

FILED SARPY CO. NE.
INSTRUMENT NUMBER

2017-20247

2017 Aug 23 09:56:07 AM

Gregory J. Dowling

REGISTER OF DEEDS



COUNTER JS
VERIFY JS
FEES \$ 70.00
CHG SFILE
SUBMITTED DVORAK & DONOVAN LAW GRC

RELEASE OF EASEMENT

THIS RELEASE OF EASEMENT (this "Release") is made and entered into effective the 18 day of July, 2017 ("Effective Date"), by the undersigned easement holders (collectively, "Easement Holder").

WHEREAS, La Vista City Centre, LLC, a Nebraska limited liability company ("Property Owner") is the owner of certain real property located in the City of La Vista, County of Sarpy, State of Nebraska, more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference ("Burdened Parcel");

WHEREAS, Easement Holder has been granted certain utility easements as depicted on the below listed plats (collectively, the "Easement"):

1. Plat and Dedication of Brentwood Crossing filed December 26, 1990 at Instrument No. 90-18556, records of Sarpy County, Nebraska;
2. Plat and Dedication of Brentwood Crossing, Replat No. 1 filed March 3, 1993 at Instrument No. 93-04107, records of Sarpy County, Nebraska;
3. Plat and Dedication of Brentwood Crossing, Replat No. 2 filed March 11, 1994 at Instrument No. 1994-05583, records of Sarpy County, Nebraska

WHEREAS, Easement Holder now desires to terminate the Easement and release the Burdened Parcel from such easements.

NOW, THEREFORE, in consideration of the foregoing initial paragraph and recitals, and other good and valuable consideration, the receipt and sufficiency of which are all hereby acknowledged by each of the parties hereto, and intending to be legally bound, Easement Holder does, by this instrument and, as of the Effective Date, hereby vacate, release, quitclaim and abandon any and all easements and interests created by the Easement. Easement Holder further agrees that the Easement shall no longer encumber the Burdened Parcel.

[The Remainder of This Page Intentionally Left Blank and Signature Page Follows]

IN WITNESS WHEREOF, Easement Holder has executed this Release as of the Effective Date.

EASEMENT HOLDER:

[Cox Communications]

* see attached
Disclaimer and Release

By: _____
Name: _____
Title: _____

[Black Hills Energy]

By: Kevin Jarosz
Name: KEVIN JAROSZ
Title: Dir of NE Gas Operations

[Century Link]

By: _____
Name: _____
Title: _____

Omaha Public Power District

* see attached
Disclaimer and Release

By: _____
Name: _____
Title: _____

IN WITNESS WHEREOF, Easement Holder has executed this Release as of the Effective Date.

EASEMENT HOLDER:

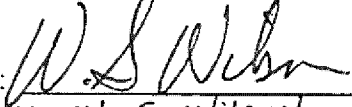
[Cox Communications]

By: _____
Name: _____
Title: _____

[Black Hills Energy]

By: _____
Name: _____
Title: _____

[Century Link]

By:  _____
Name: W. S. Wilson
Title: ENGINEER

Omaha Public Power District

By: _____
Name: _____
Title: _____

City of La Vista

* see attached

By: _____ Resolution No. 17-077

Name: _____

Title: _____

Metropolitan Utilities District

Approved as to form:

Ronald E. Bucher 6-25-17
Ronald E. Bucher, General Counsel

By: Scott L. Keep

Name: Scott L. Keep

Title: President

STATE OF Nebraska)
) SS.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of June, 2017, by _____, the _____ of [Cox Communications], on behalf of the _____.

[NOTARY SEAL] _____
Notary Public

STATE OF Nebraska)
) SS.
COUNTY OF Douglas)

The foregoing instrument was acknowledged before me this 18th day of June, 2017, by Kevin Jarosz, the Dir of NE Gas Operations of [Black Hills Energy], on behalf of the company

[NOTARY SEAL]  NOTARY-State of Nebraska
ALISA B NEFF
My Comm. Exp. May 20, 2019

Alisa B. Neff
Notary Public

STATE OF Nebraska)
) SS.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of June, 2017, by _____, the _____ of [Century Link], on behalf of the _____.

[NOTARY SEAL] _____
Notary Public

STATE OF Nebraska)
) SS.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of June, 2017, by _____, the _____ of Omaha Public Power District, on behalf of the _____.

[NOTARY SEAL] _____
Notary Public

STATE OF Nebraska)
) SS.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of June, 2017, by _____, the _____ of [Cox Communications], on behalf of the _____.

[NOTARY SEAL]

Notary Public

STATE OF Nebraska)
) SS.
COUNTY OF _____)

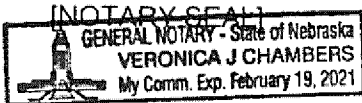
The foregoing instrument was acknowledged before me this _____ day of June, 2017, by _____, the _____ of [Black Hills Energy], on behalf of the _____.

[NOTARY SEAL]

Notary Public

STATE OF Nebraska)
) SS.
COUNTY OF Douglas)

The foregoing instrument was acknowledged before me this 18 day of ^{August} ~~June~~, 2017, by W.S. Wilson, the Engineer of [Century Link], on behalf of the _____.



Veronica J Chambers
Notary Public

STATE OF Nebraska)
) SS.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of June, 2017, by _____, the _____ of Omaha Public Power District, on behalf of the _____.

[NOTARY SEAL]

Notary Public

STATE OF Nebraska)
) SS.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of June, 2017, by _____, the _____ of the City of La Vista, on behalf of the _____.

