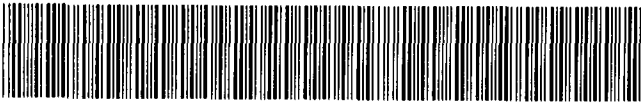




MISC 2015094429



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F 5/1 misc  
 FEE: 54.00 FB 64-23245  
 BKP \_\_\_\_\_ C/O \_\_\_\_\_ COMP *[initials]*  
 DEL \_\_\_\_\_ SCAN \_\_\_\_\_ FV \_\_\_\_\_

Received - DIANE L. BATTIATO  
 Register of Deeds, Douglas County, NE  
 11/6/2015 14:50:24.20



2015094429

### PEDESTRIAN TRAIL EASEMENT

THIS EASEMENT, made this 29<sup>th</sup> day of October, 2015, by and between LANOHA 135 MILLARD LLC, a Nebraska limited liability company (hereinafter referred to as "Grantor"), any of Grantor's successors and assigns, and the CITY OF OMAHA, NEBRASKA, a Nebraska Municipal corporation (hereinafter referred to as "Grantee").

#### WITNESSETH:

That the Grantor, being owner of the following described real estate:

#### SEE ATTACHED EXHIBIT "A" PERMANENT EASEMENT LEGAL DESCRIPTION

(hereinafter referred to as the "Parcel"), and any of Grantor's successors or assigns, for consideration received, does hereby grant to the Grantee, and to its successors and assigns, a permanent pedestrian trail easement, with the right of ingress and egress, for the purpose of constructing, operating, relaying, maintaining, repairing and inspecting, with appurtenances and accessories through, across, and over that portion of \_\_\_\_\_ the property which is depicted and designated on Exhibit "A" attached hereto and hereby made a part hereof.

#### IT IS FURTHER AGREED AS FOLLOWS:

1. That no buildings, improvements, or other structures, nor any grading, fill or fill material, or embankment work, shall be placed in, on, over, or across said easement strip by GRANTOR, his or their successors and assigns without express written approval of the GRANTEE. Improvements which may be approved by GRANTEE include landscaping, road and/or street surfaces, parking area surfacing, and/or pavement. These improvements

Public Works Department  
 Right-of-Way Section, Suite 604  
 Omaha/Douglas Civic Center  
 1819 Farnam Street  
 Omaha, Nebraska 68183

*City 4*

and any trees, grass or shrubbery placed on said easement shall be maintained by GRANTOR, his heirs, successors or assigns.

2. That CITY will replace or rebuild any and all damage to improvements caused by GRANTEE exercising its rights of inspecting, maintaining or operating said pedestrian trail, except that damage to, or loss of trees and shrubbery will not be compensated for by GRANTEE
3. The easement so granted shall be for the benefit of any contractor, agent, employee or representative of Grantee for the purpose of entering and performing work on the pedestrian trail and its appurtenances and accessories.
4. That said Grantor for itself and its heirs, executors and administrators does confirm with the said Grantees 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 heirs, executors, and administrators shall warrant and defend this easement to the said Grantees and their assigns against the lawful claims and demands of all person, subject to all covenants, restrictions and easements of record. This easement shall run with the land.
5. That this instrument contains the entire agreement of the parties; that there are no other different agreements or understandings, and that the Grantor in executing and delivering this instrument, has not relied upon any promises, inducements, or representations of the Grantees or their agents or employees, except as are set forth herein.

IN WITNESS WHEREOF, the said party of the first part has hereunto and these presents to be signed by its respective member this 4<sup>th</sup> Day of September, 2015.

