

96-25004

Register of Deeds Use

INSTRUMENT NUMBER
96-025004

96 DEC 11 PM 2:42

Sharon C. Barkley
REGISTER OF DEEDS

County *Sarpy*
Fees *30.50*
Cash
Sg NRD

**PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT
WEHRSPANN LAKE CLEAN LAKES PROJECT
TRACT NO. 2**

EASEMENT

For and in consideration of the payment of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, **Arlisse J. and Keith Barkley**, husband and wife, **Sharon C. and Charles Barkley**, husband and wife, and **Mary Ellen and Roy Myron Boyden**, husband and wife, hereinafter called the GRANTORS) owners of

The NE¼ Section 33, T14N, R11E of the 6th P.M., Sarpy County, Nebraska (hereinafter called the GRANTORS' Property),

for themselves and for their heirs, successors and assigns, do hereby grant to the **Papio-Missouri River Natural Resources District** (hereinafter referred to as "the DISTRICT"), and its successors and assigns, the easement hereinafter described, to-wit:

A. Permanent Easement for Grade Stabilization Structure: The DISTRICT is hereby granted the permanent, full, and free right, liberty and authority to enter upon and use a portion of the GRANTORS' Property, as more particularly described as follows:

A tract of land located in the parcel of land described as the NE¼ Section 33, T14N, R11E, Sarpy County, Nebraska, such tract of land consisting of all the land which lays within 100 feet on either side of the meandering present centerline of the creek and lying within 500 feet of the West boundary line of said parcel of land.

and

referring to the NW corner of the NE¼ Section 33, T14N, R11E, thence south, along

the west line of the NE $\frac{1}{4}$ of Section 33, T14N, R11E, a distance of 58.2 feet to the south right-of-way line of Nebraska Highway 370 and to the point of beginning; thence continuing south, along the last described course, a distance of 1550.00 feet; thence east, perpendicular, a distance of 40 feet; thence north, perpendicular, a distance of 1551.06 feet to the south right-of-way line of Nebraska Highway 370; thence west along the south right-of-way line of Highway 370, a distance of 40 feet to the point of beginning.

and

a strip of land 40 feet wide measured parallel with and adjacent to the north bank and a strip of land 40 feet wide measured parallel with and adjacent to the south bank of a tributary to the South Branch Papillion Creek in the NE $\frac{1}{4}$ of Section 33, T14N, R11E, except that part lying within 500 feet of the West boundary line of the NE $\frac{1}{4}$ Section 33, T14N, R11E.

depicted in the diagram attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter referred to as "the EASEMENT AREA") for the purposes of construction, operation, maintenance, repair, and inspection of a grade stabilization structure located on a tributary of the South Branch Papillion Creek within the watershed of Wehrspann Lake. This easement also includes the permanent rights of the DISTRICT to use the EASEMENT AREA for borrow and fill of earthen materials; to have ingress and egress over and across unimproved portions of the GRANTORS' Property; to control vegetation; and, to have the air space above the EASEMENT AREA free from obstruction to such height as will permit passage and operation of the DISTRICT'S machinery. There is reserved to the GRANTORS, and its successors and assigns, the right and privilege to use the EASEMENT AREA at any time, in any manner, and for any purpose not inconsistent with the full use by the DISTRICT, its successors and assigns, of the rights herein granted. The GRANTORS shall not be responsible for operation and maintenance of any of the improvements contemplated by this easement.

General Provisions

- (1) The consideration recited herein shall constitute payment in full for any and all damages sustained by the GRANTORS and their heirs, successors, and assigns by reason of the exercise of any of the rights or privileges expressly granted or reasonably implied.
- (2) The GRANTORS, for themselves and for their heirs, successors, and assigns, represents, covenants, and agrees that they are the owners of the GRANTORS' Property and that they have good right to convey this easement over portions of the same; that said premises are free and clear of all liens and encumbrances and real estate taxes; and, that they will warrant and defend the title to these easements against the lawful claims and demands of all persons whomsoever.
- (3) This Easement shall not pass, nor be construed to pass, to the DISTRICT, any fee simple interest or title.

(4) The GRANTORS warrant that no verbal or written representations or inducements have been made or given by the DISTRICT, or by any of its officers, agents, or employees, other than as may be recited in this document.

Keith E. Barkley
Keith Barkley

Arlisse J. Barkley
Arlisse J. Barkley

Charles H. Barkley
Charles Barkley

Sharon C. Barkley
Sharon C. Barkley

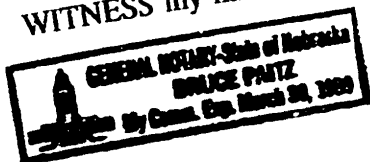
Mary Ellen Boyden
Mary Ellen Boyden

Roy Myron Boyden

STATE OF NEBRASKA)
COUNTY OF Sarpy) ss

On this 4 day of December, 1996 before me, a Notary Public in and for said county, personally came the above named KEITH BARKLEY who acknowledges the execution of the above Easement as his voluntary act and deed.

WITNESS my hand and Notarial Seal the date aforesaid.

