



MISC 2008108363

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Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
11/7/2008 13:07:30.27



2008108363

PERMANENT STORM SEWER EASEMENT

THAT Kay Dee Co. of Omaha, a Nebraska corporation, as the owner of the property that is legally described on the attached Exhibit A, hereinafter referred to as GRANTOR, (whether one or more), for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby grant and convey to itself and to its successors and assigns for the benefit of the owner of the property that is to be described in the future as Lot 1, Kay Dee Subdivision, hereinafter collectively referred to as GRANTEE, and to GRANTEE'S successors and assigns, a permanent storm sewer easement for the right to use the real property that is legally described on the attached Exhibit "B" for storm sewer purposes. That after said storm sewer is constructed, the duty to maintain the free flow of water in said storm sewer shall be the owner of the property that is to be described as Lot 1, Kay Dee Subdivision, at the time that said maintenance is needed, and the duty to repair or reconstruct said storm sewer from a collapse shall be the owner of the property that is to be described as Lot 2, Kay Dee Subdivision, at the time that said storm sewer collapse occurs. That the property described on the attached Exhibit "A" will become part of Lot 2, Kay Dee Subdivision. The location of Lots 1 and 2 of Kay Dee Subdivision is shown on the attached Exhibit "C," which is incorporated herein by this reference.

TO HAVE AND TO HOLD unto said GRANTEE, its successors and assigns, and unto the owner of the property that is described in the future as Lot 1, Kay Dee Subdivision, together with the right of ingress and egress from said premises for the purpose of operating, inspecting, maintaining or reconstructing said Sewer at the will of the GRANTEE in the event the owner of the property that is legally described on the attached Exhibit "A" at the time said maintenance is needed fails to maintain, repair and/or reconstruct said storm sewer. If the owner of the property that is legally described on the attached Exhibit "A" fails to repair or reconstruct the storm sewer after receiving (i) notice that the storm sewer has collapsed and (ii) demand that said collapsed storm sewer be repaired and/or reconstructed from GRANTOR or Grantor's successors or assigns, which demand must be reasonable under the existing circumstances, then the owner of Lot 1, Kay Dee Subdivision, may undertake said maintenance or repairs at sole cost and expense of the owner of Lot 2, Kay Dee Subdivision. The GRANTOR, and its successors and assigns, may, following construction of said Sewer by GRANTOR'S successor-in-title, continue to use the surface of the easement property for other purposes, subject to the right of the GRANTEE to use the same for the purposes herein expressed. It is further agreed as follows:

1. This easement runs with the land. That after said storm sewer is constructed, no buildings, improvements, or other structures, shall be placed in, on, over, or across said easement strip by GRANTOR, his or their successors and assigns without express approval of the GRANTEE and only in conformity with permits issued by the City of Omaha. Improvements which may be approved by GRANTEE include landscaping or road, street or parking area surfacing or pavement. These improvements and any trees, grass or shrubbery placed on said easement shall be maintained by GRANTOR, its successors or assigns.
2. That GRANTEE, or its successors or assigns, will replace or rebuild any and all damage to improvements (including damage to, or loss of, trees and shrubbery) caused by GRANTEE exercising its rights of inspecting, maintaining or operating said Sewer.
3. That GRANTEE shall cause any trench made on said easement strip to be properly refilled and

RECORD 3rd

OT 107095

#388

shall cause the premises to be left in a neat and orderly condition. This easement is also for the benefit of any contractor, agent, employee, or representative of the GRANTEE and any of said construction and work.

4. That said GRANTOR, for itself and for its successors and assigns, does hereby confirm with the said GRANTEE and its successors and assigns, that GRANTOR is well seized in fee of the above described property and 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 against the lawful claims and demands of all persons.

5. That said easement is granted upon the condition that the GRANTOR'S successor-in-title will 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.

6. That this instrument contains the entire agreement of the parties; that there are no other 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 any promises, inducements, or representations of the GRANTEE or its agents or employees, except as are set forth herein.

IN WITNESS WHEREOF, GRANTOR has executed this easement this 30th day of October, 2008.

