

49-569

FILED FOR RECORD 9-15-76 AT 8:30 A. M. IN BOOK 49 OF Miss. Kans. 9-25
PAGE 569 Carl L. Hibbeled REGISTER OF DEEDS, SARPY COUNTY, NEB.

EASEMENT AGREEMENT

FOR AND IN CONSIDERATION OF the sum of one dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, CHARLES G. SMITH and NELLIE M. SMITH, husband and wife, hereinafter referred to as "Grantors", subject to the right of substitution hereinafter reserved, do hereby grant and convey unto the CITY OF LA VISTA, a Municipal Corporation in Sarpy County, Nebraska, hereinafter referred to as "Grantee", a permanent ten (10) foot wide easement over Grantor's property as more fully described on Exhibit "A" hereto and by this reference made a part hereof, upon which Grantee shall have the right to enter upon said easement area at any time to construct, reconstruct, maintain and repair a public pedestrian walkway for the use of the public; provided, however, that the Grantee establish and maintain a pedestrian crossing on, or over, State Highway 85, otherwise known as South 84th Street, at the point said walkway easement borders said highway. Should the Grantee fail to establish said crossing within 2 years from the date hereof, said walkway easement shall be automatically terminated, vacated and no longer of any force and effect, or should the Grantee, after establishing said crossing, later revoke or change the location of said crossing, said walkway easement shall be automatically terminated, vacated and no longer of any force and effect, otherwise said walkway easement shall be permanent.

Grantee, and its assigns, shall be responsible for constructing, maintaining and repairing all walkway improvements that may be constructed on said easement area; and Grantee shall indemnify and save harmless the Grantors, their assigns, personal representative and heirs, from any and all claims for personal injury or for damage to property arising out of the construction, maintenance or repair of all improvements on said easement or the public's use thereof.

Grantors reserve the right, at no cost to Grantors, to, at any time, provide a substitute walkway easement within seventy-five (75) feet of the north boundary of the easement herein granted, by platting or otherwise dedicating of record a permanent public sidewalk or walkway which will serve the same purpose as the easement herein granted. Upon the said platting or other dedication of record of the substitute walkway easement, the specific easement herein granted shall be automatically terminated, vacated and no longer of any force or effect and the said new platting or other dedication of record shall be a substitute herefore, and shall contain the same terms, provisions and conditions as this easement,

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excepting the location of the pedestrian crossing aforesaid need only be at the point the original walkway easement and not at the point of the substitute easement, and such substitute easement shall not thereafter be subject to substitution or relocation.

This walkway easement shall run in favor of and be binding upon the Grantors and the Grantee and upon their respective successors, assigns, personal representatives and heirs.

THIS EASEMENT AGREEMENT made and entered into this 16th day of August, 1976.

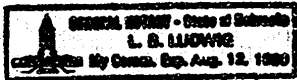
THE CITY OF LA VISTA

By Harold C. Lentz
Mayor
[Signature]
City Clerk

[Signature]
Charles G. Smith
[Signature]
Nellie M. Smith
"Grantors"

STATE OF NEBRASKA)
COUNTY OF Sep4) ss.

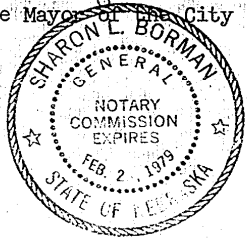
The above instrument was acknowledged before me this 16th day of August, 1976, by Charles G. Smith & Nellie M. Smith



