



MISC 2005032277

REGISTER OF DEEDS USE



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Received - DIANE L. BATTIATO  
 Register of Deeds, Douglas County, NE  
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2005032277

### EASEMENTS

IN CONSIDERATION of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is acknowledged, **ELK RIDGE OFFICE, L.L.C.; ELK RIDGE INDEPENDENT LIVING, L.L.C.; ELK RIDGE VILLAS, L.L.C; ELK RIDGE RESIDENTIAL, L.L.C.; and ELK RIDGE ASSISTED LIVING, L.L.C.** (hereinafter collectively called "the **LANDOWNERS**") owner(s) of the parcels of real estate (hereinafter collectively called "the **DIAL PROJECT LAND**") legally described in the document marked **Exhibit "A,"** attached hereto and incorporated herein by reference, do hereby grant to the **PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT** (hereinafter called "the **NRD**"), and its successors and assigns, the permanent easements hereinafter described, to-wit:

- a) A permanent easement and restrictive covenant granting to the NRD the perpetual right to flow waters and sediment upon, and inundate all those portions of the **DIAL PROJECT LAND** which, at once, (1) are located within the watershed of the NRD'S Dam Site 13 flood control structure (hereinafter referred to as "the **DAM**") to be constructed by the NRD on (i) Outlots 1 and 2 in Elkridge, a Subdivision as platted, and recorded, Douglas County, Nebraska, and on (ii) a portion of the **DIAL PROJECT LAND** (such portion hereinafter being referred to

as “the **DAM EASEMENT AREA**”) legally described in the document marked **Exhibit “B”** attached hereto and incorporated herein by reference, and (2) have a ground surface elevation that is lower than **1,180.0 feet** above mean sea level, National Geodetic Vertical Datum of 1929 (“**NGVD**”) (hereinafter referred to as “the **TOP-OF-DAM ELEVATION**”); and, prohibiting the placement of fill in such portions of the **DIAL PROJECT LAND** in amounts that exceed the amounts of fill removed therefrom, in order to insure that there is no net loss of design storage volume of the reservoir created by the **DAM**; and,

b) A permanent easement and restrictive covenant granting to the **NRD** the perpetual right to flow waters and sediment upon and inundate all portions of the **DIAL PROJECT LAND** (such portions hereinafter being referred to as “the **REGULATED FLOOD POOL**”) which, at once, are located within the watershed of the **DAM** and have a ground surface elevation lower than **1,174.0 feet** above mean sea level, **NGVD**, and prohibiting the construction or maintenance within the **REGULATED FLOOD POOL** of fill, structures, fixtures or other improvements.

c) A permanent easement granting to the **NRD** the perpetual right to construct, operate, maintain, repair and replace a portion of the **DAM** in the **DAM EASEMENT AREA**.

This easement document shall be subject to the following additional provisions, to-wit:

1) The **LANDOWNER** shall not be responsible for operation or maintenance of the **DAM**.

2) The consideration recited herein shall constitute payment in full for any and all damages sustained by the **LANDOWNER**, and its heirs, successors and assigns by reason of the **NRD**’s non-negligent exercise of the rights or privileges herein expressly granted or reasonably implied.

3) The LANDOWNERS waive compliance by the NRD with the notice and other provisions of the Uniform Procedure for Acquiring Private Property for Public Use (Sec. 25-2501, R.R.S. 1943, et seq.)

4) The easements provided herein shall be deemed to run with the land and shall be binding upon the LANDOWNERS and their successors and assigns.

5) The LANDOWNERS, for themselves and for their successors and assigns, covenant that they are the owners of the LANDOWNER'S PROPERTY and that they have the right to convey the above-described easements; that the LANDOWNER'S PROPERTY is free and clear of all liens and encumbrances except easements of record; and, that they will warrant and defend the NRD's right to the above-described easements against the lawful claims and demands of all persons whomsoever.

6) The LANDOWNER warrants that no verbal or written representations or inducements have been made or given by the NRD, or by any of its officers, agents or employees, other than as may be recited in this easement document.

Dated this 23 day of March, 2005.

**ELK RIDGE OFFICE, L.L.C.;**

By   
\_\_\_\_\_  
**CHRISTOPHER R. HELD, Manager**

**ELK RIDGE INDEPENDENT LIVING,**

By   
\_\_\_\_\_  
**CHRISTOPHER R. HELD, Manager**

**ELK RIDGE VILLAS, L.L.C.;**

By   
**CHRISTOPHER R. HELD, Manager**

**ELK RIDGE RESIDENTIAL, L.L.C.**

By   
**CHRISTOPHER R. HELD, Manager**

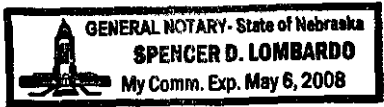
**ELK RIDGE ASSISTED LIVING, L.L.C.**

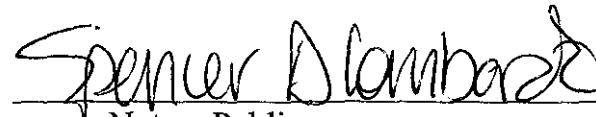
By   
**CHRISTOPHER R. HELD, Manager**

State of Nebraska            )  
                                          ) ss.  
County of Douglas         )

On this 23 day of March, 2005, before me, a Notary Public, personally came **CHRISTOPHER R. HELD, MANAGER** of ELK RIDGE OFFICE, L.L.C.; ELK RIDGE INDEPENDENT LIVING, L.L.C.; ELK RIDGE VILLAS, L.L.C.; ELK RIDGE RESIDENTIAL, L.L.C.; and ELK RIDGE ASSISTED LIVING, L.L.C., to me personally known to be the identical person whose name is affixed to the above and foregoing instrument, and acknowledged the same to be his voluntary act and deed and the voluntary act and deed of said limited liability corporations.

