

2017-28961

12/01/2017 10:12:32 AM

Floyd J. Dowling

REGISTER OF DEEDS



| | | | |
|---------|---------------|--------|-----------|
| COUNTER | <u>BY</u> | C.E. | <u>BY</u> |
| VERIFY | <u>BY</u> | D.E. | <u>BY</u> |
| PROOF | | | |
| FEES \$ | <u>40.00</u> | | |
| CHECK # | <u>131514</u> | | |
| CHG | | CASH | |
| REFUND | | CREDIT | |
| SHORT | | NCR | |

PERMANENT SANITARY SEWER EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT **SHADOW LAKE 2, LLC**, a Nebraska limited liability company, hereinafter referred to as GRANTOR, for and in consideration of the sum of **One Dollar (\$1.00) and other valuable consideration**, the receipt of which is hereby acknowledged, on the property described below, does hereby grant and convey unto **SANITARY AND IMPROVEMENT DISTRICT NO. 326 OF SARPY COUNTY, NEBRASKA**, a Nebraska political subdivision, hereinafter referred to as the SID, and the **CITY OF PAVILLION, NEBRASKA**, a municipal corporation, hereinafter referred to as the CITY, and to its successors and assigns, a permanent easement for the right to construct, maintain and operate sanitary sewers, drainage structures and/or drainage way, and appurtenances thereto, in, through and under the parcel of land described as follows, to-wit:

**SEE EXHIBITS "A", "B", "C" AND "D" ATTACHED HERETO
SANITARY SEWER EASEMENT LEGAL DESCRIPTIONS**

TO HAVE AND TO HOLD unto the SID and the CITY, and their respective successors and assigns, together with the right of ingress and egress from said premises for the purpose of constructing, inspecting, maintaining, operating, repairing or replacing said sewers, drainage structures and/or drainage ways at the will of the SID and the CITY. The GRANTOR may, following construction of said sewers, drainage structures and/or drainage way continue to use the surface of the easement strip conveyed hereby for other purposes, subject to the rights of the SID and the CITY to use the same for the purposes herein expressed.

It is further agreed as follows:

- 1) That no buildings, improvements or other structures, nor any grading, fill or fill material or embankment work, shall be placed in, on, over or across said easement strip by GRANTOR or its successors and assigns without the express approval of the SID and the CITY. Improvements which may be approved by the SID and the CITY include landscaping, road and/or street surfaces, parking area surfacing and/or pavement. These improvements and any trees, grass or shrubbery placed on said easement shall be maintained by GRANTOR and its successors or assigns.
- 2) That the SID or the CITY will replace or rebuild any and all damage to improvements caused by the SID or the CITY, or their respective successors or assigns, exercising their rights of inspecting, maintaining or operating said sewers, except that damage to, or loss of trees and shrubbery will not be compensated for by the SID or the CITY.

R&R

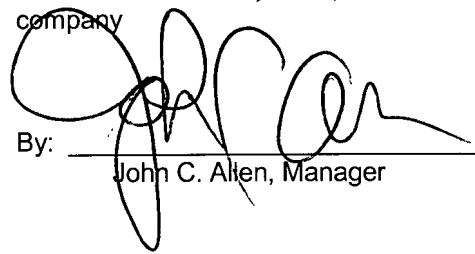
After recording, return to:
John Q. Bachman
PANSING HOGAN ERNST & BACHMAN LLP
10250 Regency Circle, Suite 300
Omaha, NE 68114

A

- 3) This Permanent Sanitary Sewer Easement is also for the benefit of any contractor, agent, employee or representative of the SID or the CITY and any of said construction and work.
- 4) That the SID or the CITY shall cause any trench made on said easement strip to be properly refilled and shall cause the premises to be left in a neat and orderly condition.
- 5) That said GRANTOR does confirm with the said SID and the CITY and their successors and assigns, that GRANTOR is well seized in fee of the above-described property and that GRANTOR has the right to grant and convey this Permanent Sanitary Sewer Easement in the manner and form aforesaid, and that GRANTOR shall warrant and defend this Permanent Sanitary Sewer Easement to said SID and the CITY and their assigns against the lawful claims and demands of all persons. This Permanent Sanitary Sewer Easement runs with the land.
- 6) That said Permanent Sanitary Sewer Easement is granted upon the condition that the SID or the CITY may remove or cause to be removed all presently existing improvements thereon, including but not limited to, crops, vines and trees within the easement area as necessary for construction.

