


MISC 2015066814



AUG 11 2015 09:52 P 3

<sup>3</sup>/<sub>2</sub> MISC  
 FEE 22.00 FB 58-03233  
 BKP \_\_\_\_\_ C/O \_\_\_\_\_ COMP LC  
 DEL \_\_\_\_\_ SCAN \_\_\_\_\_ FV \_\_\_\_\_

~~AFTER RECORDING RETURN TO:~~  
 Omaha Public Works Department  
 1819 Farnam Street, Ste. 600  
 Omaha NE 68183

Received - DIANE L. BATTIATO  
 Register of Deeds, Douglas County, NE  
 8/11/2015 09:52:41.57  
  
 2015066814

### PUBLIC ACCESS EASEMENT

IN CONSIDERATION of One Dollar (\$1.00) and other valuable consideration, CUSTARD CATS, LLC, a Kansas limited liability company ("Grantor") hereby creates, establishes, grants and conveys to the CITY OF OMAHA, NEBRASKA, a municipal corporation ("Grantee"), for the benefit of the public, a non-exclusive permanent Public Access Easement for vehicular ingress and egress traffic (but not parking) in, over, through and across the particular portion of property depicted and legally described on Exhibit A attached hereto.

Grantor shall have the duty to initially construct, and responsibility thereafter to maintain and repair, the Public Access Easement at its own cost and expense and no responsibility therefore shall accrue to the Grantee by reason of its benefit from the Public Access Easement.

Grantor may, and reserves the right to, use the surface and subsurface of the easement area for other purposes, subject to right of the Grantee to use the same for the purposes described herein.

No party to this agreement shall restrict or impede the others reasonable use of the Public Access Easement at all times.

The Grantor agrees to indemnify and hold harmless the Grantee, employees, invitees, visitors and agents, from and against any and all liability, cause of action, claims, and expenses for personal injury or property damage arising out of or occasioned by the use of the Public Access Easement except as may be caused solely by the negligence of Grantee, it agents or employees.

The Public Access Easement shall run with the land and shall be binding upon and inure to the benefit and burden of the successors and assigns of the Grantor and the City of Omaha, Nebraska.

✓ 1585

IN WITNESS WHEREOF, the said GRANTOR has hereunto (caused its Corporate Seal to be affixed) (the said Corporation has no Corporate Seal) and these presents to be signed by its respective officers this 7<sup>th</sup> day of August, 2015.

CUSTARD CATS, LLC, a Kansas limited liability company

DF ATTEST: David Dreiling  
(David Dreiling, Member)

**ACKNOWLEDGMENT**

STATE OF Kansas )  
COUNTY OF Pottawatomie ) SS

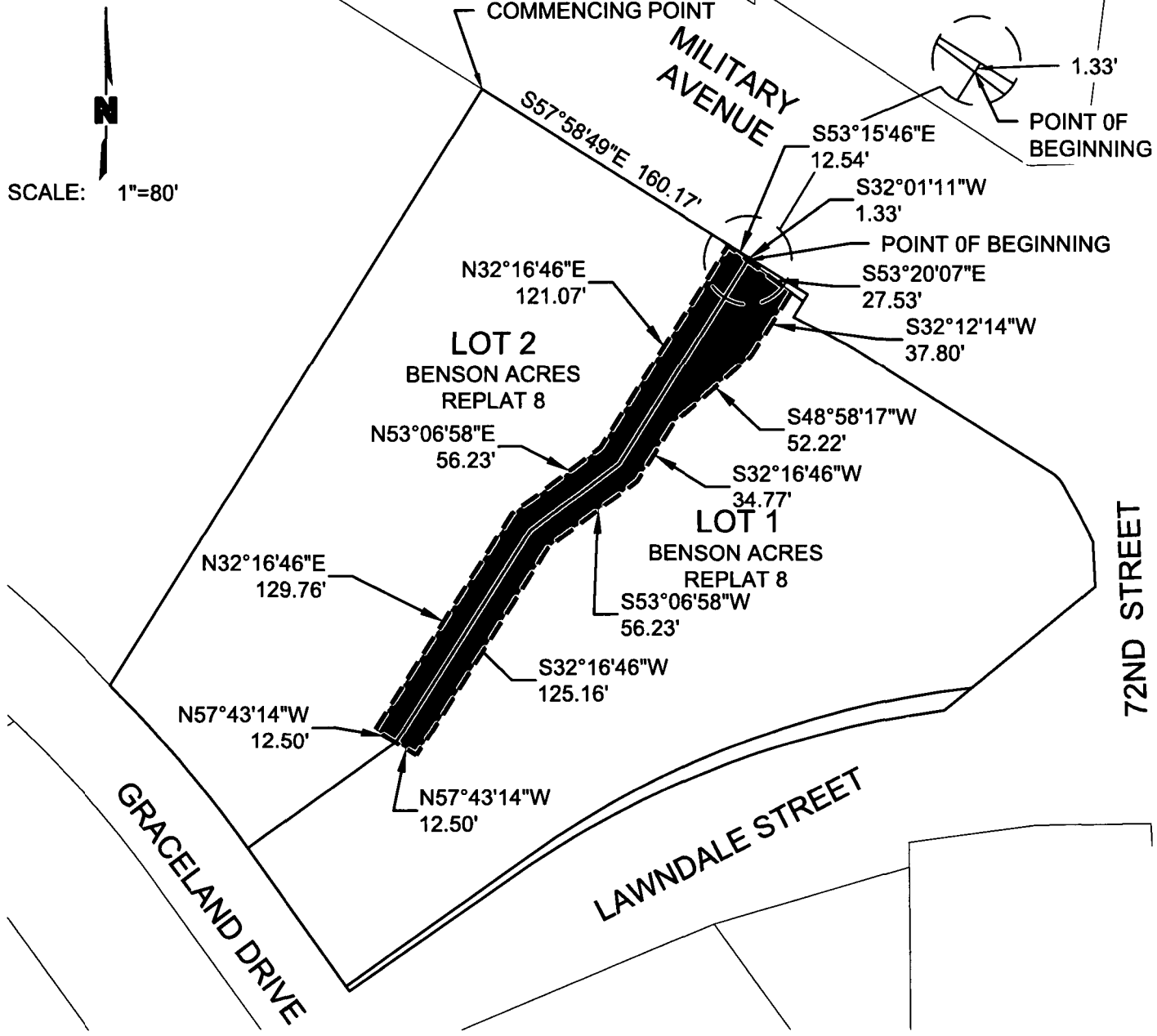
On this 7<sup>th</sup> day of August, 2015, before me, a Notary Public in and for said County, personally came David Dreiling, member of Custard Cats, LLC, a Kansas limited liability company, to me personally known to be the authorized member of said limited liability company and the identical person whose name is affixed to the foregoing instrument, and acknowledged the execution thereof to be his respective voluntary act and deed as such member and the voluntary act and deed of said limited liability company.

