

51 - 329

SANITARY SEWER EASEMENT

THIS AGREEMENT, dated this 11th day of May, 1978, is by and between SARPY DEVELOPMENT CORP., a Nebraska corporation, hereinafter called Grantor, and McDONALD'S CORPORATION, a Delaware corporation, hereinafter called Grantee.

RECITALS:

WHEREAS, Grantor is the owner in fee simple of that certain tract of real property, located in Sarpy County Nebraska, and described as Parcel 2 in Exhibit A, attached hereto and made a part hereof; and

WHEREAS, Grantee is, or will be at the time of recording of this documents, the owner in fee simple of that certain tract of real property, located in Sarpy County, Nebraska, and described as Parcel 1 in Exhibit A, attached hereto and made a part hereof; and

WHEREAS, Grantor and Grantee do hereby intend to establish certain easement rights over Parcel 2, and by imposing upon Parcel 2, for the benefit of Parcel 1, an easement for sanitary sewers;

NOW THEREFORE, for and in consideration of TEN AND NO/ONE HUNDREDS DOLLARS (\$10.00), receipt of which is hereby acknowledged, Grantor does hereby grant to Grantee, its successors, assigns, tenants, licensees, invitees and employees, a perpetual, non-exclusive easement, appurtenant to Parcel 1, for the purposes of installing, operating, maintaining, repairing, replacing and renewing a sanitary sewer line and related facilities over, above, along, under, in, and across Parcel 2.

Grantee shall have the right of ingress and egress across Parcel 2 for any purpose herein granted, and such ingress and egress shall be exercised in a reasonable manner. Where Grantee has been granted easements, no trees, permanent building or other structures shall be placed in or allowed to encroach upon the easement, and no change of grade elevation or any excavation upon the easement shall be made thereon without prior written consent of the Grantee, which consent shall not be unreasonably withheld. However, the easement area may be used for landscaping or other purposes that do not then or later interfere with the granted easement uses.

FILED FOR RECORD 6-1-78 AT 11:25 AM IN BOOK 51 OF Misc. Rec.

329 Carl L. Hillier  
404608

REGISTER OF DEEDS, SARPY COUNTY, NEB. 12.25

51-329A

Grantor grants to Grantee, its successors, assigns, tenants, licensees, invitees and employees, the right to use, coupled with this easement, said sanitary sewer and related facilities, and Grantor covenants to maintain the sanitary sewer and related facilities located on Parcel 2 in good condition and repair. This obligation to repair and maintain shall terminate upon dedication to and acceptance by the city of said sanitary sewer line and related facilities.

The above granted easement is also appurtenant to any land that hereinafter come into common ownership with Parcel 1 aforesaid and that is contiguous to Parcel 1.

Grantor hereby covenants and agrees that it is the owner in fee simple of Parcel 2 and that it is lawfully seized and has good title thereto; and that it has full right and lawful authority to grant the easement conveyed herein; that Grantor will warrant and defend Grantee's title to said easement against all lawful claims, and that Grantee shall and may peaceably and quietly have, hold and enjoy the aforesaid easement.

This agreement shall bind and inure to Grantor's successors and assigns and the covenants contained herein shall be deemed to be and shall be, a continuing covenant running with the land. This agreement does not become binding and effective until recorded in the office of the recorder, Sarpy County Nebraska.

IN WITNESS WHEREOF, Grantor and Grantee have executed this easement on the day aforesaid and have affixed their seals thereto.

GRANTOR: SARPY DEVELOPMENT CORP.

GRANTEE: McDONALD'S CORPORATION

BY: Kathy H. Jantsch  
ATTEST: William L. Simpson  
SARPY DEVELOPMENT CORP.  
SARPY COUNTY, NEBRASKA

BY: Michael J. Sine  
Director of Real Estate/Legal Department

ATTEST: Angemon Erickson  
Assistant Secretary

WITNESS: \_\_\_\_\_

WITNESS: Jane Bryant  
Barbara H. Kel

This instrument prepared by Edward J. Pacana, McDonald's Corporation, One McDonald's Plaza, Oak Brook, Illinois 60521.