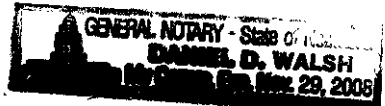
GRANTOR: KAY DEE CO. OF OMAHA

By: *Robert M. Schaefer*
Robert M. Schaefer, President

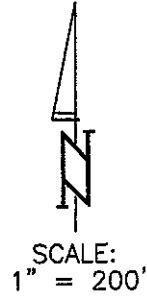
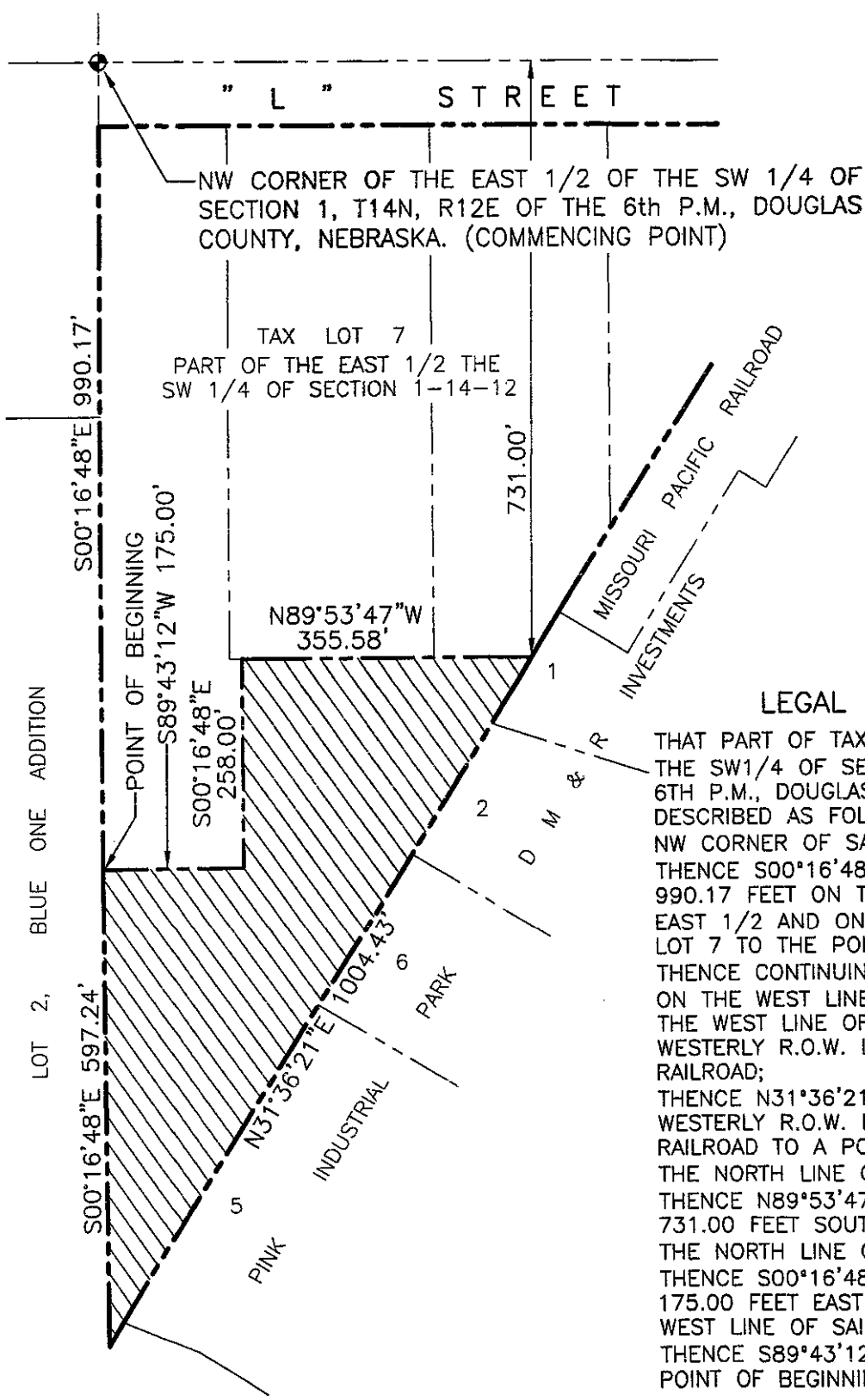
STATE OF NEBRASKA)
) ss
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 30 day of October, 2008, by Robert M. Schaefer, President of Kay Dee Co. of Omaha, a Nebraska corporation, on behalf of said corporation.

