

TA-50807 Lot 187

TA-54034 Lot 228

TA 54837 Lot 256

TA 54499 Lot 104

TA 56023 L 246

TA 57482 A 232

TA 58594 L 209

11-7003855 L 230

12-115195 L 96

12-115641 142

12-116406 L 256

113477 L 43

1141299 L 28p3

1141468 L 264

1142195 L 112

EXCEPTION TEMPLATE
IN RQ 1



Commonwealth Land Title Insurance Company

COMMITMENT FOR TITLE INSURANCE

Commitment No.

SCHEDULE A

T-0244072

1.	Effective Date:	April 30, 2002 at 8:00 a.m.		
2.	Policy or Policies to be issued:		Amount	Premium
(a)	ALTA Owner Policy - (10-17-92)		\$8,664,000.00	\$12,185.40
	Proposed Insured:			

B.H.I. PROPERTIES, INC., a Nebraska corporation

(b) ALTA Loan Policy - (10-17-92)

Proposed Insured:

3. The estate or the interest in the land described or referred to in the Commitment and covered herein is fee simple and is at the effective date hereof vested in:

NEWMAN FAMILY PARTNERS, L.P., a California Limited Partnership

4. The land referred to in this Commitment is described as follows:

The Northeast 1/4 of Section 16, and the East 1/2 of the Northwest 1/4 of said Section 16, all in Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska, EXCEPTING FROM THE FOREGOING those portions conveyed to Sarpy County, Nebraska, by Deed filed October 18, 1993, as Inst. No. 93-026150, Deed filed July 28, 1994, as Inst. No. 94-17039, Deed filed June 17, 1997, as Inst. No. 97-12295, and Deed filed February 3, 1998, as Inst. No. 98-002373; ALSO EXCEPTING THEREFROM that portion dedicated for street right of way by Plat and Dedication filed July 21, 1998, as Inst. No. 98-019744; ALSO EXCEPTING THEREFROM those portions taken or used for Railroad Rights of Way.

Countersigned:

NM 6 (10-85) PA 3
American Land Title Association Commitment
Schedule A
Form 1004-67 (Rev. 6-86)

Authorized Officer or Agent

Valid Only if Schedule B and Cover Are Attached

Issued by:
FIRST NEBRASKA TITLE
2425 South 120th Street
Omaha, NE 68144
Phone (402) 691-9933 Fax 691-9970

Please read the exceptions and the terms shown or referred to herein carefully. The exceptions are meant to provide you with notice of matters which are in covered under the terms of the Title Insurance Policy and should be carefully considered. It is important to note that this form is not a written representation of the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.

Scanned by Mary to Story

Joseph

0590844

08109118
109632

Schedule B - Section 1

1. The following are the requirements to be complied with:
Instrument creating the estate or interest to be insured must be executed and filed for record, to-wit:

Deed from Newman Family Partners, L.P., a California Limited Partnership, to B.H.I. Properties, Inc., a Nebraska corporation.

Title Company requires that Newman Family Partners, L.P., a Foreign Partnership, register with the Nebraska Secretary of State in compliance with the requirements of Sec. 67-281.

Title Company requires a copy of the Partnership Agreement for review and examination and reserves the right to make further requirements upon receipt of same.

2. Pay the full consideration to, or for the account of, the grantors or mortgagors.
3. Pay all taxes, charges, assessments, levied and assessed against subject premises, which are due and payable.
4. Satisfactory evidence should be had that improvements and/or repairs or alterations thereto are completed; that contractor, sub-contractors, labor and materialmen are all paid; and have released of record all liens or notice of intent to perfect a lien for labor or material.

Scanned Maps to Story.

Lease

0590844

08109118

109632

Schedule B - Section 2

Commitment No. 21-0244072

Schedule B of the Policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

1. Rights or claims of parties in possession not shown by the public records.
2. Easements or claims of easements not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records.
4. Any lien or right to a lien for services, labor, or materials heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
6. Taxes and assessment not appearing of record in the Office of the Treasurer of said County.

SPECIAL EXCEPTIONS

(Special exceptions are those defects disclosed by a search of the title to this property for which no coverage is provided by the policy to be issued.)

7. Taxes due December 31, 2001, total \$3,145.28, 1st installment paid, 2nd installment becomes delinquent August 1, 2002. (Key No. 010609598) *02-316518 PJ*

CAUTION: This property has been designated agricultural use land and is subject to the provisions of Sec. 77-1348, R.R.S.

8. *rel* Easement granted to Nebraska Power Company, over a portion of the premises in question, as set forth in instrument filed December 5, 1929, in Misc. Book 7 at Page 214, and Supplementary Contract of Easement filed November 24, 1931, in Misc. Book 8 at Page 196.
9. MUD Notice filed in Misc. Book 49 at Page 26.
10. Permanent Easement in favor of SID No. 307 of Douglas County, Nebraska, over a portion of the premises in question, as set forth in Report of Appraisers, filed November 12, 1987, in Misc. Book 60 at Page 3326. *plot for year*
11. Right of Way Easement granted to Omaha Public Power District, over a portion of the premises in question, as set forth in instrument filed November 1, 1994, as Inst. No. 94-23288. *in 29 st*
12. Temporary Construction Easement granted to SID No. 195 of Sarpy County, Nebraska, over a portion of the premises in question, a set forth in instrument filed July 21, 1998, as Inst. No. 98-019743. *2430-432*
13. Easement in favor of SID No. 200 of Sarpy County, Nebraska, over a portion of the premises in question, as set forth in Return of Appraisers, filed November 15, 2000, as Inst. No. 2000-32124. *lots so of KR & WLF*
14. Right of Way Easement granted to Omaha Public Power District, over a portion of the premises in question, as set forth in instrument filed April 16, 2002, as Inst. No. 2002-14095. *2430-449*
15. Easement granted to Sarpy County, Nebraska, over a portion of the premises in question, as set forth filed October 18, 1993, as Inst. No. 93-26076.
16. Controlled Access limitations set forth in Deed filed October 18, 1993, as Inst. No. 93-026150.

Scanned Maps to Story.

for

0590844

*08109118
109633*

UCC FINANCING STATEMENT ADDENDUM

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

9. NAME OF FIRST DEBTOR (1a or 1b) ON RELATED FINANCING STATEMENT

9a. ORGANIZATION'S NAME

TORCO DEVELOPMENT, INC.

OR
9b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME, SUFFIX

10. MISCELLANEOUS:

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

11. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - Insert only one debtor name (11a or 11b) - do not abbreviate or combine names

11a. ORGANIZATION'S NAME

OR
11b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME

SUFFIX

11c. MAILING ADDRESS

CITY

STATE

POSTAL CODE

COUNTRY

11d. TAX ID #: SSN OR EIN ADD'L INFO RE ORGANIZATION DEBTOR 11e. TYPE OF ORGANIZATION 11f. JURISDICTION OF ORGANIZATION 11g. ORGANIZATIONAL ID #, if any

☐ NONE

12. ☐ ADDITIONAL SECURED PARTY'S & ☐ ASSIGNOR S/P'S NAME - Insert only one name (12a or 12b)

12a. ORGANIZATION'S NAME

OR
12b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME

SUFFIX

12c. MAILING ADDRESS

CITY

STATE

POSTAL CODE

COUNTRY

13. This FINANCING STATEMENT covers ☐ timber to be cut or ☐ as-extracted collateral, or is filed as a ☒ fixture filing.

14. Description of real estate:

SEE ATTACHED LEGAL DESCRIPTION

16. Additional collateral description:

15. Name and address of a RECORD OWNER of above-described real estate (if Debtor does not have a record interest):

TORCO DEVELOPMENT, INC.
11205 S. 160TH STREET
OMAHA, NE 68138

17. Check only if applicable and check only one box:
Debtor is a ☐ Trust or ☐ Trustee acting with respect to property held in trust, or ☐ Decedent's Estate

18. Check only if applicable and check only one box:

☐ Debtor is a TRANSMITTING UTILITY

☐ Filed in connection with a Manufactured-Home Transaction — effective 30 years

☐ Filed in connection with a Public-Finance Transaction — effective for 30 years

LEGAL DESCRIPTION

File No.: 03501849

2003-6464/PB

A tract of land being in the North Half of the Northeast Quarter and the South Half of the Northeast Quarter and the East Half of the Northwest Quarter, all in Section 16, Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska, described as follows:

Commencing at the Southeast corner of the Northeast Quarter of said Section; Thence North 89° 55'51" West (assumed bearings) for 1986.58 feet along the South line of the Northeast Quarter to the West right of way of The Chicago, Burlington & Quincy Railway Company and the TRUE POINT OF BEGINNING; Thence North 89° 55'51" West for 676.88 feet continuing along the South line of said Northeast Quarter to the Southwest corner of the Northeast Quarter of said Section 16; Thence North 89° 54'31" West for 1330.25 feet to the Southwest corner of the East Half of the Northwest Quarter of said Section 16; Thence North 00° 18'34" West for 2599.81 feet along the West line of the East Half of the Northwest Quarter to the South right of way of Harrison street; Thence along said right of way for the next 3 courses; 1) Thence South 89° 54'41" East for 1334.93 feet to the West line of the Northeast Quarter; 2) Thence South 89° 53'35" East for 2605.08 feet; 3) Thence South 44° 58'24" East for 21.25 feet to the West right of way of 96th street (The 96th street right of way was established without benefit of Deeds and was based on Sarpy County Surveyors right of way records.) Thence along the West right of way of 96th street for the next 7 courses; 1) Thence South 00° 03'38" East for 19.12 feet; 2) Thence South 89° 56'00" West for 15.09 feet; 3) Thence South 36° 15'19" West for 186.71 feet; 4) Thence South 12° 54'10" West for 378.74 feet; 5) Thence South 08° 27'52" West for 101.12 feet; 6) Thence South 00° 03'59" East for 100.00 feet; 7) Thence South 19° 16'22" East for 158.52 feet to the Northwest right of way of The Chicago, Burlington & Quincy Railway Company. (The said Northwest right of way was established by off setting the Centerline of the tracks 50 feet perpendicular to Centerline of tracks, intersecting the tangent portion of the tracks and setting the point of curvature by the tangent lengths.) Thence along the said right of way for the next 3 courses; 1) Thence South 60° 23'20" West for 604.20 feet; 2) Thence along a curve to the left (having a radius of 2914.83 feet and a long chord bearing South 47° 33'04" West for 1295.30 feet) for an arc length of 1306.20 feet; 3) Thence South 34° 42'37" West for 588.76 feet to the POINT OF BEGINNING.

