

REC'D

Nov 26 11 41 AM '97

RICHARD H. TAKECHI  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NE



1230 451 MISC



15091 97 451-454

Project No. \_\_\_\_\_

Tract No. \_\_\_\_\_

Address: N/A

TEMPORARY CONSTRUCTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT BRIAR HILLS DEVELOPMENT, L.L.P., a Nebraska limited liability partnership, hereinafter referred to as GRANTOR, for and in consideration of the sum of One and no/100 Dollars (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, does hereby grant and convey unto the SANITARY AND IMPROVEMENT DISTRICT NO. 420 OF DOUGLAS COUNTY, NEBRASKA, a Nebraska political subdivision, and the CITY OF OMAHA, NEBRASKA, a municipal corporation, and to its successors and assigns, hereinafter collectively referred to as CITY, an easement for the right to enter upon and use for working space for construction of storm sewers and drainage and appurtenances thereto, the parcel of land described as follows, to-wit:

See Exhibit "A" attached hereto and incorporated herein by this reference.

It is further agreed as follows:

1. That this easement runs with the land and terminates thirty (30) days after the improvement is completed, with the total duration of actual use of this temporary construction easement not to exceed 180 calendar days from the date construction begins.

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, gardens, and lawns within the easement area as necessary for construction with the following exceptions: NONE.

3. That the CITY shall cause any trench made on said easement strip to be properly refilled and shall cause the area disturbed pursuant to this easement to be seeded upon completion of construction. This temporary easement is also for the benefit of any contractor, agent, employee, public utility company, and representative of the CITY in any of said construction work.

4. That said GRANTOR for itself and its successors and assigns, does confirm with the said CITY and its assigns, including public utility companies and their assigns, that the GRANTOR is well seized in fee of the above-described property and that it has the right to grant and convey this easement in the manner and form aforesaid, and that it and its successors and assigns, shall warrant and defend this temporary easement to said CITY, and its successors and assigns, including public utility companies and their assigns against the lawful claims and demands of all persons.

RETURN: Brown and ff  
920 4th and  
Omaha, NE 68102

15091

FEE 20.50 FB 01-60000  
BKP 16-511 C/O \_\_\_\_\_ COMP mb  
DEL \_\_\_\_\_ SCAN da FV \_\_\_\_\_

VP

VP

5. The CITY reserves the absolute right to terminate this easement at any time prior to the payment of the above-stated consideration, but in no event later than sixty (60) days after the execution of this Easement Agreement.

6. 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.

7. That 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 hereunto set its hand this 25th day of November, 1997.

BRIAR HILLS DEVELOPMENT, L.L.P. , a Nebraska limited liability partnership

By: BHD, L.L.C., a Nebraska limited liability company, Partner

By: M.M. Udes  
M.M. Udes, Manager

By: NEW MILLENNIUM, L.L.P., a Nebraska limited liability partnership, Partner

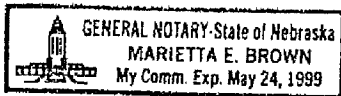
By: Kevin Irish  
Kevin Irish, Partner

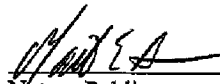
By: Herbert L. Freeman  
Herbert Freeman, Partner

STATE OF NEBRASKA        )  
                                  ) ss.  
COUNTY OF DOUGLAS     )

On this 25th day of November, 1997, before me, the undersigned, Notary Public in and for said County, personally came M.M. Udes, Manager of BHD, L.L.C., a Nebraska limited liability company, to me personally known to be the Manager of the company, and the identical person whose name is affixed to the foregoing instrument, and acknowledged the execution thereof to be his voluntary act and deed as such Manager, and the voluntary act and deed of the company.

WITNESS my hand and Notarial Seal at Omaha in said County the day and year last above written.



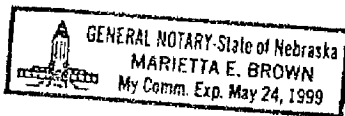
  
\_\_\_\_\_  
Notary Public

My Commission expires: 5-24-99

STATE OF NEBRASKA        )  
                                  ) ss.  
COUNTY OF DOUGLAS     )

On this 25th day of November, 1997, before me, the undersigned, Notary Public in and for said County, personally came Kevin Irish and Herbert Freeman, Partners of NEW MILLENNIUM, L.L.P., a Nebraska limited liability partnership, to me personally known to be the Partners of the partnership, and the identical persons whose names are affixed to the foregoing instrument, and acknowledged the execution thereof to be their voluntary act and deed as such Partners, and the voluntary act and deed of the partnership.

