

FILED SARPY CO. NE.  
INSTRUMENT NUMBER  
2000-14573  
2000 JUN 19 AM 8:53

*Sharon J. Lerner*  
REGISTER OF DEEDS

Counter 8 112 ✓  
Verify AK  
D.E. AK  
Proof S  
Fee \$ 21.00  
Ck  Cash  Chg

PERMANENT EASEMENT

FOR AND IN CONSIDERATION of the sum of One Dollar (\$1.00) and other good and valuable consideration HARRISON I-80 LLC, a Nebraska limited liability company (hereinafter referred to as "Grantor", whether one or more) does hereby grant to the PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT (hereinafter referred to as the "District") and THE CITY OF LAVISTA, a municipal corporation in the State of Nebraska (hereinafter referred to as the "City") and their successors and assigns, permanent easements in, under, over and across two parcels of land in Sarpy County, Nebraska, more particularly described in the legal descriptions attached hereto as Exhibit "A" and Exhibit "B" and incorporated herein by reference (such parcel of land hereinafter referred to as "the Easement Areas"), subject to the following, to wit:

1. Pursuant to this Easement, the District shall have the permanent right to construct, operate, patrol, maintain, repair and replace channel and levee improvements, public pedestrian and bicycle trails, and boundary fences in the Easement Areas, and have the permanent right of ingress and egress over and across the Easement Areas set forth on Exhibits "A" and "B".
2. The Grantor may install ornamental grasses or other erosion-preventing ground cover in the Easement Areas, but may not construct structures or other improvements other than non-structural landscaping in the Easement Areas except with the written permission of the District and City shown on Exhibits "A" and "B".
3. The consideration recited herein shall constitute payment in full for any and all damages sustained by the Grantor by reason of the exercise by the District, or its successors and assigns, of any of the rights or privileges herein described or granted. The Grantor waives compliance by the District with the notice and other provisions of the Uniform Procedure for Acquiring Private Property for Public Use (Sec. 25-2501, R.R.S. 1943, et seq.).
4. The Grantor shall not have any responsibility for maintaining the District's improvements in the Easement Areas.
5. This easement shall not pass, nor be construed to pass, to the District or the City, or their successors or assigns, any fee simple interest or title.
6. The easements provided herein shall be deemed to run with the land and shall be binding upon the Grantor and upon Grantor's heirs, successors and assigns.
7. The Grantor, for Grantor and for Grantor's heirs, successors and assigns, warrants to the District, and its successors and assigns, that the Grantor is the owner of the Easement Areas and that the Grantor has good right to convey the aforesaid easements over the same; that the Easement Areas are free and clear of all leases, liens and other encumbrances, except easements and covenants of record; and that the Grantor will warrant and defend the title of the District, and the title of its successors and assigns, to the aforesaid easements against all lawful claims and demands of all persons whomsoever.
8. The Grantor warrants that no verbal or written representations or inducements have been made or given by the District or the City or by any of their officers, agents or employees, other than as may be recited in this document.

IN WITNESS WHEREOF, this Easement is executed by the Grantor on this 15<sup>th</sup> day of June, 2000.

HARRISON I-80 LLC, a Nebraska limited liability company,  
Grantor

By *Jay Lerner*  
Jay Lerner, Member and Manager

Return to:

John Q. Bachman  
GAINES, PANSING & HOGAN  
10050 Regency Circle, Suite 200  
Omaha, Nebraska 68114