FILED SARPY CO. NE.
INSTRUMENT NUMBER
2005-43535
2005 NOV 23 P 4:01 P
Steve Davidson
REGISTER OF DEEDS

COUNTER 20 CE 20
VERIFY DE DE 20
PROOF 1
FEES \$ 5.50
CHECK# 24993
CHG. CASH
REFUND CREDIT
SHORT NCR

NOTICE OF COMMENCEMENT

(Contracting Owner Form)

TO WHOM IT MAY CONCERN:

The undersigned hereby informs all concerned that improvements will be made to certain real property, and in accordance with Neb. Rev. Stat. 52-145, the following information is stated in this NOTICE OF COMMENCEMENT.

Description of property Lot 127, Cimarron Woods, a Subdivision, as surveyed, platted and recorded in Sarpy County, Nebraska.

General description of improvements a single family dwelling

Contracting owner Mailbu Homes LLC

Address: 16454 Sherwood Circle Omaha NE 68116

Interest in the real estate: Fee Title Holder

Fee Simple Title holder (if other than contracting owner):

Address:

NOTE: If, after this Notice of Commencement is recorded, a lien is recorded as to an improvement covered by this Notice of Commencement, the lien has priority from the time this Notice of Commencement is recorded.

Duration of this Notice of Commencement: November 1, 2006

Executed November 21st 2005
Mailbu Homes LLC

Michael J. Shotkoski
Michael J. Shotkoski
Managing Member

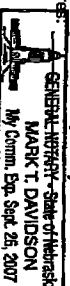
By _____

STATE OF NEBRASKA
County of Douglas } ss.

The foregoing instrument was acknowledged before me on November 21st, 2005 by Michael J. Shotkoski, Managing Member of Mailbu Homes LLC of Mailbu Homes LLC which is the voluntary act and deed of said Corporation

RETURN TO:
Gateway Community Bank
14320 Arbor Street
Omaha, NE 68144

Notary Public *Mark Davidson*
My Commission expires 9/24/07



530
0112
01-009097

FIRST NEBRASKA TITLE AND ESCROW COMPANY

2425 South 120th Street
Omaha, NE 68144
Phone: 402-691-9933 Fax: 402-691-9970
www.firstnebraskatitle.com

May 8, 2002

John Bachman
Gaines Pansing & Hogan
200 Regency One Bldg.
10050 Regency Ct.
Omaha, NE 68114

RE: 96th & Harrison
Newman Family Partners
B.H.I Properties

Dear John:

Enclosed, please find the commitment and copies of the Schedule B exceptions pertaining to the above captioned transaction. If you have any questions regarding the enclosed, or if you need any additional information, please contact me at the office listed above.

Sincerely,

Sandi J. Wilds
Title Officer

cc: B.H.I. Properties
Newman Family Partners

FROM: CLTIC-CLAYTON

TO:

1 402 691 9970

JUN 7, 1996

11:19AM P.02

REQUEST FOR APPROVAL TO ISSUE OVERLIMIT POLICY

FROM: First Nebraska Title DATE: 5-8-02

RE: OUR ORDER NO. 7-0244072

POLICY(IES) TO BE ISSUED:

OWNER: POLICY AMOUNT: \$ 8,664,000
LOAN: POLICY AMOUNT: \$
OTHER: POLICY AMOUNT: \$

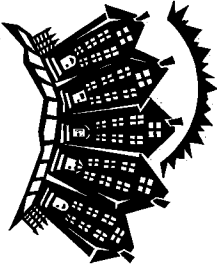
THIS COMPANY HAS BEEN REQUESTED TO ISSUE THE ENCLOSED COMMITMENT FOR TITLE INSURANCE. THIS COMPANY CERTIFIES THAT IT FOUND MARKETABLE TITLE IN THE PERSON OR ENTITY SHOWN ON THE AFORESAID COMMITMENT, THE CHAIN OF TITLE IS COMPLETE AND UNINTERRUPTED, AND ALL ENCUMBRANCES, EXCEPT AS SHOWN ON THE COMMITMENT, HAVE BEEN PROPERLY RELEASED OF RECORD.

1. PERIOD OF SEARCH: TITLE WAS EXAMINED FROM patent to present
2. STARTER OR PRIOR EXAMINATION WAS RELIED UPON (DESCRIBE)
NO/H
3. DOES LAND FRONT UPON AN OPEN DEDICATED ROAD? yes
4. IF NOT, WAS TITLE TO ACCESS EASEMENT EXAMINED, OR AN EXCEPTION MADE FOR LACK OF INGRESS AND EGRESS?
5. DOES LAND ABUT A RIVER OR STREAM? NO
6. IF SO, HAVE PROPER EXCEPTIONS BEEN LISTED ON COMMITMENT?
7. IF FOR LOAN POLICY, PURPOSE OF LOAN (E.G. PURCHASE OF LAND CONSTRUCTION)
8. IF YOU ARE REQUESTED TO FURNISH MECHANIC'S LIEN COVERAGE, YOU MUST CONTACT THIS OFFICE FOR APPROVAL.
9. WE HAVE BEEN REQUESTED TO ISSUE THE FOLLOWING ENDORSEMENTS:

BASED UPON OUR EXAMINATION OF THE CHAIN OF TITLE, AND OTHER AVAILABLE INFORMATION, WE FEEL THAT THE COMMITMENT AND SUBSEQUENT POLICY CAN BE ISSUED.

[Signature]
TITLE EXAMINER

PRESIDENT



FIRST NEBRASKA TITLE AND ESCROW COMPANY

2425 S. 120th St.
Omaha, NE 68144

Phone: 402-691-9933 Fax: 402-691-9970

DATE:

5-8

TO:

Mick Starnett

FIRM/COMPANY:

FAX NUMBER:

314-423-2661

RE:

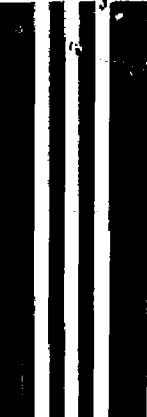
FROM:

Janet

OF PAGES TO FOLLOW:

11

*If full transmission is not received, please contact sender.



FILED SARPY CO. NE.
INSTRUMENT NUMBER

2003-64642

2003 NOV -3 P 3:22

COUNTY: SARPY
VERIFY: AK CE: a
PROOF: AK DE: AK

FEES \$ 17.00

CHECK # 99832

CHG _____ CASH _____
REFUND _____ CREDIT _____
SHORT _____ NCR _____

UCC FINANCING STATEMENT

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

A. NAME & PHONE OF CONTACT AT FILER (optional)
DAWN PUTNAM #402-557-4157

B. SEND ACKNOWLEDGEMENT TO: (Name and Address)

Great Western Bank
6015 N.W. Radial Hwy.
P.O. Box 4070
Omaha, NE 68104-0070

George D. Dandberg
REGISTER OF DEEDS

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1. DEBTOR'S EXACT FULL LEGAL NAME - Insert only one debtor name (1a or 1b) - do not abbreviate or combine names

1a. ORGANIZATION'S NAME

TORCO DEVELOPMENT, INC.

OR

1b. INDIVIDUAL'S LAST NAME

1c. MAILING ADDRESS

11205 S. 160TH STREET

1d. TAX ID #: SSN OR EIN

ADDT. INFO RE
ORGANIZATION
DEBTOR

1e. TYPE OF ORGANIZATION
Corporation

1f. JURISDICTION OF ORGANIZATION
NE

1g. ORGANIZATIONAL ID #, if any

☒ NONE

2. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - Insert only one debtor name (2a or 2b) - do not abbreviate or combine names

2a. ORGANIZATION'S NAME

OR

2b. INDIVIDUAL'S LAST NAME

2c. MAILING ADDRESS

2d. TAX ID #: SSN OR EIN

ADDT. INFO RE
ORGANIZATION
DEBTOR

2e. TYPE OF ORGANIZATION

2f. JURISDICTION OF ORGANIZATION

☐ NONE

3. SECURED PARTY'S NAME (or NAME of TOTAL ASSIGNEE of ASSIGNOR SPT) - Insert only one secured party name (3a or 3b)

3a. ORGANIZATION'S NAME

Great Western Bank

OR

3b. INDIVIDUAL'S LAST NAME

3c. MAILING ADDRESS

6015 N.W. Radial Hwy., P.O. Box 4070

4. THIS FINANCING STATEMENT covers the following collateral:

All inventory, Chattel Paper, Accounts, Equipment, General Intangibles and Fixtures; whether any of the foregoing is owned now or acquired later; all accessions, additions, replacements, and substitutions relating to any of the foregoing; all records of any kind relating to any of the foregoing; all proceeds relating to any of the foregoing (including insurance, general intangibles and other accounts proceeds)