WITNESS my hand and Notarial Seal the day and year last above written.

Notary Seal 

Blake Bauer  
NOTARY PUBLIC

DWG: F:\Projects\014-3293\40-Design\AutoCAD\Final Plot\SHEETS\EASEMENTS\C\_ESM\_Access Easement\_43293\_06-12-15.dwg  
 DATE: Jun 12, 2015 11:56am  
 XREFS: 43293\_PBDY  
 USER: dhaastings



**LEGAL DESCRIPTION**

AN ACCESS EASEMENT LOCATED IN LOTS 1 AND LOT 2, BENSON ACRES REPLAT 8, A PLATTED AND RECORDED SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 2, BENSON ACRES REPLAT 8, SAID CORNER ALSO BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF MILITARY AVENUE; THENCE ON SAID SOUTHERLY RIGHT-OF-WAY LINE S57°58'49"E, 160.17 FEET TO THE NORTHEAST CORNER OF SAID LOT 2, BENSON ACRES REPLAT 8, SAID CORNER ALSO BEING THE NORTHWEST CORNER OF SAID LOT 1, BENSON ACRES REPLAT 8; THENCE S32°01'11"W, 1.33 FEET ON THE WEST LINE OF SAID LOT 2, BENSON ACRES REPLAT 8, TO THE POINT OF BEGINNING; THENCE S53°20'07"E, 27.53 FEET; THENCE S32°12'14"W, 37.80 FEET; THENCE S48°58'17"W, 52.22 FEET; THENCE S32°16'46"W, 34.77 FEET; THENCE S53°06'58"W, 56.23 FEET; THENCE S32°16'46"W, 125.16 FEET; THENCE N57°43'14"W, 12.50 FEET TO A POINT ON THE EAST LINE OF SAID LOT 1, BENSON ACRES REPLAT 8; THENCE CONTINUING N57°43'14"W, 12.50 FEET; THENCE N32°16'46"E, 129.76 FEET; THENCE N53°06'58"E, 56.23 FEET; THENCE N32°16'46"E, 121.07 FEET; THENCE S53°15'46"E, 12.54 FEET TO THE POINT OF BEGINNING.

SAID ACCESS EASEMENT CONTAINS A CALCULATED AREA OF 8,602.00 SQ. FT. OR 0.197 ACRES MORE OR LESS.

PROJECT NO: 014-3293	<b>ACCESS EASEMENT</b> BENSON ACRES REPLAT 8	<b>MOLSSON</b> ASSOCIATES	2111 South 67th Street, Suite 200 Omaha, NE 68106 TEL 402.341.1116 FAX 402.341.5895	EXHIBIT
DRAWN BY: GRK/DSH				1
DATE: 06/12/2015				