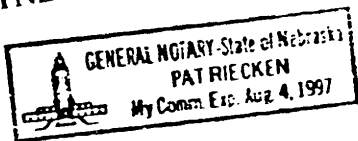


Bruce Paritz
Notary Public

STATE OF NEBRASKA)
COUNTY OF _____) ss

On this 5th day of December, 1996 before me, a Notary Public in and for said county, personally came the above named ARLISSE J. BARKLEY who acknowledges the execution of the above Easement as her voluntary act and deed.

WITNESS my hand and Notarial Seal the date aforesaid.



Pat Riecken
Notary Public

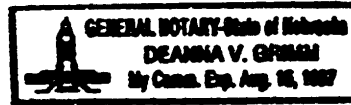
STATE OF NEBRASKA)
) ss
COUNTY OF Lincoln)

On this 2 day of December, 1996 before me, a Notary Public in and for said county, personally came the above named CHARLES BARKLEY who acknowledges the execution of the above Easement as his voluntary act and deed.

WITNESS my hand and Notarial Seal the date aforesaid.

Deanna V. Grimm
Notary Public

STATE OF NEBRASKA)
) ss
COUNTY OF Lincoln)

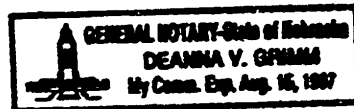


On this 2 day of December, 1996 before me, a Notary Public in and for said county, personally came the above named SHARON C. BARKLEY who acknowledges the execution of the above Easement as her voluntary act and deed.

WITNESS my hand and Notarial Seal the date aforesaid.

Deanna V. Grimm
Notary Public

Minnesota
STATE OF NEBRASKA)
) ss
COUNTY OF Ramsey)



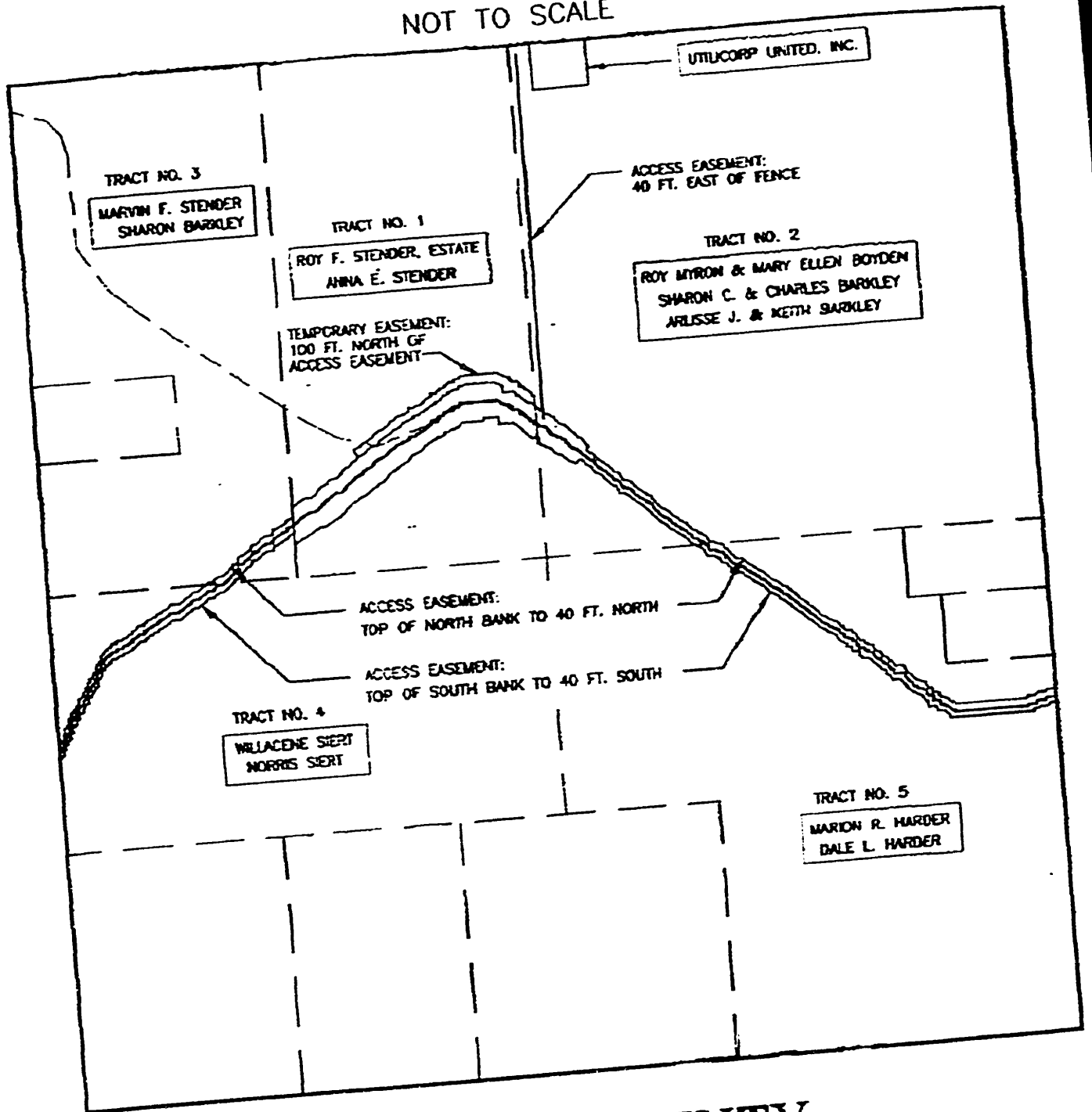
On this 7th day of December, 1996 before me, a Notary Public in and for said county, personally came the above named MARY ELLEN BOYDEN who acknowledges the execution of the above Easement as her voluntary act and deed.