IN WITNESS WHEREOF said GRANTOR has hereunto set its hand this 29th day of November, 2017.


SHADOW LAKE 2, LLC, a Nebraska limited liability company

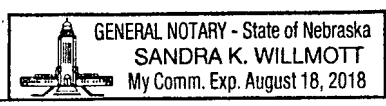
By: 
 John C. Allen, Manager

STATE OF NEBRASKA)
) ss.:
 COUNTY OF DOUGLAS)

On this 29th day of November, 2017, before me, the undersigned, a Notary Public in and for said County, personally came **JOHN C. ALLEN**, Manager of **SHADOW LAKE 2, LLC**, a Nebraska limited liability company, to me personally known to be the Manager of said limited liability company and the identical person whose name is affixed to the foregoing instrument, and acknowledged the execution thereof to be his voluntary act and deed as such officer and the voluntary act and deed of said limited liability company.

WITNESS my hand and Notarial Seal at Omaha, Nebraska in said County the day and year last above written.


 Notary Public

My commission expires: 

B

EXHIBIT "A"

EASEMENT EXHIBIT

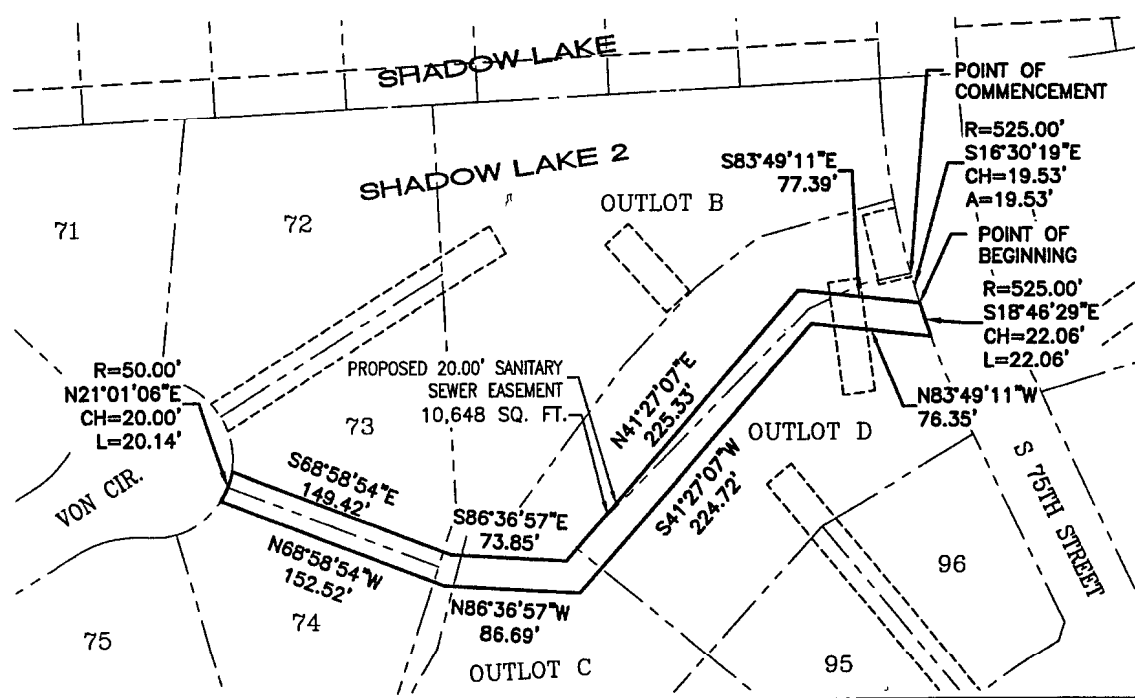
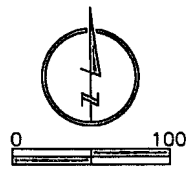
LEGAL DESCRIPTION

