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BOOK 238, PAGE 1021 ✓
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After recording return to

Edstrom, Donna, Landltd., Sold & Skolan
551 North Linden
P.O. Box 277
Wahoo, Nebraska 68066
(402) 433-3225

RIGHT OF WAY EASEMENT

Wahoo View LLC, a Nebraska Limited Liability Company, Grantor, whether one or more, in consideration of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, and in consideration of the conditions hereinafter stated, does hereby grant and convey unto the City of Wahoo, Saunders County, Nebraska, a political subdivision of the State of Nebraska, whether one or more, its successors, assigns, and franchisees, the following:

A 20.00 FOOT WIDE PERMANENT EASEMENT FOR THE PURPOSES OF SURVEYING, CONSTRUCTING, RECONSTRUCTING, RELOCATING, ALTERING, INSPECTING, REPAIRING, REPLACING, ADDING TO, MAINTAINING AND OPERATING, AT ANY TIME, OVER, ACROSS, AND UNDER THE FOLLOWING-DESCRIBED REAL ESTATE, UTILITIES, WITH APPURTENANCES AND ACCESSORIES THERETO, OF GRANTOR, ITS SUCCESSORS, ASSIGNS, AND FRANCHISEES, LOCATED IN SECTION 10, TOWNSHIP 14 NORTH, RANGE 7 EAST OF THE SIXTH P.M., SAUNDERS COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 10; THENCE S89°55'19"E (ASSUMED BEARING) ON THE SOUTH LINE OF SAID SECTION 10, A DISTANCE OF 180.68 FEET TO A POINT OF INTERSECTION WITH SAID SOUTH LINE AND THE EAST LINE OF A PARCEL OF LAND PREVIOUSLY DESCRIBED AND RECORDED IN DEED BOOK 224, PAGE 653; THENCE N29°04'01"W ON SAID EAST LINE, A DISTANCE OF 3515.57 FEET; THENCE S60°55'59"W PERPENDICULAR TO SAID EAST LINE, A DISTANCE OF 90.00 FEET; THENCE S29°04'01"E PARALLEL WITH SAID EAST LINE, A DISTANCE OF 288.64 FEET; THENCE CONTINUING S29°04'01"E PARALLEL WITH SAID EAST LINE, A DISTANCE OF 871.56 FEET; THENCE S05°07'18"W, A DISTANCE OF 17.80 FEET TO A POINT ON THE WEST LINE OF SAID PREVIOUSLY DESCRIBED PARCEL, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUING S05°07'18"W, A DISTANCE OF 509.23 FEET; THENCE S25°16'36"E, A DISTANCE OF 236.79 FEET; THENCE S64°46'10"W, A DISTANCE OF 330.07 FEET; THENCE ON A 933.10 FOOT RADIUS CURVE TO THE RIGHT A DISTANCE OF 176.06 FEET, THE CHORD OF SAID CURVE BEARS S70°10'29"W, 175.80 FEET; THENCE ON A 1124.85 FOOT RADIUS CURVE TO THE RIGHT A DISTANCE OF 163.10 FEET, THE CHORD OF SAID CURVE BEARS S79°44'03"W, 162.96 FEET; THENCE N05°02'19"W, A DISTANCE OF 20.00 FEET; THENCE ON A 1104.85 FOOT RADIUS CURVE TO THE LEFT A DISTANCE OF 159.83 FEET, THE CHORD OF SAID CURVE BEARS N79°43'28"E, 159.69 FEET; THENCE ON A 913.10 FOOT RADIUS CURVE TO THE LEFT A DISTANCE OF 172.29 FEET, THE CHORD OF SAID CURVE BEARS N70°10'29"E, 172.03 FEET; THENCE N64°46'10"E, A DISTANCE OF 310.06 FEET, THENCE N25°16'36"W, A DISTANCE OF 222.21 FEET; THENCE N05°07'18"E, A DISTANCE OF 526.31 FEET; THENCE N29°04'01"W PARALLEL WITH SAID WEST LINE, A DISTANCE OF 7.27 FEET; THENCE N89°02'16"E, A DISTANCE OF 11.34 FEET TO A POINT ON SAID WEST LINE; THENCE S29°04'01"E ON SAID WEST LINE, A DISTANCE OF 22.80 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 0.64 ACRES MORE OR LESS.