WITNESS my hand and Notarial Seal the date aforesaid.



Christy A. Gustafson
Notary Public

NOT TO SCALE



SARPY COUNTY
SEC. 33-T14N-R11E

MINNESOTA DEPARTMENT OF HEALTH
Section of Vital Statistics
CERTIFICATE OF DEATH

State File Number

Local File Number: 1a Name of Deceased - First: Myron Boyden
Middle: Last: Boyden

1b Sex: Male
3 Date of Death: September 27, 1996
2 Social Security No.: 507-10-6221

5 Date of Birth: February 10, 1921
6a Age (in years): 75
7 Place of Birth (city and state/foreign country): Omaha, Nebraska

8a Father's Name (first, middle): Roy Myron
8b Father's Last Name: Boyden, Sr.
9 Mother's Name (first, middle, maiden surname): Mae Lurine (Ball)

10 Race: White
11a Hispanic Origin: X No Yes
11b If Yes, Specify Cuban, Mexican, etc.
12a Primary/Secondary (1-12): 12
12b College (1-4, 5-4)

13a Marital Status: X Mar Div Wid Never Mar
13b Name of Spouse (if wife, specify maiden name): Mary (Barkley)
14 Decedent's Usual Occupation: Stationery Engineer

15 Kind of Business or Industry: GSA
16 U.S. Veteran: No X Yes
17a State of Residence: Minnesota
17b County of Residence: Ramsey

17c City or Township of Residence: White Bear Lake
17d Address of Decedent (number, street, zip): 1277 Pond View Lane 55110

17e Residence in City or Township: X City Limits Township Limits
18a City or Township of Death: White Bear Lake
18b County of Death: Ramsey

19a Place of Death (specify one): Specify
19b If Hospital (specify one): Inpatient ER DOA Other
19c Name of Facility Where Death Occurred (if not institution, specify street address): 1277 Pond View Lane

20a Name of Informant: Mary Boyden
20b Informant is _____ of the deceased (spouse, child, parent, sibling, etc.): Wife

21 Method of Disposition (check all that apply): X Burial Cremation Donation Entombment Other
22 Date of Disposition: 10/3/96

23 Name of Cemetery: Voss Mohr Cemetery
24 If Cremation, Specify Name of Crematory: Omaha, Nebraska

26a Name of Funeral Establishment: Anderson Funeral Home
26b License No.: 0268
27a Signature of Funeral Service Licensee: [Signature]
27b License No.: 2555
27c Date Signed: 9/30/96

28a Name of Person Carrying Cause of Death (please type): M. Rethwell
28b License No. of Certifier: 0257316
28c License No. of Certifier: 0257316

29a Address of Certifier (street & number): 2165 White Bear Ave
29b City: Maplewood
29c State: MN
29d Zip Code: 55109

30 Signature of M.D./M.E./Coroner: [Signature]
31 Date Signed: 10/7/96
32 Signature of Registrar: [Signature]
33 Date Filed: 10/15/96

34 PART I IMMEDIATE cause of death (final disease or condition resulting in death): Non-Hodgkins Lymphoma
Interval between onset and death: 7yr.

35 I attended the deceased from _____ to _____ and last saw him/her on _____ I viewed the body after death Yes No

36 PART II Other significant conditions contributing to death but not resulting in the underlying cause given in Part I.

37 Was Female Pregnant: At Death? Yes No Unknown In Last 12 Months? Yes No Unknown

38 MANNER OF DEATH: X Natural
40 M.E./Coroner Notified: Yes No
41 Autopsy: Yes No
42 Were autopsy results available when filing in cause of death: Yes No

43 Diagnose Delivered: Yes
44a Place of Injury (street & number, city / township, state)
44b Describe How Injury Occurred

44c Type of Place Where Injury Occurred
44d Date of Injury
44e Time of Injury
44f Injury at Work? Yes No

MUST BE REFERRED TO M.E. or CORONER: Accident, Homicide, Suicide, Pending Inves., Cannot be Det.

J. E. GOCKOWSKI, Court Administrator
Ramsey County, State of Minnesota, does hereby certify that the attached instrument is a true and correct copy of the original on file and of record in my office.

Dated this 15 day of Oct, 1996
J. E. GOCKOWSKI, Court Administrator

By _____ Deputy
File No. 47-3

Signature of Sub-registrar / Date: [Signature] 9/28/96