A PERMANENT 20.00 FEET WIDE SANITARY SEWER EASEMENT OVER THAT PART OF LOT 73, LOT 74, OUTLOT B, OUTLOT C AND OUTLOT D, SHADOW LAKE 2, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID OUTLOT D; THENCE ALONG A CURVE TO THE LEFT (HAVING A RADIUS OF 525.00 FEET AND A LONG CHORD BEARING SOUTH 16°30'19" EAST (BEARINGS REFERENCED TO THE FINAL PLAT OF SHADOW LAKE 2) FOR 19.53 FEET) FOR AN ARC LENGTH OF 19.53 FEET ON THE EAST LINE OF SAID OUTLOT D TO THE TRUE POINT OF BEGINNING; THENCE ALONG A CURVE TO THE LEFT (HAVING A RADIUS OF 525.00 FEET AND A LONG CHORD BEARING SOUTH 18°46'29" EAST FOR 22.06 FEET) FOR AN ARC LENGTH OF 22.06 FEET CONTINUING ON THE EAST LINE OF SAID OUTLOT D; THENCE NORTH 83°49'11" WEST FOR 76.35 FEET; THENCE SOUTH 41°27'07" WEST FOR 224.72 FEET; THENCE NORTH 86°36'57" WEST FOR 86.69 FEET; THENCE NORTH 68°58'54" WEST FOR 152.52 FEET TO THE RIGHT OF WAY LINE OF VON CIRCLE; THENCE ALONG A CURVE TO THE LEFT (HAVING A RADIUS OF 50.00 FEET AND A LONG CHORD BEARING NORTH 21°01'06" EAST FOR 20.00 FEET) FOR AN ARC LENGTH OF 20.14 FEET ON SAID RIGHT OF WAY LINE; THENCE SOUTH 68°58'54" EAST FOR 149.42 FEET; THENCE SOUTH 86°36'57" EAST FOR 73.85 FEET; THENCE NORTH 41°27'07" EAST FOR 225.33 FEET; THENCE SOUTH 83°49'11" EAST FOR 77.39 FEET TO THE POINT OF BEGINNING. CONTAINS 10,648 SQUARE FEET.

LEGEND

- LOT LINE
--- EASEMENT LINE



LAMP RYNEARSON & ASSOCIATES

14710 West Dodge Road, Suite 100 402.496.2498 | P
Omaha, Nebraska 68154-2027 402.496.2730 | F
www.LRA-Inc.com

Table with columns: DRAWN BY (RER), DESIGNED BY, REVIEWED BY (MRT), PROJECT - TASK NUMBER (0116080.01-003), DATE (10/13/17), BOOK AND PAGE, REVISIONS

L:\Engineering\0116080 Shadow Lake 2\SURVEY\DRAWINGS\SHEETS\EASEMENT\SAN-STW\0116080-EAS-11.dwg, 11/1/2017 12:02:09 PM, ELSE A. MOLLAK, LAMP RYNEARSON & ASSOCIATES

C

EXHIBIT "B"