15.00 FEET, SAID POINT BEING THE NORTHERLY CORNER OF LOT 81 OF SAID HERITAGE HEIGHTS; THENCE S53°16'30"W ON THE WESTERLY LINE OF SAID LOT 81, A DISTANCE OF 140.00 FEET TO THE WESTERLY CORNER OF SAID LOT 81; THENCE NORTHWESTERLY ON A 40.00 FOOT RADIUS CURVE TO THE RIGHT AN ARC DISTANCE OF 7.57 FEET, THE CHORD OF SAID CURVE BEARS N36°13'56"W 7.56 FEET, SAID POINT BEING AT THE INTERSECTION OF THE NORTHERLY LINE OF LOTS 1 AND 2 AND ITS NORTHEASTERLY EXTENSION AND THE NORTHWESTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID LOT 81; THENCE S54°15'37"W SOUTHERLY ON SAID NORTHERLY LINE AND ITS NORTHEASTERLY EXTENSION, A DISTANCE OF 322.52 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 0.15 ACRES MORE OR LESS.

Conditions:

1) Grantor shall have the right of ingress and egress across the above described real estate for any purpose hereinbefore granted. Such ingress and egress shall be exercised in a reasonable manner.

2) Grantor, Grantor's successors and assigns covenant that at no time will any buildings, structures, pipelines or other property, except walks or driveways, be erected, constructed, used or placed on or below the surface of said above-described real estate.

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3) Grantee shall restore the surface of the soil excavated for any purpose hereunder to the original contour thereof as near as may be possible, and repair and replace the surface of any walks or driveways which may have been disturbed for any purpose hereunder as near as may be possible.

4) Grantee shall at all times exercise all due care and diligence to avoid any injury or damage to the crops, livestock and other personal property of the Grantor and the Grantee agrees to indemnify and save harmless the Grantor from any and all such damage and loss arising or occurring to such property solely by reason of the construction, operation and maintenance of the aforementioned utilities.

5) Grantor has lawful possession of said real estate, good, right and lawful authority to make such conveyance and that Grantor's successors and assigns, shall warrant and defend the same, and will indemnify and hold harmless the Grantee forever against the claims of all persons whomsoever in any way assert any right, title or interest, prior to or contrary to this conveyance.

DATED: October 12, 1999.

WAHOO VIEW, LLC, a Nebraska
Limited Liability Company

By: Gaylen R. Maly
Gaylen R. Maly, Member

By: Robert J. Sloup
Robert J. Sloup, Member

STATE OF NEBRASKA)
)ss.
COUNTY OF SAUNDERS)

The foregoing instrument was acknowledged before me on the 12 day of October, 1999, by Gaylen R. Maly and Robert J. Sloup, Members of Wahoo View LLC, a Nebraska Limited Liability Company.