WITNESS my hand and Notarial Seal the date last aforesaid.



  
Notary Public

## EXHIBIT A

Lots 5 through 112, inclusive, AND Lots 121 through 165, inclusive, AND Outlots 3 through 5, inclusive, all in ELK RIDGE, a Subdivision in Douglas County, Nebraska;

AND TOGETHER WITH:

That part of the North Half (N1/2) of the North Half (N1/2) of the Southeast Quarter (SE1/4) of Section 18, Township 15 North, Range 11 East of the 6<sup>th</sup> P.M., in Douglas County, Nebraska, more particularly described as follows:

Beginning at the Northeast (NE) corner of the North Half (N1/2) of the North Half (N1/2) of the Southeast Quarter (SE1/4) of Section 18; thence South 02°56'24" East (bearings referenced to the Nebraska State Plane System NAD83) for 661.73 feet to the southeast corner of the North Half (N1/2) of the North Half (N1/2) of the Southeast Quarter (SE1/4) of Section 18; thence South 86°53'18" West for 907.70 feet along the south line of the North Half (N1/2) of the North Half (N1/2) of the Southeast Quarter (SE1/4) of Section 18; thence North 02°56'24" West for 55.68 feet; thence North 16°47'55" East for 269.26 feet; thence along a curve to the right (having a radius of 100.00 feet and a long chord bearing North 45°05'01" East for 94.77 feet) for an arc length of 98.73 feet; thence North 73°22'07" East for 388.47 feet; thence North 87°03'36" East for 42.00 feet; thence along a curve to the right (having a radius of 225.00 feet and a long chord bearing North 19°20'14" East for 99.04 feet) for an arc length of 99.86 feet; thence North 32°03'08" East for 34.05 feet; thence along a curve to the right (having a radius of 182.69 feet and a long chord bearing North 51°27'59" East for 121.45 feet) for an arc length of 123.81 feet; thence along a curve to the right (having a radius of 237.00 feet and a long chord bearing North 78°52'04" East for 65.86 feet) for an arc length of 66.08 feet to the North line of the North Half (N1/2) of the North Half (N1/2) of the Southeast Quarter (SE1/4) of Section 18; thence North 86°51'18" East for 105.85 feet along said north line to the Point of Beginning.

LEGAL DESCRIPTION

NE  
NW / SE

That part of the North Half of the North Half of the Southeast Quarter, Section 18, Township 15 North, Range 11 East of the 6th P.M., Douglas County, Nebraska, described as follows:

Commencing at the northeast corner of the said North Half of the North Half of the Southeast Quarter of Section 18;

Thence South 86°51'18" West (bearings referenced to the Nebraska State Plane System NAD88) for 327.59 feet along the north line of the said North Half of the Southeast Quarter of Section 18;

Thence South 03°08'42" East for 198.83 feet to the TRUE POINT OF BEGINNING;

Thence along a curve to the left (having a radius of 225.00 feet and a long chord bearing South 05°20'08" West for 10.11 feet) for an arc length of 10.11 feet;

Thence South 87°03'36" West for 39.34 feet;

Thence South 73°22'07" West for 244.06 feet;

Thence North 03°06'42" West for 10.29 feet;

Thence North 73°22'07" East for 242.85 feet;

Thence North 87°03'36" East for 42.00 feet to the Point of Beginning.

Contains 2841 square feet.

AND

NE  
NW / SE

That part of the North Half of the North Half of the Southeast Quarter, Section 18, Township 15 North, Range 11 East of the 6th P.M., Douglas County, Nebraska, described as follows:

Commencing at the northeast corner of the said North Half of the North Half of the Southeast Quarter of Section 18;

Thence South 86°51'18" West (bearings referenced to the Nebraska State Plane System NAD88) for 204.60 feet along the north line of the said North Half of the Southeast Quarter of Section 18;

Thence South 03°08'42" East for 22.45 feet to the TRUE POINT OF BEGINNING;

Thence South 27°51'35" East for 61.18 feet;

Thence along a curve to the left (having a radius of 175.00 feet and a long chord bearing South 29°36'01" West for 188.26 feet) for an arc length of 198.78 feet;

Thence South 87°03'36" West for 50.00 feet;

Thence along a curve to the right (having a radius of 225.00 feet and a long chord bearing North 14°33'22" East for 135.29 feet) for an arc length of 137.41 feet;

Thence North 32°03'08" East for 34.05 feet;

Thence along a curve to the right (having a radius of 182.69 feet and a long chord bearing North 45°48'07" East for 86.85 feet) for an arc length of 87.69 feet to the Point of Beginning.

Contains 12,042 square feet.

Exhibit "B" to Easements