

FILED SARPY CO. NE.
INSTRUMENT NUMBER
2006-19669
2006 JUN 13 P 12:05

Tract 2

Glenn J. Dowling
REGISTER OF DEEDS

COUNTER LM C.E. ah
VERIFY ahp D.E. D
PROOF LM
FEES \$ 25.50
CHECK # 6344
CHC _____ CASH _____
REFUND _____ CREDIT _____
SHORT _____ NDR _____

Stamped copy

RESERVOIR EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That **LIENEMANN ENTERPRISES, INC.**, a Nebraska corporation (hereinafter referred to as "GRANTOR"), for and in consideration of the sum of One and no/100 Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, on the property described below, does hereby grant and convey unto **SANITARY AND IMPROVEMENT DISTRICT NO. 264 OF SARPY COUNTY, NEBRASKA**, a Nebraska political subdivision, and its successors and assigns (hereinafter referred to as "SID"), and **PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT, NEBRASKA** (hereinafter referred to as "NRD") a permanent easement for the right to construct, maintain and operate a reservoir to be known as Shadow Lake Reservoir Complex (the "Project") and related facilities under the portions of the parcels of land described on Exhibits "A" and "B", attached and incorporated herein (hereinafter referred to as the "Easement Area").

TO HAVE AND TO HOLD unto the NRD and the SID and their respective successors and assigns, together with the right of ingress and egress from said Easement Area for the purpose of constructing, inspecting, maintaining, operating, repairing or replacing the Project.

It is further agreed as follows:

1. **DEFINITIONS.**

- A. **"Drainage Disposal System"** – a system of reservoirs and dams for the disposal of ground water, surface water and sediment in order to provide public flood and sediment control and regulation in hydrologically-uncontrolled tributaries, such as Midland Creek and the related Midland Lake Dam, Midland Lake Reservoir, Shadow Lake Dam and Shadow Lake Reservoir.
- B. **"Shadow Lake Dam"** – a flood control structure which is part of a Drainage Disposal System to detain flood waters of Midland Creek to be constructed, in accordance with designs approved by the NRD, in the Shadow Lake Dam Complex.
- C. **"Shadow Lake Dam Complex"** – a parcel of land containing the Shadow Lake Dam, consisting of the tract(s) of land in Sarpy County, Nebraska.

Return to:

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

A

- D. **"Shadow Lake Reservoir"** – the reservoir, which is part of the Drainage Disposal System, impounded by Shadow Lake Dam, to be constructed, in accordance with designs approved by the NRD, in the Shadow Lake Reservoir Complex.

 - E. **"Shadow Lake Reservoir Complex"** – a parcel of land containing the Shadow Lake Reservoir, consisting of (a) a tract of land in Shadow Lake; and (b) adjacent tracts of land in Section 1, Township 13 North, Range 12 East of the 6th P.M., in Sarpy County, Nebraska, including, but not limited to, the tracts described in the legal descriptions attached hereto and incorporated herein by reference as Exhibits "A" and "B".

 - F. **"NGVD"** – 1988 vertical datum.
2. The GRANTOR hereby grants to the NRD and the SID permanent easements and restrictive covenants granting to the NRD and the SID the right to flow and back up Shadow Lake Reservoir water and sediment upon, and inundate, all that land (herein referred to as the "Shadow Lake Regulated Pool") which, at once, is both located within the watershed of the Shadow Lake Dam and, after completion of construction of the Shadow Lake Dam and the Shadow Lake Reservoir in accordance with designs approved by the NRD and the SID, will have a ground surface elevation lower than 1,080.1 feet above mean sea level, NGVD, which elevation the GRANTOR agrees is intended to be approximately one foot (1.0') above the mean sea level elevation of the 500-year flood pool of the Shadow Lake Reservoir. Such permanent easement and restrictive covenant also shall prohibit the placement of any earthen fill or other fill in any areas of the Shadow Lake Regulated Flood Pool, and also shall prohibit the construction or maintenance within the Shadow Lake Regulated Flood Pool, of structures, fixtures or other improvements; provided, however, they shall not prohibit:
- (a) Dredging or other removal of silt from the Shadow Lake Regulated Flood Pool from time to time;