Daniel D. Walsh
Notary Public



My commission expires 11/29/08



NE SW 7 PERCENT
SE SW

LEGAL DESCRIPTION

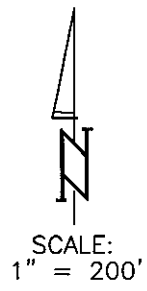
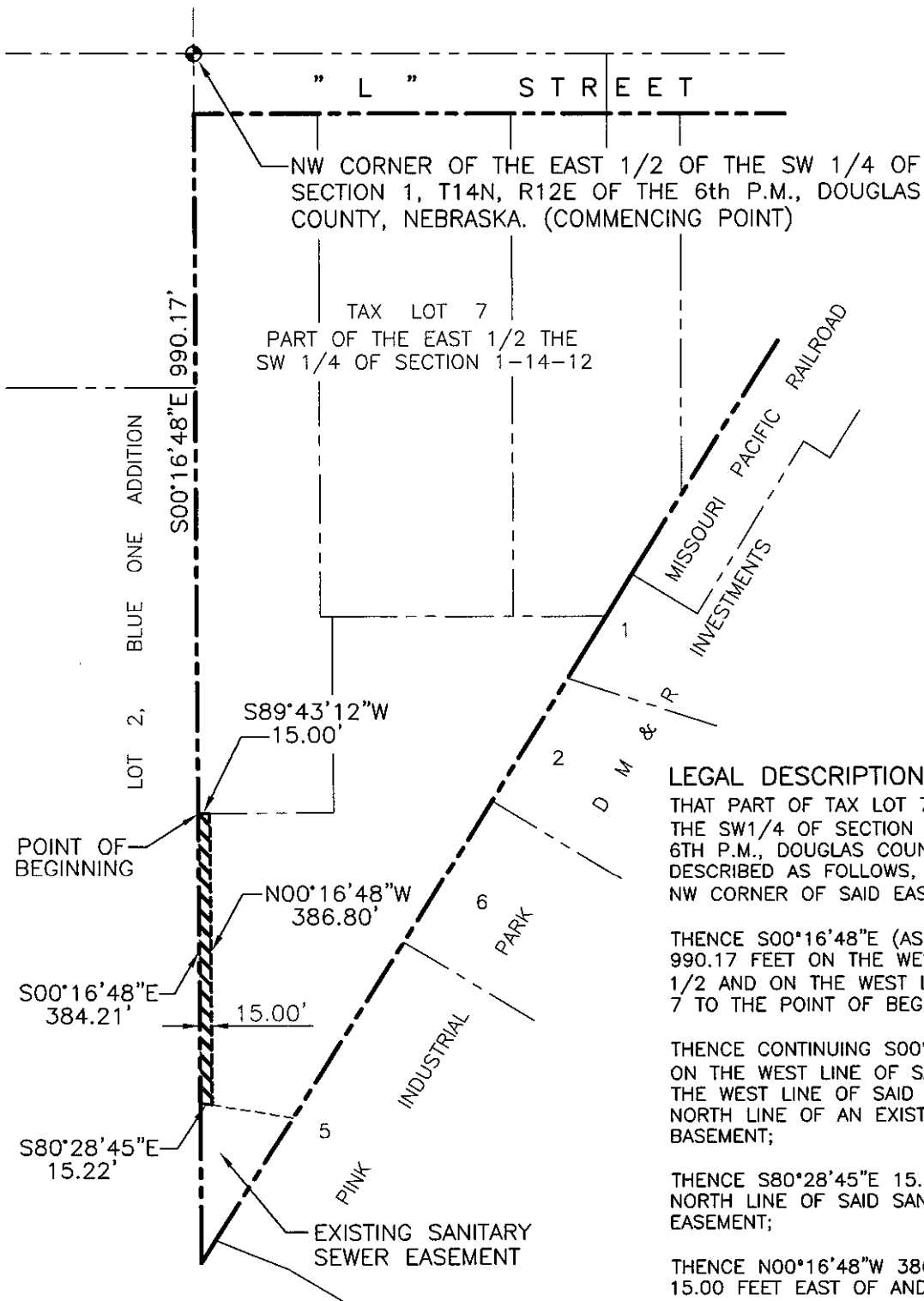
THAT PART OF TAX LOT 7 IN THE EAST 1/2 OF THE SW 1/4 OF SECTION 1, T14N, R12E OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS, COMMENCING AT THE NW CORNER OF SAID EAST 1/2;
 THENCE S00°16'48"E (ASSUMED BEARING) 990.17 FEET ON THE WEST LINE OF SAID EAST 1/2 AND ON THE WEST LINE OF SAID TAX LOT 7 TO THE POINT OF BEGINNING;
 THENCE CONTINUING S00°16'48"E 597.24 FEET ON THE WEST LINE OF SAID EAST 1/2 AND ON THE WEST LINE OF SAID TAX LOT 7 TO THE WESTERLY R.O.W. LINE OF THE MISSOURI PACIFIC RAILROAD;
 THENCE N31°36'21"E 1004.43 FEET ON THE WESTERLY R.O.W. LINE OF THE MISSOURI PACIFIC RAILROAD TO A POINT 731.00 FEET SOUTH OF THE NORTH LINE OF SAID EAST 1/2;
 THENCE N89°53'47"W 355.58 FEET ON A LINE 731.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID EAST 1/2;
 THENCE S00°16'48"E 258.00 FEET ON A LINE 175.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID TAX LOT 7;
 THENCE S89°43'12"W 175.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 181.940 SQUARE FEET
OR 4.18 ACRES