5. ALTERNATIVE DESIGNATION (if applicable): ☐ LESSOR/LESSOR ☐ CONSIGNEE/CONSIGNOR ☐ BALE/BALOR ☐ SELLER/BUYER ☐ AG. LIEN ☐ NON-UCC FILING

6. ☒ THE FINANCING STATEMENT is to be filed for record (or recorded) in the REAL ☐ 7. Check to REQUEST SEARCH REPORT(S) on Debtor(s) ☐ All Debtors ☐ Debtor 1 ☐ Debtor 2

8. OPTIONAL FILER REFERENCE DATA

h

COPIATION - 4 - C.E. 63
 VERIFY 30 DE 7

PROOF:

FEES \$ 1070

CHG	CASH
REFUND	CREDIT
SHORT	PLA

SARPY COUNTY REGISTER OF DEEDS
1210 GOLDEN GATE DRIVE, STE 1109
PAPILLION, NE 68046-2895
402-593-5773

ALICE

SALEM COUNTY CLERKS OFFICE



Office of the County Attorney

Hall of Justice • 1210 Golden Gate Drive • Suite 3147
Papillion, NE 68046-2889
(402) 593-2230 • Fax: (402) 593-4359

L. Kenneth Polkov
Sarpy County Attorney

February 18, 2004

TO: Sarpy County Register of Deeds
RE: Vacation of 96th Street

Dear Sir or Mam:

The purpose of this letter is to outline corrections that I need to make to Instrument Number 2004-03130, which was filed in your office on January 29, 2004. The resolution as it was filed is accurate and remains unchanged. However, the legal descriptions initially filed and marked Exhibit A and Exhibit B were outdated legal descriptions and thus incorrect. I have attached the accurate legal descriptions, which are both included on one page and reference a portion of 96th Street both North and South of Valley View Drive in Sarpy County, Nebraska. I apologize for any inconvenience that this may have caused.

Sincerely,

Brett S. Charles

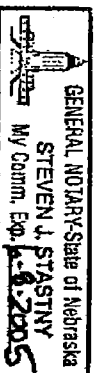
Brett S. Charles
Deputy Sarpy County Attorney

State of Nebraska
County of Sarpy

The foregoing instrument was acknowledged before me this 18th day of Feb, 2004, by Brett S Charles, Deputy Sarpy County Attorney.

Enclosed: Corrected version of legal descriptions.

Steven J. Stastny
Notary



05484

2004-05184 B
LEGAL DESCRIPTION - 96th ST ROW TO BE VACATED NORTH OF VALLEY
VIEW DRIVE

THAT PART OF THE NE 1/4 OF SECTION 16, T14N, R12E OF THE 6th P.M., SARPY COUNTY,
NEBRASKA, DESCRIBED AS FOLLOWS:
COMMENCING AT THE SE CORNER OF SAID NE 1/4;
THENCE S87°31'16"W (ASSUMED BEARING) 60.00 FEET ON THE SOUTH LINE OF SAID NE 1/4;
THENCE N02°36'21"W 853.84 FEET ON A LINE 60.00 FEET WEST OF AND PARALLEL WITH THE
EAST LINE OF SAID NE 1/4 TO THE POINT OF BEGINNING;
THENCE CONTINUING N02°36'30"W 451.87 FEET ON A LINE 60.00 FEET WEST OF AND
PARALLEL WITH THE EAST LINE OF SAID NE 1/4;
THENCE N26°44'44"W 1.91 FEET;
THENCE S22°13'57"W 109.38 FEET;
THENCE S02°14'14"E 359.36 FEET;
THENCE N87°23'31"E 44.06 FEET;
THENCE N42°23'31"E 7.07 FEET TO THE POINT OF BEGINNING.
CONTAINING 0.45 ACRES MORE OR LESS.

LEGAL DESCRIPTION - 96th ST ROW TO BE VACATED SOUTH OF VALLEY
VIEW DRIVE

THAT PART OF THE NE 1/4 OF SECTION 16, T14N, R12E OF THE 6th P.M., SARPY COUNTY,
NEBRASKA, DESCRIBED AS FOLLOWS:
COMMENCING AT THE SE CORNER OF SAID NE 1/4;
THENCE S87°31'16"W (ASSUMED BEARING) 60.00 FEET ON THE SOUTH LINE OF SAID NE 1/4;
THENCE N02°36'21"W 107.69 FEET ON A LINE 60.00 FEET WEST OF AND PARALLEL WITH THE
EAST LINE OF SAID NE 1/4 TO THE POINT OF BEGINNING;
THENCE CONTINUING N02°36'30"W 656.15 FEET ON A LINE 60.00 FEET WEST OF AND
PARALLEL WITH THE EAST LINE OF SAID NE 1/4;
THENCE N47°36'29"W 7.07 FEET;
THENCE S87°23'31"W 41.54 FEET;
THENCE S06°29'12"E 163.22 FEET;
THENCE S21°42'47"W 108.06 FEET;
THENCE S19°48'27"E 209.68 FEET;
THENCE S07°45'49"E 200.34 FEET TO THE POINT OF BEGINNING.
CONTAINING 0.55 ACRES MORE OR LESS.

七

~~COUNTER~~ ~~C.E.~~
~~VERIFY~~ ~~DE~~

PROOF 5/12

FEES \$ 10.00

CHECK # _____
CHG _____ CASH _____
REFUND _____ CREDIT _____
SHORT _____ IN? _____

**DOCUMENT STARTS ON
NEXT PAGE.**

SARPY COUNTY REGISTER OF DEEDS
1210 GOLDEN GATE DRIVE, STE 1109
PAPILLION, NE 68046-2895
402-593-5773

Alice

SAVEDY COUNTY CLERKS OFFICE



Office of the County Attorney

Hall of Justice • 1210 Golden Gate Drive • Suite 3147
Papillion, NE 68046-2889
(402) 593-2230 • Fax: (402) 593-4359

L. Kenneth Polikov
Sarpy County Attorney

February 18, 2004

TO: Sarpy County Register of Deeds
RE: Vacation of 96th Street

Dear Sir or Mam:

The purpose of this letter is to outline corrections that I need to make to Instrument Number 2004-03130, which was filed in your office on January 29, 2004. The resolution as it was filed is accurate and remains unchanged. However, the legal descriptions initially filed and marked Exhibit A and Exhibit B were outdated legal descriptions and thus incorrect. I have attached the accurate legal descriptions, which are both included on one page and reference a portion of 96th Street both North and South of Valley View Drive in Sarpy County, Nebraska. I apologize for any inconvenience that this may have caused.

Sincerely,

Brett S. Charles

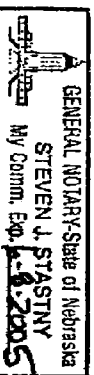
Brett S. Charles
Deputy Sarpy County Attorney

State of Nebraska
County of Sarpy

The foregoing instrument was acknowledged before me this 18th day of Feb, 2004, by Brett S Charles, Deputy Sarpy County Attorney.

Enclosed: Corrected version of legal descriptions.

Steven J. Stastny
Notary



05484

LEGAL DESCRIPTION ON - 96th ST ROW TO BE VACATED NORTH OF VALLEY
VIEW DRIVE

2004-05184B

THAT PART OF THE NE 1/4 OF SECTION 16, T14N, R12E OF THE 6th P.M., SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:
COMMENCING AT THE SE CORNER OF SAID NE 1/4;
THENCE S87°31'16"W (ASSUMED BEARING) 60.00 FEET ON THE SOUTH LINE OF SAID NE 1/4;
THENCE N02°36'21"W 853.84 FEET ON A LINE 60.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NE 1/4 TO THE POINT OF BEGINNING;
THENCE CONTINUING N02°36'30"W 451.87 FEET ON A LINE 60.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NE 1/4;
THENCE N26°44'44"W 1.91 FEET;
THENCE S22°13'57"W 109.38 FEET;
THENCE S02°14'14"E 359.36 FEET;
THENCE N87°23'31"E 44.06 FEET;
THENCE N42°23'31"E 7.07 FEET TO THE POINT OF BEGINNING.
CONTAINING 0.45 ACRES MORE OR LESS.

LEGAL DESCRIPTION - 96th ST ROW TO BE VACATED SOUTH OF VALLEY
VIEW DRIVE

THAT PART OF THE NE 1/4 OF SECTION 16, T14N, R12E OF THE 6th P.M., SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:
COMMENCING AT THE SE CORNER OF SAID NE 1/4;
THENCE S87°31'16"W (ASSUMED BEARING) 60.00 FEET ON THE SOUTH LINE OF SAID NE 1/4;
THENCE N02°36'21"W 107.69 FEET ON A LINE 60.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NE 1/4 TO THE POINT OF BEGINNING;
THENCE CONTINUING N02°36'30"W 656.15 FEET ON A LINE 60.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NE 1/4;
THENCE N47°36'29"W 7.07 FEET;
THENCE S87°23'31"W 41.54 FEET;
THENCE S06°29'12"E 163.22 FEET;
THENCE S21°42'47"W 108.06 FEET;
THENCE S19°48'27"E 209.68 FEET;
THENCE S07°45'49"E 200.34 FEET TO THE POINT OF BEGINNING.
CONTAINING 0.55 ACRES MORE OR LESS.

2.

