

CONSTRUCTION EASEMENT

40-19

For and in consideration of fifty-five dollars and Thirty-eight cents (\$55.38) and other good and valuable considerations, the receipt whereof is hereby acknowledged, LeRoy Miller (Father), Glenn W. Miller (Son) and Mary Jane Miller (Husband and Wife) of Rural Route #3 - Omaha, Nebraska 68123, Grantor does hereby grant, convey and release unto the Board of County Commissioners of Sarpy County, Nebraska, Grantee, its successors and assigns, a perpetual easement, over, in and upon the following described land situated in the County of Sarpy, State of Nebraska, to-wit: Approximately 3.8 acres located in the SE 1/4 of SE 1/4 of Section 6 - T 13 N - R 13 E, for the purpose of or in connection with construction, operation, maintenance, and inspection of a Grade Stabilization Structure, designated as site S-32 in the plans for Papillion Creek Watershed for the flowage of any waters in, over, upon, or through such structures; and for the permanent storage and temporary detention, either or both, of any waters and sediment that are impounded, stored or detained by such structure and to include a site where suitable borrow materials may be obtained for construction.

The rights and privileges herein granted shall be subject to the following terms and conditions:

1. The consideration recited herein shall constitute payment in full for all damages sustained or to be sustained by the Grantor by reason of the construction, operation, maintenance and inspection of the works of improvement described above.
2. In the event construction on the above described works of improvement is not commenced within eight years from the date hereof, the rights and privileges herein granted shall at once revert to and become the property of the grantor, his heirs and assigns.
3. The easement includes the right of ingress and egress as specified hereafter; ingress and egress shall be from a point beginning at the SE Corner of the SE 1/4 of Section 6 - T 13 N - R 13 E and continuing North on the existing all-weather road (presently used as an access road to the Sarpy County Sanitary Landfill Site) to the South One-Sixteenth (1/16) Corner on the East Side of the SE 1/4 of Section 6 - T 13 N - R 13 E.
4. There is reserved to the Grantor, his heirs and assigns, the right and privilege to use the above described land of the Grantor at any time, in any manner and for any purpose not inconsistent with the full use and enjoyment by the Grantee, its successors and assigns, of the right and privilege herein granted.
5. The grantee is responsible for operating and maintaining the above described works of improvement.
6. This easement shall not pass nor shall the same be construed to pass, to the Grantee any fee simple interest or title to the above described lands.
7. The following provision is made a part of this easement: a) All trees within or below the conservation pool elevation will be cut off and removed from the area.

TO HAVE AND TO HOLD THE aforesaid easement in, over and upon the above described land of the Grantor, with all the rights, privileges and appurtenances thereto belonging or in anywise appertaining, unto the Grantee, its successors and assigns, forever.

IN WITNESS WHEREOF the Grantor has executed this instrument on the 24th day of April, 19 68.

LeRoy Miller
Signature of the Grantor

Glenn W. Miller
Signature of the Grantor

State of Nebraska
ss
Sarpy County

Mary Jane Miller
Signature of the Grantor

On this, the 24th day of April, A.D. 19 68, before me the undersigned Steven G. Oltmans, a Notary Public, duly commissioned and qualified for and residing in said county, personally came LeRoy Miller (Father) Glenn W. Miller (Son) and Mary Jane Miller (Husband and Wife) to me known to be the identical persons whose names affixed to the foregoing instrument and acknowledge the same to be a voluntary act and deed. Witness my hand and Notarial Seal the day and year last above written.

My commission expires the 7th day of March, 19 73.

Steven G. Oltmans
Notary Public