EASEMENT EXHIBIT

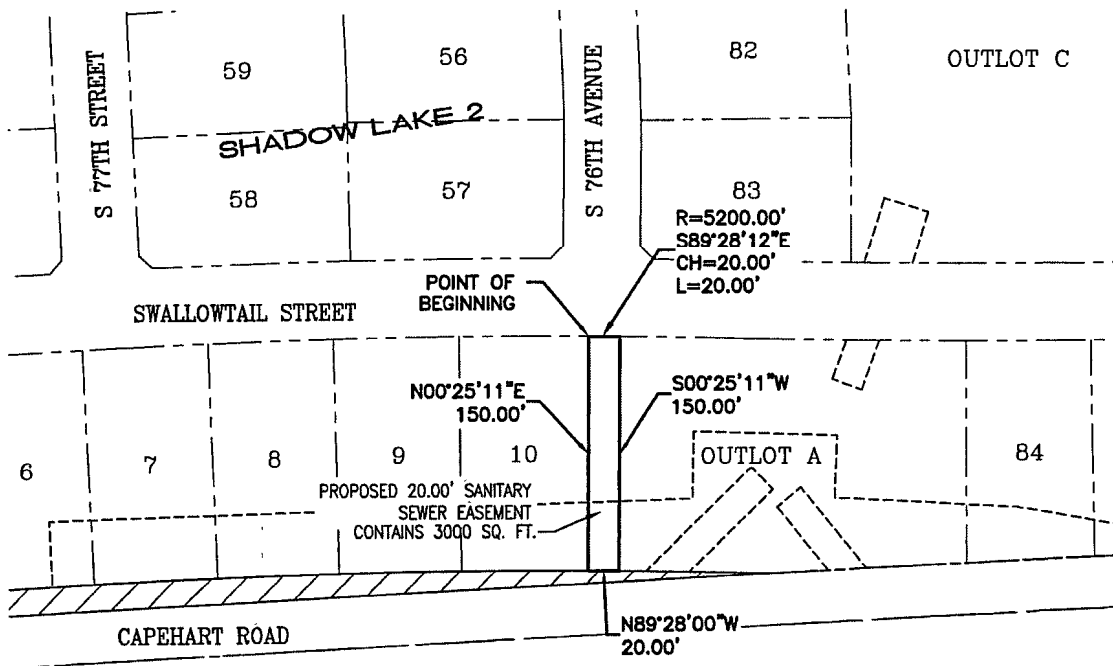
LEGAL DESCRIPTION

A PERMANENT 20.00 FEET WIDE SANITARY SEWER EASEMENT OVER THAT PART OF OUTLOT A, SHADOW LAKE 2, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS;
 BEGINNING AT THE NORTHWEST CORNER OF SAID OUTLOT A;
 THENCE ON A CURVE TO THE RIGHT (HAVING A RADIUS OF 5200.00 FEET AND A LONG CHORD BEARING SOUTH 89°28'12" EAST (BEARINGS REFERENCED TO THE FINAL PLAT OF SHADOW LAKE 2) FOR 20.00 FEET) FOR AN ARC LENGTH OF 20.00 FEET ON THE NORTH LINE OF SAID OUTLOT A;
 THENCE SOUTH 00°25'11" WEST FOR 150.00 FEET TO THE SOUTH LINE OF SAID OUTLOT A;
 THENCE NORTH 89°28'00" WEST FOR 20.00 FEET TO THE SOUTHWEST CORNER OF SAID OUTLOT A;
 THENCE NORTH 00°25'11" EAST FOR 150.00 FEET TO THE POINT OF BEGINNING.
 CONTAINS 3,000 SQUARE FEET.



LEGEND

- LOT LINE
- EASEMENT LINE



**LAMP RYNEARSON
& ASSOCIATES**

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EXHIBIT "C"

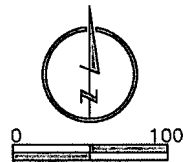
EASEMENT EXHIBIT

LEGAL DESCRIPTION

A PERMANENT 20.00 FEET WIDE SANITARY SEWER EASEMENT OVER THAT PART OF OUTLOT E, OUTLOT F, LOT 103 AND LOT 104, SHADOW LAKE 2, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

