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JON CLARK  
CLERK OF DEEDS  
SAUNDERS CO. NEBR.  
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2006 DEC -8 AM 11:30

BOOK 350 PAGE 717  
OF 91 INST# 91

**RIGHT-OF-WAY EASEMENT**

**CITY OF YUTAN**, a municipal corporation in the State of Nebraska,  
Owner of the real estate described as follows, and hereafter referred to as "Grantor,"

That Part of the NW1/4 of the NE1/4 of Section 27, T15N, R9E of the 6<sup>th</sup>  
P.M., Saunders County, Nebraska, Described as Follows:  
Commencing at the Northeast Corner of Said NW1/4; thence South  
(assumed bearing) 330.00 Feet on the East Line of Said NW1/4 to the  
Point of Beginning; Thence Continuing South 518.32 Feet on the East  
Line of Said NW1/4; Thence Northwesterly on a Non-Tangent 370.00  
Foot Radius curve to the Left, Chord Bearing N59 27'21"W, Chord  
Distance 253.45 Feet, an Arc Distance of 258.69 Feet; Thence N79  
29'06"W 85.87 Feet; Thence S85 00'00"W 310.18 Feet to the East Line  
of the BNSF Railway Right-of-Way; Thence N05 13'10"W 30.00 Feet on  
the East Line of the BNSF Railway Right-Of-Way; Thence N85 00'00"E  
427.78 Feet; Thence N02 00'00"W 335.43 Feet; Thence S89 34'15"E  
200.00 Feet on a line 330.00 Feet South of and parallel with the North  
Line of Said NW1/4 to the Point of Beginning, containing 2.30 acres more  
or less, as surveyed, platted and recorded in Saunders County, Nebraska

91-1  
in consideration of the sum of One and No/100 Dollars (\$1.00) and other valuable  
consideration, receipt of which is hereby acknowledged, do hereby grant to **TINCHER  
INVESTMENTS CO., INC., a Nebraska Corporation**, its successors and assigns,  
hereafter referred to as "Tincher", a permanent right-of-way easement, with rights of  
ingress and egress thereto for recreational use by members of the public and to construct,  
operate, replace and remove its sewer and drainage facilities, including but not limited to,  
a storm water detention basin and a storm water outlet, and other appurtenances, hereafter  
referred to as "Grantee Facilities," upon, over, along and under the following described  
real estate, to wit: See Exhibit "A" attached hereto for a drawing and a description of  
the easement area.

**CONDITIONS:**

The Grantor hereby grants to Tincher, its successors and assigns the right,  
privilege and authority to clear all trees, roots, brush, and other obstructions from the  
surface and subsurface of said strip and to temporarily open any fences crossing said  
strip. Grantor agrees that grade shall not be reduced more than One foot (1') in elevation  
without the prior approval of Tincher. Tincher shall make reasonable efforts to install  
Grantee Facilities in a manner that does not interfere with Grantor's use of the easement  
area. All costs to repair damages to any landscaping or improvements including, but not  
limited to, roads, paving, fencing or sidewalks arising from the construction of Grantee's  
Facilities shall be paid for by Tincher. Upon completion of construction and conveyance  
of Outlot A to Grantor, Grantor agrees to accept and maintain Grantee Facilities.

The Grantor covenants that it has lawful possession of said real estate, good, right,  
and lawful authority to make such conveyance and that its heirs, executors,  
administrators, successors and assigns shall warrant and defend the same and will  
indemnify and hold harmless Yutan forever against the claims of all persons whomsoever  
in any way asserting any right, title or interest prior to or contrary to this conveyance.

IN WITNESS WHEREOF, the Owner(s) have executed this instrument this 26 day of  
OCTOBER, 2006.

**CITY OF YUTAN**, a municipal corporation  
in the State of Nebraska

By Joseph Koenig  
Its Mayor

STATE OF NEBRASKA )  
COUNTY OF SAUNDERS ) ss.

The foregoing purchase agreement was acknowledged before me on October 26, 2006, by  
Joseph Koenig, Mayor, City of Yutan, a municipal corporation in the State of Nebraska.

