

94-07184

REGISTERED INSTRUMENT
 INSTRUMENT NUMBER
94-07184
 94 MAR 30 PM 12:59

Carol A. Glavin
 REGISTER OF DEEDS

Proof	<u>W</u>
D.E.	<u>J</u>
Verify	<u>W</u>
Filmed	
Checked	
Fee \$	<u>30.50</u>

EASEMENT

THIS INDENTURE made this 25th day of March, 1994, between HELEN E. SCHRAM, PERSONAL REPRESENTATIVE OF THE ESTATE OF BERNARD F. SCHRAM, DECEASED, hereinafter referred to as grantor and party of the first part, and the City of Papillion, a municipal corporation, duly created and existing by virtue of the laws of the State of Nebraska, hereinafter referred to as grantee and party of the second part.

WITNESS:

1. That said party of the first part, in consideration of the sum of Thirteen Thousand Dollars (\$13,000.00) and other good and valuable consideration, to it in hand paid, by the said party of the second part, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell, release and quitclaim to the said party of the second part, its successors and assigns forever, a twenty (20) foot permanent sanitary sewer line easement and a seventy-five (75) foot temporary construction easement for a sanitary sewer line under and across a tract of land located in Sarpy County, Nebraska and more specifically described as follows:

TEMPORARY CONSTRUCTION EASEMENT

That part of Tax Lot 24A1A in the East 1/2 of the SE 1/4 of Section 26, T14N, R12E of the 6th P.M., Sarpy County, Nebraska described as follows: Commencing at the NE corner of Lot 128, Park Hills III, a subdivision as surveyed, platted and recorded in said Sarpy County; thence N 00 40'07"W (assumed bearing) 525.63 feet on the West line of said Tax Lot 24A1A to the point of beginning, said point being on the Westerly extension of the Northerly line of Tax Lot 24A2 in said East 1/2; thence continuing N 00 40'07"W 50.02 feet on the West line of said Tax Lot 24A1A; thence N 87 44'30"E 467.52 feet on a line 50.00 feet Northerly of and parallel with the Northerly line of said Tax lot 24A2; thence S 78 31'17"E 239.50 feet; thence East 306.23 feet to a point 10 feet East and 37.5 feet North of an existing sanitary sewer manhole; thence South 75.00 feet; thence West

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313.77 feet; thence N 78 44'30"W 227.48 feet; thence S 87 44'30"W 18.93 feet to the Easterly line of said Tax Lot 24A2; thence N 01 58'30"W 27.50 feet on the Easterly line of said Tax Lot 24A2 to the NE corner thereof; thence S 87 44'30"W 451.30 feet on the Northerly line of said Tax Lot 24A2 and the Westerly extension thereof to the point of beginning.

PERMANENT SANITARY SEWER LINE EASEMENT

A 20.00 foot wide strip of land located within Tax Lot 241A1 in the East 1/2 of the SE 1/4 of Section 26, T14N, R12E of the 6th P.M., Sarpy County, Nebraska, more particularly described as follows: commencing at the NE corner of Lot 128, Park Hills III, a subdivision as surveyed, platted and recorded in said Sarpy County; thence N 00 40'07"W (assumed bearing) 525.63 feet on the West line of said Tax Lot 24A1A to the point of beginning, said point being on the Westerly extension of the Northerly line of Tax Lot 24A2 in said East 1/2; thence continuing N 00 40'07"W 20.01 feet on the West line of said Tax Lot 24A1A; thence N 87 44'30"E 475.27 feet on a line 20.00 feet Northerly of and parallel with the Northerly line of said Tax Lot 24A2, and the Easterly and Westerly extensions thereof; thence S 78 31'17"E 228.42 feet; thence East 308.99 feet to a point 10 feet East and 10 feet North of an existing sanitary sewer manhole; thence South 20.00 feet; thence West 311.01 feet; thence N 78 31'17"W 228.02 feet; thence S 87 44'30"W 473.41 feet on the Northerly line of said Tax Lot 24A2 and the Easterly and Westerly extensions thereof to the point of beginning.

2. That the monetary consideration paid by the party of the second party, the receipt of which has herein been acknowledged by the party of the first part, includes payment for any permanent and temporary taking, severance, and crop or compaction damage to be caused by the party of the second part.

