



BK 1485 PG 448-451



MISC 2003 01010

RECORDS TAKEN
REGISTER OF DEEDS
NEBRASKA COUNTY, NE

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RECEIVED

**THIS PAGE INCLUDED FOR INDEXING
PAGE DOWN FOR BALANCE OF INSTRUMENT**

misc FEE 21.00 FB 02-32000 *H*

4 BKP 4-563 CIO _____ COMP *[Signature]*

g DEL PU SCAN *[Signature]* FV *[Signature]*

MARK A. KLINKER

Attorney At Law

7777 "L" Street
Omaha, Nebraska 68127

Business: 331-3330
Fax: 331-6816
Home: 331-2847

PERMANENT PUBLIC IMPROVEMENTS ACCESS EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That Maurice F. Cullen and Barbara J. Cullen, husband and wife, ("Grantor"), record owners of the real property hereinafter described, in consideration of One Dollar and No./100ths (\$1.00) and the further consideration of the performance of the covenants and agreements by Grantee as hereinafter set forth, do hereby GRANT, REMISE AND RELINQUISH unto the CITY OF RALSTON, NEBRASKA, a municipal corporation, its successors and assigns ("Grantee"), the RIGHT, PRIVILEGE, and EASEMENT for public access and to construct, reconstruct, maintain, operate, and replace public recreational trail improvements and appurtenances thereto over and through the real property legally described on Exhibit "A" attached hereto and incorporated herein by this reference (the "Real Property").

TO HAVE AND TO HOLD UNTO THE CITY OF RALSTON, NEBRASKA, its successors and assigns, so long as such improvements shall be maintained, together with the right of ingress and egress to said property by the public, and for the purposes of constructing, reconstructing, inspecting, repairing, maintaining, operating and replacing said public recreational trail and appurtenances thereto located on the Real Property, in whole or in part, at the will of Grantee, it being the intention of the parties hereto that Grantor is hereby granting the uses herein specified without divesting Grantor of title and ownership of the Real Property, subject only to the right of Grantee to use the same for purposes herein expressed, and subject to any prior leases or easements of record heretofore granted to other parties.

Grantee shall use reasonable efforts not to interfere with Grantor's operations on the Real Property or the use of improvements thereon. Grantee shall, at its sole cost and expense, restore the surface of and existing vegetation on the Real Property excavated for any purpose hereunder, as near as may be reasonably possible, to the original condition thereof and as soon after such work is performed as may be reasonably possible to do so.

Grantee shall indemnify and hold Grantor harmless from and against all claims, liabilities, and expenses (including reasonable attorney's fees) relating to accidents, injuries, loss, or damage to any person or property arising from or in any manner relating to the use by Grantee of the easement granted hereunder except as may result from the negligence or intentional misconduct of Grantor.

THIS INSTRUMENT, and the covenants and agreements herein contained, shall inure to the benefit of and be binding and obligatory upon the successors and assigns of the respective parties.

IN WITNESS WHEREOF, the undersigned has caused this Easement to be executed as of the 19 day of Sept., 2001.

BY: Maurice F. Cullen

BY: Barbara J. Cullen

NAME: Maurice F. Cullen

NAME: Barbara J. Cullen

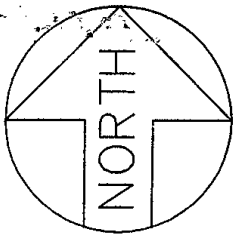
STATE OF Nebr)
COUNTY OF Douglas) ss.