○

2

100

CASH _____

CREDIT _____

PCR

LLOYD J. DOWDING

۱۲۸

BOARD OF COUNTY COMMISSIONERS
SARPY COUNTY, NEBRASKA

RESOLUTION AUTHORIZING VACATION OF A PORTION OF UNUSED RIGHT OF
WAY OF 96TH STREET IN AREAS LOCATED TO THE NORTH AND SOUTH OF
VALLEY VIEW DRIVE IN SARPY COUNTY, NEBRASKA

WHEREAS, pursuant to Neb. Rev. Stat. §39-1722, *et seq.*, (Reissue 1998), the County Board of Commissioners is authorized to vacate or abandon certain roadways or parts thereof, if such be in the public's best interest; and,

WHEREAS, pursuant to Neb. Rev. Stat. §39-1723, *et seq.*, (Reissue 1998), the County Surveyor has been directed to study the use being made of a certain road right-of-way and report said study to this Board, said right-of-way further described on attached legal description:

and,

WHEREAS, pursuant to Neb. Rev. Stat. §39-1724 (Reissue 1998), this Board has received said report from the Sarpy County Surveyor within thirty (30) days of the directive, and said report contains the study made and the County Surveyor's recommendation as to the vacation thereof as required by Neb. Rev. Stat. §39-1722 (Reissue 1998), and recommends the vacation of the unused right-of as described above; and,

WHEREAS, on the 6th day of January, 2004, a Public Hearing on the vacation was held as required by Neb. Rev. Stat. §39-1724 (Reissue 1998), after the publication and the service of notice on adjacent landowners, all as required by Neb. Rev. Stat. §39-1724 (Reissue 1998); and,

WHEREAS, subject right-of-way is within the zoning jurisdiction of the city of La Vista, Nebraska, and said, pursuant to Neb. Rev. Stat. §39-1725 (Reissue 1998), the City of La Vista has approved said vacation; and,

WHEREAS, it is in the best interests of the public that title to the above-described property be vacated, all pursuant to Neb. Rev. Stat. §39-1725 (Reissue 1998).

NOW, THEREFORE, BE IT RESOLVED BY THE SARPY COUNTY BOARD OF COMMISSIONERS that pursuant to Neb. Rev. Stat. §39-1722, *et seq.* (Reissue 1998), that the

B

unused right of way of 96th Street as further described on attached legal description is hereby vacated; and said vacation is subject to any existing easements and utility improvements, public or private, recorded or not.

BE IT FURTHER RESOLVED THAT, pursuant to Neb. Rev. Stat. §39-1725 (Reissue 1997), the title to this vacated right of way shall be sold, and the County Surveyor is hereby authorized to negotiate a purchase agreement for said property and present the same to this Board for approval.

DATED this 20th day of January, 2004.

Moved by Tim Schwan, seconded by Tim Day, that the above Resolution be adopted. Carried.

YEAS:

NAYS:

ABSENT:

Tim Day none none

Tim Schwan _____

Debra R. Doyle _____ ABSTAIN:

Jim Boyd _____ none

David W. Williams _____

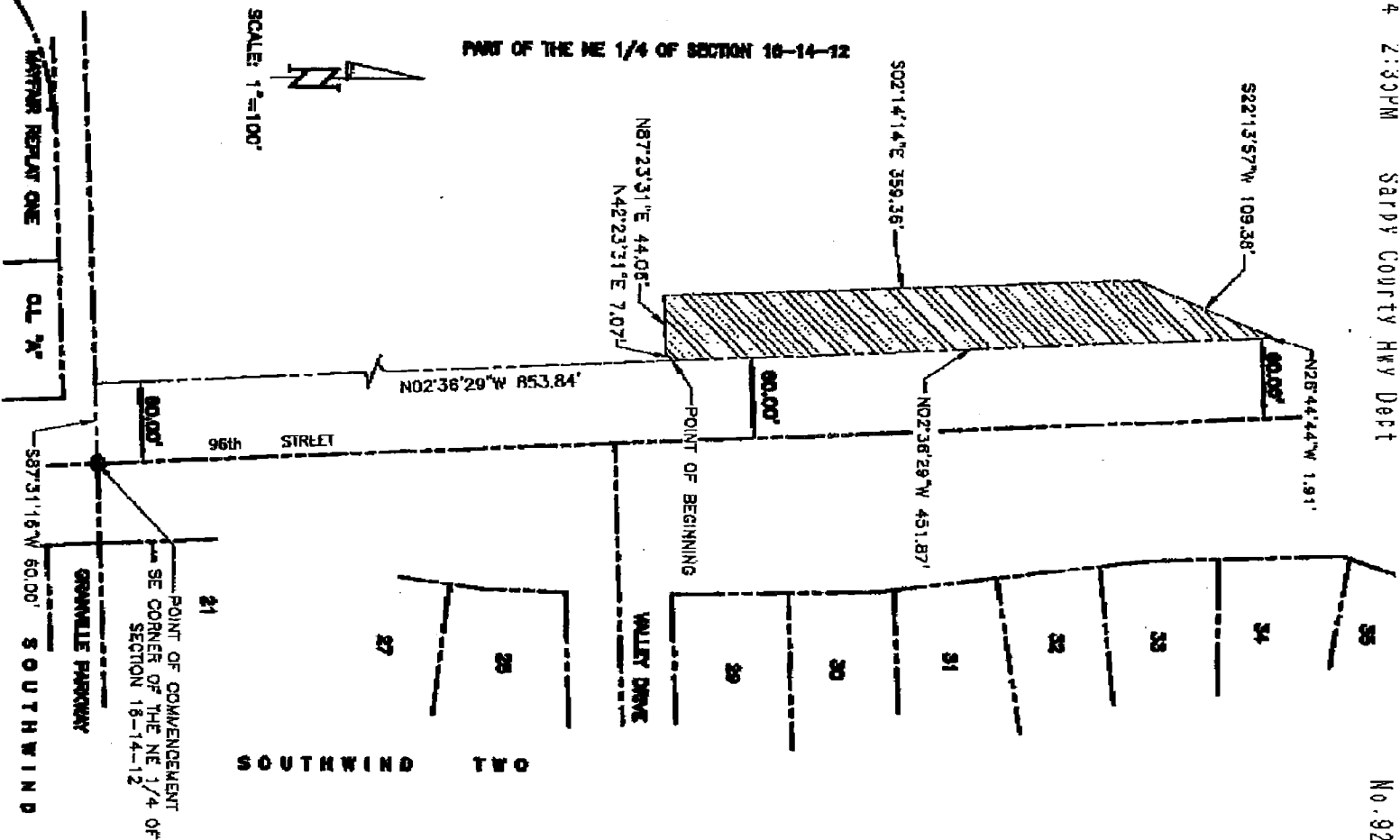
Debra J. Williams
County Clerk



Distributed to:

<input type="checkbox"/> County Board	_____
<input checked="" type="checkbox"/> Administrator M. Wayne	_____
<input type="checkbox"/> Fiscal Admin.	_____
<input checked="" type="checkbox"/> Co. Atty. B. Charles	M. Smith
<input checked="" type="checkbox"/> Elected Official(s)	T. Wyse
<input type="checkbox"/> Dept. Head(s)	_____
<input type="checkbox"/> Check here for ALL Elected Officials/Dept. Heads	_____
<input type="checkbox"/> Other: Dept./Employee	_____
<input checked="" type="checkbox"/> Vacation File	_____

C



LEGAL DESCRIPTION

THAT PART OF THE NE 1/4 OF SECTION 18, T14N, R12E OF THE 8th P.M., SARRY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: COMMENCING AT THE SE CORNER OF SAID NE 1/4; THENCE S87°31'16"W (ASSUMED BEARING) 60.00 FEET ON THE SOUTH LINE OF SAID NE 1/4; THENCE N02°36'29"W 853.84 FEET ON A LINE 80.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NE 1/4 TO THE POINT OF BEGINNING; THENCE CONTINUING N02°36'29"W 451.87 FEET ON A LINE 80.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NE 1/4; THENCE N28°44'44"W 1.91 FEET; THENCE S22°13'57"W 109.38 FEET; THENCE S02°14'14"E 359.36 FEET; THENCE N87°23'31"E 44.06 FEET; THENCE N42°23'31"E 7.07 FEET TO THE POINT OF BEGINNING.

CONTAINING 18,556 SQUARE FEET OR 0.43 ACRES MORE OR LESS.