532103EX.dwg

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 "		DATE	9/29/08
		DRAWN BY	RJR
KAY DEE COMPANY	JOB # 532-103-EX	CHECKED BY	JDW
		REVISION	



LEGAL DESCRIPTION

THAT PART OF TAX LOT 7 IN THE EAST 1/2 OF THE SW1/4 OF SECTION 1, T14N, R12E OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS, COMMENCING AT THE NW CORNER OF SAID EAST 1/2;

THENCE S00°16'48"E (ASSUMED BEARING) 990.17 FEET ON THE WEST LINE OF SAID EAST 1/2 AND ON THE WEST LINE OF SAID TAX LOT 7 TO THE POINT OF BEGINNING;

THENCE CONTINUING S00°16'48"E 384.21 FEET ON THE WEST LINE OF SAID EAST 1/2 AND ON THE WEST LINE OF SAID TAX LOT 7 TO THE NORTH LINE OF AN EXISTING SANITARY SEWER BASEMENT;

THENCE S80°28'45"E 15.22 FEET ON THE NORTH LINE OF SAID SANITARY SEWER EASEMENT;

THENCE N00°16'48"W 386.80 FEET ON A LINE 15.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID TAX LOT 7;

THENCE S89°43'12"W 15.00 FEET TO THE POINT OF BEGINNING.

532103EX1.dwg

TD² THOMPSON, DREESSEN & 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 " B "		DATE	8/28/08
		DRAWN BY	RJR
KAY DEE COMPANY	JOB # 532-103-EX1	CHECKED BY	IDW
		REVISION	

