



BK 1434 PG 605-609



MISC 2002 08639

RICHARD W. TAKECHI
REGISTER OF DEEDS
DOUGLAS COUNTY, NE

2002 APR 16 AM 9: 23

RECEIVED

TEMPORARY CONSTRUCTION EASEMENT

KNOW IN BY ALL MEN BY THESE PRESENTS:

THAT JOHNNY BALLANTYNE, fee simple title owner of Crescent Replat Six, Lot 5, hereinafter referred as GRANTOR, for and in consideration of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and other good and valuable consideration, does hereby grant and convey unto Terry Peterson, hereinafter referred to as GRANTEE, and to his successors and assigns, an easement, which shall run with the land, for the right to enter upon the property described in Exhibit "B" for the construction and installation of a drainage channel on the land described in Exhibit "A".

It is further agreed as follows:

1. That this temporary easement ("Easement") runs with the land and terminates twenty-four (24) months after the time of the recording of this easement.
2. That Easement is granted upon the condition that the Grantee will remove or cause to be removed all presently existing improvements thereof including, but not limited to, trees, vines, gardens and lawns within the Easement area as necessary for construction. Upon completion of construction, the Grantee shall cause the Grantor's land to be in a substantially similar condition as prior to the Easement only to the extent that the Grantee caused a difference in the condition to the Grantor's land, including but without limitations replacing sod and repairing any damage caused by the Grantee to the Grantor's sprinkler system.
3. That the Grantee shall cause any trench made on Easement strip to be properly refilled and shall cause the area disturbed under this Easement to be sodded upon completion of construction. This Easement is also for the benefit of any contractor, agent, employee, public utility company and representative of the Grantee in any of said construction work.
4. That said Grantor for itself and its successors and assigns, does confirm with the Grantee and its assigns, including public utility companies and their assigns; and that it, the Grantor, is well seized in fee of the property described in Exhibit "B", and

Return to:

Jerry M. Slusky
Gross & Welch, P.C.
2120 South 72nd Street, #800
Omaha, NE 68124

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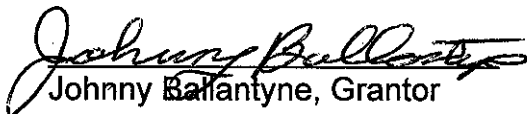
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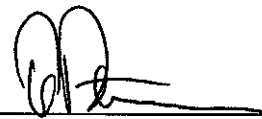
that it has the right to grant and convey this Easement in the manner and form aforesaid, and that it and its successors and assigns shall warrant and defend this Easement to said Grantee and its assigns, including public utility companies and their assigns, against the lawful claims and demands of all persons.

5. That this instrument contains the entire agreement of the parties; that there are no other or different agreements or understandings between the Grantor and the Grantee or its agents; and that the Grantor, in executing and delivering this instrument, has not relied upon promises, inducements or representations of the Grantee or its agents or employees, except as are set forth herein.

6. The consideration recited includes damages for change of grade, if any, and any and all claims for damage arising from change of grade or grading are hereby waived.

IN WITNESS WHEREOF this instrument is executed this 17th day of May, 2001.


Johnny Ballantyne, Grantor


Terry Peterson, Grantee

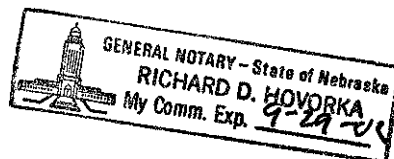
STATE OF NEBRASKA)
)ss
COUNTY OF DOUGLAS)

On this 17th day of May, 2001, before me, the undersigned, a notary public in and for said state, personally came Johnny Ballantyne, to me personally known to me to be the identical person whose name is affixed to the foregoing instrument, and acknowledged the execution thereof to be his/her voluntary act and deed.

Witness my hand and notarial seal the day aforesaid.


Notary Public

My Commission Expires: 5-17-01



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Gross & Welch, P.C.
2120 South 72nd Street, #800
Omaha, NE 68124

STATE OF NEBRASKA)
)ss
COUNTY OF DOUGLAS)

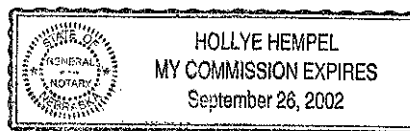
On this 17 day of MAY, 2001, before me, the undersigned, a notary public in and for said state, personally came Terry Peterson to me personally known to me to be the identical person whose name is affixed to the foregoing instrument, and acknowledged the execution thereof to be his/her voluntary act and deed.