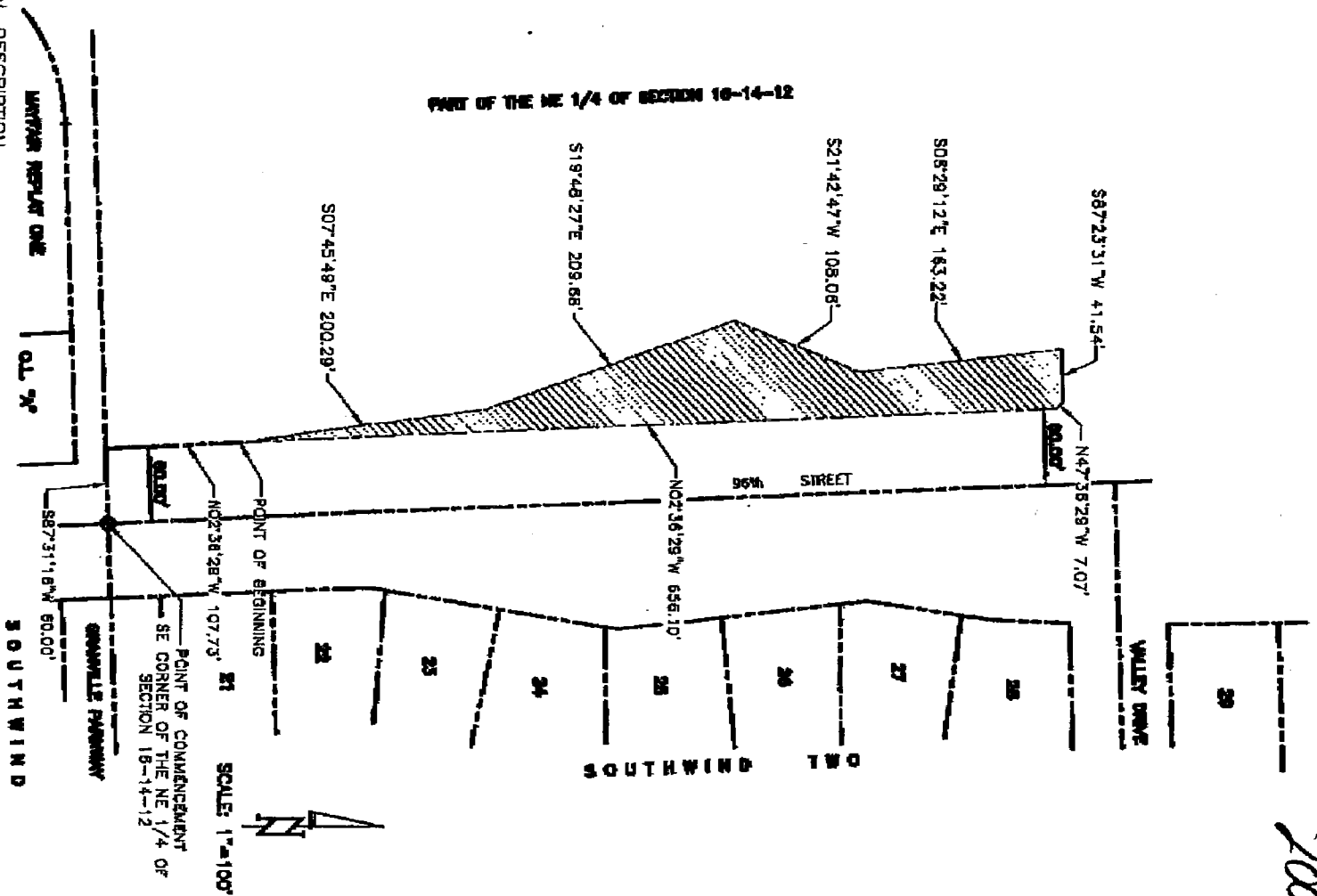
MELVIN SUBDECK HOMES

TD2 FILE NO. 1056-121-EXH-A

THOMPSON, DREESSEN & CORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860

EXHIBIT "A"

2004-03-30B



LEGAL DESCRIPTION

THAT PART OF THE NE 1/4 OF SECTION 16, T14N, R12E OF THE 6th P.M., SARDY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: COMMENCING AT THE SE CORNER OF SAID NE 1/4; THENCE S87°31'18\"W (ASSUMED BEARING) 80.00 FEET ON THE SOUTH LINE OF SAID NE 1/4; THENCE N02°38'28\"W 107.73 FEET ON A LINE 80.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NE 1/4 TO THE POINT OF BEGINNING; THENCE CONTINUING N02°38'28\"W 658.10 FEET ON A LINE 80.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NE 1/4; THENCE N47°38'29\"W 7.07 FEET; THENCE S87°23'31\"W 41.84 FEET; THENCE S08°29'12\"E 163.22 FEET; THENCE S21°42'47\"W 108.06 FEET; THENCE S18°48'27\"E 208.68 FEET; THENCE S07°45'48\"E 200.29 FEET TO THE POINT OF BEGINNING, CONTAINING 23.984 SQUARE FEET OR 0.55 ACRES MORE OR LESS.

MELVIN SUBBERG HOMES

TD2 FILE NO. 1088-121-DX-B

DATE: JANUARY 9, 2004

THOMPSON, DRESSEN & DORNER, INC., 10838 OLD MILL ROAD, OMAHA, NEBRASKA 68134, 402-330-8850

EXHIBIT "B"

FILED SARPY CO. NE.
INSTRUMENT NUMBER
2003-63480
2003 OCT 29 P 3:13 PM
REGISTER OF DEEDS

COUNTER 50 C.E. 4
VERIFY LM+DH D.E. D
PROOF LM
FEES \$ 15.50
CHECK# 30374
CHG. _____ CASH _____
REFUND _____ CREDIT _____
SHORT _____ NCR _____
Stamped copy

SANITARY AND IMPROVEMENT DISTRICT STATEMENT
SARPY COUNTY, NEBRASKA

STATE OF NEBRASKA)
) ss.
COUNTY OF SARPY)

Doris J. Nicholson, being first duly sworn, states that she is the Clerk of Sanitary and Improvement District No. 237 of Sarpy County, Nebraska and makes the following statement regarding same:

1. District Number: 237
2. Outer Boundaries: See Exhibit "A" attached hereto and by this reference made a part hereof.
3. The purpose of this District shall be acquiring, installing, repairing, maintaining, renewing, operating and replacing electrical service lines and conduits, a sewer system, a water system, a system of sidewalks, public roads, streets and highways, a civil defense warning system, to contract for water for fire protection and for resale to the residents of the District, and to contract for gas and electricity, for street lighting for the public streets and highways within the District and to acquire, improve and operate public parks, playgrounds and recreational facilities. The District shall have all of the powers and authorities as are permitted by law, to achieve the purposes herein above set forth, including, but not in limitation of the foregoing, the power and authority to contract with corporations, utility companies, or municipalities for water for fire protection and for resale to the residents of the District, and for electricity and gas, for street lighting of the public streets and highways within the District and for the disposal of sewage in the use of existing sewer improvement facilities and for the operation and maintenance of electrical service lines and conduits.
4. The District has the power to levy an unlimited property tax to pay its debts and its expenses of operation and maintenance.
5. The District is required by statute to levy special assessments on property in the District to the full extent of special benefits arising by reason of improvements installed by it.
6. In all years when a budget is required by law, the District's annual budget is filed with the County Clerk, which budget shows anticipated revenue and expenses, levy, and indebtedness of the District.
7. The actual current levy of the District may be obtained from the County Clerk.

PAK
10/3
FULENKAMP, DOYLE & JOBEJUN
11440 WEST CENTER ROAD
OMAHA, NE 68144-4482

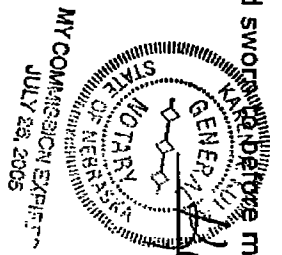
A

8. A copy of the District's annual financial audit is on file with the Clerk of the District and the State Auditor of Public Accounts.

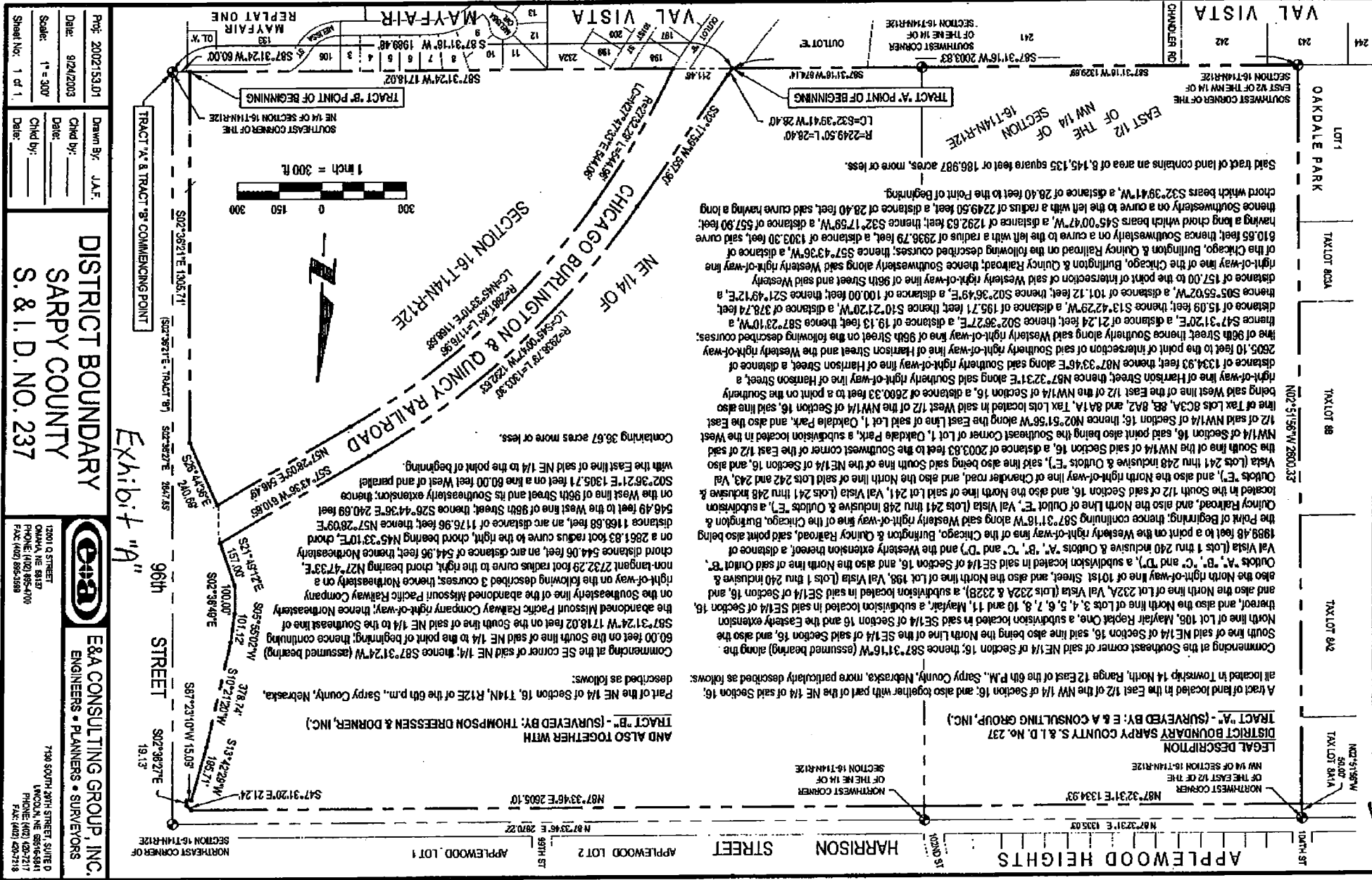
Deaf Nicholas
CLERK

SUBSCRIBED and sworn to before me this 29th day of October, 2003

Mark K. Keene
Notary Public



2007 0706



DISTRICT BOUNDARY
SARP COUNTY
S. & I. D. NO. 237

Exhibit "A"

