



MISC 2014061450



AUG 08 2014 14:10 P 5

Misc. 5/1  
 FEEL 34.00 FB 01-60000  
 BKP 3-14-13 vs RB C/O COMP  
 DEF \_\_\_\_\_ SCAN \_\_\_\_\_ FV \_\_\_\_\_

A

Received - DIANE L. BATTIATO  
 Register of Deeds, Douglas County, NE  
 8/8/2014 14:10:02.02



2014061450

**PERMANENT EASEMENT  
 (INDIVIDUAL and/or PARTNERSHIP)**

When recorded return to:  
 City of Omaha, Nebraska  
 Public Works Department  
 General Services Division  
 R-O-W Section  
 (Mark Thurber, R/W Agent)

FOR OFFICE USE ONLY	
Project:	Spring Lake CSO
City Proj. No.:	OPW 51997
Tract No.:	46
Address:	4206 1/2 S. 13 <sup>th</sup> Street Omaha, Nebraska

**KNOW ALL MEN BY THESE PRESENTS:**

THAT **Spring Lake LLC.**, a Limited Liability Company, hereinafter referred to as GRANTOR, (whether one or more) for and in consideration of the sum of Ten thousand and 00/100 dollars (\$10,000.00) and other valuable considerations, the receipt of which is hereby acknowledged, does hereby grant and convey unto the **City of Omaha, Nebraska**, a Municipal Corporation, hereinafter referred to as "CITY," and to its successors and assigns, a permanent easement for a restriction of use required for the CITY to comply with the requirements of Chapter 12 of Title 458 of the State of Nebraska Administrative Code – Rules for the Safety of Dams and Reservoirs within the parcel of land describes as follows, to-wit:

**SEE ATTACHED EXHIBIT "A" - PERMANENT EASEMENT LEGAL DESCRIPTION**

TO HAVE AND TO HOLD unto said CITY, its successors and assigns, for the purpose of ensuring public safety in the event of a breach of the low hazard dam currently located or to be located northwest of the intersection of 'F' Street and South 16<sup>th</sup> Street and Spring Lake Drive (with the 'F' Street roadway embankment being the low hazard dam registered with the State of Nebraska Department of Natural Resources), all within Spring Lake Park, a CITY-owned property.

The GRANTOR agrees to the following conditions within the boundary of said permanent easement:

1. That no buildings, improvements, or other structures shall be placed in, on, over, or across said permanent easement by GRANTOR, his or their successors or assigns, without express approval of the CITY. Structures that may be permitted shall be constructed with the lowest finish floor elevation above 1044.00 feet above mean sea level per the North American Vertical Datum of 1988 (NAVD88). Driveways, sidewalks, and parking lots are

Permanent Easement  
 OPW 51997  
 Tract 46

City 4

excluded from this elevation restriction and do not require approval of the City prior to construction except through the normal permitting process.

- 2. That said GRANTOR for themselves and their heirs, executors and administrators do confirm with the CITY and its assigns, including public utility companies and their assigns, that they, the GRANTOR, are well seized in fee of the above described property and that they have the right to grant and convey this easement in the manner and form aforesaid, and that they will, and their heirs, executors and administrators, shall warrant, and defend this permanent easement to said CITY and its assigns including public utility companies and their assigns against the lawful claims and demands of all persons. This permanent easement runs with the land.

IN WITNESS WHEREOF said GRANTOR has or have hereunto set his or their hand(s) this 30 day of July, 2014.

SPRING LAKE LLC

Charles Faulk  
By:

President  
Title:

**INDIVIDUAL and/or PARTNERSHIP ACKNOWLEDGMENT**

STATE OF NEBRASKA )  
 ) SS  
COUNTY OF DOUGLAS )

On this 30 day of July, 2014  
before me, a Notary Public, in and for said County, personally came the above named:  
CHARLES FAULK

who is (are) personally known to me to be the identical person(s) whose name(s) is (are) affixed to the above instrument and acknowledged the instrument to be his, her (their) voluntary act and deed for the purpose therein stated.

WITNESS my hand and Notarial Seal the day and year last above written.



Notary Seal

[Signature]  
NOTARY PUBLIC

IMPRINTED SEAL

**CITY OF OMAHA, a Municipal Corporation**

ATTEST:

*Buster Brown*  
Buster Brown,  
City Clerk, City of Omaha

BY:

*Jean Stothert 8-7-14*  
Jean Stothert,  
Mayor, City of Omaha

APPROVED AS TO FORM:

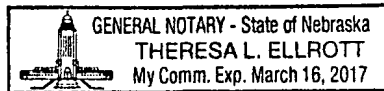
*[Signature]*  
ASST CITY ATTORNEY

STATE OF NEBRASKA )  
 ) SS  
COUNTY OF DOUGLAS )

On this 7<sup>th</sup> day of August, 2014, 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:



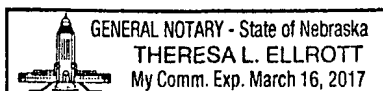
*Theresa L. Ellrott*  
NOTARY PUBLIC

STATE OF NEBRASKA )  
 ) SS  
COUNTY OF DOUGLAS )

On this 7<sup>th</sup> day of August, 2014, before me, a Notary Public in and for said County, personally came Buster Brown, 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:



*Theresa L. Ellrott*  
NOTARY PUBLIC

# EXHIBIT "A"


## PERMANENT EASEMENT LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN PART OF TAX LOT 4, IN THE NE1/4 OF SECTION 3, T14N, R12E OF THE 6<sup>TH</sup>, P.M., DOUGLAS COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE SOUTHEAST CORNER OF SUB LOT 3 OF LOT 5, LOCATED IN SAID NE1/4; THENCE S 01°59'37" E, 368.93 FT. TO THE POINT OF BEGINNING; THENCE CONTINUING S 01°59'37" E, 181.81 FT. TO THE EAST RIGHT OF WAY LINE OF SPRING LAKE DRIVE; THENCE N 34°41'08" W, 410.64 FT. ON SAID RIGHT OF WAY LINE; THENCE S 65°39'39" E, 172.80 FT.; THENCE S 39°31'27" E, 109.87 FT. TO THE POINT OF BEGINNING.

