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FILED SARPY CO. NE.
INSTRUMENT NUMBER
2018-26284
2018 Nov 06 08:24:18 AM
Legal J. Dowling
REGISTER OF DEEDS



AFTER RECORDING RETURN TO:

Baird Holm LLP
1700 Farnam Street, Suite 1500
Omaha, NE 68102
Attn: Michael C. Schilken

AFFIDAVIT OF LAMP RYNEARSON & ASSOCIATES

THIS AFFIDAVIT ("Affidavit") is made and entered into as of the 5th day of November, 2018, by Michael P. McIntosh of Lamp Rynearson & Associates (the "**Affiant**").

RECITALS:

WHEREAS, Affiant does hereby provide this Affidavit for purposes of updating a certain first amendment to permanent easement dated March 3, 2017, filed at Instrument Number 2017-05610 on March 13, 2017 with the Sarpy County Register of Deeds (the "**First Amendment**");

WHEREAS, LB Southwest, LLC, a Nebraska limited liability company (the "**Grantor**") is the owner of the property legally described on Exhibit "A", which such Exhibit "A" is made a part hereof, and whereas, Exhibit "A" is made a part hereof and incorporated herein by this reference. The Grantor's property shall herein after be referred to as the "**Burdened Property**";

WHEREAS, J & H Investments, L.L.C., a Nebraska limited liability company (the "**Grantee**") as of March 26, 2015, was the owner of the property legally described on Exhibit "B", which such Exhibit "B" is made a part hereof, and whereas, Exhibit "B" is made a part hereof and incorporated herein by this reference. The Grantee's property shall herein after be referred to as the "**Benefited Property**";

WHEREAS, a certain Permanent Easement dated March 23, 2015, was filed at Instrument Number 2015-06463 on March 26, 2015 (the "**Permanent Easement**") which affects the Burdened Property and benefits the Benefited Property. The Permanent Easement created an easement as legally described on an exhibit to the Permanent Easement ("**Easement**");

WHEREAS, as set forth in the First Amendment, at such time that Grantor shall install a functioning water line and a functioning sanitary sewer line, with adequate sizing for the utilization of both the Benefited Property and the Burdened Property, to the Grantee's property line depicted in the enlargement area shown on Exhibit "C", an authorized representative of Lamp Rynearson & Associates, Omaha, Nebraska (or its successor or assignee, or if none, a similar qualified engineering company) shall file an affidavit with the Register of Deeds of Sarpy County, Nebraska, containing the following representations: (i) that a functioning water line and a functioning sanitary sewer line has been installed to the Grantee's property line as depicted on the enlargement area on Exhibit "C", and (ii) that the water line and the sanitary sewer line are adequately sized for the utilization by both the Benefited Party and the Burdened Property; and

WHEREAS, upon the filing of this Affidavit with the Register of Deeds of Sarpy County, Nebraska (identifying both the Burdened Property and the Benefited Property), the Grantor and the Grantee consented and agreed without any notice (either written or oral to any person or third party), and without any further consideration to be paid or received by either the Grantor or the Grantee, that the Easement granted pursuant to the terms and provisions of the Permanent Easement, and the terms and provisions of the Permanent Easement shall be immediately null and void, terminated, and the Permanent Easement shall be without any further force or effect, all effective as of the date of the filing of this Affidavit.

STATE OF NEBRASKA)
) SS.
COUNTY OF DOUGLAS)

The undersigned, being duly sworn according to law, deposes and says:

1. That a functioning water line and a functioning sanitary sewer line has been installed to the Grantee's property line as depicted on the enlargement area on Exhibit "C", and
2. That the water line and the sanitary sewer line are adequately sized for the utilization by both the Benefited Party and the Burdened Property.

IN WITNESS WHEREOF, this Affidavit has been executed the day and year first above written.

LAMP RYNEARSON & ASSOCIATES, Affiant

By: 
Name: Michael P. McIntosh

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing was acknowledged before me on this 5th day of November, 2018, by Michael P. McIntosh of Lamp Rynearson & Associates, on behalf of said company.

Christine M. Miller
Notary Public

My Commission Expires:

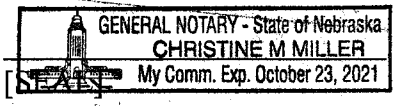


Exhibit "A"

Legal Description of Burdened Property

Lot 1 and Lot 2 of Woodhouse Place, a Subdivision platted and recorded in Sarpy County, Nebraska.

Exhibit "B"

Legal Description of Benefited Property

Lot 1, Lot 2, Lot 3, Lot 4, and Lot 5 of Heimes Subdivision, a Subdivision platted and recorded in Sarpy County, Nebraska.