DISTRICT BOUNDARY SARP COUNTY S. & I. D. NO. 237

LEGAL DESCRIPTION
TRACT "A" - (SURVEYED BY: E & A CONSULTING GROUP, INC.)
TRACT "B" - (SURVEYED BY: THOMPSON DRESSSEN & DORNER, INC.)
TRACT "C" - (SURVEYED BY: THOMPSON DRESSSEN & DORNER, INC.)
TRACT "D" - (SURVEYED BY: THOMPSON DRESSSEN & DORNER, INC.)
TRACT "E" - (SURVEYED BY: THOMPSON DRESSSEN & DORNER, INC.)
TRACT "F" - (SURVEYED BY: THOMPSON DRESSSEN & DORNER, INC.)
TRACT "G" - (SURVEYED BY: THOMPSON DRESSSEN & DORNER, INC.)
TRACT "H" - (SURVEYED BY: THOMPSON DRESSSEN & DORNER, INC.)
TRACT "I" - (SURVEYED BY: THOMPSON DRESSSEN & DORNER, INC.)
TRACT "J" - (SURVEYED BY: THOMPSON DRESSSEN & DORNER, INC.)
TRACT "K" - (SURVEYED BY: THOMPSON DRESSSEN & DORNER, INC.)
TRACT "L" - (SURVEYED BY: THOMPSON DRESSSEN & DORNER, INC.)
TRACT "M" - (SURVEYED BY: THOMPSON DRESSSEN & DORNER, INC.)
TRACT "N" - (SURVEYED BY: THOMPSON DRESSSEN & DORNER, INC.)
TRACT "O" - (SURVEYED BY: THOMPSON DRESSSEN & DORNER, INC.)
TRACT "P" - (SURVEYED BY: THOMPSON DRESSSEN & DORNER, INC.)
TRACT "Q" - (SURVEYED BY: THOMPSON DRESSSEN & DORNER, INC.)
TRACT "R" - (SURVEYED BY: THOMPSON DRESSSEN & DORNER, INC.)
TRACT "S" - (SURVEYED BY: THOMPSON DRESSSEN & DORNER, INC.)
TRACT "T" - (SURVEYED BY: THOMPSON DRESSSEN & DORNER, INC.)
TRACT "U" - (SURVEYED BY: THOMPSON DRESSSEN & DORNER, INC.)
TRACT "V" - (SURVEYED BY: THOMPSON DRESSSEN & DORNER, INC.)
TRACT "W" - (SURVEYED BY: THOMPSON DRESSSEN & DORNER, INC.)
TRACT "X" - (SURVEYED BY: THOMPSON DRESSSEN & DORNER, INC.)
TRACT "Y" - (SURVEYED BY: THOMPSON DRESSSEN & DORNER, INC.)
TRACT "Z" - (SURVEYED BY: THOMPSON DRESSSEN & DORNER, INC.)

ENGINEERS • PLANNERS • SURVEYORS

E&A CONSULTING GROUP, INC.

12001 O STREET
OMAHA, NE 68137
PHONE (402) 885-4100
FAX (402) 885-3889

7100 SOUTH 20TH STREET, SUITE D
LINCOLN, NE 68516-6841
PHONE (402) 426-7217
FAX (402) 426-7218

PROJ. 2002153.01
Date: 9/24/2003
Drawn By: J.A.F.
Chkd By:
Scale: 1" = 300'
Sheet No: 1 of 1

FILED SARPY CO. NE.
INSTRUMENT NUMBER
2003-63482
2003 OCT 29 P 3:15 PM
Glenn D. Henderson
REGISTER OF DEEDS

COUNTER 50 C.E. 6
VERIFY LM+24 D.E. 15
PROOF 124
FEES \$ 10.50
CHECK# 30374
CHG. _____ CASH _____
REFUND _____ CREDIT _____
SHORT _____ NOR _____
Stamped copy

CONSENT AND ACKNOWLEDGMENT OF FORMATION
OF SANITARY AND IMPROVEMENT DISTRICT

COMES NOW, the Pinnacle Bank under a Deed of Trust filed against the real property legally described on the attached Exhibit "A" and hereby consents to the formation of Sanitary and Improvement District No. 237 of Sarpy County, Nebraska (Cimarron Woods), agrees to be bound by all of the terms and conditions of the Articles of Association of the District, and further agrees that its interest in and to the property shall be subject to and subordinate to any real estate taxes or special assessments levied by the District.

DATED this 17th day of October, 2003

Pinnacle Bank

STATE OF NEBRASKA)
COUNTY OF Harney) ss.

By Glenn Henderson V.P.
Title

Before me, the undersigned Notary Public in and for said County and State appeared Glenn Henderson, to me known to be the Vice President of the Pinnacle Bank and the identical person who executed the above instrument and acknowledged his execution thereof to be his voluntary act and deed and the voluntary act and deed of said bank.

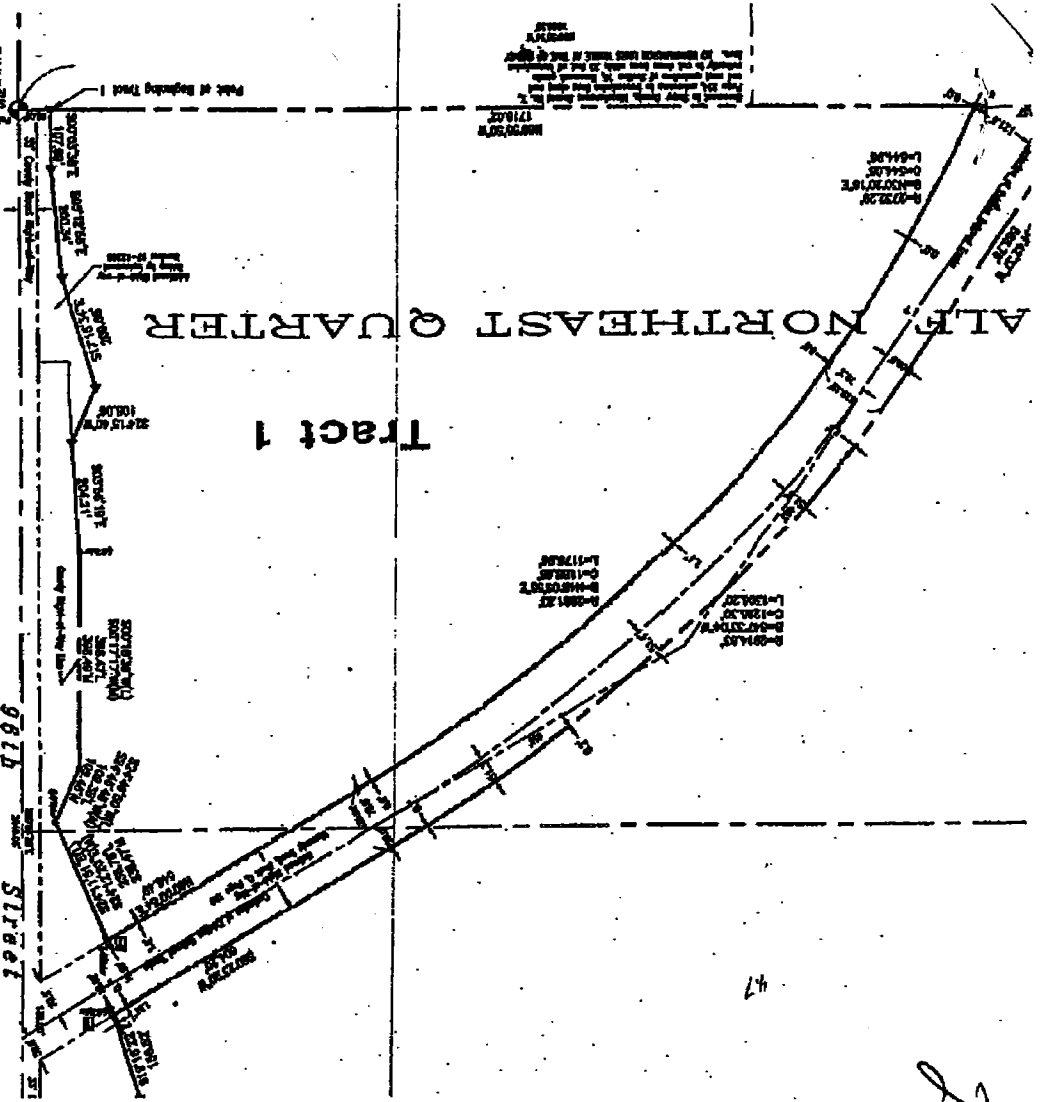
WITNESS my hand and Notarial Seal this 17th day of October, 2003