3. The scope and purpose of said easement is for the construction, repair, maintenance, replacement and renewal of a sanitary sewer line, including all necessary and related appurtenances and the transmission through said line of sanitary water. Grantee and its contractors and engineers shall have the full right and authority to enter upon said easement in order to perform any of the acts and functions described within the scope and purposes of this easement document. Grantee shall have control over final grade, but grantor shall be allowed to place fill in the permanent easement area without the prior permission of the grantee.

4. Grantee agrees that after completion of the initial installation and construction of the sanitary sewer line or subsequent repair or maintenance, grantee shall restore the surface of the easement area as nearly as possible to the condition existing prior to such work.

5. This easement shall run in favor of and be binding upon the grantor, the grantee and their respective successors and assigns in interest.

6. Grantee shall have the right of ingress and egress across the grantor's property for any purposes hereinabove granted. Such ingress and egress shall be exercised in a reasonable manner. Where grantee's facilities have been installed, no trees, permanent buildings or other structures shall be placed in or encroached upon the permanent easement area and no change of grade, elevation or any excavation shall be made therein without prior written approval of the grantee; but the same may be used for landscaping or other agricultural purposes that do not then or later interfere with the granted easement uses. Nothing herein shall be construed as to prevent grantor from building on its unencumbered property up to the outer perimeters of the above-described area.

7. Grantee hereby covenants to grantor that it shall be solely responsible for any damages, proximately caused by the construction or maintenance of the sanitary sewer line and that any action necessary to reverse, modify or repair said results shall be the sole responsibility of grantee.

8. Grantor represents that it has lawful possession of said real estate, good, right and lawful authority to make such conveyance; that its assigns and successors in interest shall warrant and defend the same and will indemnify and hold harmless the party of the second part forever against the claims of all persons whosoever in any way asserting any right, title or interest prior to or contrary to this conveyance.

9. That a graphic portrayal and description of said temporary and permanent easements are shown on Exhibits "A" and "B" which are attached hereto and incorporated herein by reference.

IN WITNESS WHEREOF, grantor has executed this document on the day and year first above written.

