

15219

WATERMAIN EASEMENT

THIS WATERMAIN EASEMENT ("Easement") is granted this 21 day of March, 1994, by FUCHSER LAND COMPANY, LTD., a Nebraska Limited Partnership, as Grantor, to the CITY OF WAVERLY, a municipal body, as Grantee.

1. **Consideration and Description.** Grantor, for good and valuable consideration, receipt and sufficiency of which is hereby acknowledged, and for the prospective benefits to be derived by reason of the locating, establishing, constructing, and maintaining a certain watermain, hereby grants and conveys to Grantee, its successors and assigns, an easement and right of way for watermain purposes, on and under certain real property, legally described on Exhibit A attached hereto and made a part hereof by reference.

2. **Purpose.** The easement and right of way conveyed by this Easement is for the sole purpose of locating, establishing, constructing, and maintaining on and under the certain real property a watermain, described on Exhibit A.

3. **Term of Easement.** The rights granted in this Easement shall be perpetual.

4. **Improvements by Grantor.** The Grantor shall have the right to improve the property subject to the easement granted in this Easement as Grantor shall desire, provided that such improvements do not interfere with the easement.

5. **Rights and Restrictions of Grantor.** Grantor shall have the right to full use and enjoyment of the property subject to the Easement, provided that such use shall not interfere with the Easement.

6. **Burden of Easement.** This Easement shall run with the land.

7. **Modification of Easement.** Any modification of this Easement shall be binding only if evidenced in writing signed by each party or an authorized representative of each party.

8. **Binding Effect.** This Easement shall bind and inure to the benefit of the respective heirs, personal representatives, successors, and assigns of the parties.

9. **Governing Law.** This Easement shall be governed by, construed, and enforced in accordance with the laws of the State of Nebraska.

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**LEGAL DESCRIPTION
WATERMAIN EASEMENT
FEBRUARY 16, 1994**

A Legal Description for a Watermain Easement to be located in the West One-Half of the Northwest Quarter of Section 22, Township 11 North, Range 8 East of the 6th P.M., Lancaster County, Nebraska and more particularly described by metes and bounds as follows:

Beginning at the Northwest Corner of Evandale Estates to the City of Waverly, Lancaster County, Nebraska which said point is also on the Westerly Right-of-way Line of North 148th Street; Thence N 89° 53'51" E, and on the Northerly Line of Evandale Estates, a distance of 177.00 feet to the POINT OF BEGINNING; Thence N 00°06'09" W, and parallel to the West Line of the Northwest Quarter of Section 22, Township 11 North, Range 8 East of the 6th P.M., Lancaster County, Nebraska, a distance of 898.71 feet to the Point of Curvature; Thence on a curve to the left, having a radius of 202.00 feet, and arc length of 135.59 feet, and a central angle of 38°27'33", with a chord bearing of N 19°19'56" W, a chord distance of 133.06 feet to a point on a curve to the right; Thence on a curve to the right, having a radius of 148.00 feet, an arc length of 102.37 feet and a central angle of 39°37'51", with a chord bearing of S 70°04'55" W, a chord distance of 100.34 feet to the Point of Tangency; Thence S 89°53'51" W, a distance of 38.78 feet to a point on the Westerly Right-of-way Line of said North 148th Street; Thence N 00°06'09" W, and on the Westerly Right-of-way Line of said North 148th Street and parallel to the West Line of the Northwest Quarter of Section 22, a distance of 30.00 feet; Thence N 89°53'51" E, a distance of 38.78 feet to the Point of Curvature; Thence on a curve to the left, having a radius of 118.00 feet, an arc length of 110.08 feet, and a central angle of 53°27'02", with a chord bearing of N 63°10'20" E, a chord distance of 106.13 feet to a point on a curve to the right; Thence on a curve to the right, having a radius of 232.00 feet, an arc length of 189.84 feet, and a central angle of 46°52'57", with a chord bearing of S 23°32'38" E, a chord distance of 184.58 feet to the Point of Tangency; Thence S 00°06'09" E, and parallel to the West Line of the Northwest Quarter of said Section 22, a distance of 898.71 feet to a point on the Northerly Line of said Evandale Estates; Thence S 89°53'51" W, and on the Northerly Line of said Evandale Estates, a distance of 30.00 feet to the point of beginning and containing a calculated area of 36,184.77 Square Feet or 0.831 Acres, more or less.

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BLOCK

CODE

CHECKED

ENTERED

EDITED

69279

LANCASTER COUNTY, NEB

Dan Nalte

REGISTER OF DEEDS

MAR 29 2 09 PM '94

INST. NO. 94-15219

\$15/50

City of Waverly
PO Box
427
Waverly
68462