

40-164

EASEMENT

FOR and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, I, We, ~~Edward E. Stepanek and Mary Jane Stepanek~~, do hereby grant and confirm unto the County of Sarpy, its successors and assigns, permanent full and free right, liberty and authority to enter upon and to construct, operate and maintain Papillion Creek Channel and LaVista Creek Channel improvements upon the following described lands, to wit:

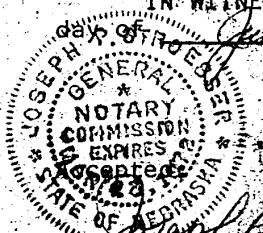
FILED FOR RECORD IN SARPY COUNTY NEB June 20 1968 AT 9 O'CLOCK AM
ALL RECORDED IN BOOK 40 OF Plat PAGE 164
Stone Underway REGISTER OF DEEDS no. 107

That part of the Northeast 1/4 of Section 13 - Township 14 - Range 12 and part of Section 18 - Township 14 - Range 13 East of the 6th P.M., more particularly described as follows: Beginning at a point on the North line of Section 13, which is the centerline of Papillion Creek; thence westerly on the North line of Section 13, 1500 feet West of the NE Corner of NE 1/4 of Section 13 - Township 14 - Range 12; thence Southeasterly, in a line parallel to Papillion Creek to a point 150 feet North of the SE Corner of the NE 1/4 of Section 13 - Township 14 - Range 12; thence Southeasterly and parallel to Papillion Creek to a point 90 feet East of the NE Corner of the SW 1/4 of Section 18 - Township 14 - Range 13; thence Northeasterly 200 feet to the centerline of the Papillion Creek; thence Northwesterly along the centerline of Creek to point of beginning. Containing 15.6 acres (the same being part of Tax Lots 2A2A, D.2, 1-B, H (West of Creek), 1-B in Section 13 - Township 14 - Range 12 and also part of Tax Lots 7-B in Section 18 - Township 14 - Range 13) also the South 40 feet of Tax Lot 1B in the SE 1/4 of the NE 1/4 of Section 13 - Township 14 - Range 12 and the South 40 feet of Tax Lot 7B in the SW 1/4 of the NW 1/4 of Section 18 - Township 14 - Range 13 East of the 6th P.M. (containing .53 acres). All in Sarpy County, Nebraska

The rights and privileges herein granted shall be subject to the following terms and conditions:

- 1) There is reserved to the Grantor, his heirs and assigns, the right and privilege to use the above described land in any manner and for any purpose not inconsistent with the full use and enjoyment by the County of Sarpy, its successors and assigns, of the rights and privileges herein granted.
- 2) The consideration recited herein shall constitute payment in full for all damages sustained or to be sustained by the Grantor caused by the construction, operation, maintenance and inspection of the works of improvement described herein, including but not limited to damages for loss of access and damages resulting from the diminution of the value of the Grantor's remaining land because of the grading required in said construction. Grantor waives the statutory procedure for arriving at damages by reason of any change of grade.
- 3) This easement includes the right of ingress and egress at any time over and upon the above described land and any other land of the Grantor which adjoins said land. *FOR EXPRESS PURPOSE OF FLOOD CONTROL*
- 4) This easement shall not pass, nor shall the same be construed to pass, to the County of Sarpy, any fee interest or any title to the above described lands. *Jps BES.*
- 5) It is understood that no promises, verbal agreements or understanding except as herein set forth will be honored by the County of Sarpy. *Jps BES.*

20 FT GATE TO BE INSTALLED AT 60 & HARRISON, WEST BANK
IN WITNESS WHEREOF, the Grantor sets his hand and seal this 1968



Joseph P. Prosser
For the County of Sarpy

Edward E. Stepanek
Mary Jane Stepanek

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