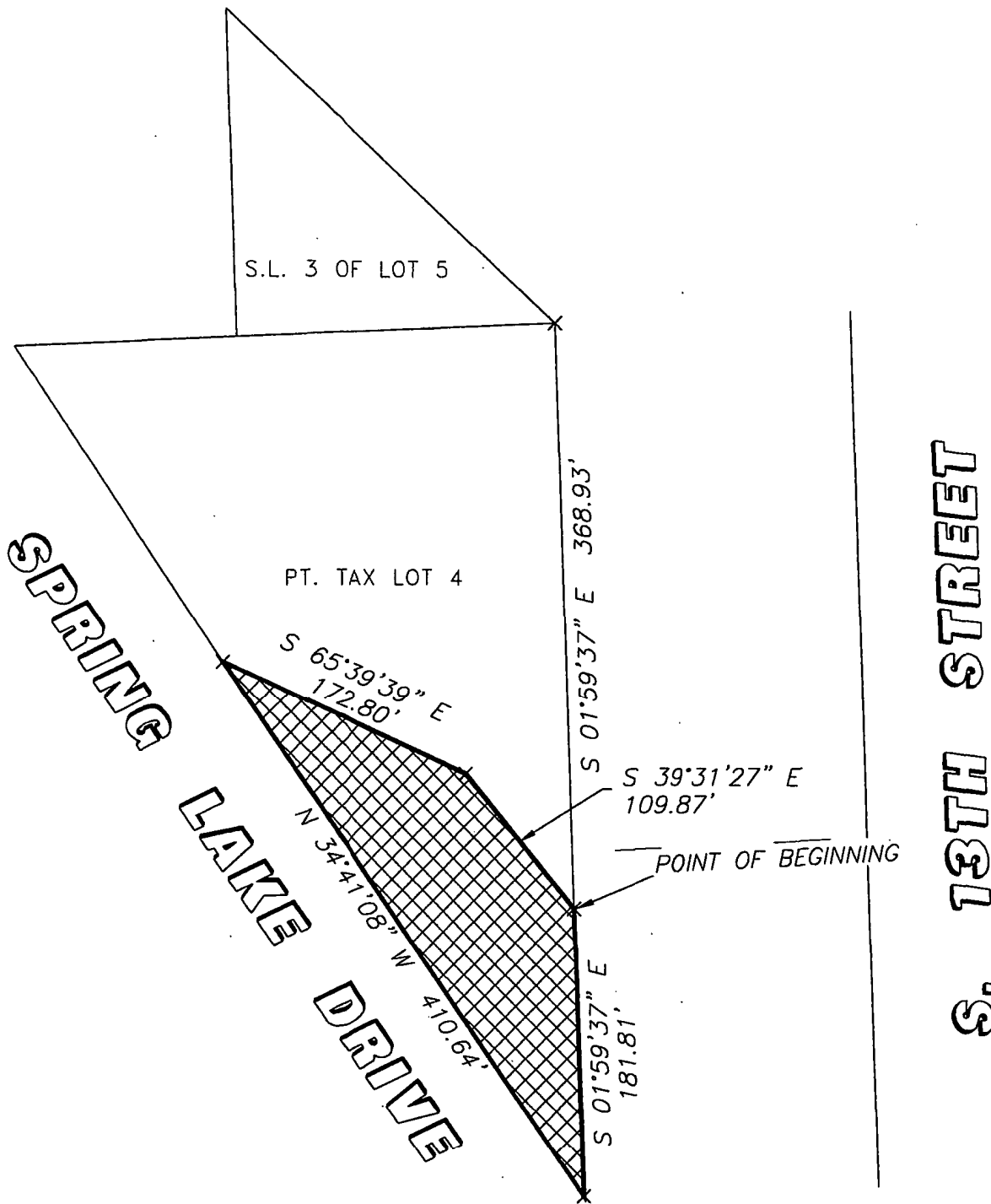
(SE OF NW OF NE)

## CITY OF OMAHA PUBLIC WORKS DEPARTMENT

Owner(s): Spring Lake LLC.		Permanent Easement: 24343.7	S.F.
Address: 4206 1/2 S. 13 <sup>th</sup> Street Omaha, Nebraska	Project No.	OPW 51997	
	Project Name:	Missouri Avenue/Spring Lake CSO	
Tract No. 46	Date Prepared: 1/20/2014	Revision Date(s): 1/22/2013	Page 1 of 2

# EXHIBIT "A"

PAGE 2 OF 2



SCALE: 1"=100'

## CITY OF OMAHA - PUBLIC WORKS DEPARTMENT



PERMANENT EASEMENT: 24343.7 S.F.

TRACT NO.: 46

PROJECT NO.: OPW51997

PREPARE DATE: 1/20/14

REVISION DATE: 1/22/2014