

PARTNER CM C.E. AB  
 CLERK chap D.E. AB  
 PROOF CM  
 FEES \$ 25.50  
 CHECK # \_\_\_\_\_  
 CHG. COP CASH \_\_\_\_\_  
 FUND \_\_\_\_\_ CREDIT \_\_\_\_\_  
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A

## PERMANENT EASEMENT

### FRICKE BRANCH – NORTHEAST OUTFALL SEWER

FOR AND IN CONSIDERATION of the sum of \$10.00 and other good and valuable consideration, the receipt of which is hereby acknowledged Grace Thompson Trust, Fricke Lands Ltd. and Fricke, Inc., (hereinafter referred to as the "GRANTORS", whether one or more), for himself, herself, themselves, or itself, and for his, her their or its heirs, successors and assigns, does hereby grant, bargain, sell, convey and confirm unto the CITY OF PAPILLION, NEBRASKA, (hereinafter referred to as "PAPILLION") and its successors and assigns, permanent easements, hereinafter described, in, over and upon parcels of land in Sarpy County, Nebraska, more particularly described in the legal descriptions attached hereto as Exhibit "A", and incorporated herein by reference. (Such parcel(s) of land hereinafter being referred to as the "Easement Area".)

Said easement will be over and under the following described area:

A 20.00 FOOT WIDE STRIP OF LAND LYING IN THE SE  $\frac{1}{4}$  OF THE NE  $\frac{1}{4}$  AND IN THE NE  $\frac{1}{4}$  OF THE SE  $\frac{1}{4}$ , ALL IN SECTION 24, T14N, R12E OF THE 6<sup>th</sup> P.M., SARPY COUNTY, NEBRASKA, THE CENTERLINE OF SAID 20.00 FOOT WIDE STRIP OF LAND BEING DESCRIBED AS FOLLOWS:  
COMMENCING AT THE NORTHWEST CORNER OF SAID SE  $\frac{1}{4}$  OF THE NE  $\frac{1}{4}$ ;

THENCE N87°39'35"E (ASSUMED BEARING) 150.01 FEET ON THE NORTH LINE OF SAID SE  $\frac{1}{4}$  OF THE NE  $\frac{1}{4}$  TO THE POINT OF BEGINNING;  
THENCE S02°42'57"E 213.82 FEET; THENCE S48°59'11"E 146.89 FEET;  
THENCE S27°40'11"E 149.03 FEET; THENCE S16°56'00"E 323.27 FEET;  
THENCE S23°09'44"E 217.00 FEET; THENCE S35°56'03"E 227.90 FEET;  
THENCE S48°26'24"E 207.77 FEET; THENCE S54°19'28"E 269.38 FEET;  
THENCE S54°18'23"E 332.95 FEET; THENCE S33°10'12"E 186.94 FEET TO THE EAST LINE OF SAID NE  $\frac{1}{4}$  OF THE SE  $\frac{1}{4}$  AND THE POINT OF TERMINATION, SAID POINT BEING 172.81 FEET NORTH OF THE INTERSECTION OF THE EAST LINE OF SAID NE  $\frac{1}{4}$  OF THE SE  $\frac{1}{4}$  AND THE NORTHWEST LINE OF LOT 202, EAGLE VIEW, A SUBDIVISION IN SAID SARPY COUNTY, WITH THE OUTER LIMITS OF SAID 20.00 FOOT WIDE STRIP OF LAND BEING EXTENDED TO MEET THE NORTH LINE OF SAID SE  $\frac{1}{4}$  OF THE NE  $\frac{1}{4}$  AND THE EAST LINE OF SAID NE  $\frac{1}{4}$  OF THE SE  $\frac{1}{4}$ .

CONTAINING 1.04 ACRES MORE OR LESS.

B

Pursuant to this Easement, PAPILLION, its successors and assigns, and their respective officers, agents, employees and contractors, shall have the permanent right to enter and use the Easement Area from time to time ingress and egress in connection with inspection, operation, maintenance, replacement, and repair of Fricke Branch – Northeast Outfall Sewer; and, the permanent right to have the Easement Area unobstructed at the time of PAPILLION'S entries; provided, however, there is reserved to the GRANTOR and GRANTOR'S heirs, successors and assigns, the right to use the Easement Area. In the event that PAPILLION enters the Easement Area for Purpose of maintenance or repair, PAPILLION shall compensate GRANTOR for any damage to the crops or property.

### **GENERAL PROVISIONS**

A. The above payments shall cover all damages caused by the establishment and construction of the above project.

B. The GRANTOR waives compliance by PAPILLION 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., as amended.)

C. The GRANTOR, for itself and for its successors and assigns, covenants and agrees that GRANTOR is the owner of the Easement Area and that it has good right to convey these easements over the same; that said premises are free and clear of all liens and encumbrances, except easements and covenants of record; and, that it will warrant and defend the title to this Easement against all lawful claims and demands of all persons whatsoever.

D. This Easement shall not pass, nor be construed to pass, to PAPILLION, in fee simple interest or title to the Easement Area. The GRANTOR shall have the reserved right to make reasonable non-structural uses of the Easement Area which do not interfere with PAPILLION'S rights under this Easement.

C

E. The GRANTOR warrants that no verbal or written representations or inducements have been made or given by PAPILLION or by any of its officers, agents or employees, other than as may be recited in this document.

IN WITNESS WHEREOF, the GRANTOR has executed this Easement as of this 19 day of September, 2007.

