

31195
1

Bridge No. P-37
Tract No. 1
Owner: D. K. O'Brien

PERPETUAL EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

For and in consideration of the payment to all interests in the total amount of Five Hundred Eighty-Five and 00/100 Dollars (\$585.00), and other valuable consideration, the receipt whereof is hereby acknowledged, Delphenus Kenneth O'Brien, owner of interest in real property described as follows:

A part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, Township 9 North, Range 7 East of the 6th Principal Meridian, Lancaster County, Nebraska, located on the un-named stream and immediately upstream from Lancaster County Drainage Structure No. P-37, situated 642.0 feet west of the SE corner of said Section 34, more particularly described as that part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ located on the east and west floodplain banks and inundated by a 0.9 foot increase in floodwater flow measured at the south line of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ and a 0.0 foot increase in floodwater flow measured at a point 1,050.0 feet north of the south line of the SE $\frac{1}{4}$ SE $\frac{1}{4}$.

Containing 1.0 acre, more or less. (See Exhibit "A" attached)

AND HEREINAFTER known as Grantor, does hereby grant, convey and release unto Lancaster County, Nebraska, a governmental subdivision, hereinafter known as Grantee, its successors and assigns, a perpetual easement, in, over, upon, through and across that part of the above-described real property.

The purpose of this Easement is for the temporary detention and impoundment of any and all waters which flow naturally across said premises for a period of time not to exceed twenty-four (24) hours, in length. The aforementioned impoundment or increase in the depth of floodwater flow will be created as a result of the Grantee's replacement of its existing 20'-0" concrete bridge within a THREE barrel 8'x5'x52' concrete box culvert and the regrading and raising of Saltillo Road.

The consideration recited herein shall constitute payment in full for any and all damages sustained, or to be sustained, by the Grantor by reason of construction, operation, maintenance or inspection of the works of the improvement described above.

There is reserved to the Grantor, his heirs and assigns, the right and privilege to use the above-described real property at any time, in any manner, and for any purpose which does not conflict or interfere with the intended use by the Grantee, its successors and assigns.

This Easement shall not convey, nor shall it be construed to convey, to the Grantee any fee simple interest or title to the above-described real property.

TO HAVE AND TO HOLD the aforesaid Easement in, over, upon, through and across the above-described real property of the Grantor with all the rights, privileges and appurtenances thereto belonging or in anywise appertaining unto the Grantee, its successors and assigns forever.

DATED this 26 day of 6, 1992

OWNER(S)

Delphenus Kenneth O'Brien

PT SE $\frac{1}{4}$ SE $\frac{1}{4}$

2

STATE OF NEBRASKA, County of LAUCASTER

Before me, a notary public qualified for said county, personally came

DELPHENUS KENNETH O'BRIEN

known to me to be the identical person or persons who signed the foregoing instrument and acknowledged the execution thereof to be his, her or their voluntary act and deed.

Witness my hand and notarial seal on this 26 day of June, 1992



Brad Warner
Notary Public

My Commission Expires July 25, 1993

STATE OF _____, County of _____

Before me, a notary public qualified for said county, personally came

known to me to be the identical person or persons who signed the foregoing instrument and acknowledged the execution thereof to be his, her or their voluntary act and deed.

Witness my hand and notarial seal on this _____ day of _____, 19____

Notary Public

My Commission Expires _____

STATE OF _____, County of _____

Before me, a notary public qualified for said county, personally came

known to me to be the identical person or persons who signed the foregoing instrument and acknowledged the execution thereof to be his, her or their voluntary act and deed.

Witness my hand and notarial seal on this _____ day of _____, 19____

Notary Public

My Commission Expires _____

STATE OF _____, County of _____

Before me, a notary public qualified for said county, personally came

known to me to be the identical person or persons who signed the foregoing instrument and acknowledged the execution thereof to be his, her or their voluntary act and deed.

Witness my hand and notarial seal on this _____ day of _____, 19____

Notary Public

My Commission Expires _____

EXHIBIT A

34

Scale: 1" = 600' ±

1380

1350

Easement Area

1380

1360

R-37

Ken Sherwood - Co. Eng.

LANCASTER COUNTY, NEB
Dan Nalte
REGISTER OF DEEDS

no fee

JUL 13 1 41 PM '92

INST. NO. 92 31195

SEARCHED
SERIALIZED
INDEXED
FILED

p