14573

CC26391

FAT

2000-14573A

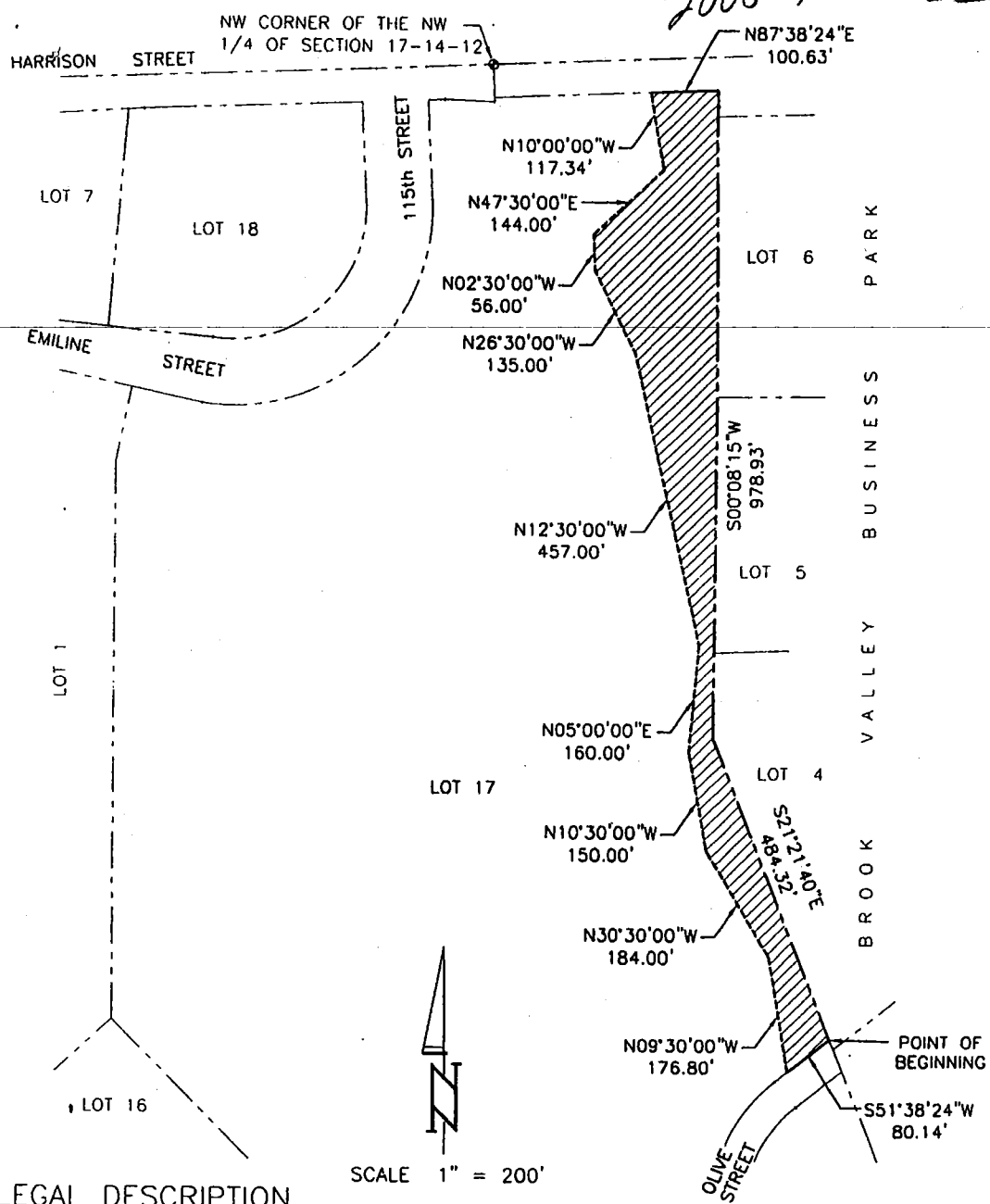
STATE OF NEBRASKA )  
 ) ss.:  
COUNTY OF DOUGLAS )

On this 15<sup>th</sup> day of June, 2000, before me a Notary Public, duly commissioned and qualified in and for said County, appeared Jay Lerner, Member and Manager of Harrison I-80 LLC, a Nebraska limited liability company, personally known by me to be the person whose name is affixed to the foregoing Permanent Easement, and acknowledged the same to be his voluntary act and deed.



Sandra Willmott  
Notary Public

2000-14573B



**LEGAL DESCRIPTION**

THAT PART OF LOT 17, HARRISON HILLS, A SUBDIVISION IN SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: BEGINNING AT THE SE CORNER OF SAID LOT 17;

THENCE S51°38'24"W (ASSUMED BEARING) 80.14 FEET ON THE SOUTHERLY LINE OF SAID LOT 17;

THENCE N09°30'00"W 176.80 FEET; THENCE N30°30'00"W 184.00 FEET;

THENCE N10°30'00"W 150.00 FEET; THENCE N05°00'00"E 160.00 FEET;

THENCE N12°30'00"W 457.00 FEET; THENCE N26°30'00"W 135.00 FEET;

THENCE N02°30'00"W 56.00 FEET; THENCE N47°30'00"E 144.00 FEET;

THENCE N10°00'00"W 117.34 FEET TO THE NORTHERLY LINE OF SAID LOT 17;

THENCE N87°38'24"E 100.63 FEET ON THE NORTHERLY LINE OF SAID LOT 17 TO THE NE CORNER THEREOF;