 - (b) Excavation or filling of earth or rock in the Shadow Lake Regulated Flood Pool in order to construct, operate and maintain within the Shadow Lake Regulated Flood Pool sheet-pilings, revetments or other temporary or permanent shoreline erosion prevention and bank protection devices or methods; or

 - (c) Installation in the Shadow Lake Regulated Floor Pool of landscaping, low-voltage lighting, boat ramps, decks, docks or boat lifts.
3. The GRANTOR, for itself and its successors and assigns, does confirm with the NRD and the SID and their respective successors and assigns that it is Owner in fee of the Easement Area and that it has the right to grant and convey this Easement in the manner and form aforesaid, and that it will, and its successors and assigns shall warrant and defend this Easement to the NRD and the SID and their respective successors and assigns against the lawful claims and demands of all persons. This Easement runs with the land.
4. This instrument contains the entire agreement of the Parties and there are no other or different agreements or understandings.

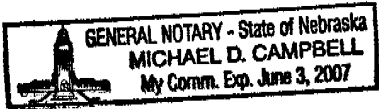
IN WITNESS WHEREOF the GRANTOR has hereunto set its hand this 9 day of June, 2006.

LIENEMANN ENTERPRISES, INC., a Nebraska corporation

By: Herbert Lienemann
Name: Lienemann Enterprises, Inc.
Title: Treasurer

STATE OF NEBRASKA)
COUNTY OF Sarpy) ss.:

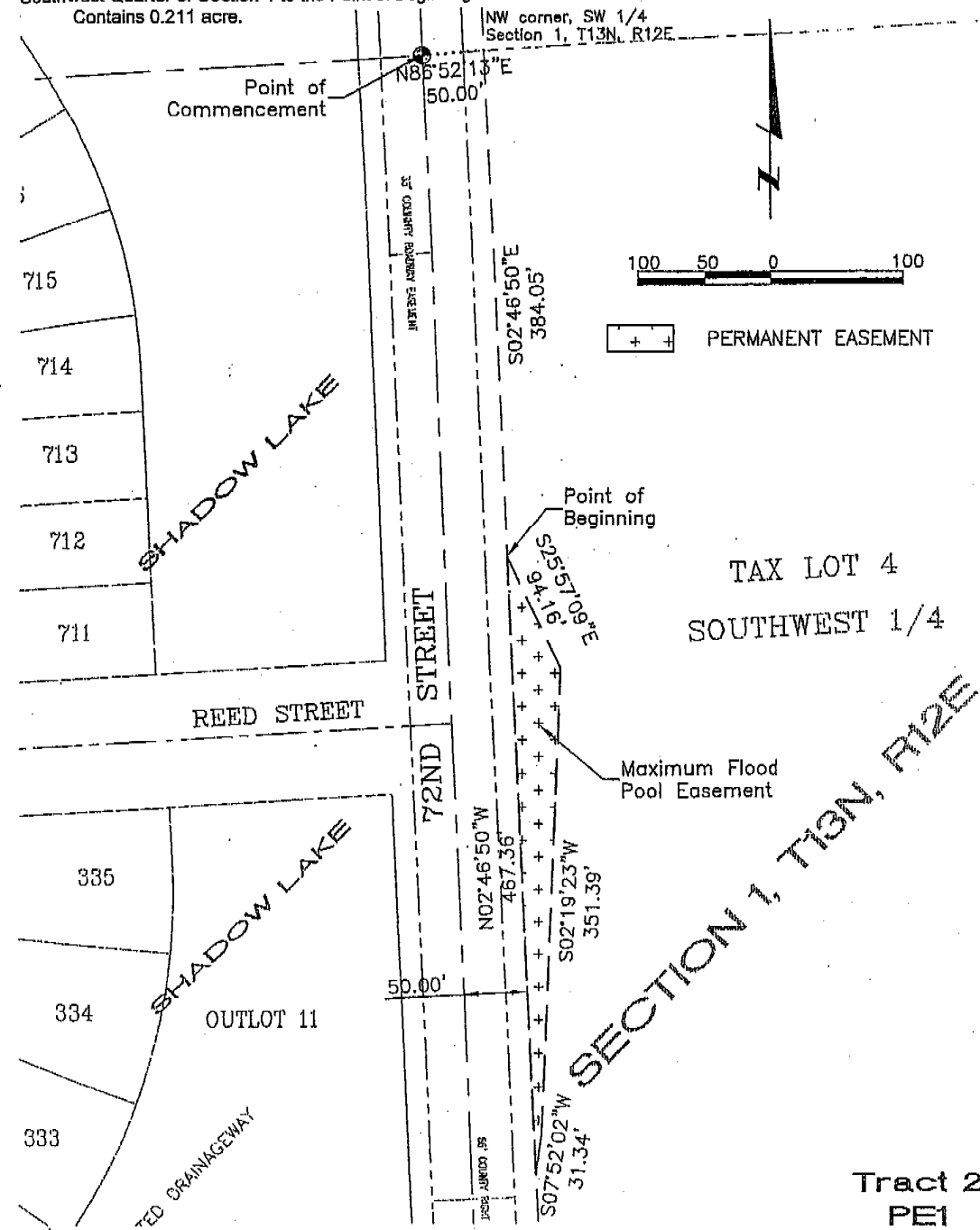
On this 9 day of June, 2006, before me, the undersigned, a Notary Public duly commissioned and qualified for said county, personally came Herbert LIENEMANN Treasurer of LIENEMANN ENTERPRISES, INC., a Nebraska corporation, to me personally known to be the person whose name is affixed to the foregoing instrument in that capacity and who acknowledged the same to be his/her voluntary act and deed on behalf of the corporation.