WOODHOUSE PLACE
WATER & SANITARY SERVICE LOCATION EXHIBIT

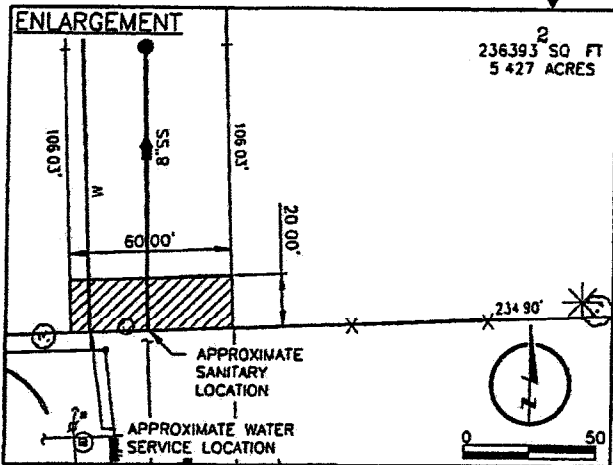
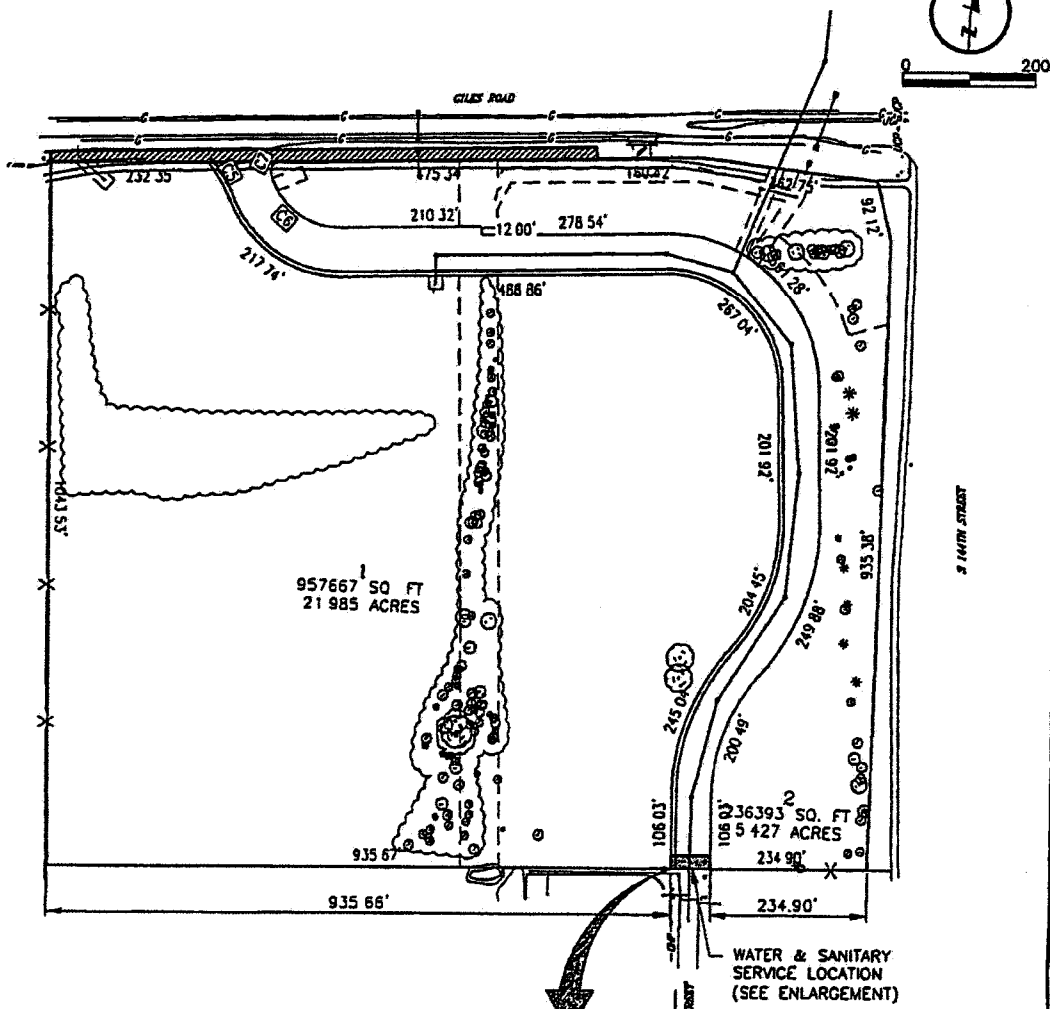


EXHIBIT "C"



LAMP RYNEARSON & ASSOCIATES

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DRAWN BY	DESIGNED BY	REVIEWED BY	PROJECT - TASK NUMBER	DATE	BOOK AND PAGE	REVISIONS
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