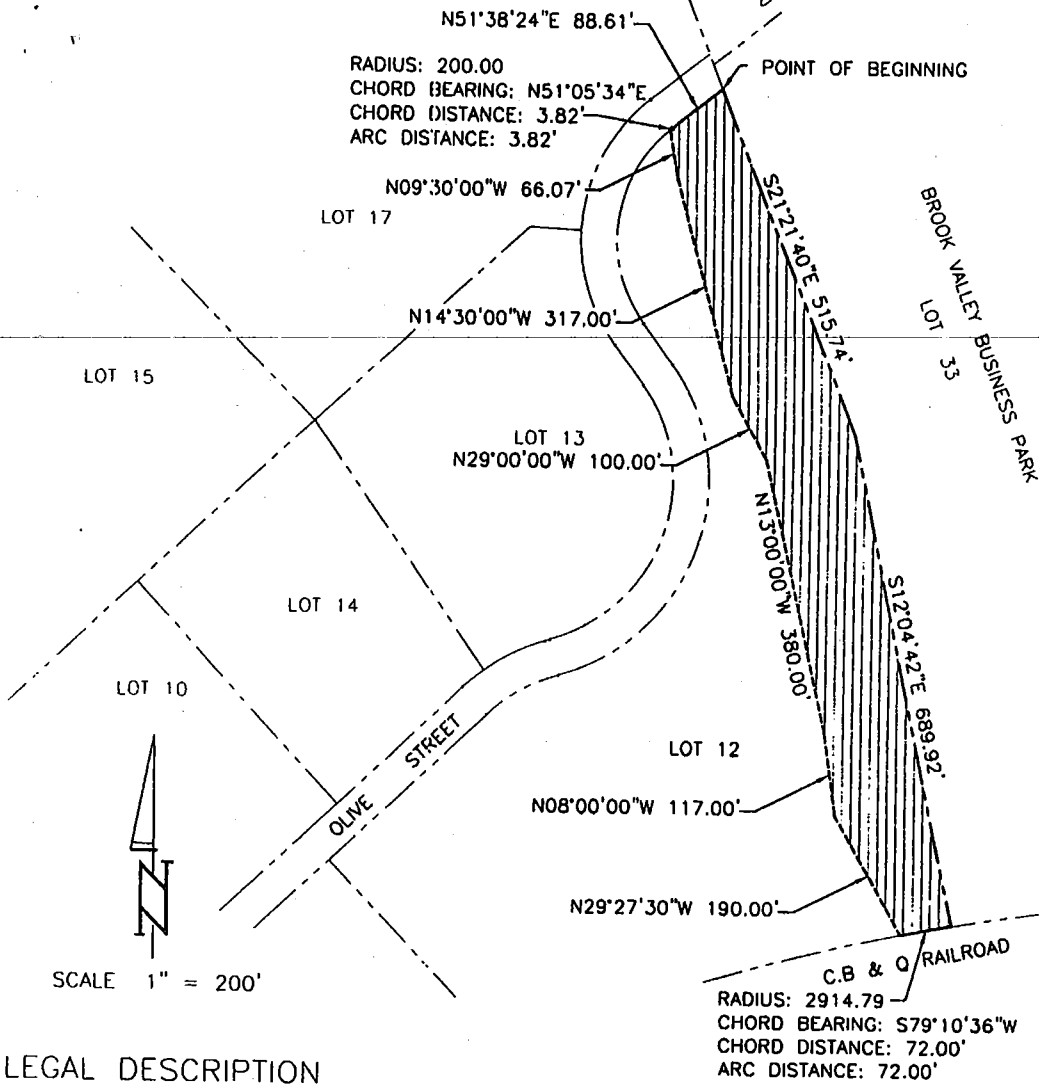
THENCE S00°08'15"W 978.93 FEET ON THE EASTERLY LINE OF SAID LOT 17;

THENCE S21°21'40"E 484.32 FEET ON THE EASTERLY LINE OF SAID LOT 17 TO THE POINT OF BEGINNING.

THE LERNER COMPANY TD2 JOB NO: 738-120G JANUARY 15, 2000  
 THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860

EXHIBIT "A"

2000-14573C



LEGAL DESCRIPTION

THAT PART OF LOT 12, HARRISON HILLS, A SUBDIVISION IN SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: BEGINNING AT THE NE CORNER OF SAID LOT 12;

THENCE S21°21'40"E (ASSUMED BEARING) 515.74 FEET ON THE EASTERLY LINE OF SAID LOT 12;

THENCE S12°04'42"E 689.92 FEET ON THE EASTERLY LINE OF SAID LOT 12 TO THE SE CORNER THEREOF;

THENCE SOUTHWESTERLY ON THE SOUTHERLY LINE OF SAID LOT 12 ON A NON-TANGENT 2914.79 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING S79°10'36"W, CHORD DISTANCE 72.00 FEET, AN ARC DISTANCE OF 72.00 FEET;

THENCE N29°27'30"W 190.00 FEET; THENCE N08°00'00"W 117.00 FEET;

THENCE N13°00'00"W 380.00 FEET; THENCE N29°00'00"W 100.00 FEET;

THENCE N14°30'00"W 317.00 FEET; THENCE N09°30'00"W 66.07 FEET TO THE NORTHERLY LINE OF SAID LOT 12;

THENCE NORTHEASTERLY ON THE NORTHERLY LINE OF SAID LOT 12 ON A NON-TANGENT 200.00 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING N51°05'34"E, CHORD DISTANCE 3.82 FEET, AN ARC DISTANCE OF 3.82 FEET;

THENCE N51°38'24"E 88.61 FEET ON THE NORTHERLY LINE OF SAID LOT 12 TO THE POINT OF BEGINNING.

THE LERNER COMPANY TD2 JOB NO: 738-120G JANUARY 15, 2000  
 THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860

EXHIBIT "B"