Helen E. Schram

HELEN E. SCHRAM, PERSONAL
REPRESENTATIVE OF THE ESTATE OF
BERNARD F. SCHRAM, DECEASED

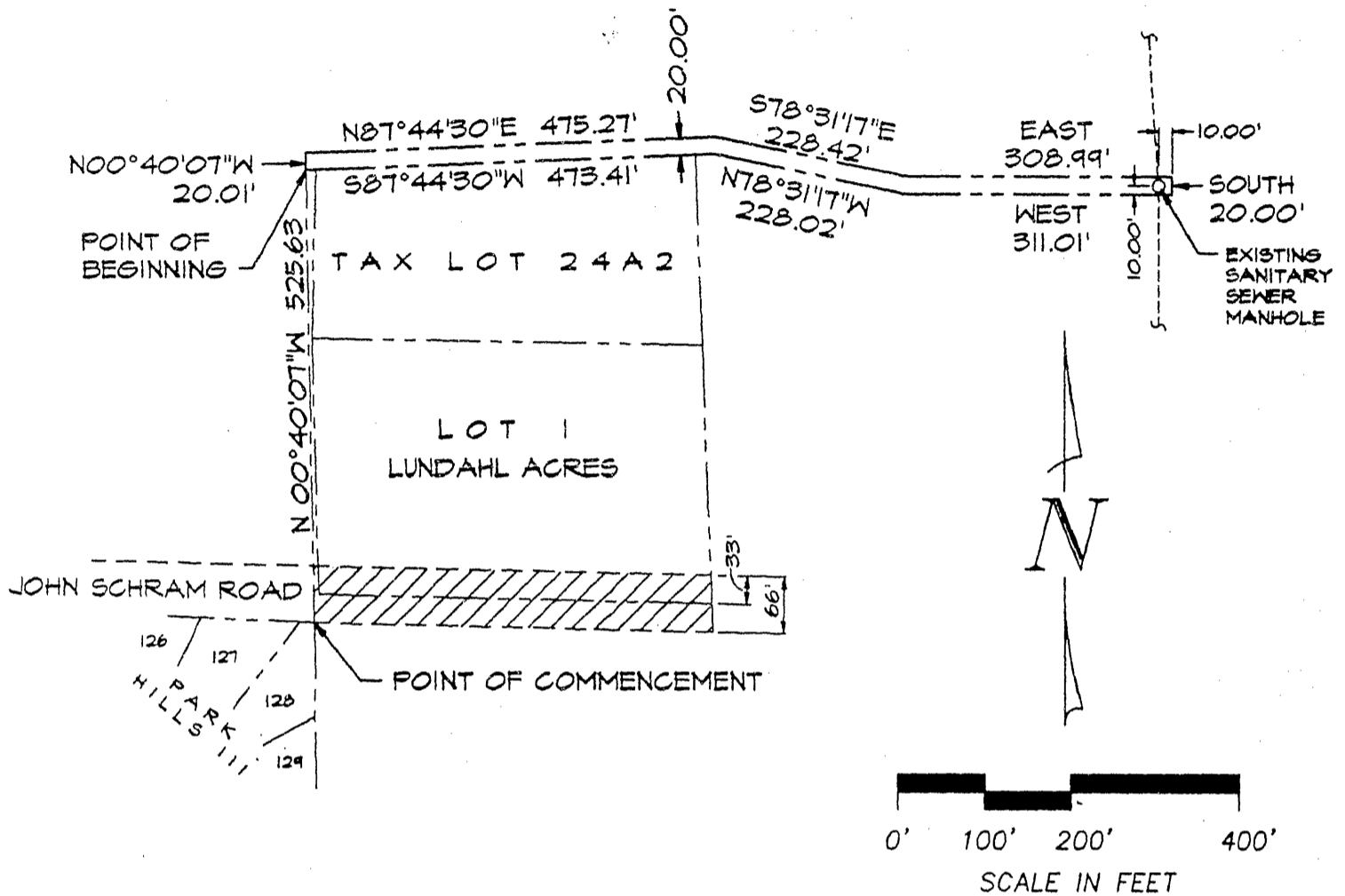
Exhibit A



JOB NO. 181-255
DATE: 10-13-93
DWG: 181E3.DWG

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Exhibit B



LEGAL DESCRIPTION

A 20.00 FOOT WIDE STRIP OF LAND LOCATED WITHIN TAX LOT 24A1A IN THE EAST 1/2 OF THE SE 1/4 OF SECTION 26, T14N, R12E OF THE 6th P.M., SARPY COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NE CORNER OF LOT 128, PARK HILLS III, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN SAID SARPY COUNTY; THENCE N 00° 40' 07" W (ASSUMED BEARING) 525.63 FEET ON THE WEST LINE OF SAID TAX LOT 24A1A TO THE POINT OF BEGINNING, SAID POINT BEING ON THE WESTERLY EXTENSION OF THE NORTHERLY LINE OF TAX LOT 24A2 IN SAID EAST 1/2; THENCE CONTINUING N 00° 40' 07" W 20.01 FEET ON THE WEST LINE OF SAID TAX LOT 24A1A; THENCE N 87° 44' 30" E 475.27 FEET ON A LINE 20.00 FEET NORTHERLY OF AND PARALLEL WITH THE NORTHERLY LINE OF SAID TAX LOT 24A2, AND THE EASTERLY AND WESTERLY EXTENSIONS THEREOF; THENCE S 78° 31' 17" E 228.42 FEET; THENCE EAST 308.99 FEET TO A POINT 10 FEET EAST AND 10 FEET NORTH OF OF AN EXISTING SANITARY SEWER MANHOLE; THENCE SOUTH 20.00 FEET; THENCE WEST 311.01 FEET; THENCE N 78° 31' 17" W 228.02 FEET; THENCE S 87° 44' 30" W 473.41 FEET ON THE NORTHERLY LINE OF SAID TAX LOT 24A2 AND THE EASTERLY AND WESTERLY EXTENSIONS THEREOF TO THE POINT OF BEGINNING.

JOB NO. 181-255

DATE: 10-13-93

DWG: 181E4.DWG