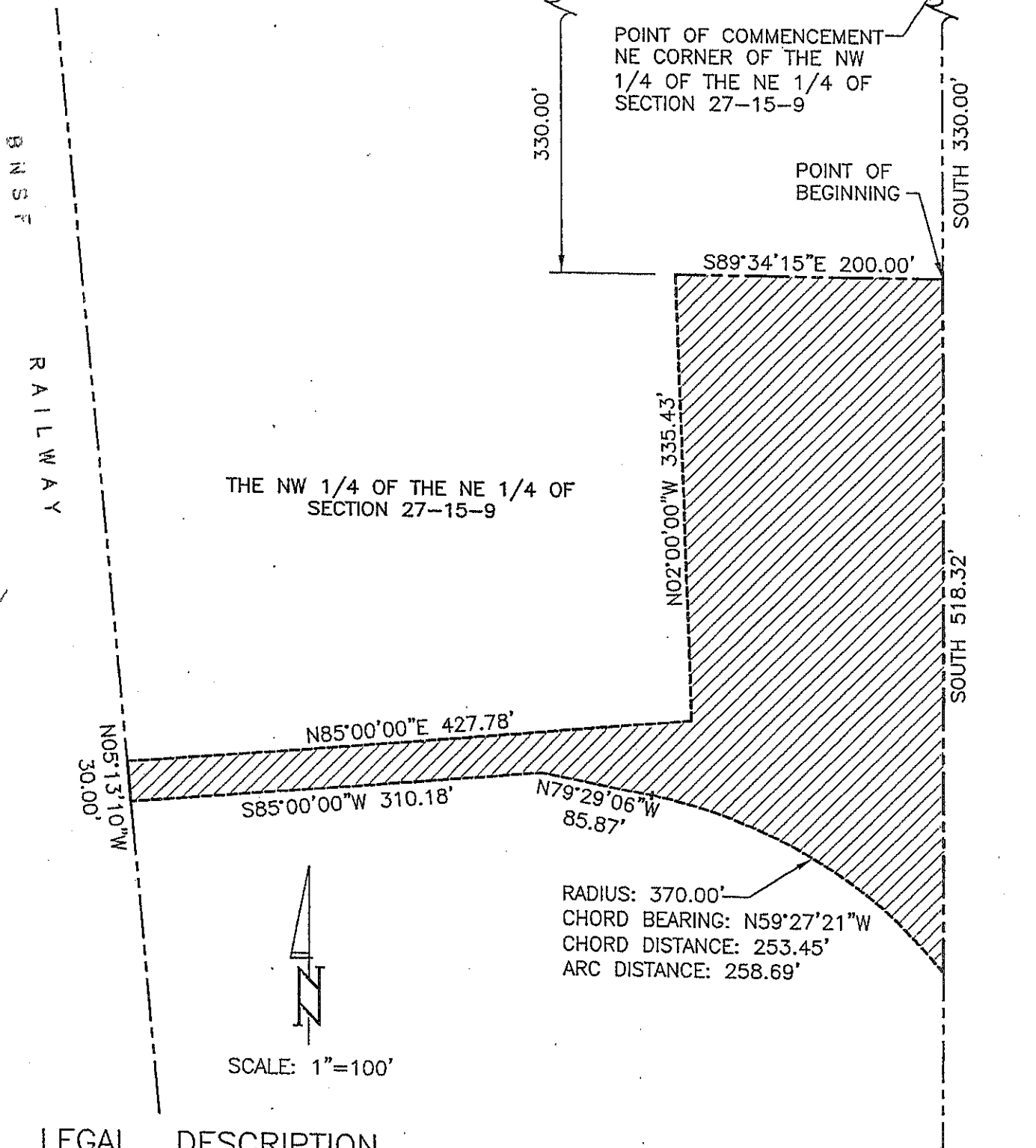
GENERAL NOTARY State of Nebraska  
DAWN M. SCHMIDT  
My Comm. Exp. Feb. 24, 2010

Dawn M. Schmidt  
NOTARY PUBLIC

35000717

35000718

COUNTY ROAD N



## LEGAL DESCRIPTION

THAT PART OF THE NW 1/4 OF THE NE 1/4 OF SECTION 27, T15N, R9E OF THE 6th P.M., SAUNDERS COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:  
COMMENCING AT THE NORTHEAST CORNER OF SAID NW 1/4;  
THENCE SOUTH (ASSUMED BEARING) 330.00 FEET ON THE EAST LINE OF SAID NW 1/4 TO THE POINT OF BEGINNING;  
THENCE CONTINUING SOUTH 518.32 FEET ON THE EAST LINE OF SAID NW 1/4;  
THENCE NORTHWESTERLY ON A NON-TANGENT 370.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING N59°27'21"W, CHORD DISTANCE 253.45 FEET, AN ARC DISTANCE OF 258.69 FEET;  
THENCE N79°29'06"W 85.87 FEET;  
THENCE S85°00'00"W 310.18 FEET TO THE EAST LINE OF THE BNSF RAILWAY RIGHT-OF-WAY;  
THENCE N05°13'10"W 30.00 FEET ON THE EAST LINE OF THE BNSF RAILWAY RIGHT-OF-WAY;  
THENCE N85°00'00"E 427.78 FEET;  
THENCE N02°00'00"W 335.43 FEET;  
THENCE S89°34'15"E 200.00 FEET ON A LINE 330.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NW 1/4 TO THE POINT OF BEGINNING.  
CONTAINING 2.30 ACRES MORE OR LESS.

TINCHER INVESTMENT      TD2 FILE NO.: 1030-119-EASEA      DATE: AUG. 30, 2006  
THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860