Dianne M. Mahrt
Notary Public

AND

A PERMANENT EASEMENT FOR THE PURPOSES OF SURVEYING, CONSTRUCTING, RECONSTRUCTING, RELOCATING, ALTERING, INSPECTING, REPAIRING, REPLACING, ADDING TO, MAINTAINING AND OPERATING, AT ANY TIME, OVER, ACROSS, AND UNDER THE FOLLOWING-DESCRIBED REAL ESTATE, UTILITIES, WITH APPURTENANCES AND ACCESSORIES THERETO, AND A DRAINAGE DITCH, WITH APPURTENANCES AND ACCESSORIES THERETO, OF GRANTOR, ITS SUCCESSORS, ASSIGNS, AND FRANCHISEES, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 14 NORTH, RANGE 7 EAST OF THE SIXTH P.M., SAUNDERS COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE N90°00'00"E (ASSUMED BEARING) ON THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 46.50 FEET TO A POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 77 AND SAID SOUTH LINE; THENCE N02°13'42"W ON SAID EAST LINE, A DISTANCE OF 935.41 FEET; THENCE N02°30'12"W CONTINUING ON SAID EAST LINE, A DISTANCE OF 131.67 FEET; THENCE N06°09'39"E CONTINUING ON SAID EAST LINE, A DISTANCE OF 100.55 FEET; THENCE N08°11'09"W CONTINUING ON SAID EAST LINE, A DISTANCE OF 90.92 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING AT THE INTERSECTION OF SAID EAST LINE AND THE NORTHERLY LINE OF LOT 2, OF HERITAGE HEIGHTS AS PLATTED IN THE CITY OF WAHOO; THENCE CONTINUING N08°11'09"W, A DISTANCE OF 9.63 FEET; THENCE N02°27'58"W CONTINUING ON SAID EAST LINE, A DISTANCE OF 7.72 FEET; THENCE N54°15'37"E, A DISTANCE OF 314.08 FEET; THENCE ON A 440.00 FOOT RADIUS CURVE TO THE LEFT AN ARC DISTANCE OF 7.57 FEET, THE CHORD OF SAID CURVE BEARS S34°16'43"E 7.56 FEET; THENCE N53°16'31"E, A DISTANCE OF 140.12 FEET; THENCE ON A 300.00 FOOT RADIUS CURVE TO THE LEFT AN ARC DISTANCE OF 15.01 FEET, THE CHORD OF SAID CURVE BEARS S35°17'31"E

AND

A PERMANENT EASEMENT FOR THE PURPOSES OF SURVEYING, CONSTRUCTING, RECONSTRUCTING, RELOCATING, ALTERING, INSPECTING, REPAIRING, REPLACING, ADDING TO, MAINTAINING AND OPERATING, AT ANY TIME, OVER, ACROSS, AND UNDER THE FOLLOWING-DESCRIBED REAL ESTATE, UTILITIES, WITH APPURTENANCES AND ACCESSORIES THERETO, OF GRANTOR, ITS SUCCESSORS, ASSIGNS, AND FRANCHISEES, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 14 NORTH, RANGE 7 EAST OF THE SIXTH P.M., SAUNDERS COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE N90°00'00"E (ASSUMED BEARING) ON THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 46.50 FEET TO A POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 77 AND SAID SOUTH LINE; THENCE N02°13'42"W ON SAID EAST LINE, A DISTANCE OF 935.41 FEET; THENCE N02°30'12"W CONTINUING ON SAID EAST LINE, A DISTANCE OF 131.67 FEET; THENCE N06°09'39"E CONTINUING ON SAID EAST LINE, A DISTANCE OF 100.55 FEET; THENCE N08°11'09"W CONTINUING ON SAID EAST LINE, A DISTANCE OF 90.92 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING AT THE INTERSECTION OF SAID EAST LINE AND THE NORTHERLY LINE OF LOT 2, OF HERITAGE HEIGHTS AS PLATTED IN THE CITY OF WAHOO; THENCE CONTINUING N08°11'09"W, A DISTANCE OF 9.63 FEET; THENCE N02°27'58"W CONTINUING ON SAID EAST LINE, A DISTANCE OF 7.72 FEET; THENCE N54°15'37"E, A DISTANCE OF 314.08 FEET; THENCE ON A 440.00 FOOT RADIUS CURVE TO THE LEFT AN ARC DISTANCE OF 7.57 FEET, THE CHORD OF SAID CURVE BEARS S34°16'43"E 7.56 FEET; THENCE N53°16'31"E, A DISTANCE OF 140.12 FEET; THENCE ON A 300.00 FOOT RADIUS CURVE TO THE LEFT AN ARC DISTANCE OF 15.01 FEET, THE CHORD OF SAID CURVE BEARS S35°17'31"E

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