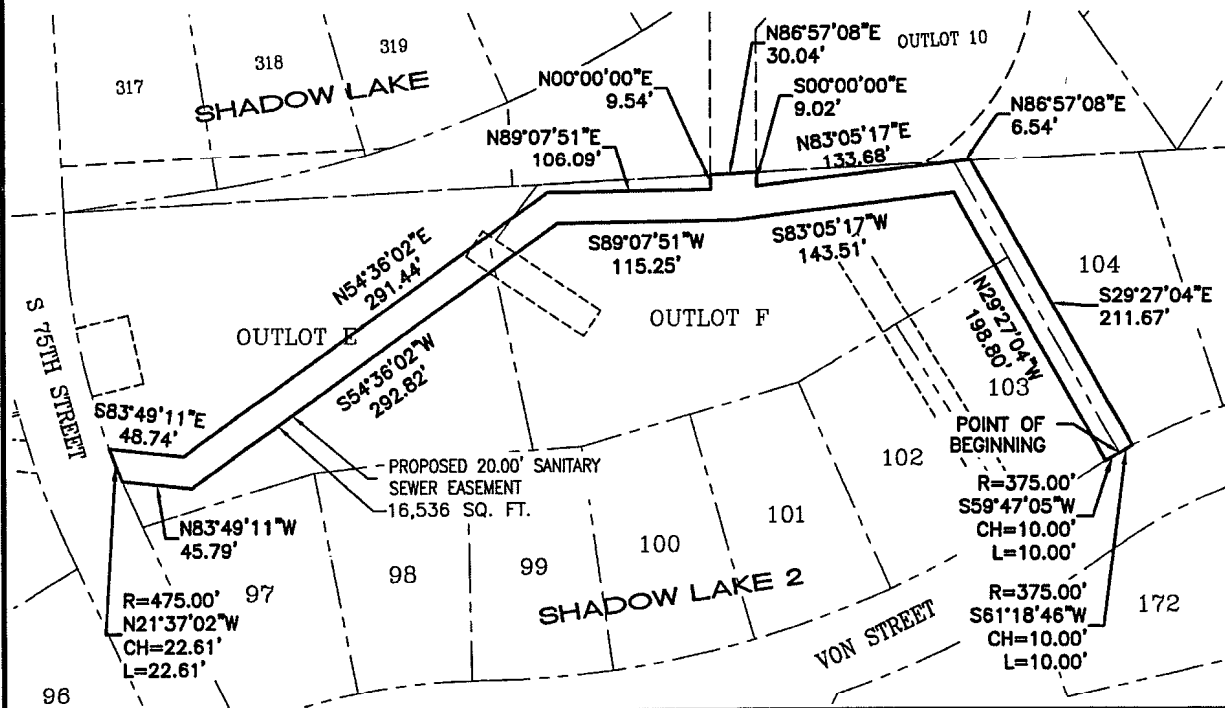
BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 103;
 THENCE ALONG A CURVE TO THE LEFT (HAVING A RADIUS OF 375.00 FEET AND A LONG CHORD BEARING SOUTH 59°47'05" WEST (BEARINGS REFERENCED TO THE FINAL PLAT OF SHADOW LAKE 2) FOR 10.00 FEET) FOR AN ARC LENGTH OF 10.00 FEET ON THE SOUTH LINE OF SAID LOT 103;
 THENCE NORTH 29°27'04" WEST FOR 198.80 FEET;
 THENCE SOUTH 83°05'17" WEST FOR 143.51 FEET;
 THENCE SOUTH 89°07'51" WEST FOR 115.25 FEET;
 THENCE SOUTH 54°36'02" WEST FOR 292.82 FEET;
 THENCE NORTH 83°49'11" WEST FOR 45.79 FEET TO THE EAST RIGHT OF WAY LINE OF SOUTH 75TH STREET;
 THENCE ALONG A CURVE TO THE RIGHT (HAVING A RADIUS OF 475.00 FEET AND A LONG CHORD BEARING NORTH 21°37'02" WEST FOR 22.61 FEET) FOR AN ARC LENGTH OF 22.61 FEET ON SAID EAST RIGHT OF WAY LINE;

THENCE SOUTH 83°49'11" EAST FOR 48.74 FEET;
 THENCE NORTH 54°36'02" EAST FOR 291.44 FEET;
 THENCE NORTH 89°07'51" EAST FOR 108.09 FEET;
 THENCE NORTH 00°00'00" EAST FOR 9.54 FEET TO THE NORTH LINE OF OUTLOT F;
 THENCE NORTH 86°57'08" EAST FOR 30.04 FEET ON SAID NORTH LINE;
 THENCE SOUTH 00°00'00" EAST FOR 9.02 FEET;
 THENCE NORTH 83°05'17" EAST FOR 133.68 FEET TO THE NORTH LINE OF SAID LOT 104;
 THENCE NORTH 86°57'08" EAST FOR 6.54 FEET ON SAID NORTH LINE;
 THENCE SOUTH 29°27'04" EAST FOR 211.67 FEET TO THE SOUTH LINE OF SAID LOT 104;
 THENCE ALONG A CURVE TO THE LEFT (HAVING A RADIUS OF 375.00 FEET AND A LONG CHORD BEARING SOUTH 61°18'46" WEST FOR 10.00 FEET) FOR AN ARC LENGTH OF 10.00 FEET TO THE POINT OF BEGINNING.
 CONTAINS 16,536 SQUARE FEET.