KAY DEE SUBDIVISION

LOTS 1 and 2

BEING A REPLAT OF LOT 6, PINK INDUSTRIAL PARK, A SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA, TOGETHER WITH THAT PART OF TAX LOT 7 IN THE EAST 1/4 OF SECTION 1, T14N, R12E OF THE 8TH P.M., SAID DOUGLAS COUNTY THAT WAS ADMINISTRATIVELY APPROVED AS A SUBDIVISION RECORDED IN MISC. BOOK 724 AT PAGE 404 OF THE DOUGLAS COUNTY RECORDS, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS, COMMENCING AT THE NW CORNER OF SAID EAST 1/2; THENCE S00°16'48"E (ASSUMED BEARING) 78.00 FEET ON THE WEST LINE OF SAID EAST 1/2 TO THE POINT OF BEGINNING, SAID POINT BEING ON THE SOUTH LINE OF "L" STREET; THENCE CONTINUING S00°16'48"E 1509.41 FEET ON WEST LINE OF SAID EAST 1/2 TO THE WEST LINE OF THE ABANDONED MISSOURI PACIFIC RAILROAD; THENCE N31°36'21"E 499.44 FEET ON THE WEST LINE OF SAID ABANDONED RAILROAD AND ON THE WEST LINE OF SAID PINK INDUSTRIAL PARK TO THE SW CORNER OF SAID LOT 6, THENCE S88°23'39"E 276.64 FEET ON THE SOUTHWESTERLY LINE OF SAID LOT 6 TO THE SE CORNER THEREOF; THENCE N33°43'08"E 220.15 FEET ON THE SOUTHEASTERLY LINE OF SAID LOT 6 TO THE NE CORNER THEREOF; THENCE N31°36'21"E 284.98 FEET ON THE NORTH-EASTERLY LINE OF SAID LOT 6 TO THE NW CORNER THEREOF; THENCE N31°36'21"E 284.98 FEET ON THE WEST LINE OF SAID ABANDONED RAILROAD TO A POINT 731.00 FEET SOUTH OF THE NORTH LINE OF SAID EAST 1/2; THENCE N89°53'47"W 370.58 FEET ON A LINE 731.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID EAST 1/2 TO A POINT 160.00 FEET EAST OF THE WEST LINE OF SAID EAST 1/2; THENCE N00°16'48"W 653.00 FEET ON A LINE 160.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID EAST 1/2 TO A POINT 78.00 FEET SOUTH OF THE NORTH LINE OF SAID EAST 1/2; SAID POINT BEING ON THE SOUTH LINE OF "L" STREET; THENCE N89°53'47"W 160.00 FEET ON A LINE 78.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID EAST 1/2 AND ON THE SOUTH LINE OF "L" STREET TO THE POINT OF BEGINNING.

SURVEYOR'S CERTIFICATE
 I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I HAVE SURVEYED THE PROPERTY DESCRIBED HEREIN AND THAT PERMANENT MARKERS HAVE BEEN FOUND OR SET AT ALL CORNERS OF THE LOTS BEING PLATTED.

DATE: SEPTEMBER 29, 2008.

