GAINES, MULLEN, PANSING & HOGAN
10050 REGENCY CIRCLE, SUITE 200
OMAHA, NEBRASKA 68114

PAECE IVED

Jun 22 3 43 PM '95

GEORGE JA TOWNER

REGISTER OF SEECS

BOUCLAS COUNTY, HE



Project No	
Tract No.	
Address: N/A	

## TEMPORARY CONSTRUCTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT ROBERT CHARLES LUIKART and GEORGIANA LUIKART, as joint tenants with right of survivorship, hereinafter collectively referred to as GRANTOR, for and in consideration of the sum of Two Thousand Two Hundred Fifty and no/100 Dollars (\$2,250.00), and other valuable consideration, the receipt of which is hereby acknowledged, does hereby grant and convey unto the SANITARY AND IMPROVEMENT DISTRICT NO. 384 OF DOUGLAS COUNTY, NEBRASKA, a Nebraska political subdivision, and the CITY OF OMAHA, NEBRASKA, a municipal corporation, hereinafter collectively referred to as CITY, and to its successors and assigns, an easement for the right to enter upon and use for working space for the construction of a sanitary interceptor and outfall sewer and appurtenances thereto, the parcel of land described as follows, to-wit:

See Exhibit "A" attached hereto and incorporated herein by this reference.

It is further agreed as follows:

- 1. That this easement runs with the land and terminates thirty (30) days after the improvement is completed, with the total duration of actual use of this temporary construction easement not to exceed 180 calendar days from the date construction begins or December 1, 1995, whichever date should first occur.
- 2. That said easement is granted upon the condition that the CITY will remove or cause to be removed all presently existing improvements thereon, including but not limited to crops, vines, gardens and lawns within the easement area as necessary for construction with the following exceptions: NONE.
- 3. That the CITY shall cause any trench made on said easement strip to be properly refilled and shall cause the area disturbed under this easement to be seeded upon completion of construction. This temporary easement is also for the benefit of any contractor, agent, employee, public utility company and representative of the CITY in any of said construction work.
- 4. That said GRANTOR for themselves and their heirs, devisees, personal representatives, successors and assigns, does confirm with the said CITY and its assigns, including public utility companies and their assigns, and that they, the GRANTOR is 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 and their heirs, devisees, personal representatives, successors and assigns, shall warrant and defend this temporary easement to said CITY and its assigns including public utility companies and their assigns against the lawful claims and demands of all persons.
- 5. The CITY reserves the absolute right to terminate this easement at any time prior to the payment of the above-stated consideration, but in no event later than sixty (60) days after the execution of this Easement Agreement.
- 6. That this instrument contains the entire agreement of the parties; that there are no other or different agreements or understandings, except a Permanent Easement or Acquisition if and as applicable, between the GRANTOR and the CITY or its agents; and that the GRANTOR in executing and delivering this instrument, has not relied upon promises, inducements, or representations of the CITY or its agents or employees, except as are set forth herein.

7. The consideration recited includes damages for change of grade, if any, and any and all claims for damage arising from change of grade or grading are hereby waived.