Notary Public



Fullenkamp, Doyle & Joeburn
P&R
11440 WEST CENTER ROAD
OMAHA, NE 68144-4482
3063
Hyman

2003-63482A



LEGAL DESCRIPTION:

A tract of land being in the north half of the northeast quarter and the south half of the northeast quarter in Section 16, Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska, described as follows:

TRACT 1

commencing at the Southwest corner of the Northwest Quarter of said Section 16; Thence, North 89°55'51" West (assumed bearings) for 60.00 feet along the South line to the Northwest Quarter to the West right of way of 96th street and the TRUE POINT OF BEGINNING;

Thence North 89°55'51" West for 1718.02 feet continuing along the South line of said Northeast Quarter to the Southeast right of way of the Missouri Pacific Railway Company; (Do to the lack of evidence of the Missouri Pacific Railway Company west established by locating the right of way fence as existed at the time of the survey, The fence was denoted on The Chicago, Burlington & Quincy Railway Company's right of way and track map sheet No. 2 of 7 from station 1167+58.1 to 964+00 as being placed on the right of way.) Thence along the said right of way for the following 3 courses; 1) Thence along a curve to the right (having a radius of 2732.29 feet and a long chord bearing North 30°20'18" East for 544.05 feet) for an arc length of 544.96 feet; 2) Thence along a curve to the right (having a radius of 1176.96 feet and a long chord bearing North 45°05'55" East for 1168.68 feet) for an arc length of 1176.96 feet; 3) Thence North 60°00'54" East for 546.49 feet to the West right of way of 96th street (The 96th street right of way was established without benefit of Deeds and was based on Sarpy County Surveyors right of way records.) Thence along said West right of way for the following 8 courses; 1) Thence South 24°11'51" East for 238.78 feet; 2) Thence South 24°46'50" West for 109.38 feet; 3) Thence South 00°18'59" West for 394.47 feet; 4) Thence South 03°56'19" East for 204.21 feet; 5) Thence South 24°15'40" West for 108.06 feet; 6) Thence South 17°15'34" East for 208.68 feet; 7) Thence South 05°12'56" East for 200.34 feet; 8) Thence South 00°03'06" East for 107.69 feet to the POINT OF BEGINNING. ; EXCEPT that portion dedicated for street right of way by Plat and Dedication filed July 21, 1998 as Instrument No. 98-019744.

Tract 1 contains 36.9 acres.

FILED SARPY CO. NE.

INSTRUMENT NUMBER

2003-63481

2003 OCT 29 P 3:14

REGISTER OF DEEDS

COUNTER SM C.E. 4
VERIFY LM + DH D.E. 3
PROOF LM

FEES \$ 10.50

CHECK# 30374

CHG. CASH

REFUND CREDIT

SHORT NCR

Stamped copy

CONSENT AND ACKNOWLEDGMENT OF FORMATION
OF SANITARY AND IMPROVEMENT DISTRICT

COMES NOW, the Great Western Bank under a Deed of Trust filed against the real property legally described on the attached Exhibit "A" and hereby consents to the formation of Sanitary and Improvement District No. 237 of Sarpy County, Nebraska (Cimarron Woods), agrees to be bound by all of the terms and conditions of the Articles of Association of the District, and further agrees that its interest in and to the property shall be subject to and subordinate to any real estate taxes or special assessments levied by the District.

DATED this 24 day of October, 2003

Great Western Bank

By [Signature] Title SVR.

STATE OF NEBRASKA

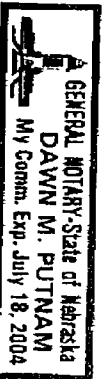
)
) ss.

COUNTY OF Douglas

Before me, the undersigned Notary Public in and for said County and State appeared Raul T. Putnam, to me known to be the Senior Vice President of the Great Western Bank and the identical person who executed the above instrument and acknowledged his execution thereof to be his voluntary act and deed and the voluntary act and deed of said bank.

WITNESS my hand and Notarial Seal this 24 day of October, 2003

Dawn M. Putnam
Notary Public



Fullenkamp, Doyle & Jobe
11440 WEST CENTER ROAD
OMAHA, NE 68144-4482
2063 Kaven

A tract of land located in the East 1/2 of the NW 1/4 of Section 16; and also together with part of the NE 1/4 of said Section 16; all located in Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska, more particularly described as follows:

Commencing at the Southwest corner of said NE 1/4 of Section 16; thence S87°31'16"W (assumed bearing) along the South line of said NE 1/4 of Section 16, said line also being the North line of the SE 1/4 of said Section 16, and also the North line of Lot 106, Mayfair Royal Oak, a subdivision located in said SE 1/4 of Section 16 and the Eastern extension thereof; and also the North line of Lots 3, 4, 5, 6, 7, 8, 10 and 11, Mayfair, a subdivision located in said SE 1/4 of Section 16, and also the North line of Lot 232A, Val Vista (Lots 232A & 232B), a subdivision located in said SE 1/4 of Section 16, and also the North right-of-way line of 101st Street, and also the North line of Lot 198, Val Vista (Lots 1 thru 240 inclusive & Outlots "A", "B", "C" and "D"), a subdivision located in said SE 1/4 of Section 16, and also the North line of said Outlot "B", 1989.48 feet to a point on the Western right-of-way line of the Chicago, Burlington & Quincy Railroad, a distance of 1989.48 feet to a point on the Western right-of-way line of the Chicago, Burlington & Quincy Railroad, and also the North line of Outlot "E", Val Vista (Lots 241 thru 248 inclusive & Outlots "E", and also the North right-of-way line of Chandler road, and also the North line of said Lots 242 and 243, Val Vista (Lots 241 thru 248 inclusive & Outlots "E", said line also being said South line of the NE 1/4 of Section 16, and also the South line of the NW 1/4 of said Section 16, a distance of 2003.53 feet to the Southwest corner of the East 1/2 of said NW 1/4 of Section 16, said point also being the Southeast Corner of Lot 1, Oakdale Park, a subdivision located in the West line of said NW 1/4 of Section 16; thence N02°51'56"W along the East line of said Lot 1, Oakdale Park, and also the East line of Tax Lots B23A, B8, B42, and B41A, Tax Lots located in said West 1/2 of the NW 1/4 of Section 16, and also the East right-of-way line of the East 1/2 of the NW 1/4 of Section 16, a distance of 2600.33 feet to a point on the Southerly right-of-way line of Harrison Street, thence N87°32'31"E along said Southerly right-of-way line of Harrison Street, a distance of 3334.03 feet, thence N87°33'46"E along said Southerly right-of-way line of Harrison Street, a distance of 2805.16 feet to the point of intersection of said Southerly right-of-way line of Harrison Street, and the West line of 96th Street, thence Southerly along said West line of Harrison Street and the West line of the West line of said SE 1/4 of Section 16, a distance of 2124.24 feet, thence S02°36'27"E, a distance of 19.13 feet, thence S87°23'10"W, a distance of 15.09 feet, thence S13°42'29"W, a distance of 193.71 feet, thence S10°21'20"W, a distance of 370.24 feet, thence S05°55'02"W, a distance of 101.12 feet, thence S02°36'49"E, a distance of 100.00 feet, thence S21°46'12"E, a distance of 151.00 to the point of intersection of said West line of 96th Street and said West line of the Chicago, Burlington & Quincy Railroad on the following described courses, thence S21°43'36"E, a distance of 610.65 feet, thence Southerly along a curve to the left with a radius of 2938.79 feet, a distance of 1303.20 feet, of having a long chord which bears S45°00'47"W, a distance of 1292.63 feet, thence S32°17'59"W, a distance of 557.30 feet, thence Southerly along a curve to the left with a radius of 2249.50 feet, a distance of 26.40 feet, said curve having a long chord which bears S32°39'41"W, a distance of 28.40 feet to the Point of Beginning.

Said tract of land contains an area of 8,145,135 square feet or 185,987 acres, more or less.

4570.

2003-63481A

TX
X
D²

Deed Book _____ Mtg Book _____ Plat _____

LEGAL: NE 1/4 & E 1/2 NW ORDER NO. _____

10-14-12 ADDRESS _____

JUDGMENT SEARCH: *****

SELLER:

BCNP _____
ALPH _____
BOOK _____

BUYER:

TAXES
Key # 010609598

⁰¹
+98 Total \$ 3145.28
1/2 pd 1/2 due

Spec, Levied _____, totals \$ _____, pd, _____ del _____ unpd _____

INST BOOK PAGE

Cont	7	214	/	COPIES OF ALL THESE PLUS SHARED ITEMS ON THE NEXT TWO PAGES!
"	8	196		
B	79	25		
MUD plat	49	26		
B	161	1939		
"	161	1940	/	
"	161	3041		
"	162	1020		
Cont	60	3326	/	

NOTICE

METROPOLITAN UTILITIES DISTRICT

to

Job. No. WCP 4999

WHOM IT MAY CONCERN:

Notice is hereby given that Metropolitan Utilities District has, under its construction order procedure, installed a water main, in the following streets:

In 96th Street from Harrison Street to Cornhusker Drive
(6th Street)

FILED FOR RECORD 1-16-76 AT 9:30 A.M. ROOM 49 BY Mrs. J. Lee
FILED Carl A. Hillbels REGISTERED PROFESSIONAL SURVEYOR, NEB.