LANOHA 135 MILLARD LLC  
(Name of Limited Liability Company)

AUTHORIZED MEMBER:

*Jason P. Lanoha*  
(Sign)  
Manager  
(Title)

**LIMITED LIABILITY COMPANY ACKNOWLEDGMENT**


STATE OF NEBRASKA )  
 ) SS  
COUNTY OF DOUGLAS )

On this 4<sup>th</sup> day of September, 2015, before me, a Notary Public in and for said County, personally came Jason P. Lanoha,  
(Name)

Manager, of LANOHA 135 MILLARD LLC,  
(Title) (Name of LLC)

a Nebraska limited liability company, to me personally known to be the respective member of said limited liability company and the identical persons whose name is 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 Limited Liability Company.

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

Notary Seal:   
*Kristina J. Carter*

NOTARY PUBLIC

IMPRINTED SEAL

CITY OF OMAHA, a Municipal Corporation

ATTEST:

*Sandra L. Moses* 10-29-15  
*Sandra L. Moses*  
Deputy City Clerk, City of Omaha

By *Jean Stothert* 10-29-15  
Jean Stothert,  
Mayor, City of Omaha

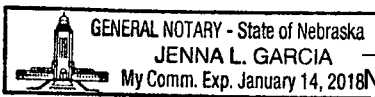
APPROVED AS TO FORM:

*W. A. T.* 9-28-15  
ASSISTANT CITY ATTORNEY

STATE OF NEBRASKA )

COUNTY OF DOUGLAS)

On this 29<sup>th</sup> day of October, 2015, before me, a Notary Public in and for said County, personally came *Sandra L. Moses* Deputy City Clerk of the City of Omaha, Nebraska, a Municipal Corporation, to me personally known to be the respective officer of said Municipal corporation and the identical person whose name is affixed to the foregoing instrument, and acknowledged the execution thereof to be their respective voluntary act and deed as City Clerk and the voluntary act and deed of said Municipal Corporation. WITNESS my hand and Notarial Seal the day and year last above written.

Notary Seal:  *Jenna L. Garcia*  
PUBLIC NOTARY

On this 29<sup>th</sup> day of October, 2015, before me, a Notary Public in and for said County, personally came Jean Stothert, Mayor of the City of Omaha, Nebraska, a Municipal Corporation, to me personally known to be the respective officer of said Municipal corporation and the identical person whose name is affixed to the foregoing instrument, and acknowledged the execution thereof to be their respective voluntary act and deed as Mayor and the voluntary act and deed of said Municipal Corporation. WITNESS my hand and Notarial Seal the day and year last above written.

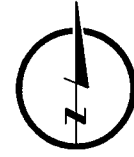
Notary Seal:  *Jenna L. Garcia*  
PUBLIC NOTARY