Witness my hand and notarial seal the day aforesaid.

Hollye Hempel
Notary Public

My Commission Expires: 9/26/02

2485-09/244480



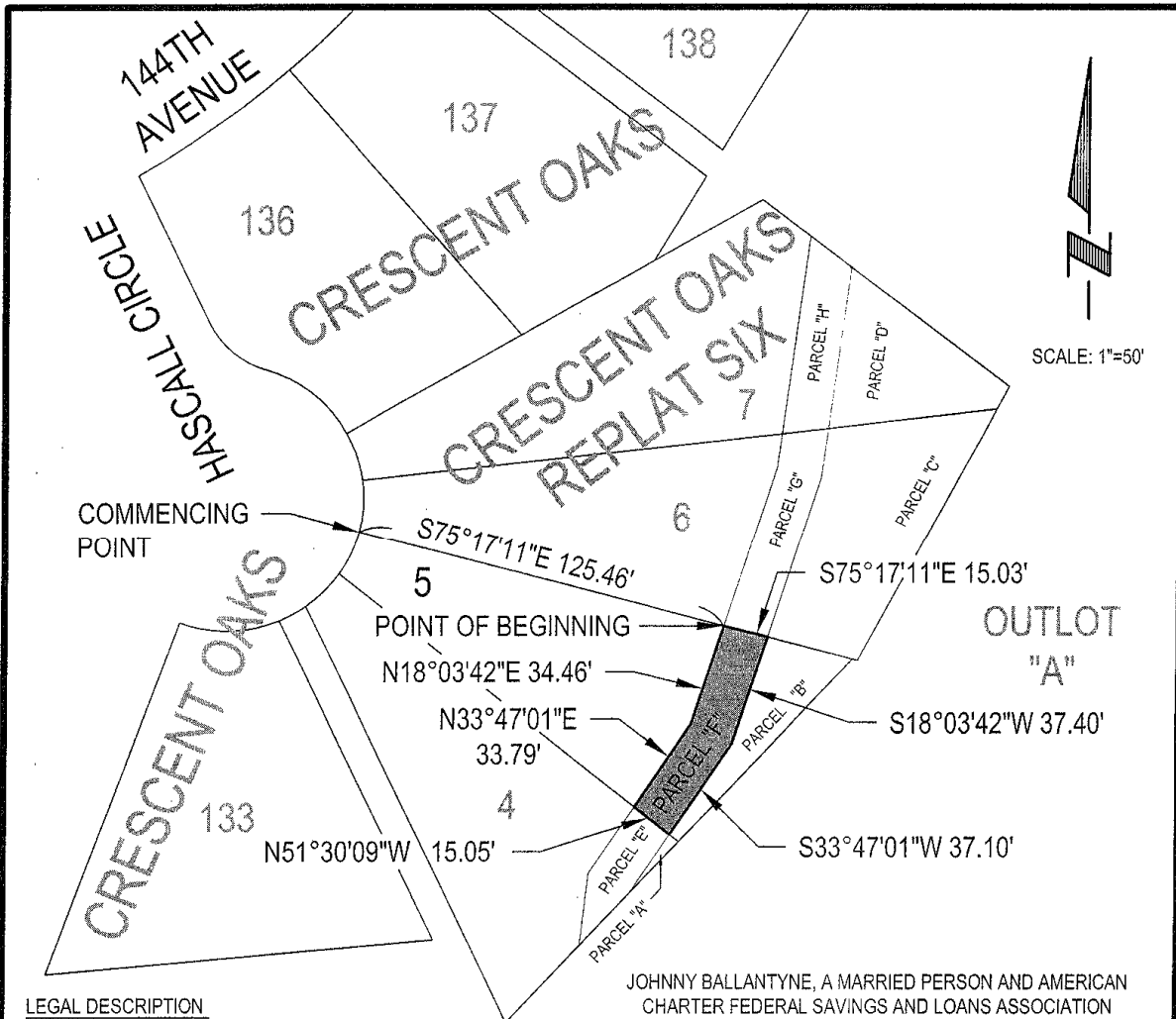
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EXHIBIT A -- Legal Description

