

31-16-12

PROJECT: Papillion Creek and Tributaries Lakes, Nebraska, Dam 16

TRACT NO.: 113E

GRANT OF EASEMENT

THIS INSTRUMENT made and entered into this 31<sup>st</sup> day of July, 1974, between Henry J. Neuhaus and Opal O. Neuhaus, husband and wife, of Douglas County, Nebraska, parties of the first part, Grantors, and the UNITED STATES OF AMERICA, of Washington, D. C., party of the second part, Grantee.

Affects O.L.A. 30' of O.L.A. unplatted land

WITNESSETH, that the parties of the first part, for and in consideration of the sum of One Thousand Seven Hundred Fifty and No/100 Dollars (\$1,750.00), do by these presents grant, bargain, sell, convey, and confirm unto the United States of America and its assigns a perpetual and assignable easement in, upon, over and across the following described real estate in the County of Douglas, State of Nebraska, to-wit:

A tract of land situated in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 31, Township 16 North, Range 12 East of the Sixth Principal Meridian, Douglas County, Nebraska, being more particularly described as follows: Beginning at the Southwest corner of said SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ ; thence North along the West line of said SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , 250.00 feet; thence East parallel with the North line of said SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , 300.00 feet; thence Southwesterly to a point on the South line of said SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , said point being 150.00 feet East of said Southwest corner; thence West along said South line to the point of beginning and containing 1.29 acres, more or less.

Said easement shall be for the following purposes, namely: The perpetual right, power, privilege, and easement occasionally to overflow, flood and submerge Tract 113E and to maintain mosquito control in connection with the operation and maintenance of the Papillion Creek and Tributaries, Nebraska, Dam 16 Project as authorized by the Act of Congress approved August 13, 1968, together with all right, title, and interest in and to the structures and improvements now situate on the land, except fencing and also excepting a storm sewer; provided that no structures for human habitation shall be constructed or maintained on the land, that no other structures shall be constructed or maintained on the land except as may be approved in writing by the representative of the United States in charge of the project, and that no excavation shall be conducted and no landfill placed on the land without such approval as to the location and method of excavation and/or placement of landfill; the above estate is granted subject to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving, however, to the Grantors, their heirs and assigns, all such rights and privileges as may be used and enjoyed without interfering with the use of the project for the purposes authorized by Congress or abridging the rights and easement hereby acquired; provided further that any use of the land shall be subject to Federal and state laws with respect to pollution.

Also subject to oil, gas and other mineral rights outstanding in third parties, if any.

The parties of the first part covenant and agree that they are owners in fee of the above described premises and that they have a good right to convey the same and that they will warrant and defend the title to said easement against all lawful claims and demands of all persons whomsoever.

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands the day and year first above written.

Henry J. Neuhaus  
HENRY J. NEUHAUS

Opal O. Neuhaus  
OPAL O. NEUHAUS

STATE OF NEBRASKA )  
                          ) ss  
COUNTY OF DOUGLAS )

On this 31<sup>ST</sup> day of July, 1974, before me, a Notary Public in and for said county, personally appeared Henry J. Neuhaus and Opal C. Neuhaus, husband and wife, to me personally known to be the identical persons described in and whose names are affixed to the foregoing instrument as grantors and acknowledged the said instrument to be their voluntary act and deed.



HELEN M. SIMMONS  
General Notary-State of Nebr.  
My Commission Expires  
November 7, 1977

Helen M. Simmons  
Notary Public

My Commission Expires:

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2 ENTERED IN NUMERICAL INDEX AND RECORDED IN THE REGISTER OF DEEDS OFFICE IN DOUGLAS COUNTY, NEBRASKA 625  
1 DAY OF Aug 1974 AT 8:52 A.M. C. HAROLD OSTLER, REGISTER OF DEEDS

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