

Judi Rauert

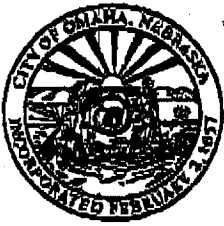
From: Jill Kussman
Sent: Thursday, April 06, 2006 3:50 PM
To: Judi Rauert
Subject: File OT98107 - Easement Letter

This property we have done more than once. 97512 and now 98107. Appears there is a Permanent Sanitary Easement as referenced in the attached letter from the City. We need to find that easement so we can show it as an exception to this new policy. Would you check this out please and let me know.

thanks, Jill

2005164324

0798107



City of Omaha
Mike Fahey, Mayor

Law Department

Omaha/Douglas Civic Center
1219 Farnam Street, Suite 804
Omaha, Nebraska 68183-0804
(402) 444-5115
Telefax (402) 444-5125

Paul D. Kram
City Attorney

February 9, 2006

Ms. Shaun Michelle James
Slusky Law
17445 Arbor Street, Suite 300
Omaha, NE 68130

Re: Sewer Easement Encroachment at 11817 Jackson Road (Lot 7, Block 6, Meadow Lane 2nd Addition)

Dear Ms. James:

It has been determined that the existing 20 foot wide permanent sanitary easement, as dedicated in Lot 7, Block 6, Meadow Lane 2nd Addition (a/k/a 11817 Jackson Road), has been encroached upon by the existing home at that location. There is an existing underground sanitary sewer located in the specific easement.

The Sewer Maintenance Division of the Public Works Department of the City of Omaha has inspected the area and determined that no part of the sewer easement could be released without jeopardizing potential future maintenance and repair of the existing sewer. However, the City of Omaha does not and will not require any removal of any portion of the home on the permanent easement area, including those portions which sit above the sewer line in question. The City of Omaha does require that it retain all of its easement rights for the sewer line in question in the easement area. In the event that the City needs to enter the easement area for any maintenance and repair of the sewer, all appropriate and reasonable efforts would be made to minimize any damage to the home in the exercise of those rights. At the time that any such maintenance occurs, the homeowner will be notified that such actions are being undertaken and the homeowner can make whatever additional efforts the homeowner feels appropriate with respect to protecting the structure, so long as the same does not unduly interfere with the City's exercise of its easement rights in any maintenance or repair of the sewer line in question. Any such special efforts made by the homeowner would be at their cost and not reimbursed by the City of Omaha.

[Handwritten signature]

Lot 7
Block 6

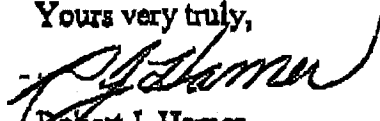
NWSLW 20-15-12

Ms. Shaun Michelle James
February 9, 2006
Page 2

We believe that this position taken by the City of Omaha is one that appropriately balances the needs of the present and any future owner of the property at 11817 Jackson Road with those of the public in the sewer line in question.

If you desire that any portion of the statement in this letter be placed in a recordable form so that it may become part of the title record of the property, please inform me and we can make such arrangements.

Yours very truly,



Robert J. Hamer
Deputy City Attorney

RJH:skz

F:\BOB\SEWERS\James Letter 2-6-06.doc

slusky^{llc} law

redefining the practice of law

1744s Arbor Street, Suite 400 Omaha, Nebraska 68130
402.991-5777 [T] 402.991-5117

February 14, 2008

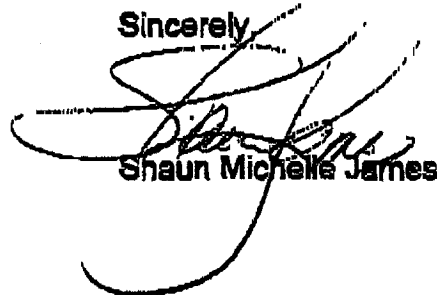
Mr. Mark Smith
15423 Lloyd Street
Omaha, NE 68144

Re: Sewer Easement Encroachment at 11817 Jackson Road

Dear Mark:

Enclosed is a copy of the letter I received from Bob Hamer after your discussions with Bob and Mr. Robert Stubbe, the Director of Public Works for the City of Omaha. Please look over the letter and let me know if you think it needs any additional information in order to make the sale of Mrs. Green's property successful. Upon your approval of the information included in the letter, I will contact Bob Hamer to obtain a recordable version of the information so that it becomes part of the public record. I look forward to hearing from you at your earliest convenience.

Sincerely,



Shaun Michelle James

SMJ:/lr
Enclosure
B157-1/02547