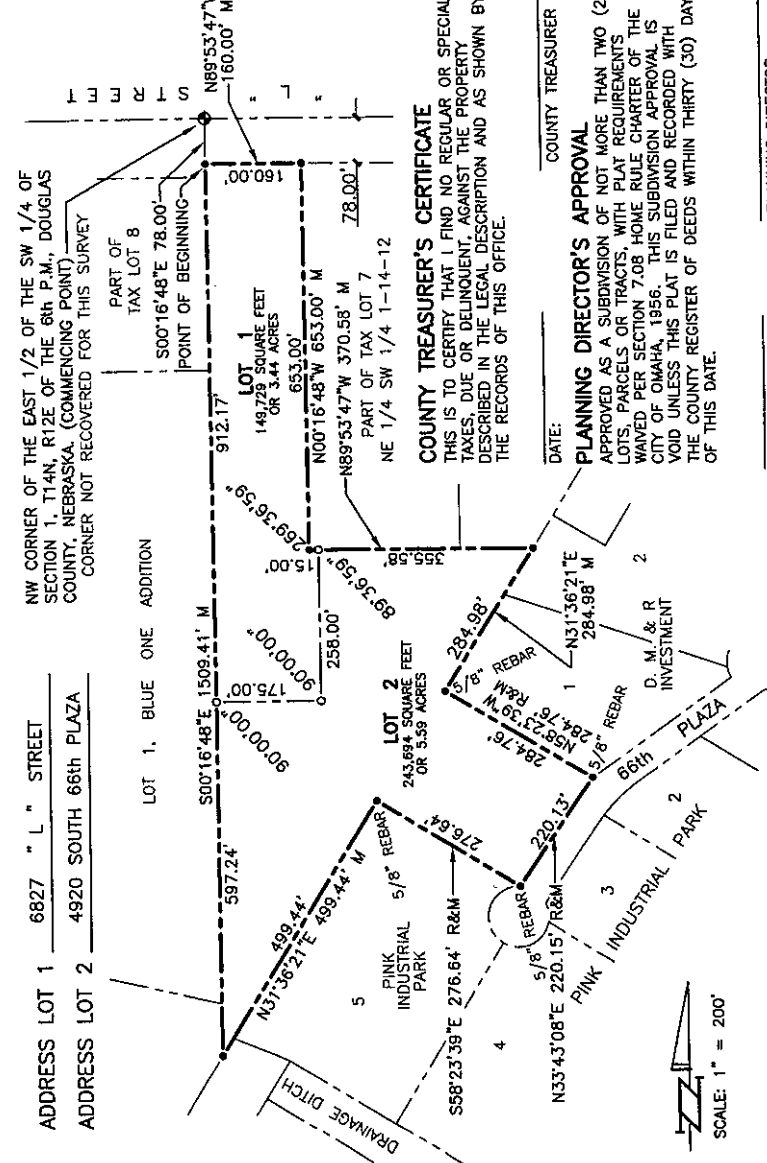
OWNER'S CERTIFICATION
 KNOW ALL MEN BY THESE PRESENTS: THAT WE, KAY DEE CO. OF OMAHA AND GARY L. PINK AND DEBORAH A. PINK, BEING THE OWNERS OF THE PROPERTY DESCRIBED HEREON AND EMBRACED WITHIN THIS PLAT, HAVE CAUSED SAID LAND TO BE SUBDIVIDED INTO LOTS AS SHOWN ON THIS PLAT.

KAY DEE CO. OF OMAHA
 GARY L. PINK
 DEBORAH A. PINK

ACKNOWLEDGEMENT OF NOTARY
 STATE OF NEBRASKA) s.s.
 COUNTY OF DOUGLAS) s.s.
 THE FOREGOING OWNER'S CERTIFICATION WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2008 BY ROBERT M. SCHAEFER, PRESIDENT OF KAY DEE CO. OF OMAHA ON BEHALF OF SAID COMPANY.

ACKNOWLEDGEMENT OF NOTARY
 STATE OF NEBRASKA) s.s.
 COUNTY OF DOUGLAS) s.s.
 THE FOREGOING OWNER'S CERTIFICATION WAS ACKNOWLEDGED BEFORE ME BY GARY L. PINK & DEBORAH A. PINK THIS _____ DAY OF _____, 2008.

NOTARY PUBLIC BOOK 84-53 PAGE 7-10
 532103ADM.dwg



LEGEND

- corners found (3/4" clip unless noted)
- o corners set
- R recorded distance
- M measured distance
- CIP crimped top pipe

ADDRESS LOT 1 6827 "L" STREET
 ADDRESS LOT 2 4920 SOUTH 66th PLAZA

COUNTY TREASURER'S CERTIFICATE
 THIS IS TO CERTIFY THAT I FIND NO REGULAR OR SPECIAL TAXES DUE OR DELINQUENT, AGAINST THE PROPERTY DESCRIBED IN THE LEGAL DESCRIPTION AND AS SHOWN BY THE RECORDS OF THIS OFFICE.

PLANNING DIRECTOR'S APPROVAL
 APPROVED AS A SUBDIVISION OF NOT MORE THAN TWO (2) LOTS, PARCELS OR TRACTS, WITH PLAT REQUIREMENTS WAIVED PER SECTION 7.08 HOME RULE CHARTER OF THE CITY OF OMAHA, 1956. THIS SUBDIVISION APPROVAL IS VOID UNLESS THIS PLAT IS FILED AND RECORDED WITH THE COUNTY REGISTER OF DEEDS WITHIN THIRTY (30) DAYS OF THIS DATE.

COUNTY TREASURER _____
 PLANNING DIRECTOR _____

SCALE: 1" = 200'

Exhibit "C"