

## EASEMENT

## KNOW ALL MEN BY THESE PRESENTS:

That Fred R. Likes, a widower, of the County of Lancaster, State of Nebraska, owner of the real property hereinafter described, for and in consideration of the sum of *One Thousand and 00/100* Dollars (\$1,000) *City must work corner at front of lot 7* duly paid, the receipt whereof is hereby acknowledged, and the further consideration of the performance of the covenants and agreements by the grantee as hereinafter set out and expressed, does hereby GRANT, REMISE and RELINQUISH unto the CITY OF LINCOLN, NEBRASKA, a municipal corporation, its successors and assigns, the RIGHT, PRIVILEGE and EASEMENT to construct, reconstruct, maintain and operate a twenty-four (24) inch diameter pipe sanitary sewer and appurtenances thereto over and through the following described lands and appurtenances thereto belonging including riparian rights, situated in the County of Lancaster, State of Nebraska to-wit:

A strip of land ten (10) feet in width lying five (5) feet on either side of the center line of the proposed sanitary sewer across the south one-half of the now vacated "W" Street abutting Lots 5, 6 and 7 in Block 17, Cotner Addition to Bethany Heights between 63rd Street and Cotner Boulevard.

The center line of the sanitary sewer covered by this easement is as follows:

Beginning at a point on the center line of the now vacated "W" Street located 35 feet north of and 115.80 feet east of the northwest corner of said Lot 7; running thence southeasterly along the arc of a circular curve whose radius is 465.51 feet and whose central angle is 4°36'12" a distance of 37.4 feet to a point of intersection with the northwesterly line of Cotner Boulevard located 0.97 feet more or less northeast of the northeast corner of the remaining part of said Lot 5 lying west of Cotner Boulevard.

TO HAVE AND TO HOLD UNTO THE CITY OF LINCOLN, NEBRASKA, its successors and assigns, so long as such sanitary sewer shall be maintained, together with the right of ingress and egress to said property from the public streets, for the purpose of constructing, reconstructing, inspecting, repairing, maintaining and replacing said sanitary sewer and appurtenances thereto located thereon, in whole or in part, at the will of the grantee, it being the intention of the parties hereto that grantor is hereby granting the uses herein specified without divesting grantor of title and ownership of the rights to use and enjoy above described premises, subject only to the right of the grantee to use the same for the purposes herein expressed.

And in addition to the right, privilege and easement hereinbefore granted, the said grantor does hereby also GRANT, REMISE and RELINQUISH unto the CITY OF LINCOLN, NEBRASKA, the RIGHT, PRIVILEGE and EASEMENT to use and occupy during the construction of the above described sanitary sewer for the accommodation of construction equipment, materials and excavated earth:

All that part of the now vacated "W" Street lying within 25 feet on either side of the center line of the sanitary sewer above described,

provided, however, that wherever possible the grantee shall maintain a 5 foot wide clear space adjacent to the exterior walls of any and all permanent buildings within the above described lands.

As a further consideration of this grant, the grantee herein agrees as follows:

1. That it will, immediately following the construction of the sanitary sewer hereinabove referred to and completion of the necessary backfill, remove from the lands hereinabove described, all debris, all surplus material and all construction equipment and leave the premises in a neat and presentable condition. Surplus excavated earth will be mounded neatly over the trench to a depth not exceeding twelve inches, provided however, that natural drainage courses shall not be impeded thereby.

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2. That in the event that fences, driveways or permanent buildings of the grantor are removed or damaged by grantee's agents during the construction of the said sanitary sewer, the grantee will cause the said improvements on the lands hereinabove described to be repaired and restored immediately to a condition fully equal to that existing before construction operations were commenced.

3. That during the one-year period immediately following completion of construction the grantee will promptly restore to smooth surface contours and neat condition any portion of the trench which may have settled.