WITNESS my hand and Notarial Seal at Omaha in said County the day and year last above written.



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

My Commission expires: 5-24-99

LEGAL DESCRIPTION-TEMPORARY CONSTRUCTION EASEMENT

A TRACT OF LAND LOCATED IN THE NE 1/4 OF SECTION 16, TOWNSHIP 15 NORTH, RANGE 11 EAST OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 16; THENCE ALONG THE SOUTH LINE OF THE NE 1/4 OF SAID SECTION 16, S87°52'08"W (ASSUMED BEARING), 1322.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE ALONG SAID SOUTH LINE, S87°52'08"W, 637.01 FEET; THENCE N02°07'52"W, 100.00 FEET; THENCE N87°52'08"E, 650.59 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT; THENCE ALONG SAID CURVE, HAVING A RADIUS OF 375.00 FEET AND A CHORD BEARING S05°36'07"W, 100.92 FEET, AN ARC DISTANCE OF 101.22 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING AN AREA OF 0.87 ACRE (37,975 SQ. FT.), MORE OR LESS, WHICH EXCLUDES THE ABOVE DESCRIBED PERMANENT EASEMENT.

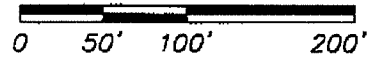
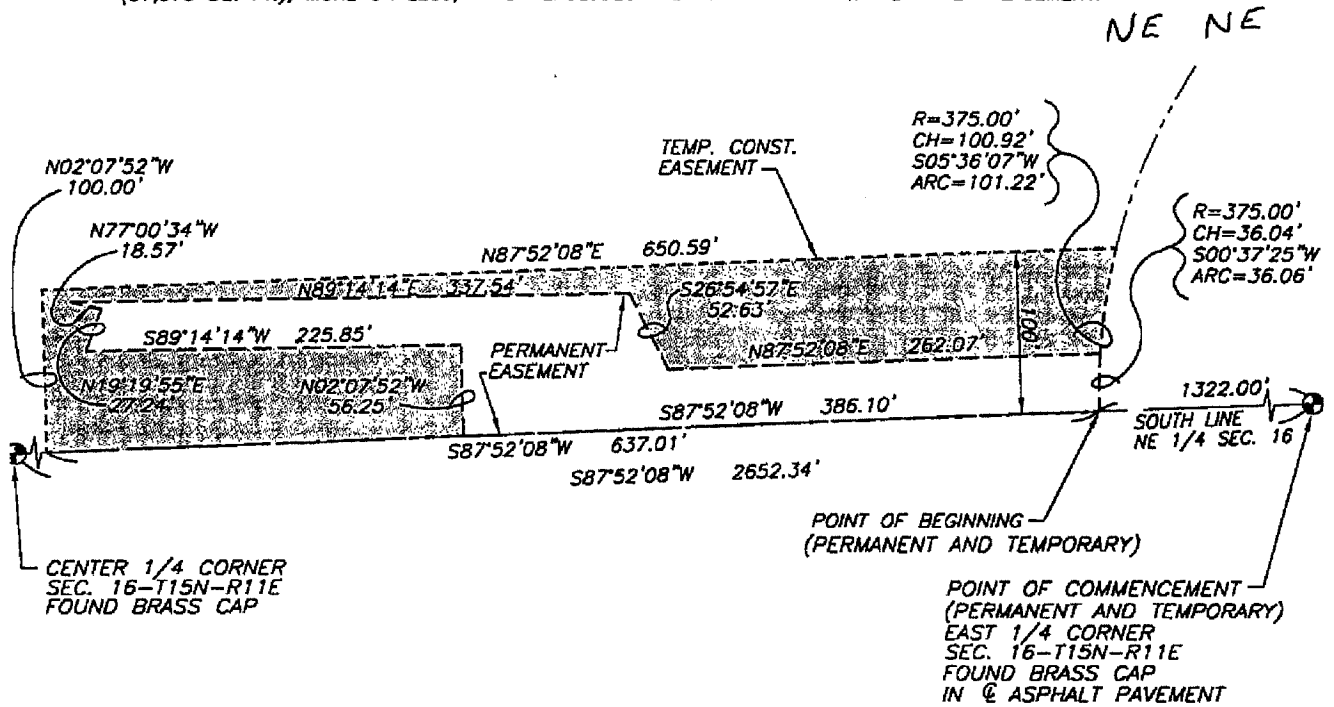