N 656P 35-16-1101-60000

STATE OF NEBRASKA  STATE OF NEBRASKA  On this C day of June 1995, before me, the undersigned, a Notary Public in and for said County, personally came ROBERT CHARLES LUIKART, to me personally known to be the identical person whose name is affixed to the foregoing instrument, and acknowledged the execution thereof to be his voluntary act and deed.  WITNESS my hand and Notarial Seal at Omaha in said County the day and year last above written.  GERRAL WITART State of Records RTTA L RIGGERT NOTARY Public in and for said County, personally came GEORGIANA LUIKART, to me personally known to be the identical person whose name is affixed to the foregoing instrument, and acknowledged the execution thereof to be her voluntary act and deed.  WITNESS my hand and Notarial Seal at Omaha in said County the day and year last above written.  WITNESS my hand and Notarial Seal at Omaha in said County the day and year last above written.  WITNESS my hand and Notarial Seal at Omaha in said County the day and year last above written.  WITNESS my hand and Notarial Seal at Omaha in said County the day and year last above written.  WITNESS my hand and Notarial Seal at Omaha in said County the day and year last above written.  REPERUL NOTARY State of Nebestal RITAL RIGGERT MAY 3, 1999  My commission expires:  May 31, 1999  Notary Public	IN WITNESS WHEREOF said GRANTO	R has hereunto set their hands this 6 day of
STATE OF NEBRASKA  On this		
On this day of June 1995, before me, the undersigned, a Notary Public in and for said County, personally came ROBERT CHARLES LUIKART, to me personally known to be the identical person whose name is affixed to the foregoing instrument, and acknowledged the execution thereof to be his voluntary act and deed.  WITNESS my hand and Notarial Seal at Omaha in said County the day and year last above written.  GEREAU NOTART-State of Rebreada ROTAR ROBERT CHARLES LUIKART, to me personally known to be the identical person whose name is affixed to the foregoing instrument, and acknowledged the execution thereof to be her voluntary act and deed.  WITNESS my hand and Notarial Seal at Omaha in said County the day and year last above written.  On this day of June 1995, before me, the undersigned, a Notary Public in and for said County, personally came GEORGIANA LUIKART, to me personally known to be the identical person whose name is affixed to the foregoing instrument, and acknowledged the execution thereof to be her voluntary act and deed.  WITNESS my hand and Notarial Seal at Omaha in said County the day and year last above written.  GENERAL NOTARY State of Nebussal RITA L RIGGERT		Robert Charles Luikart Lungler
On this		GEORGIANA LUIKART
On this	STATE OF NEBRASKA )	
the identical person whose name is affixed to the foregoing instrument, and acknowledged the execution thereof to be his voluntary act and deed.  WITNESS my hand and Notarial Seal at Omaha in said County the day and year last above written.  WITNESS my hand and Notarial Seal at Omaha in said County the day and year last above written.  RITAL RIGGERT  Process Bey 81, 1998  Notary Public  STATE OF NEBRASKA  SS.:  COUNTY OF DOUGLAS  On this day of June, 1995, before me, the undersigned, a Notary Public in and for said County, personally came GEORGIANA LUKART, to me personally known to be the identical person whose name is affixed to the foregoing instrument, and acknowledged the execution thereof to be her voluntary act and deed.  WITNESS my hand and Notarial Seal at Omaha in said County the day and year last above written.  GENERAL NOTARY State of Nebraska RITAL RIGGERT  My General Exp. May 31, 1998  ANG GENERAL NOTARY State of Nebraska RITAL RIGGERT  My General Exp. May 31, 1998  ANG GENERAL NOTARY State of Nebraska RITAL RIGGERT  My General Exp. May 31, 1998  ANG GENERAL NOTARY State of Nebraska RITAL RIGGERT  My General Exp. May 31, 1998  WITNESS MY ANG GENERAL NOTARY State of Nebraska RITAL RIGGERT  My General Exp. May 31, 1998		
GENERAL NOTARY State of Rebresta Rita L Ruggers  My commission expires: May 31,1998  My commission expires: May 31,1998  Part L Ruggers  Notary Public  Notary Public  Notary Public  Notary Public  Notary Public  Notary Public  1995, before me, the undersigned, a Notary Public in and for said County, personally came GEORGIANA LUIKART, to me personally known to be the identical person whose name is affixed to the foregoing instrument, and acknowledged the execution thereof to be her voluntary act and deed.  WITNESS my hand and Notarial Seal at Omaha in said County the day and year last above written.  GENERAL NOTARY State of Nebraska RITA L RIGGERT  My Comm. Exp. May 31, 1998  Ruggers  Rug	the identical person whose name is affixed to	the foregoing instrument, and acknowledged the
My commission expires: May 31,1998  STATE OF NEBRASKA  On this day of tune, 1995, before me, the undersigned, a Notary Public in and for said County, personally came GEORGIANA LUIKART, to me personally known to be the identical person whose name is affixed to the foregoing instrument, and acknowledged the execution thereof to be her voluntary act and deed.  WITNESS my hand and Notarial Seal at Omaha in said County the day and year last above written.  GENERAL NOTARY State of Nebraska RITAL RIGGERT  My Comm. Exp. May 31, 1998  REAL RAGGERT  REAL ROTARY State of Nebraska RITAL RIGGERT  ANY Comm. Exp. May 31, 1998  REAL RAGGERT  REAL ROTARY State of Nebraska RITAL RIGGERT  REAL ROTARY STATE ROTARY ST	WITNESS my hand and Notarial Seal at written.	Omaha in said County the day and year last above
STATE OF NEBRASKA  SS.:  COUNTY OF DOUGLAS  On this of day of June  On this County, personally came GEORGIANA LUIKART, to me personally known to be the identical person whose name is affixed to the foregoing instrument, and acknowledged the execution thereof to be her voluntary act and deed.  WITNESS my hand and Notarial Seal at Omaha in said County the day and year last above written.  GENERAL NOTARY State of Nebraska RITA L RIGGERT  My Comm. Fro. May 31, 1998  ALLA RIGGERT  My Comm. Fro. May 31, 1998  ALLA RIGGERT	RITA L RIGGERT My Comm. Exp. May 51, 1998	Rilah Riggert
On this day of June 1995, before me, the undersigned, a Notary Public in and for said County, personally came GEORGIANA LUIKART, to me personally known to be the identical person whose name is affixed to the foregoing instrument, and acknowledged the execution thereof to be her voluntary act and deed.  WITNESS my hand and Notarial Seal at Omaha in said County the day and year last above written.  GENERAL NOTARY State of Nebraska RITA L RIGGERT My Comm. Exp. May 31, 1998  ACLA RAMANA	My commission expires: <u>May 31,1998</u>	Notary Public
in and for said County, personally came GEORGIANA LUIKART, to me personally known to be the identical person whose name is affixed to the foregoing instrument, and acknowledged the execution thereof to be her voluntary act and deed.  WITNESS my hand and Notarial Seal at Omaha in said County the day and year last above written.  GENERAL NOTARY State of Nebraska RITA L RIGGERT My Comm. Exp. May 31, 1998	) ss.:	
GENERAL NOTARY State of Nebraska RITA L RIGGERT My Comm. Exp. May 31, 1898	in and for said County, personally came GEORG identical person whose name is affixed to the for	IANA LUIKART, to me personally known to be the
Alta L RIGGERT  My Comm. Exp. May 31, 1998  Delah Reggert  RITA L RIGGERT  And Comm. Exp. May 31, 1998	WITNESS my hand and Notarial Seal at written.	Omaha in said County the day and year last above
My commission expires: May 31, 1998 Notary Public	RITA L RIGGERT My Comm. Exp. May 31, 1998	Relah Reggert
	My commission expires: May 31,1991	Notary Public