I hereby certify that I have made a ground survey of the subdivision described herein and that permanent monuments and stakes have been placed at all corners of all lots, streets, angle points and ends of all curves in Crescent Oaks Replat Six (the lots renumbered as shown) being a replat of part of Lot 248, Crescent Oaks, a subdivision located in the NE 1/4 of Section 35; and also together with part of 144th Street right-of-way, all located in Township 15 North, Range 11 East of the 6 P.M., Douglas County, Nebraska, more particularly described as follows:

Beginning at the Southeast corner of Lot 143, said Crescent Oaks, said point also being on the West Right-of-way line of 144th Street, said point also being the Northeast corner of said Lot 248, Crescent Oaks; thence S00°00'00"W (assumed bearing) along said West Right-of-way line of 144th Street, said line also being the East line of said Lot 248, Crescent Oaks, a distance of 569.68 feet; thence S90°00'00"E, a distance of 40.00 feet; thence S00°00'00"W, a distance of 400.00 feet; thence N90°00'00"W, a distance of 40.00 feet to a point on said west right-of-way line of 144th Street said point also being the Southeast corner of said Lot 248, Crescent Oaks, said point also being on the Northerly right-of-way line of the Union Pacific Railroad; thence N54°29'30"W along the Southerly line of said Lot 248, Crescent Oaks, said line also being said Northerly right-of-way line of the Union Pacific Railroad, a distance of 20.00 feet; thence N47°07'55"W, a distance of 241.99 feet, thence N54°29'30"W, a distance of 74.13 feet; thence N76°56'55"W, a distance of 81.15 feet to a point on said Southerly line of said Lot 248, Crescent Oaks, said line also being said Northerly right-of-way line of the Union Pacific Railroad; thence N54°29'30"W along said Southerly line of Lot 248, Crescent Oaks, said line also being the Northerly right-of-way line of the Union Pacific Railroad, a distance of 398.53 feet to the Southeast corner of Lot 127, said Crescent Oaks, said point also being the Southwest corner of said Lot 248, Crescent Oaks; thence N21°02'41"E along said Westerly line of Lot 248, Crescent Oaks, said line also being the Easterly line of said Lot 127, Crescent Oaks, a distance of 19.15 feet to the Southwest corner of Lot 128, said Crescent Oaks; thence S71°30'22"E along the Southerly line of Lots 128 and 129, said Crescent Oaks, a distance of 161.91 feet to the Southeast corner of said Lot 129, Crescent Oaks, said point also being the Southwest Corner of Lots 130 and 132, said Crescent Oaks; thence S58°15'19"E along the Southerly line of said Lot 132, Crescent Oaks, a distance of 140.99 feet to the Southeast corner of said Lot 132, Crescent Oaks, said point also being the Southwest Corner of Lot 133, said Crescent Oaks; thence N84°49'59"E along the Southerly line of said Lot 133, Crescent Oaks, a distance of 128.35 feet to the Southeast corner of said Lot 133, Crescent Oaks; thence N25°40'52"W along the Easterly line of said Lot 133, Crescent Oaks, a distance of 119.13 feet to the Northeast corner of said Lot 133, Crescent Oaks, said point being on the Southerly right-of-way line of Hascall Circle; thence Northeasterly, along said Southerly right-of-way line of Hascall Circle, on a curve to the left with a radius of 45.00 feet, a distance of 10.04 feet, said curve having a long chord which bears N61°07'24"E, a distance of 10.01 feet to the Southwesterly corner of Lot 134, said Crescent Oaks; thence S25°40'52"E along the Westerly line of said Lot 134, Crescent Oaks and the Southeasterly extension thereof, a distance of 155.26 feet; thence N43°09'31"E, a distance of 167.39 feet to a point on the Easterly extension of the North line of said Lot 134, Crescent Oaks; thence S75°17'11"E along said Easterly extension of the North line of Lot 134, Crescent Oaks, said line also being the Easterly extension of the South line of Lot 135, Crescent Oaks, a distance of 1.73 feet; thence N28°17'57"E, a distance of 105.22 feet; thence N52°49'57"W, a distance of 103.35 feet to a point on the Northeasterly extension of the Northwesterly line of said Lot 135, Crescent Oaks; thence S60°30'52"W, along said Northeasterly extension of the Northwesterly line of Lot 135, Crescent Oaks, a distance of 41.31 feet to the North corner of said Lot 135, Crescent Oaks, said point also being on the Easterly line of Lot 137, said Crescent Oaks; thence N31°13'03"E along said Easterly line of Lot 137, Crescent Oaks, a distance of 33.11 feet to the Northeast corner of said Lot 137, Crescent Oaks; thence N52°50'14"W along the Northeasterly line of said Lot 137, Crescent Oaks, a distance of 125.71 feet to the Northwesterly corner of said Lot 137, Crescent Oaks, the said point also being on the Easterly right-of-way line of 144th Avenue; thence Northeasterly along said Easterly right-of-way line of 144th Street, on a curve to the left with a radius of 298.92 feet, a distance of 10.00 feet, said curve having a long chord which bears N37°09'46"E, a distance of 10.00 feet to the Southwesterly corner of said Lot 138, Crescent Oaks; thence S52°50'14"E, along the Southwesterly line of said Lot 138, Crescent Oaks, a distance of 124.67 feet to the Southeasterly corner of said Lot 138, Crescent Oaks; thence along the Westerly line of said Lot 248, Crescent Oaks, said line also being the Easterly lines of Lots 138 through 142, inclusive said Crescent Oaks, on the following described courses: N31°13'10"E, a distance of 81.33 feet; N20°19'33"E, a distance of 77.71 feet; N15°05'23"E, a distance of 200.39 feet to a point on the Southerly line of said Lot 143, Crescent Oaks, said point also being the Northeast corner of said Lot 142, Crescent Oaks; thence S81°45'54"E along said Southerly line of Lot 143, Crescent Oaks, said line also being the Northerly line of said Lot 248, Crescent Oaks, a distance of 33.79 feet to the Point of Beginning.