Exhibit "A"

All of the Northeast Quarter of Section 16, Township 15, North, Range 11, East of the 6th P.M., Douglas County, Nebraska, also being described as:

NE  
NW } NE  
SE  
SW

Lots 1 through 164, inclusive, Briar Hills, a subdivision as surveyed platted and recorded in Douglas County, Nebraska,

and

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 16; THENCE ALONG THE NORTH LINE OF SAID SECTION 15, N87°55'47"E (ASSUMED BEARING), 1841.07 FEET; THENCE S02°04'13"E, 255.00 FEET; THENCE S28°31'29"W, 275.84 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT; THENCE ALONG SAID CURVE, HAVING A RADIUS OF 645.00 FEET AND A CHORD BEARING N61°59'29"W, 11.62 FEET, AN ARC DISTANCE OF 11.62 FEET; THENCE N62°30'27"W, 36.57 FEET; THENCE S27°29'33"W, 130.00 FEET; THENCE N62°30'27"W, 15.46 FEET; THENCE S29°40'23"W, 173.99 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT; THENCE ALONG SAID CURVE, HAVING A RADIUS OF 185.00 FEET AND A CHORD BEARING N64°14'52"W, 25.30 FEET, AN ARC DISTANCE OF 25.32 FEET; THENCE S21°49'53"W, 160.00 FEET; THENCE S76°33'30"E, 41.37 FEET; THENCE S02°07'52"E, 176.57 FEET; THENCE N68°34'14"W, 218.97 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT; THENCE ALONG SAID CURVE, HAVING A RADIUS OF 1005.00 FEET AND A CHORD BEARING S31°06'51"W, 338.23 FEET, AN ARC DISTANCE OF 339.74 FEET; THENCE S49°12'05"E, 97.09 FEET; THENCE S02°07'52"E, 80.00 FEET; THENCE S28°25'12"W, 94.53 FEET; THENCE S15°35'42"E, 240.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT; THENCE ALONG SAID CURVE, HAVING A RADIUS OF 335.00 FEET AND A CHORD BEARING N77°26'22"E, 35.47 FEET, AN ARC DISTANCE OF 35.48 FEET; THENCE S09°31'34"E, 140.00 FEET; THENCE N89°15'59"E, 59.61 FEET; THENCE S66°35'22"E, 230.58 FEET; THENCE S68°29'04"E, 97.48 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT; THENCE ALONG SAID CURVE, HAVING A RADIUS OF 385.00 FEET AND A CHORD BEARING S22°14'37"W, 9.78 FEET, AN ARC DISTANCE OF 9.78 FEET TO THE BEGINNING OF A COMPOUND CURVE TO THE LEFT; THENCE ALONG SAID CURVE, HAVING A RADIUS OF 275.00 FEET AND A CHORD BEARING S10°25'13"W, 119.52 FEET, AN ARC DISTANCE OF 120.48 FEET; THENCE S02°07'52"E, 134.27 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE ALONG SAID CURVE, HAVING A RADIUS OF 200.00 FEET AND A CHORD BEARING S14°52'08"W, 116.95 FEET, AN ARC DISTANCE OF 118.68 FEET; THENCE S31°52'08"W, 110.00 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE ALONG SAID CURVE, HAVING A RADIUS OF 375.00 FEET AND A CHORD BEARING S14°52'08"W, 219.28 FEET, AN ARC DISTANCE OF 222.53 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 16; THENCE ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER, S87°52'08"W, 845.00 FEET TO A POINT ON THE NORTHEASTERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD; THENCE ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE, N53°53'59"W, 622.29 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 16; THENCE ALONG SAID WEST LINE, N02°38'56"W, 2261.79 FEET TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 83.61 ACRES, MORE OR LESS.

NE NE  
NW NE  
SW NE