[Signature]
Notary Public

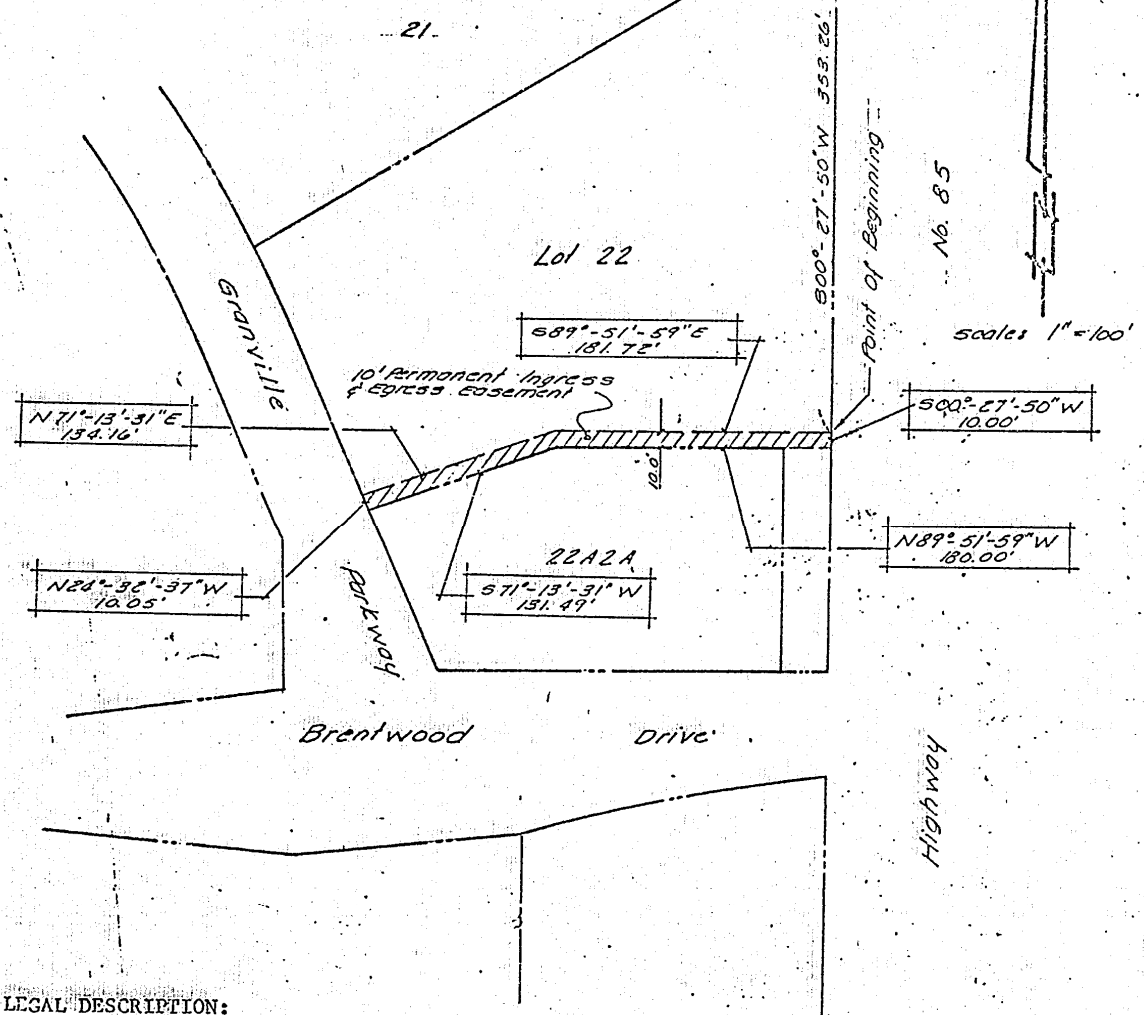
STATE OF NEBRASKA)
COUNTY OF Sep4) ss.

The above instrument was acknowledged before me this 16th day of August, 1976, by Harold C. Lentz, the Mayor of the City of LaVista, Nebraska.



[Signature]
Notary Public

49-369B



LEGAL DESCRIPTION:

A 10 foot permanent ingress and egress easement for pedestrian traffic through Lot 22, Alpine Village South, as surveyed, platted and recorded in Sarpy County, Nebraska described as follows: Commencing at the N.E. corner of said Lot 22; thence S 00° 27' 50" W (Assumed bearing) on the East line of said Lot 22, 353.26 feet to the point of beginning; thence continuing S 00° 27' 50" W on the East line of said Lot 22, 10.00 feet; thence N 89° 51' 59" W, 180.00 feet; thence S 71° 13' 31" W, 131.49 feet to a point on the West line of said Lot 22; thence N 24° 32' 37" W on the West line of said Lot 22, 10.05 feet; thence N 71° 13' 31" E, 134.16 feet; thence S 89° 51' 59" E, 181.72 feet to the point of beginning.

EXHIBIT "A"