GRANTORS:

Milton Fricke  
Milton Fricke, o/b/o Fricke, Inc. and Fricke Lands Ltd

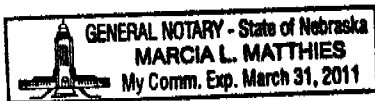
Janet Thompson  
Janet Thompson, o/b/o Grace Thompson Trust

**ACKNOWLEDGMENT**

STATE OF NEBRASKA     )  
                                      )ss  
COUNTY OF SARPY )

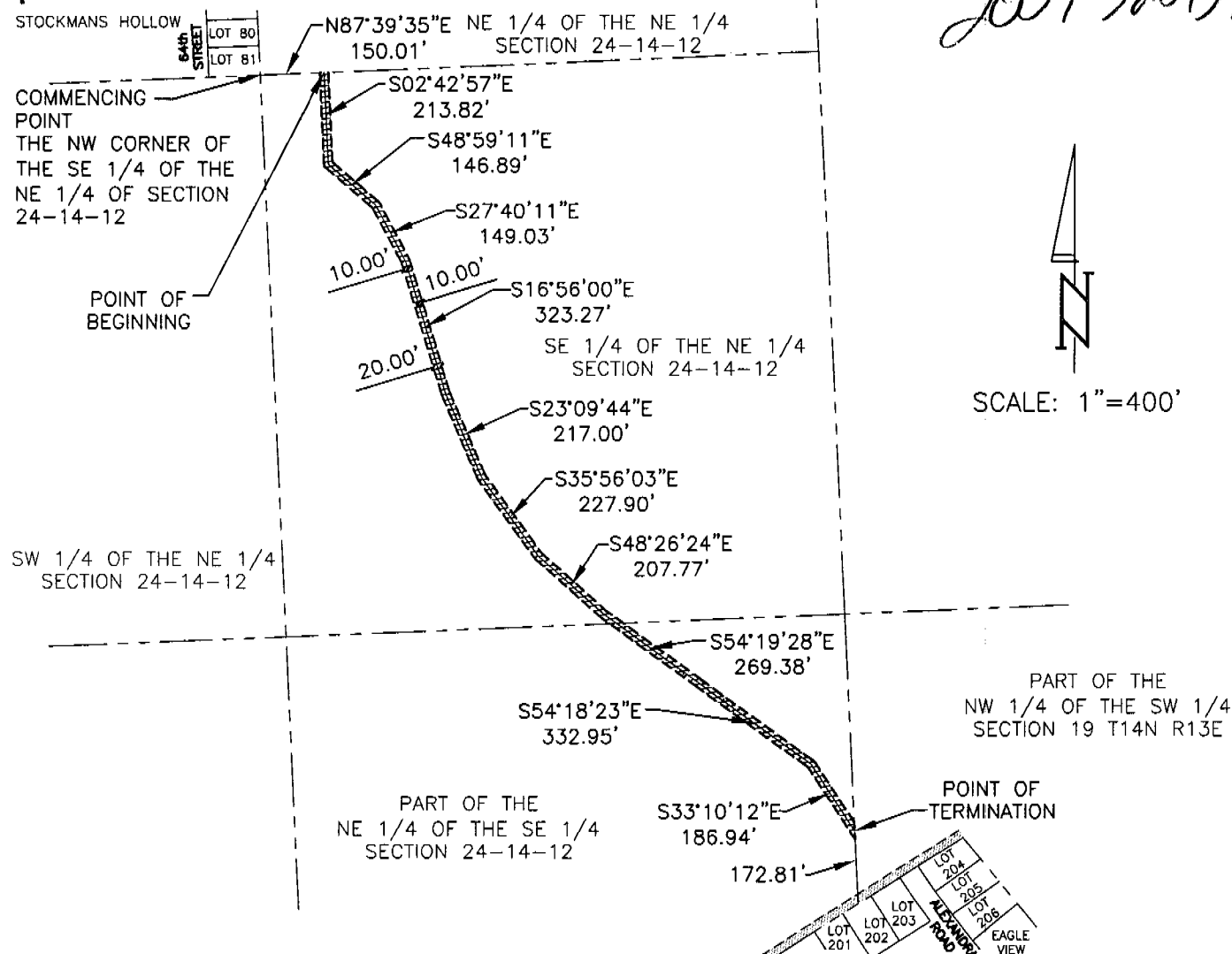
On this 19 day of September, 2007, before me a General Notary Public, duly commissioned and qualified, personally came Milton Fricke, on behalf of Fricke, Inc. and Fricke Lands Ltd along with Janet Thompson, on behalf of Grace Thompson Trust, to me known to be the identical person(s) whose name(s) is/are affixed to the foregoing instrument as Grantor(s) and acknowledged the same to be a voluntary act and deed.

WITNESS my hand and Notarial Seal the date last aforesaid.



Marcia L. Matthies  
Notary Public

2007-32093D



## LEGAL DESCRIPTION — PERMANENT EASEMENT

A 20.00 FOOT WIDE STRIP OF LAND LYING IN THE SE 1/4 OF THE NE 1/4 AND IN THE NE 1/4 OF THE SE 1/4, ALL IN SECTION 24, T14N, R12E OF THE 6th P.M., SARPY COUNTY, NEBRASKA, THE CENTERLINE OF SAID 20.00 FOOT WIDE STRIP OF LAND BEING DESCRIBED AS FOLLOWS:

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CONTAINING 1.04 ACRES MORE OR LESS.

CITY OF PAPIILLION

TD2 FILE NO.: 181-492-E3

DATE: AUGUST 16, 2007

THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860