## LEGAL DESCRIPTION

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PERMANENT EASEMENT
A TRACT OF LAND LOCATED IN THE SE 1/4 OF SECTION 35, TOWNSHIP 16 NORTH,
RANGE 11 EAST OF THE 8TH P.M., DOUGLAS COUNTY, NEBRASKA, MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

COMMENCING AT THE SE CORNER OF SAID SECTION 35, THENCE S87'36'43"W (ASSUMED BEARING) ALONG THE SOUTH LINE OF THE SE 1/4 OF SAID SECTION 35, 1318.64 FEET TO THE WEST LINE OF THE SE 1/4 OF THE SE 1/4 OF SAID SECTION 35; THENGE NO2'25'43"W ALONG SAID LINE, 33.00 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT ALSO BEING THE NORTH R.O.W. LINE OF FORT STREET; THENCE S87'36'43"W ALONG SAID R.O.W. LINE, 10.00 FEET; THENCE NO2'25'43"W, 521.55 FEET; THENCE N76'20'40"E, 10.20 FEET TO THE WEST LINE OF THE SE 1/4 OF THE SE 1/4 OF SAID SECTION 35; THENCE S02'25'43"E ALONG SAID LINE, 523.54 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.12 ACRES (5,223 S.F.), MORE OR LESS.

TEMPORARY CONSTRUCTION EASEMENT
A TRACT OF LAND LOCATED IN THE SE 1/4 OF SECTION 35, TOWNSHIP 16 NORTH,
RANGE 11 EAST OF THE 8TH P.M., DOUGLAS COUNTY, NEBRASKA, MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

COMMENCING AT THE SE CORNER OF SAID SECTION 35, THENCE \$87:36'43"W (ASSUMED BEARING) ALONG THE SOUTH LINE OF THE SE 1/4 OF SAID SECTION 35, 1316.64 PEET TO THE WEST LINE OF THE SE 1/4 OF THE SE 1/4 OF SAID SECTION 35; THENCE NO2'25'43"W ALONG SAID LINE, 33.00 FEET TO THE NORTH R.O.W. LINE OF FORT STREET; THENCE \$87:36'43"W ALONG SAID R.O.W. LINE, 10.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID R.O.W. LINE, 30.00 FEET; THENCE NO2'25'43"W, 520.67 FEET; THENCE N76'20'40"E, 40.78 FEET TO THE WEST LINE OF THE SE 1/4 OF THE SE 1/4 OF SAID SECTION 35; THENCE \$02'25'43"E ALONG SAID LINE 5.10 FEET; THENCE \$76'20'40"W, 10.20 FEET; THENCE \$02'25'43"E, 521.55 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.36 ACRES (15,754 S.F.), MORE OR LESS.