Michael Campbell
Notary Public

LEGAL DESCRIPTION

A permanent easement for maximum flood pool over that part of Tax Lot 4 in the Southwest Quarter of Section 1, Township 13 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska, described as follows:
 Commencing at the northwest corner of the said Southwest Quarter of Section 1;
 Thence North 86°52'13" East (bearings referenced to the final plat of SHADOW LAKE, a subdivision, as surveyed, platted and recorded in Sarpy County, Nebraska) for 50.00 feet along the north line of the said Southwest Quarter of Section 1;
 Thence South 02°46'50" East for 384.05 feet parallel with and fifty foot (50') east of the west line of the said Southwest Quarter of Section 1 to the TRUE POINT OF BEGINNING;
 Thence South 25°57'09" East for 94.16 feet;
 Thence South 02°19'23" West for 351.39 feet;
 Thence South 07°52'02" West for 31.34 feet;
 Thence North 02°46'50" West for 467.36 feet parallel with and 50.00 feet east of the west line of the said Southwest Quarter of Section 1 to the Point of Beginning.
 Contains 0.211 acre.



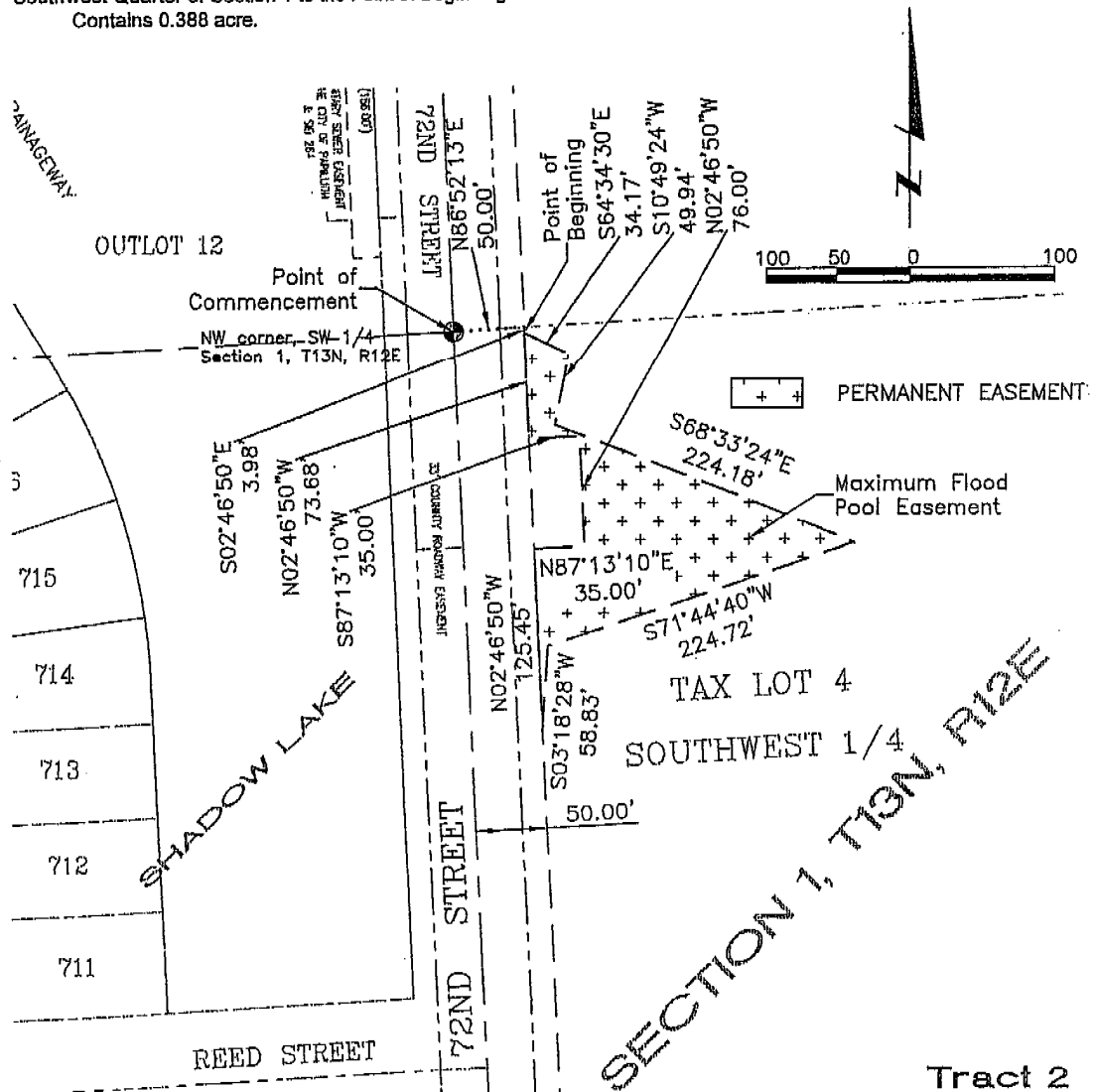
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Lamp, Rynearson & Associates, Inc. WWW.LRA-INC.COM
 14710 West Dodge Road, Suite 100
 Omaha, Nebraska 68154-2027 (Ph) 402.496.2498 (Fax) 402.496.2730

