

AFTER RECORDING RETURN TO:
Omaha Public Works Department
1819 Farnam Street, Ste. 600
Omaha NE 68183

PUBLIC ACCESS EASEMENT

IN CONSIDERATION of One Dollar (\$1.00) and other valuable consideration, WEST FARM RE LLC ("Grantor") hereby creates, establishes, grants and conveys to the CITY OF OMAHA, NEBRASKA, a municipal corporation ("Grantee"), for the benefit of the public, ("Third Party Beneficiary") a non-exclusive permanent Public Access Easement for vehicular ingress and egress traffic (but not parking) in, over, through and across the particular portion of property depicted and legally described on Exhibit A attached hereto.

Grantor shall have the duty to initially construct, and responsibility thereafter to maintain and repair, the Public Access Easement at its own cost and expense and no responsibility therefore shall accrue to the Grantee by reason of its benefit or any benefit to Third Party Beneficiary from the Public Access Easement.

Grantor may, and reserves the right to, use the surface and subsurface of the easement area for other purposes, subject to right of the Grantee and Third Party Beneficiary to use the same for the purposes described herein.

No party to this agreement shall restrict or impede the others reasonable use of the Public Access Easement at all times.

The Grantor agrees to indemnify and hold harmless the Grantee, employees, invitees, visitors and agents, from and against any and all liability, cause of action, claims, and expenses for personal injury or property damage arising out of or occasioned by negligence in whole or in part, by Grantor, any of its contractors, successors or assigns.

The Public Access Easement shall run with the land and shall be binding upon and inure to the benefit and burden of the successors and assigns of the Grantor and the City of Omaha, Nebraska.

CITY 4

MA 4-26-19

IN WITNESS WHEREOF, the said party of the first part has hereunto and these presents to be signed by its respective member(s) this 26 day of APRIL, 2019.

WEST FARM RE LLC
(Name of Limited Liability Company)

Authorized Member
[Signature] - Pres - mgr.
(Name and Title)

ATTEST:
[Signature] - Notable Companies
(Name and Title)

LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF NEBRASKA)

COUNTY OF DOUGLAS)

On this 26 day of April, 2019

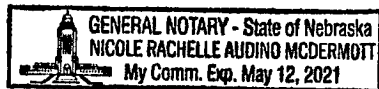
before me, a Notary Public in and for said County, personally came STEVEN M. HINCHCLIFF
(Name)
MANAGER, on behalf of WEST FARM RE LLC
(Title) (Title)
, a Limited Liability Company, and

STEVEN M. HINCHCLIFF, MANAGER, of said Limited
(Name) (Title)

Liability Company to me personally known to be the respective member(s) of said limited liability company and the identical persons whose name(s) is (are) affixed to the foregoing instrument, and acknowledged the execution thereof to be their respective voluntary act and deed as such member(s) 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:



Nicole Rachelle Audino Mc Dermott
NOTARY PUBLIC

Imprinted Seal


CITY OF OMAHA, a Municipal Corporation

ATTEST:



 Elizabeth Butler,
 City Clerk, City of Omaha

BY:



 Jean Stothert,
 Mayor, City of Omaha

APPROVED AS TO FORM:

 5/2/19

 ASSISTANT CITY ATTORNEY DATE

STATE OF NEBRASKA)
) SS
 COUNTY OF DOUGLAS)

On this 2nd day of May, 2019 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: 




 NOTARY PUBLIC

STATE OF NEBRASKA)
) SS
 COUNTY OF DOUGLAS)

On this 2nd day of May, 2019 before me, a Notary Public in and for said County, personally came Elizabeth Butler, City Clerk of the City of Omaha 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: 



 NOTARY PUBLIC

EASEMENT EXHIBIT

LEGAL DESCRIPTION

A PERMANENT PUBLIC ACCESS EASEMENT OVER PART OF LOTS 1 AND 2, H&H WESTROADS, A SUBDIVISION, AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 3, PUTT'N PLACE, A SUBDIVISION, AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA;

THENCE SOUTH 00°04'07" EAST (BEARINGS REFERENCED TO THE FINAL PLAT OF H&H WESTROADS) FOR 454.77 FEET ON THE EAST LINE OF THE VACATED PORTION OF 102ND STREET RIGHT OF WAY AND THE EAST LINE OF SAID LOT 1, H&H WESTROADS TO THE EAST LINE OF SAID LOT 2, H&H WESTROADS;