BY MAURICE F. CULLEN
AND BARBARA J. CULLEN

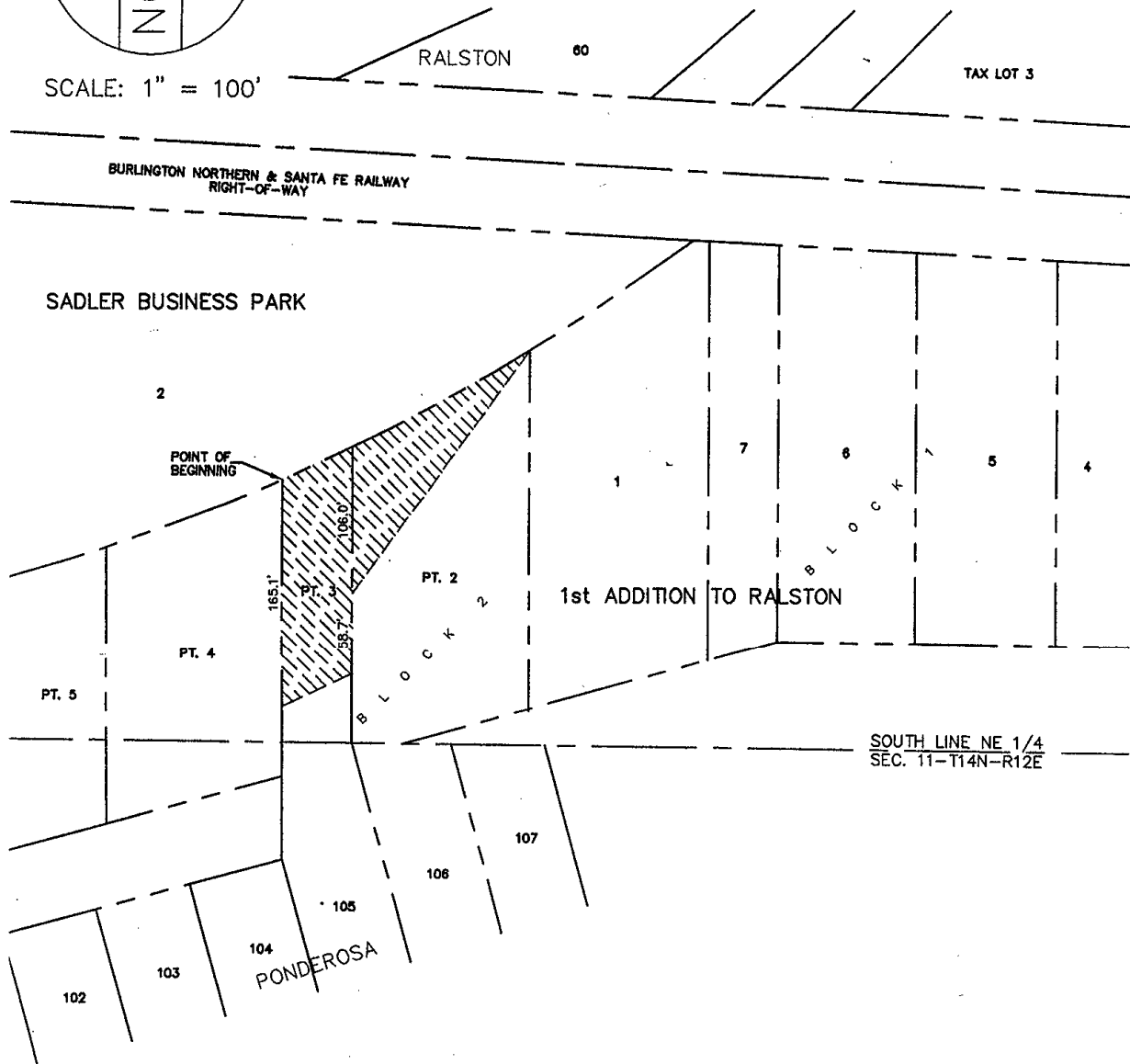
The foregoing instrument was executed before me this 19 day of September, 2001.



Dolores L. Costanzo
Notary Public



SCALE: 1" = 100'



LEGAL DESCRIPTION

THOSE PORTIONS OF LOTS 2 AND 3 IN BLOCK 2 OF 1st ADDITION TO RALSTON, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 3, BLOCK 2; THENCE NORTHEASTERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 1476.69 FEET ALONG THE SOUTH LINE OF LOT 2, SADLER BUSINESS PARK TO THE NORTHEAST CORNER OF SAID LOT 2, BLOCK 2; THENCE SOUTHWESTERLY TO THE WEST LINE OF SAID LOT 2, SAID POINT BEING 106.0 FEET SOUTHERLY OF THE NORTHWEST CORNER OF SAID LOT 2; THENCE SOUTHWESTERLY ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 58.7 FEET; THENCE SOUTHWESTERLY TO A POINT ON THE WEST LINE OF SAID LOT 3, BLOCK 2; THENCE NORTHERLY ALONG THE WEST LINE OF SAID LOT 3, A DISTANCE OF 165.1 FEET TO THE POINT OF BEGINNING. LYING IN THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6th P.M., DOUGLAS COUNTY, NEBRASKA.

THE SCHEMMER ASSOCIATES INC.

ARCHITECTS • ENGINEERS • PLANNERS

1044 NORTH 115th Street
 Omaha, Nebraska 68154-4416
 Telephone (402)493-4800

DRAWN MWF

CHECKED WGK

DWG. NO. EASE-2

DATE: 6/13/01