

EASEMENT AND CONVEYANCE OF SEWER IMPROVEMENTS

KNOW ALL MEN BY THESE PRESENTS, That THREE WK, A Partnership, Grantor, for good and valuable consideration, the receipt whereof is hereby acknowledged, does hereby grant to the CITY OF TECUMSEH hereafter referred to as City, whose post office is Tecumseh, Nebraska 68450 and to its successors or assigns, the perpetual right to enter upon the lands of the Grantor, situated in the County of Johnson, State of Nebraska, and particularly described as follows:

Tract #1 - Beginning at a point on the East line of Section 28, Township 5 North, Range 11 East of the 6th P.M. in Johnson County, Nebraska, said point being 1,034.4 feet South of the Northeast corner of the said Section 28, and running thence W 90°00'00" for 33.0 feet to the State of Nebraska Right-of-Way (ROW); thence S 18°04'00"W along the said ROW for 323.9 feet; thence S 22°04'00"W along the said ROW for 101.22 feet; thence S 68°22'28"E for 184.46 feet to the East line of the said Section 28 and thence N 00°00'00" along the said East line for 469.72 feet to the point of beginning and containing 1.05 acres, more or less.

Tract #2 - Beginning at a point on the East line of Section 28, Township 5 North, Range 11 East of the 6th P.M. in Johnson County, Nebraska, said point being 1,504.12 feet South of the Northeast corner of the said Section 28 and also being the Southeast corner of Tract #1, and running thence S 00°00'00" along the said East line for 270.13 feet; thence N 87°08'20"W for 302.79 feet to the State of Nebraska Right-of-Way (ROW); thence N 22°04'00"E along the said ROW for 348.52 feet to the Southwest corner of the said Tract #1 and thence S 68°22'28"E along the South line of the said Tract #1 for 184.46 feet to the point of beginning and containing 1.68 acres, more or less.

Further, the Grantor does hereby grant to the City of Tecumseh, Nebraska, its successors and assigns an easement described as follows:

West Fifteen Feet (15') of the above described tracts.

The easement above described shall be for the benefit of the City and shall allow it to construct, reconstruct, repair, operate, maintain and inspect the sewer underground facility which shall furnish sewer service to the general public, and to license and permit the joint use or occupancy of the utility easement or system by any other person, association or corporation for other public purposes.

The Grantor hereby conveys to the City all right, title and interest it has in the sewer improvements located within the fifteen (15) foot easement above described.

The Grantor further agrees that all material and equipment installed in the above described lands at the City's expense, shall remain the property of the City, removable at the option of the City.

The City further agrees to restore Grantor's land to its original condition or as near as possible, after making an entry onto said lands for the purpose of construction, repair, operation or maintenance of said utility systems, including access to specific easement areas.

It is further agreed that Grantor has lawful possession of said real estate and the sewer improvements, good, right and lawful authority to make such conveyance and that Grantor's heirs, executors, administrators, successors and assigns shall warrant and defend the same and will indemnify and hold harmless City forever against the claims of all persons whomsoever in any way asserting

any right, title or interest prior to or contrary to this conveyance.

This easement shall run with the land for the benefit of the City, its successors and assigns and all provisions hereof shall be binding on Grantor, their heirs, personal representatives, successors or assigns. The Grantor has attached a copy of the survey of the above described tracts to this Easement.

IN WITNESS WHEREOF, the undersigned have set their hands and seals this 31 day of January, 1994.

THREE WK, A Partnership

By: Gary R. Weiler
Gary R. Weiler, Partner

By: Sue J. Weiler
Sue J. Weiler, Partner

By: Mark P. Weiler
Mark P. Weiler, Partner

By: Kathleen D. Weiler
Kathleen D. Weiler, Partner

By: Lester L. Kettelhake
Lester L. Kettelhake, Partner

By: Linda C. Kettelhake
Linda C. Kettelhake, Partner

By: Jerry L. Wiebusch
Jerry L. Wiebusch, Partner

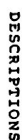
By: Connie R. Wiebusch
Connie R. Wiebusch, Partner

STATE OF NEBRASKA,)
County of Olney) ss.

The foregoing instrument was acknowledged before me on January 31, 1994, by GARY R. WEILER, Partner; SUE J. WEILER, Partner; MARK P. WEILER, Partner, KATHLEEN D. WEILER, Partner; LESTER L. KETTELHAKE, Partner; LINDA C. KETTELHAKE, Partner; JERRY L. WIEBUSCH, Partner; and CONNIE R. WIEBUSCH, Partner; being all of the partners of THREE WK, A Partnership, herein referred to as Grantor.



Donna Kay Niday
NOTARY PUBLIC



TRACT #2- Beginning at a point on the East Line of Section 28, Township 5 North, Range #1 East of the 6th P. M. in Johnson County, Nebraska, said point being 1,504.12 feet South of the Northeast Corner of the said Section 28 and also being the Southeast Corner of Tract #1, and running thence S 00°00'00" along the said East Line for 270.13 feet; thence N 87°08'20"W for 302.79 feet to the State of Nebraska Right-of-way (ROW); thence N 22°04'00"E along the said ROW for 348.52 feet to the Southwest Corner of the said Tract #1 and thence S 68°22'28"E along the South Line of the said Tract #1 for 184.46 feet to the point of beginning and containing 1.68 acres, more or less.

TRACT #3- Beginning at a point on the East line of Section 28, Township 5 North, Range 11 East of the 6th P. M. in Johnson County, Nebraska, said point being 1,774.25 feet South of the Northeast Corner of the said Section 28 and also being the Southeast Corner of Tract #2, and running thence S 00°00'00" along the said East line for 331.50 feet; thence N 89°57'10"W on a line parallel to the South line of the Northeast Quarter (NE $\frac{1}{4}$) of the said Section 28 for 450.88 feet to the State of Nebraska Right-of-way (ROW) thence N 22°04'00"E along the said ROW for 395.19 feet to the Southwest Corner of the said Tract #2 and thence S 87°08'20"E along the South line of the said Tract #2 for 307.79 feet to the point of beginning and containing 3.12 acres, more or less.

Scale: 1" = 200'

- $\frac{1}{2}$ " = 50' Ht. Red bar = Cop
- Property Corners from Previous Survey of Record

The instrument was filed
STATE OF NEBRASKA) SS
JOHNSON COUNTY)
of Sept A.D. 1993 at 10:40 AM and duly recorded
in book #40 page 389

John Johnson