4. That the right, privilege, and easement herein granted for temporary construction use of those portions of the said property as are not to be occupied permanently by the said sanitary sewer, shall cease and terminate immediately following completion of construction, final inspection and acceptance of the sanitary sewer hereinabove mentioned and the performance by the grantee of the conditions and covenants herein set out and in any event not later than April 1, 1961.

This instrument, and the covenants and agreements herein contained, shall inure to the benefit of and be binding and obligatory upon the heirs, executors, administrators, successors and assigns of the respective parties.

IN WITNESS WHEREOF, we have hereunto set our hands this 27<sup>th</sup> day of Sept., 1960.

W. B. Swearingen      Fred R. Likes

Grantor

ATTEST:

CITY OF LINCOLN, NEBRASKA

Harold W. Springer  
City Clerk

By Butler R. Byler  
Mayor



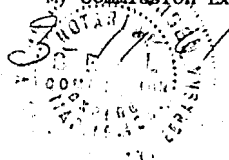
STATE OF NEBRASKA )  
LANCASTER COUNTY ) SS

On this 28 day of Sept., 1960, before me the undersigned duly commissioned and qualified authority in and for said county and state, personally came Fred R. Likes, a widower, to me known to be the identical person whose name is subscribed to the foregoing instrument as grantor and duly acknowledged the execution thereof to be his voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal on the day and year above written.

W. B. Swearingen  
Notary Public

My Commission Expires:



Sanitary Sewer Easement executed by Fred R. Likes, Across the South one-half of the now vacated "W" street abutting Lots 5, 6 and 7 in Block 17, Cotner Addition to Bethany Heights - Approved.

INDEXED 16-267  
 GENERAL *Miscell.*  
 COMPARED 4  
 PAGED

Council Proceedings  
 October 10, 1960  
 Record 137- Page 243

STATE OF NEBRASKA } ss.  
 Lancaster County

Entered on numerical Index and filed for record in the Register of Deeds Office of said County the

27 day of OCTOBER, 1960

at 8 o'clock and 45

minutes A.M. and recorded in

Book \_\_\_\_\_ of \_\_\_\_\_

at page \_\_\_\_\_

By *Herb R. Ferguson* REG. OF DEEDS Deputy

By \_\_\_\_\_ Deputy

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STATE OF NEBRASKA  
 DEPARTMENT OF HEALTH  
 BUREAU OF VITAL STATISTICS  
 CERTIFICATE OF DEATH

DEATH NO. 126

PLACE OF DEATH \_\_\_\_\_

USUAL RESIDENCE \_\_\_\_\_

NAME OF DECEASED \_\_\_\_\_

SEX \_\_\_\_\_

DATE OF BIRTH \_\_\_\_\_

DATE OF DEATH \_\_\_\_\_

CAUSE OF DEATH \_\_\_\_\_

MEDICAL CERTIFICATION \_\_\_\_\_

STATE \_\_\_\_\_

DATE OF DEATH \_\_\_\_\_

REGISTRAR \_\_\_\_\_

License No. 2657  
*Opus A. Macey*

THIS CERTIFIES THE ABOVE TO BE A TRUE COPY OF AN ORIGINAL CERTIFICATE ON FILE WITH THE STATE DEPARTMENT OF HEALTH, BUREAU OF VITAL STATISTICS, WHICH IS THE LEGAL DEPOSITORY FOR VITAL RECORDS.

*Freda This*  
 DIRECTOR OF VITAL STATISTICS AND ASSISTANT STATE REGISTRAR  
 LINCOLN, NEBRASKA

Issued October 26, 1959

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INDEXED 17-012  
 GENERAL *Willis*  
 COMPARED  
 PAGED

STATE OF NEBRASKA } ss.  
 Lancaster County

Entered on numerical Index and filed for record in the Register of Deeds Office of said County the

27 day of OCTOBER, 1960

at 8 o'clock and 45

minutes A.M. and recorded in

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at page \_\_\_\_\_

By *Herb R. Ferguson* REG. OF DEEDS Deputy

By \_\_\_\_\_ Deputy

*225*  
*66 C 69*