

FILED SARPY CO. NE.
INSTRUMENT NUMBER
97-008841

97 MAY -7 PM 3:23

Shirley J. ...
REGISTER OF DEEDS

97-08841

Counter *am*
Verify *am*
I.E. *am*
Proof *N*
Fee: *30.50*
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**THIS PAGE ADDED FOR
RECORDING INFORMATION**

97-03841A

TEMPORARY CONSTRUCTION EASEMENT
(Roadway and Utilities)

THIS EASEMENT is made and entered into this 6th day of May, 1997, by and between Evelyn M. Weiss ("Weiss") and Werner Enterprises, Inc., a Nebraska corporation ("Werner").

WITNESSETH:

WHEREAS, Weiss is the owner of the parcel of land described on Exhibit "A" attached hereto (the "Easement Area");

WHEREAS, Werner is the owner of the property lying immediately north of the Easement Area and desires to construct a roadway and install utility lines in and immediately north of the Easement Area; and

WHEREAS, the parties have reached agreement regarding a construction easement to be granted in order to facilitate construction of said roadway and installation of utility lines.

NOW, THEREFORE, in consideration of the above premises and the mutual covenants contained herein, and other valuable consideration, the parties agree as follows:

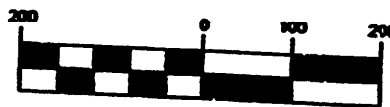
1. Weiss does hereby grant and confirm unto Werner the right to use the Easement Area for purposes of constructing a roadway and for installing utility lines. Such construction shall be performed so as not to damage, obstruct or otherwise impair any existing sewer line in the Easement Area. This Easement is granted for general grading and removal and replacement of fill material. Werner shall be entitled to remove or cause to be removed all presently existing improvements in the Easement Area including, but not limited to, crops, vines, gardens and lawns as necessary for construction. Werner hereby agrees to construct a roadway and driveway in the areas designated and described on Exhibit "A" attached hereto according to the specifications set forth on said Exhibit.
2. Following completion of construction, Werner shall replace the area disturbed under this Easement with like material as existed prior to construction and sufficient to support the roadway and shall remove all debris, surplus material and construction equipment from the Easement Area. Werner further agrees to seed and establish grass or restore top soil for farming as nearly as possible to the condition existing prior to construction in all disturbed areas as designated by Weiss. Werner further agrees that during the two-year period after expiration of this Easement, Werner shall fill, compact below the topsoil level and grade any portion of the disturbed area which settles or erodes and reseed as necessary to establish grass in all areas designated for grass by Weiss.
3. Werner shall be entitled to remove the barbed wire fence in the Easement Area for purposes of construction of the roadway and installation of utilities. Following completion of construction of the roadway and embankment work and utilities installation in the Easement Area, Werner shall re-install a four barbed wire fence in the Easement Area at such location designated by Weiss which shall be within one foot of the southern boundary of the Easement Area.

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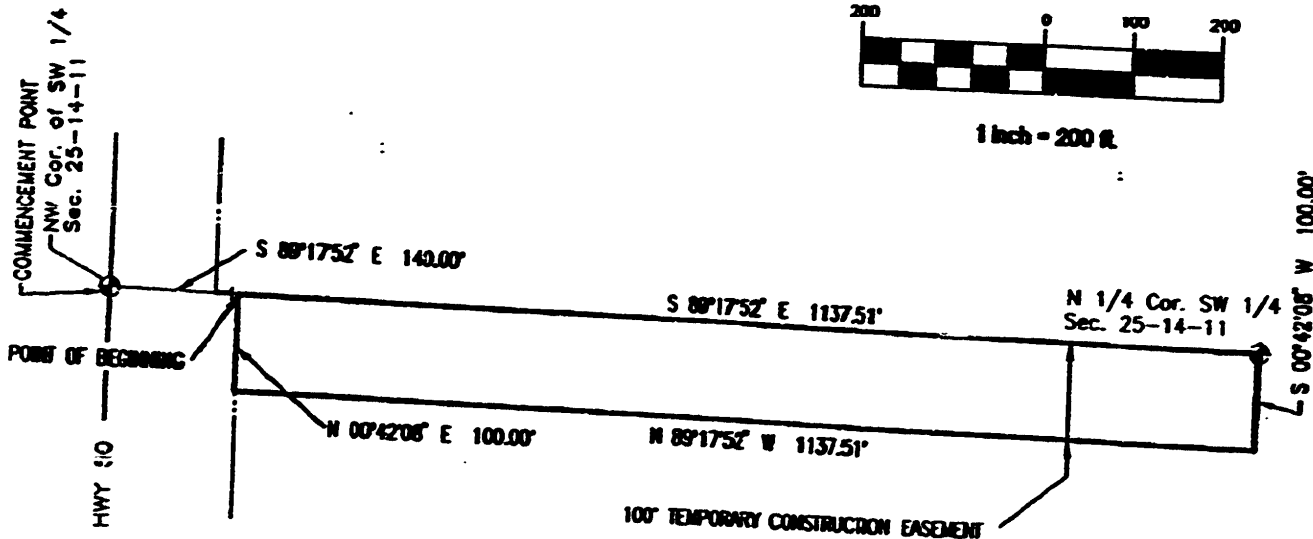
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EXHIBIT "A"



1 inch = 200 ft.



LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT
(Roadway and Utilities)

A temporary construction easement located in NW 1/4 of the SW 1/4 of Section 25, Township 14 North, Range 11 East of the 6th P.M., Sarpy County, Nebraska more particularly described as follows:

The North One Hundred (100.00) feet of the NW 1/4 of the SW 1/4 of Section 25, Township 14 North, Range 11 East of the 6th P.M., Sarpy County, Nebraska, except for State Highway 50 right-of-way.

Said Temporary Construction Easement contains an area of 2.611 acres, more or less.

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 196088 02-12-97

97-08341E

EXHIBIT "A"

DESCRIPTION OF WORK

Improvements to accommodate vehicular traffic to and from Highway 50 and the proposed Werner Truck Terminal. Construction to include a concrete street with integral curb and gutter and raised center median of sufficient width to accommodate two lanes of traffic westbound and two lanes of traffic eastbound. Construction is also to include the construction of a street approach from the property to the south connecting to said concrete street. Connecting street is to be located approximately 800 feet east of the centerline of Highway 50, shall be constructed of concrete, shall be designed to be 36 feet in width at the south end of return and shall be designed with 75' turning radii. The connecting street is to be constructed per the described geometrics to a point approximately 10 feet south of the south curb of the east-west street. Improvements may also include water mains (by MUD), storm sewer pipe for street stormwater collection, sanitary sewer, underground power service (by OPPD), telephone and cable TV lines together with other necessary and incidental items to construct a complete improved street system.