Sarpy
in Omaha, ~~Douglas~~ County, Nebraska, or adjoining said city, abutting the lots or parcels of land described below:

The west 150' except street of 15-14-12

The east 150' except street of 16-14-12

The east 150' except street of the NE $\frac{1}{4}$ of 21-14-12

The west 150' except street lying north of Cornhusker Drive
(6th Street) in the west 1/2 of 22-14-12

Tax Lot 10B - SE $\frac{1}{4}$ of 21-14-12:

A connection charge of \$ 9.39 ~~6.80~~ per foot will be made as to each of said lots or parcels of land whose owners apply for, and receive, service from such main. This charge is in lieu of an assessment which would have been made if said main had been installed under the statutory procedure for main extensions. The connection charge may be paid in full, or in installments, as provided by the Rules and Regulations of Metropolitan Utilities District.

When the connection charge has been paid in full by the owner of a lot, a receipt will be issued and may be recorded by him. Inquiry may be made of the New "Services" Section of Metropolitan Utilities District as to whether a connection to said main has been made as to any one of the lots or parcels of land hereinabove described, and the amount of the connection charge remaining unpaid, if any.

Omaha, Nebraska, 1-16-, 1976

METROPOLITAN UTILITIES DISTRICT

By [Signature]

51474

MISCELLANEOUS RECORD No. 7.

215

become void and of no effect and the Company shall be absolved from the payment of the further sum above indicated. The initial sum paid, however, is to be the property of the Grantor. In the event that the Company is able to obtain all of the right of way between the points herein indicated, then the further sum payable hereunder shall be paid by the Company to the Grantor on or before the date of the commencement of the construction of the Company's transmission lines, poles, wires, guys, supports and other fixtures and appliances on the premises herein described.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals on the 28th day of October, 1929.

ATTEST:

S.R. Schweitzer
Secretary

#Nebraska Power Company Seal 1917 #
#####

NEBRASKA POWER COMPANY
By Roy Page
Assistant General Manager.
Gustave D. Hibbeler
Administrator of the estate of
Heinrich Gerhard Hibbeler,

WITNESSES:
G.E. Nelson

Engineers Approval: F.E. Smith

STATE OF NEBRASKA)
COUNTY OF DOUGLAS) ss.

Grantor

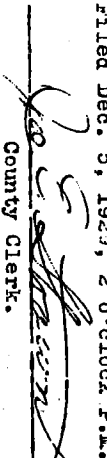
On this 28th day of October, 1929, before me the undersigned, a notary public in and for said County and State, personally appeared Gustave D. Hibbeler, administrator of the estate of Heinrich Gerhard Hibbeler, deceased, personally to me known to be the identical person who signed the foregoing instrument as Grantor and who acknowledged the execution thereof to be their voluntary act and deed for the purpose therein expressed.

IN WITNESS my hand and notarial seal the date above written.

G.E. Nelson
Notary Public

#G.E. Nelson General Notarial Seal #
#Commission Expires April 26, 1935 #
#Douglas County, Nebraska. #
#####

EMMA D. SINNER & hus. :
to :
NEBRASKA POWER CO. :
Contract \$1.50 pd. N :

Filed Dec. 5, 1929, 2 o'clock P.M.

County Clerk.

CONTRACT

File No.-----

This indenture made this 28th day of August, 1929, by and between NEBRASKA POWER COMPANY, a corporation hereinafter called "the Company" and Emma D. Sinner and Conrad C. Sinner, husband & wife of the County of Sarpy State of Nebraska, hereinafter called "Grantor":

WITNESSETH: That for and in consideration of \$5.00, receipt whereof is hereby acknowledged by the Grantor and the further payment of the sum of \$35.00, as hereinafter provided, and mutual covenants and agreements herein contained the Grantor does hereby grant and convey unto the Company, its lessees, successors and assigns, the perpetual right, privilege easement, authority and right of way to construct, operate and maintain its poles, electric transmission lines, wires, guys and other fixtures and appliances, over, upon, along and above the following described property, situated in Sarpy County, State of Nebraska, to wit: Northwest Quarter of SouthEast Quarter (NE1/4SE1/4) Section Sixteen (16), Township Fourteen (14) North, Range Twelve (12) east of the 6th PM.

The electric transmission line shall be built of double pole construction, commonly called "H" frame construction, with a spacing between structures generally approximately 600 feet and not less than 400 feet. The poles of the individual "H" frames shall be set on ten foot centers, the center line of said "H" frames being the east and west center line of said section 16 aforementioned, this making one pole five feet north of and one pole five feet south of said east and west center line of said section 16.

The Grantor does hereby further grant unto the Company, its lessees, successors and assigns the right, privilege and authority to enter upon and pass over said property and the property of the Grantor adjacent thereto for the purpose of constructing, repairing, operating and maintaining said lines and equipment upon the property above described.

The Grantor does hereby further grant unto the Company, its lessees, successors and assigns the permanent right, privilege and authority to cut down or trim any trees or limbs of trees on five (25) feet of the Company's lines, and to cut down or trim any trees or limbs of trees on either side thereof as would be a hazard to said lines in breaking off and falling over or against said lines. Any refuse or debris resulting from such tree trimming shall be disposed of in the following manner, to wit:-----

The Company shall at all times exercise all due care and diligence to avoid any injury or damage to the crops, livestock and other property of the Grantor and the Company agrees to

8-194

In the Matter of the Appropriation of Land by School District No. 43 for School Purposes-
Marle Hess Dinkel, Helen Hess and George Hess, Owners, with the original records thereof, now
remaining in said court; that the same are correct transcripts thereof, and of the whole of
said original records.

I also certify that the full amount of the damages fixed by the Appraisers, to-wit
\$125.00 and all costs have been paid into Court.

In Witness Whereof I have hereunto set my hand and affixed the seal of said County
Court in Papillion, County of Sarpy, State of Nebraska, on this 23rd day of Nov. A.D. 1931.

SEAL OF THE COUNTY COURT #
SARPY COUNTY, NEBRASKA #
#####

J. M. WHEAT,
Judge of the County Court
Esther Cordes
Clerk of the County Court

GUSTAVE D. HIBBELER :
TO : Filed November 24, 1931 at 8:30 o'clock A.M.
NEBRASKA POWER CO. :
Sup. Cont. Esameent \$1.70 Pd. : *Approved*
County Clerk

SUPPLEMENTARY CONTRACT OF EASEMENT

WHEREAS, heretofore on the 28th day of October, 1929, the undersigned Gustave D. Hibbeler,
Administrator of the Estate of Helmerich Gerhard Hibbeler, by a written instrument filed for
record December 5, 1929, and recorded in Book Miscellaneous 7, Page 214, granted and conveyed
unto the Nebraska Power Company, its lessees, successors and assigns, the perpetual right,
privilege, easement, authority and right of way to construct, operate and maintain its poles,
electric transmission lines, wires, guys, and other fixtures and appliances over, upon, along
and above the South half of the Northeast Quarter (S.½ N.E.¼) and the South-east quarter (S.E.¼)
of the Northwest Quarter (N.W.¼), all being in Section Sixteen (16), Township Fourteen (14)
North, Range Twelve (12) East of the 6th Principal Meridian, Sarpy County, Nebraska, which
said contract is hereby referred to and made a part hereof, and

WHEREAS, It is desired to more specifically describe said right-of-way.

NOW, THEREFORE, by this agreement the second paragraph of said contract is modified to
read as follows, the balance of said contract to remain in full force and effect -

That for and in consideration of \$5.00, receipt whereof is hereby acknowledged by the
grantor, and the further payment of the sum of \$115.00, as hereinafter provided, and
mutual covenants and agreements hereinafter contained, the grantor does hereby grant and
convey unto the Nebraska Power Company, its lessees, successors and assigns the perpetual
right, privilege, easement, authority and right-of-way to construct, operate and maintain its
poles, electric transmission lines, wires, guys and other fixtures and appliances over,
upon, and above the South twenty (20) feet of the South One-half (S½) of the Northeast Quarter
(NE¼) and the South Twenty feet (20) of the Southeast Quarter (SE¼) of the Northwest Quarter
(NW¼) being in Section Sixteen (16), Township Fourteen (14), North, Range Twelve (12), East
of the 6th Principal Meridian, Sarpy County, Nebraska."

It is agreed by and between the parties hereto that the original Contract, dated December
5, 1929, and recorded in Book Miscellaneous 7, Page 214, shall also include assigns of
Gustave D. Hibbeler, Administrator of the Estate of Helmerich Gerhard

It is further agreed by and between the parties hereto that in the event the Nebraska
Power Company destroys or damages any of the crops on the premises in going to and from its
property located on said premises, the said Nebraska Power Company shall be responsible to the
said Hibbeler and his assigns for the reasonable value of such damage to crops.

It is agreed that this supplementary contract shall be read and construed in connection
with the original contract as aforesaid, dated October 28, 1929, and filed in Book 7, Miscell-
aneous Records of Sarpy County, Nebraska, and recorded at Page 214, and it is understood and
agreed that the balance of said contract shall remain in full force and effect, and it is
agreed that this supplementary contract is not to be construed as cancelling or repudiating
or taking the place of said earlier contract above described, the purpose of this supplementary
contract being simply to modify the contract as above indicated.

Witness our hands this 14 day of November, 1931.

Attest:
F. J. Maylan
Secretary

NEBRASKA POWER COMPANY
SEAL 1931

NEBRASKA POWER COMPANY,
By J. E. Davidson, President