

TEMPORARY CONSTRUCTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

WAYNE F. & KAREN E. FOBEY
THAT Ray E. and Dennis Woodbury, hereinafter referred to as GRANTOR, (whether one or more) for and in consideration of the sum of \$782.00 and other valuable considerations, the receipt of which is hereby acknowledged, does hereby grant and convey unto the CITY OF OMAHA, NEBRASKA, a Municipal Corporation, hereinafter referred to as CITY, and to its successors and assigns, an easement for the right to enter upon and use for working space for the construction of widening 108th Street from Maple to Fort and appurtenances thereto, the parcel of land described as follows, to-wit:

A parcel of land being part of Lot 209, The Knolls, as surveyed, platted and recorded in Douglas County, Nebraska, being more particularly described as follows:

Beginning at the Northeast corner of said Lot 209, thence South 00°24'30" West (assumed bearing) along the West right-of-way line of 108th Street, 67.97 feet; thence North 24°56'16" West, 42.05 feet; thence North 89°35'30" West, 22.00 feet; thence North 18°09'14" West, 31.41 feet to a point on the South right-of-way line of Sahler Street; thence South 89°35'30" East along said South line, 67.97 feet to the point of beginning.

Said parcel contains 1,687 square feet (0.04 acres) more or less.

It is further agreed as follows:

- 1. That this easement runs with the land and terminates thirty (30) days after the improvement is completed.
2. That said easement is granted upon the condition that the CITY will remove or cause to be removed all presently existing improvements thereon, including but not limited to crops, vines, gardens and lawns within the easement area as necessary for construction with the following exceptions:
3. That the CITY shall cause any trench made on said easement strip to be properly refilled and shall cause the area disturbed under this easement to be as needed upon completion of construction. This easement is also for the benefit of any contractor, agent, employee and representative of the City of Omaha in any of said construction work.
4. That said GRANTOR for himself or themselves and his or their heirs, executors and administrators does or do confirm with the said CITY and its assigns, that he or they, the GRANTOR is or are well seized in fee of the above described property and that he or they has or have the right to grant and convey this easement in the manner and form aforesaid, and that he or they will, and his or their heirs, executors and administrators, shall warrant, and defend this easement to said CITY and its assigns against the lawful claims and demands of all persons.
5. That this instrument contains the entire agreement of the parties; that there are no other or different agreements or understandings, except a Permanent Easement or Acquisition if and as applicable, between the GRANTOR and the CITY or its agents; and that the GRANTOR in executing and delivering this instrument, has not relied upon promises, inducements, or representations of the CITY or its agents or employees, except as are set forth herein.
6. The consideration recited includes damages for change of grade, if any, and any and all claims for damage arising from change of grade or grading are hereby waived.

IN WITNESS WHEREOF said GRANTOR has or have hereunto set his or their hand(s) this 26 day of Sept A.D., 1984.

Rec'd paid \$5000 for their books.

INDIVIDUAL AND PARTNERSHIP

Karen E. Fobey

Sept 26, 1984

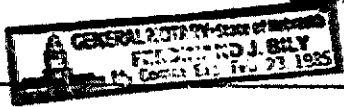
INDIVIDUAL ACKNOWLEDGEMENT

STATE OF NEBRASKA)
) SS
COUNTY OF DOUGLAS)

On this 26 day of Dec, 1979, before me a Notary Public, in
and for said County, personally came the above named:

[Signature]
who is (are) personally known to me to be the identical person(s) whose name(s) is (are) affixed to the
above instrument and acknowledged the instrument to be his, her (their) voluntary act and deed for
the purpose therein stated.

WITNESS my hand and Notarial Seal the date aforesaid.



[Signature]
NOTARY PUBLIC

My Commission expires _____

ROW/3b:5c

RECEIVED

1984 NOV 26 AM 10:54

C. HALL
REGISTERED CLERK
DOUGLAS COUNTY, NEBR.

[Handwritten initials]

City of Omaha
Public Works Department
Right-of-Way Div.
1819 Farnam Street
Omaha, Nebraska 68183

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