LEGEND

- LOT LINE
- EASEMENT LINE



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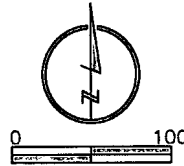
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| RER | | MRT | 0116080.01-003 | 10/13/17 | | |

EXHIBIT "D"

EASEMENT EXHIBIT

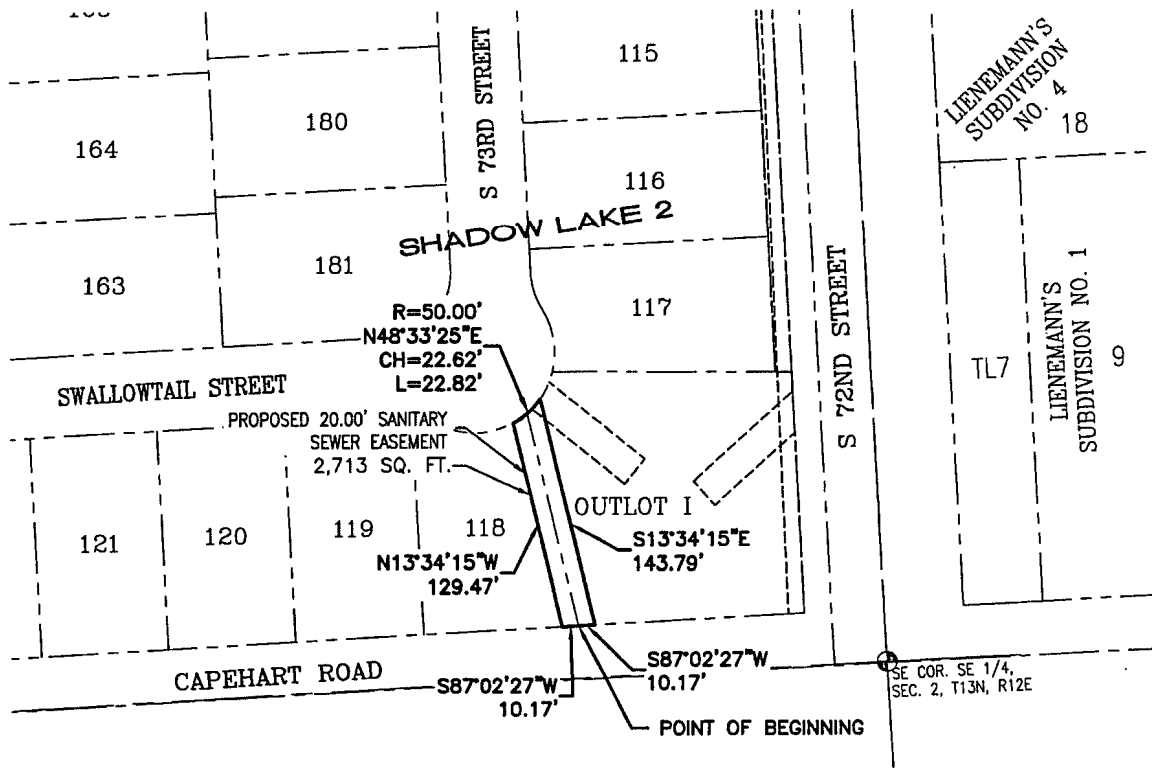
LEGAL DESCRIPTION

A PERMANENT 20.00 FEET WIDE SANITARY SEWER EASEMENT OVER THAT PART OF OUTLOT I AND LOT 118, SHADOW LAKE 2, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS;
 BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 118;
 THENCE SOUTH 87°02'27" WEST (BEARINGS REFERENCED TO THE FINAL PLAT OF SHADOW LAKE 2) FOR 10.17 FEET ON THE SOUTH LINE OF SAID LOT 118;
 THENCE NORTH 13°34'15" WEST FOR 129.47 FEET TO THE SOUTH RIGHT OF WAY LINE OF SWALLOWTAIL STREET;
 THENCE ALONG A CURVE TO THE LEFT (HAVING A RADIUS OF 50.00 FEET AND A LONG CHORD BEARING NORTH 48°33'25" EAST FOR 22.62 FEET) FOR AN ARC LENGTH OF 22.82 FEET ON SAID SOUTH RIGHT OF WAY LINE;
 THENCE SOUTH 13°34'15" EAST FOR 143.79 FEET TO THE SOUTH LINE OF SAID OUTLOT I;
 THENCE SOUTH 87°02'27" WEST FOR 10.17 FEET TO THE POINT OF BEGINNING.
 CONTAINS 2,713 SQUARE FEET.



LEGEND

- LOT LINE
- EASEMENT LINE



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