

10-14-12

PROJECT NO. C-28 (45)

TRACT NO. 2

EASEMENT

THIS INDENTURE, made this 5th day of August, 1975

between X & H Land & Cattle Co.

hereinafter referred to as "Grantor(s)", and the County of Douglas, State of Nebraska, hereinafter called "County",

WITNESSETH:

That said Grantor(s) in consideration of the sum of

One and No/100 Dollars (\$ 1.00 ) and other valuable consideration, to Grantor(s) in hand paid by said County, the receipt whereof is hereby acknowledged, does or do hereby grant, sell, convey and confirm unto said County and its assigns forever, a paving easement for the right to use, construct, build, maintain, repair and construct paving for the passage of traffic, together with all appurtenances, wires, lines, poles, structures, and other applicable equipment pertaining to any paving, or drainage facility, in, through, over and under the parcel of land described as follows, to-wit:

See Attached, Exhibit "A"

No buildings, improvements, or structures, shall be placed in, on, over or across said easements by undersigned, his or their successors and assigns without express approval of Douglas County. Any trees, grass, and shrubbery placed on said easement shall be maintained by Grantor(s), his or their heirs, successors and assigns.

Said County shall cause any trench made on aforesaid realty to be properly refilled, and shall cause grass seed to be sown over said trench, and shall cause the premises to be left in a neat and orderly condition. This easement is also for the benefit of any contractor, agent, employee and representative of the County and any of said construction and work.

Said Grantor(s) for Himself or themselves and his or their heirs, executors and administrators does or do confirm with the said County and its assigns, that he or they, the Grantor(s) 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 County and its assigns against the lawful claims and demands of all persons.

This easement runs with the land.

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(s) has or have hereunto set his or their hand(s) and seal(s) the day and year first above written.

X H Land and Cattle Company Name of Corporation

Bill Johnson Vice President
Kurt Meyer Secretary

(Acknowledgment on reverse side hereof)



STATE OF NEBRASKA) SS  
COUNTY OF DOUGLAS)

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me, a Notary Public, in and for said County, personally came the above named:

\_\_\_\_\_ 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.

\_\_\_\_\_  
Notary Public

My Commission Expires \_\_\_\_\_

STATE OF NEBRASKA) SS  
COUNTY OF DOUGLAS)

On this 5th day of August, 19 75, before me, the undersigned, a Notary Public in and for said County, personally came

Cecil A. Johnson Vice-President of \_\_\_\_\_

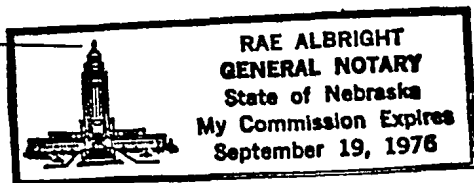
X & H Land & Cattle Co. a Nebraska Corporation, and \_\_\_\_\_

Cecil A. Johnson, Secretary of said Corporation, to me personally known to be the President and Secretary respectively of said Corporation and the identical persons whose names are affixed to the foregoing instrument, and acknowledged the execution thereof to be their respective voluntary act and deed as such officers and the voluntary act and deed of said Corporation, and the Corporate Seal of said Corporation to be thereto affixed by its authority.

WITNESS my hand and Notarial Seal at Douglas County the day and year last above written.

Rae Albright  
Notary Public

My Commission Expires Sept. 19, 1976



Three parcels of land located in the Southwest 1/4 of Section 10, Township 14 North, Range 12 East of the 6th P.M. in Douglas County, Nebraska, more particularly described as follows:

PERMANENT EASEMENT  
Parcel "A"

BOOK 554 PAGE 83

Beginning at a point on the West Right-of-Way Line of County Road 38 (90th Street), said point being 720.65 feet south and 33 feet west of the Northeast Corner of the Southwest Quarter of said Section 10; thence west 40 feet; thence north 30 feet; thence east 40 feet to a point which lies on the West Right-of-Way Line of County Road 38 (90th Street); thence south along said Right-of-Way Line 30 feet to the point of beginning. Said tract contains 1,200 Square Feet (0.03 Acres), more or less.

TEMPORARY EASEMENTS  
Parcel "B"

Beginning at a point on the West Right-of-Way Line of County Road 38 (90th Street), said point being 33 feet north of and 33 feet west of the South Quarter Corner of said Section 10; thence west a distance of 30 feet; thence northeast a distance of 68.2 feet; thence northwest a distance of 1,205.7 feet; thence west a distance of 108.9 feet to a point on the Missouri Pacific Railroad Right-of-Way Line; thence northeast along a curve to the right (Radius = 2,814.93 feet) 219.1 feet, more or less, to a point on the West Right-of-Way Line of County Road 38 (90th Street); thence south along said West Right-of-Way Line, a distance of 1,415 feet to the point of beginning. Said tract contains 58,025 Square Feet, (1.33 Acres), more or less.

Parcel "C"

Beginning at the point of intersection of the West Right-of-Way Line of County Road 38 (90th Street), and the Southerly Property Line of X & H Land Company, said point being 973.3 feet south and 33 feet west of the Northeast Corner of the Southwest Quarter of said Section 10; thence southwesterly along a curve to the left (Radius = 3,889.83 feet), 75.4 feet, more or less; thence north 316.9 feet; thence northwesterly 308.4 feet; thence east 133.0 feet; thence northeasterly 210.5 feet to a point which lies on the Westerly Right-of-Way Line of County Road 38 (90th Street); thence south along said Right-of-Way Line 772.6 feet to the point of beginning. Said parcel of land contains 48,222 square feet (1.10 Acres), more or less.

The above legal descriptions assume that the East Line of the Southwest Quarter of said Section 10 bears due North and South.

ENTERED IN NUMERICAL INDEX AND RECORDED IN THE REGISTER OF DEEDS OFFICE IN DOUGLAS COUNTY, NEBRASKA

7 DAY OF Aug 1925 AT 9:52 A.M. C. HAROLD OSTLER, REGISTER OF DEEDS 9.25