57- 3298

LEGAL DESCRIPTIONS

Portions of Lot 1, Southampton Subdivision, being a platting of Part of the East  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of Section 34, T 14 N, R 12 E of 6th P.M., Sarpy County, Nebraska, more particularly described as follows:

PARCEL I

Beginning at a point on the South R.O.W. line of Highway #370 and the West line of said East  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of Section 34, said point being S0°00'45"W and 31.70 feet from the Northwest Corner of the said East  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of Section 34; thence S89°20'21"E for 986.06 feet along the said South R.O.W. line of Highway #370; thence S0°01'30"W for 250.00 feet; thence S89°20'21"E for 13.00 feet to the True Point of Beginning; thence continuing along the aforesaid Bearing S89°20'21"E for 270.00 feet to the Westerly R.O.W. of Washington Street; thence S0°01'30"W along the Westerly R.O.W. of Washington Street for 185.00 feet; thence N89°20'21"W for 270.00 feet; thence N0°01'30"E for 185.00 feet to the True Point of Beginning and containing a calculated area of 49,946 square feet (1.15 Acres) more or less.

PARCEL II 20' Wide Sanitary Sewer Easement.

Beginning at a point on the South R.O.W. line of Highway #370 and West line of said East  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of Section 34, said point being S0°00'45"W and 31.70 feet from the Northwest Corner of the said East  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of Section 34; thence S89°20'21"E for 986.06 feet along the said South R.O.W. line of Highway #370; thence S0°01'30"W for 250.00 feet; thence S89°20'21"E for 13.00 feet to the True Point of Beginning; thence S0°01'30"W parallel to the Westerly R.O.W. line of Washington Street for 576.21 feet to a point on the Northerly R.O.W. line of Gold Coast Road; thence Southwesterly along the Northerly R.O.W. of Gold Coast Road and along a curve with a 408.24 foot Radius (Chord Bearing S58°28'11"W for 23.47 feet) for an Arc distance of 23.47 feet; thence N0°01'30"E along a line parallel to the Westerly R.O.W. of Washington Street for 588.72 feet; thence S89°20'21"E for 20.00 feet to the True Point of Beginning, and containing a calculated area of 11646 square feet (0.27 Acres) more or less.

NOTE:

In these descriptions the West line of the East  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of said Section 34 was assumed as N0°00'45"E as per the Southampton Plat Surveyor's Certificate dated 3/18/74.

*ms*

51-329C

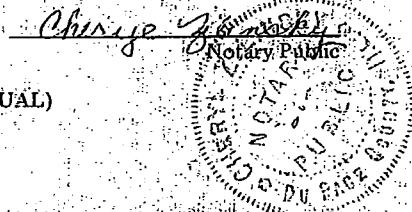
(ACKNOWLEDGMENT)

STATE OF ILLINOIS  
COUNTY OF DuPAGE SS:

I, Cheryl Zilinsky, a Notary Public in and for the county and state aforesaid, DO HEREBY CERTIFY that Michael J. Sise Director of RE/Legal Department, and Seymour Greenman Assistant Secretary, of McDonald's Corporation, a Delaware corporation, who are personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Michael J. Sise Director of RE/Legal Department, and Seymour Greenman Assistant Secretary, respectively, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act and as such Michael J. Sise and Seymour Greenman Assistant Secretary, respectively, and as the free and voluntary act of said corporation for the uses and purposes therein set forth.

Given under my hand and notarial seal, this 11th day of May, 19 78

My Commission Expires October, 11, 1981



(ACKNOWLEDGMENT-INDIVIDUAL)

STATE OF  
COUNTY OF SS:

I, \_\_\_\_\_, a Notary Public in and for the county and state aforesaid, DO HEREBY CERTIFY that \_\_\_\_\_ and \_\_\_\_\_ of \_\_\_\_\_ who (is) (are) personally known to me to be the same person(s) whose name(s) (is) (are) subscribed to the foregoing instrument appeared before me this day in person and acknowledged that (he) (they) signed, sealed and delivered the said instrument as (h) (their) free and voluntary act for the uses and purposes therein set forth.

Given under my hand and notarial seal, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

Notary Public

(ACKNOWLEDGMENT-CORPORATE)

STATE OF Nebraska  
COUNTY OF Sarpy SS:

I, Jane E. Frey, a Notary Public in and for the county and state aforesaid, DO HEREBY CERTIFY that Wesley H. Turtischer ~~Vice~~ President, and Wallace Sump ~~Assistant Secretary~~ ~~or~~ Treasurer of Sarpy Development Corp. a Nebraska corporation, who are personally known to me to be the persons whose names are subscribed to the foregoing instrument such Wesley H. Turtischer ~~Vice~~ President and Wallace Sump ~~Assistant Secretary~~ ~~Treasurer~~, respectively, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act and as such Wesley H. Turtischer ~~Vice~~ President and Wallace Sump ~~Assistant Secretary~~ ~~Treasurer~~, respectively, and as the free and voluntary act of said corporation for the uses and purposes therein set forth.

Given under my hand and notarial seal, this 31st day of May, 19 78

Jane E. Frey  
Notary Public