Said tract of land contains an area of 177,765 square feet or 4.081 acres, more or less.



LEGAL DESCRIPTION

EXHIBIT B - TEMPORARY CONSTRUCTION EASEMENT
PARCEL "F"

JOHNNY BALLANTYNE, A MARRIED PERSON AND AMERICAN
CHARTER FEDERAL SAVINGS AND LOANS ASSOCIATION
AS TRUSTEE AND BENEFICIARY
DEED OF TRUST BOOK 2670 PAGE 152

A Temporary Construction Easement located in part of Lot 5, Crescent Oaks Replat Six, a subdivision located in the NE 1/4 of Section 35, Township 15 North, Range 11 East, of the 6th P.M., Douglas County, Nebraska, more particularly described as follows:

Commencing at the Northwest corner of said Lot 5, Crescent Oaks Replat Six, said point also being the Southwest corner of Lot 6, said Crescent Oaks Replat Six, said point also being on the Southeasterly right-of-way line of Hascall Circle; thence S75°17'11"E (assumed bearing) along the Northerly line of said Lot 5, Crescent Oaks Replat Six, said line also being the Southerly line of said Lot 6, Crescent Oaks Replat Six, a distance of 125.46 feet to the point of beginning; thence continuing S75°17'11"E along said Northerly line of Lot 5, Crescent Oaks Replat Six, said line also being said Southerly line of Lot 6, Crescent Oaks Replat Six, a distance of 15.03 feet; thence S18°03'42"W, a distance of 37.40 feet; thence S33°47'01"W, a distance of 37.10 feet to a point on the Southwesterly line of said Lot 5, Crescent Oaks Replat Six, said line also being the Northeasterly line of said Lot 4, Crescent Oaks Replat Six; thence N51°30'09"W along said Southwesterly line of Lot 5, Crescent Oaks Replat Six, said line also being said Northeasterly line of Lot 4, Crescent Oaks Replat Six, a distance of 15.05 feet; thence N33°47'01"E, a distance of 33.79 feet; thence N18°03'42"E, a distance of 34.46 feet to the point of beginning.

Said Temporary Construction Easement located in part of Lot 5, Crescent Oaks Replat Six contains an area of 1,071 square feet or 0.025 acres, more or less.

LOT 5, CRESCENT OAKS REPLAT SIX



E&A CONSULTING GROUP, INC.
ENGINEERS • PLANNERS • SURVEYORS
12001 Q STREET OMAHA, NE 68137 PHONE: (402) 895-4700

DRAWN BY: JAF

CHECKED BY:

DATE: 11-30-2000

JOB No.: 96093.01

REVISED: 4-5-2001

EXHIBIT B
PARCEL "F" - TEMPORARY
CONSTRUCTION EASEMENT