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 Commencing at the northwest corner of the said Southwest Quarter of Section 1;
 Thence North 86°52'13" East (bearings referenced to the final plat of SHADOW LAKE, a subdivision, as surveyed, platted and recorded in Sarpy County, Nebraska) for 50.00 feet along the north line of the said Southwest Quarter of Section 1;
 Thence South 02°46'50" East for 3.98 feet parallel with and fifty foot (50') east of the west line of the said Southwest Quarter of Section 1 to the TRUE POINT OF BEGINNING;
 Thence South 64°34'30" East for 34.17 feet;
 Thence South 10°49'24" West for 49.94 feet;
 Thence South 68°33'24" East for 224.18 feet;
 Thence South 71°44'40" West for 224.72 feet;
 Thence South 03°18'28" West for 58.83 feet;
 Thence North 02°46'50" West for 125.45 feet parallel with and 50.00 feet east of the west line of the said Southwest Quarter of Section 1;
 Thence North 87°13'10" East for 35.00 feet;
 Thence North 02°46'50" West for 76.00 feet parallel with and 85.00 feet east of the west line of the said Southwest Quarter of Section 1;
 Thence South 87°13'10" West for 35.00 feet;
 Thence North 02°46'50" West for 73.68 feet parallel with and 50.00 feet east of the west line of the said Southwest Quarter of Section 1 to the Point of Beginning.
 Contains 0.388 acre.



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