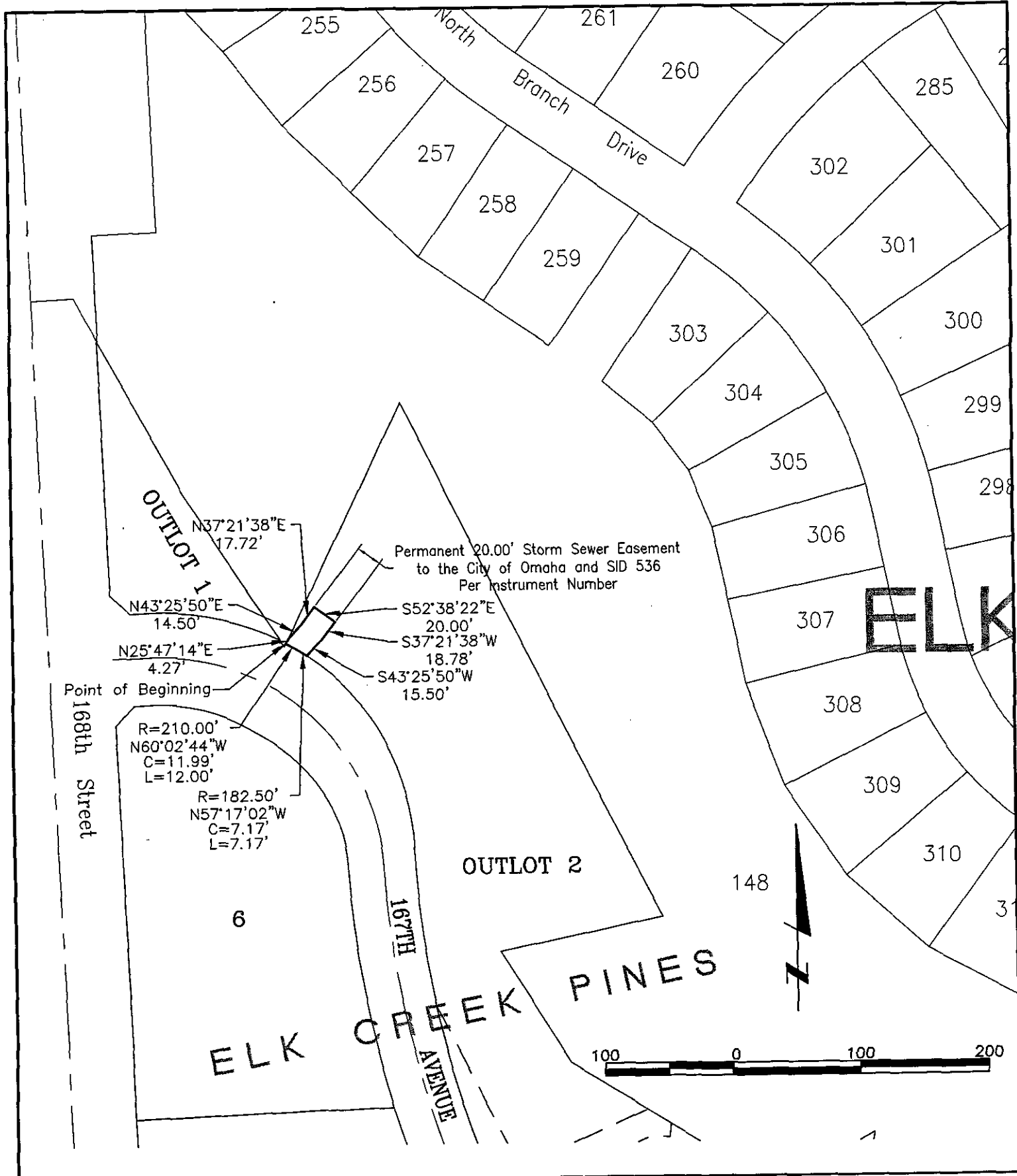
Contains 703 square feet.


July 24, 2006

LAMP, RYNEARSON & ASSOCIATES, INC.
05064/TEXT/0564EAS.doc (E106)

(storm sewer ease over Lots 1, 2, and 4 & Outlot 3)

EXHIBIT "F"



 **Lamp, Rynearson & Associates, Inc.**
 14710 West Dodge Road, Suite 100
 Omaha, Nebraska 68154-2027

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 file name: 05064E106.DWG