[NOTARY SEAL]

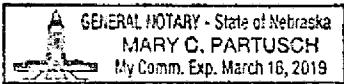
Notary Public

STATE OF Nebraska)
) SS.
COUNTY OF Douglas)

The foregoing instrument was acknowledged before me this 26th day of June, 2017, by Scott Kepp, the President of Metropolitan Utilities District, on behalf of the District.

[NOTARY SEAL]

Mary C. Partusch
Notary Public



July 7, 2017

DISCLAIMER AND RELEASE

KNOW ALL MEN BY THESE PRESENTS, that COX COMMUNICATIONS INC. for and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, does hereby release and disclaim any rights it may have attained by virtue of the Plat and Dedication of Brentwood Crossing, Replat No. 1 and Brentwood Crossing, Replat No. 2, all additions as surveyed, platted and recorded in Sarpy County, Nebraska, over, upon, along and above the following described property:

Releasing all dedicated easements in Lots 1 thru 8, Brentwood Crossing, a subdivision in Sarpy County Nebraska, AND; Releasing all dedicated easements in Lots 8A, 8B and 8 C, Brentwood Crossing, Replat No. 1, a subdivision in Sarpy County, Nebraska, AND; Releasing all dedicated easements in Lots 8A1, 8A2, 8A3 and 8A4, Brentwood Crossing, Replat No. 2, a subdivision in Sarpy County, Nebraska, now known as Lots 1 thru 17 & Outlots "A" thru "C" La Vista City Centre, a subdivision in Sarpy County, Nebraska.

Said Plat and Dedication of Brentwood Crossing was filed for record on the December 26th, 1990 as Instrument Number 90-18556 in the office of the Register of Deeds in Sarpy County, Nebraska.

Said Plat and Dedication of Brentwood Crossing, Replat No. 1 was filed for record on the March 3rd, 1993 as Instrument Number 93-04107 in the office of the Register of Deeds in Sarpy County, Nebraska.

Said Plat and Dedication of Brentwood Crossing, Replat No. 2 was filed for record on the March 11th, 1994 as Instrument Number 1994-05583 in the office of the Register of Deeds in Sarpy County, Nebraska.

IN WITNESS, WHEREOF, the undersigned has set its hand this 7th day of July, 2017.

COX COMMUNICATIONS, INC.

By: Timothy Hahn
Timothy Hahn, ROW Agent

By: Jeffrey Dickinson
Jeffrey Dickinson, Supervisor
Network Design & Construction
Cox Communications, Inc.

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA 1
 1 ss.
COUNTY OF DOUGLAS 1

The foregoing disclaimer and release was acknowledged before me this 7 day of July, 2017, by Jeffrey Dickinson, Network Design & Construction Supervisor for Cox Communications, Inc. and Timothy Hahn ROW Agent for Cox Communications, Inc., on behalf of said Cox Communications, Inc.

B005

Susan E. Shirley
NOTARY PUBLIC
GENERAL NOTARY - State of Nebraska
SUSAN E. SHIRLEY
My Comm. Exp. September 19, 2019

RESOLUTION NO. 17-077

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO RELEASE UTILITY EASEMENTS ON LOTS 1-17 AND OUTLOTS A – C LA VISTA CITY CENTRE, FORMERLY PLATTED AS BRENTWOOD CROSSING, BRENTWOOD CROSSING REPLAT NO. 1, AND BRENTWOOD CROSSING REPLAT NO. 2 AND TO AUTHORIZE THE ACTIONS AS NECESSARY OR APPROPRIATE TO CARRY OUT THE ACTIONS APPROVED HEREIN.

WHEREAS, The City of La Vista (Easement Holder) has been granted certain utility easements as depicted on the below listed plats;

1. Plat and Dedication of Brentwood Crossing filed December 26, 1990 at Instrument No. 90-18556, records of Sarpy County, Nebraska;
2. Plat and Dedication of Brentwood Crossing, Replat No. 1 filed March 3, 1993 at Instrument No. 93-04107, records of Sarpy County, Nebraska;
3. Plat and Dedication of Brentwood Crossing, Replat No. 2 filed March 11, 1994 at Instrument No. 1994-05583, records of Sarpy County, Nebraska; and

WHEREAS, the City of La Vista approved a final plat for Lots 1-17 and Outlots A-C La Vista City Centre; and

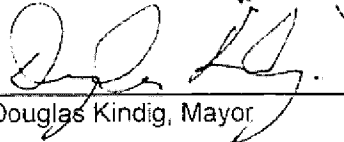
WHEREAS, new easements will replace the current easements; and

WHEREAS, the location of the utility easements are shown on the attached Exhibit A; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby approve the release of the utility easements and authorize such further actions necessary or appropriate to carry out the actions approved herein

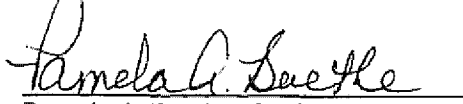
PASSED AND APPROVED THIS 5TH DAY OF JULY, 2017.

CITY OF LA VISTA



 Douglas Kindig, Mayor

ATTEST:



 Pamela A. Buethe, CMC
 City Clerk

K:\APPS\City Hall\17 FINAL RESOLUTIONS\17 077 Release Easements - Brentwood Crossing 07 05 17 Docx

17-077	Motion	Second	Aye	Nay	Abstain	Absent
Kindig						
Friederich	x		x			
Hale		x	x			
Quack			x			
Crawford			x			
Thomas			x			
Sheehan			x			
Ronan			x			
Sell			x			

EXHIBIT "A"

BURDENED PARCEL LEGAL DESCRIPTION

Lots 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16 and Outlot C, La Vista City Centre, an addition to the City of La Vista, as surveyed, platted and recorded in Sarpy County, Nebraska.