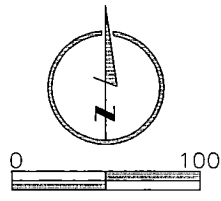
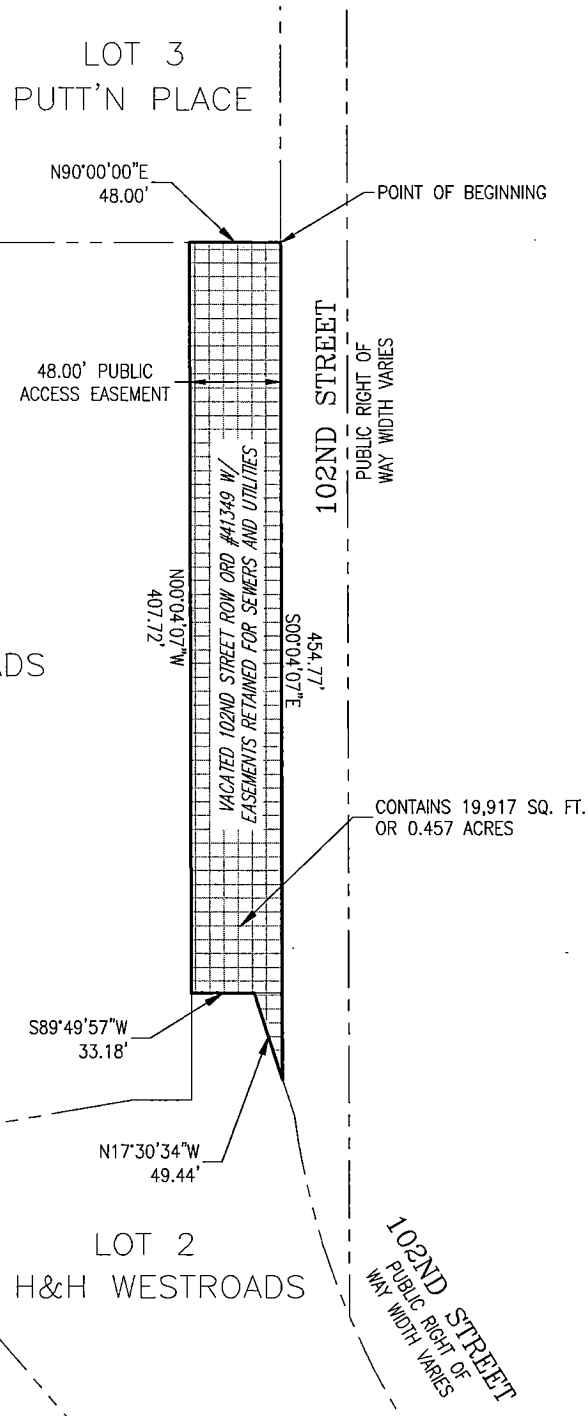
THENCE NORTH 17°30'34" WEST FOR 49.44 FEET TO THE NORTH LINE OF SAID LOT 2, H&H WESTROADS;

THENCE SOUTH 89°49'57" WEST FOR 33.18 FEET ON SAID NORTH LINE TO THE WEST LINE OF THE VACATED PORTION OF SAID 102ND STREET RIGHT OF WAY;




THENCE NORTH 00°04'07" WEST FOR 407.72 FEET TO THE SOUTH LINE OF SAID LOT 3;

THENCE NORTH 90°00'00" EAST FOR 48.00 FEET TO THE POINT OF BEGINNING.


CONTAINS 19,917 SQUARE FEET OR 0.457 ACRES.



LEGEND

-  EASEMENT LINE
-  LOT LINE
-  VACATED 102ND STREET RIGHT OF WAY, ORDINANCE #41349 WITH EASEMENTS RETAINED FOR SEWERS AND UTILITIES, PUBLIC ACCESS EASEMENT VIA SEPARATE RECORDED INSTRUMENT

L:\Engineering\0118201 H and H Westroads Replat\SURVEY\DRAWINGS\SHEETS\0118201-EAS-01.dwg, 4/17/2019 10:04:45 AM, TODD L. WHITFIELD, LAMP RYNEARSON

	14710 W. DODGE RD, STE. 100 OMAHA, NE 68154 402.496.2498 LampRynearson.com	DESIGNER / DRAFTER TODD WHITFIELD-ELISE MOLLAK ENGINEER	EASEMENT EXHIBIT
	PROJECT NUMBER 0118201.01-003 DATE 3/25/2019 SURFACE LOCATION	BOOK AND PAGE 16027, 1-8	