# EASEMENT EXHIBIT

## LEGAL DESCRIPTION

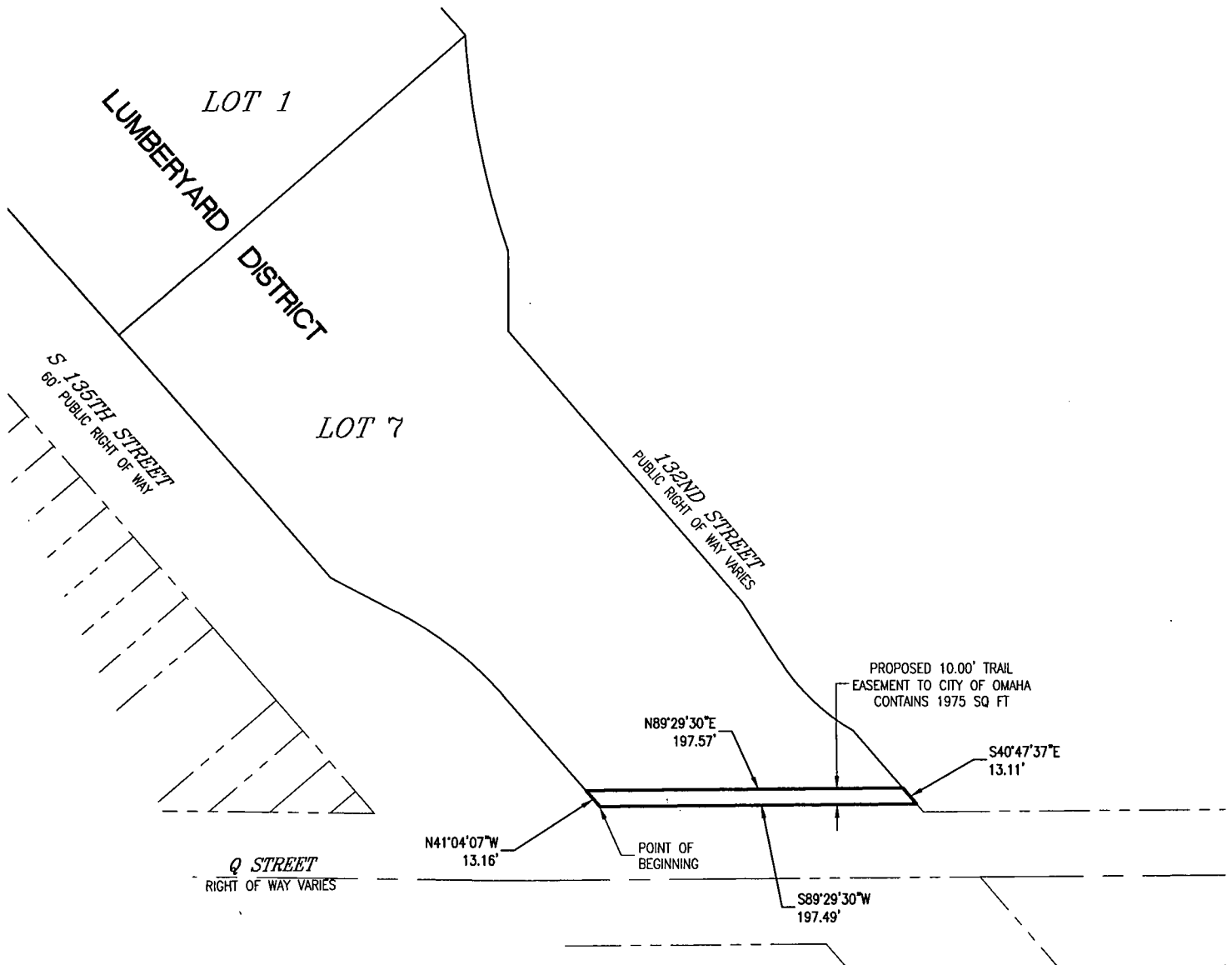
A PERMANENT EASEMENT FOR THE CONSTRUCTION AND MAINTENANCE OF A TRAIL OVER THAT PART OF LOT 7, LUMBERYARD DISTRICT, A SUBDIVISION, AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 7;  
 THENCE NORTH 41°04'07" WEST (BEARINGS REFERENCED TO THE FINAL PLAT OF LUMBERYARD DISTRICT) FOR 13.16 FEET ALONG THE WEST LINE OF SAID LOT 7;  
 THENCE NORTH 89°29'30" EAST FOR 197.57 FEET ALONG A LINE PARALLEL WITH AND 10.00 FEET NORTH OF THE SOUTH LINE OF SAID LOT 7 TO THE EAST LINE OF SAID LOT 7;  
 THENCE SOUTH 40°47'37" EAST FOR 13.11 FEET TO THE SOUTHEAST CORNER OF SAID LOT 7;  
 THENCE SOUTH 89°29'30" WEST FOR 197.49 FEET TO THE POINT OF BEGINNING.  
 CONTAINS 1,975 SQUARE FEET.



## LEGEND

- EXISTING LOT LINE
- PROPOSED LOT LINE
- EASEMENT LINE



**LAMP RYNEARSON  
& ASSOCIATES**

14710 West Dodge Road, Suite 100 402.496.2498 | P  
 Omaha, Nebraska 68154-2027 402.496.2730 | F  
[www.LRA-Inc.com](http://www.LRA-Inc.com)

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