

MISC 2017033474



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 BKP 27-16-1/4 COMP  
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Received - DIANE L. BATTIATO  
 Register of Deeds, Douglas County, NE  
 5/3/2017 12:37:27.13



2017033474

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(A)

### TEMPORARY CONSTRUCTION EASEMENT

Marion Alyce Brewer, Trustee of The Marion Magee Brewer Trust, ("Grantor"), for valuable consideration, the receipt of which is hereby acknowledged, does hereby grant and convey to SANITARY AND IMPROVEMENT DISTRICT NO. 563 OF DOUGLAS COUNTY, NEBRASKA, and its successors and assigns ("Grantee"), a Temporary Construction Easement ("Easement") for the right to survey, grade, shape, excavate, inspect, construct and operate equipment for the installation of a public street and appurtenances thereto (collectively, the "Construction") over, under, and through the portions of the parcels of land legally described on Exhibit "A", inclusive, attached and incorporated herein (the "Easement Area").

TO HAVE AND TO HOLD, the Grantor and Grantee agree as follows:

1. The Grantor shall convey the Easement over, under and through the Easement Area to Grantee, for the purpose of the Construction.
2. This Easement shall commence on the date hereof and shall continue during the period of the Construction by the Grantee, and shall terminate 60 days after the completion of the Construction.
3. The Grantee, its engineers, contractors and agents, shall have the full right and authority of ingress and egress at all times upon the Easement Area in order to perform any of the acts and functions described within the purposes and scope of this Easement. Grantee and its engineers, contractors, and agents shall refrain from parking on the Grantor's driveway at any time.
4. After completion of the Construction, Grantee shall restore the surface of the Easement Area, meaning landscaping, decorative fencing, crops, grass, shrubbery and driveway, to Grantor's satisfaction to the condition existing prior to such work, reasonable wear and tear excepted.
5. It is further agreed that the Grantor has lawful possession of said real estate, and good right and lawful authority to make the conveyance herein subject to matters of record, and that the Grantor and its heirs, executors, administrators, successors and assigns shall warrant and defend the same.

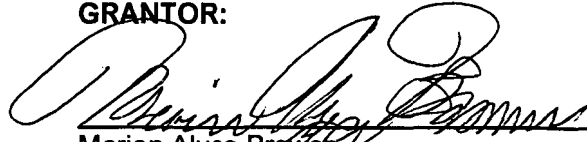
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(C)

6. Grantee shall indemnify and hold harmless the Grantor and their successors and assigns, from any and all claims for personal injury or damage to property resulting from this Easement, reasonable wear and tear excepted.
7. The covenants of the Grantor contained herein shall constitute independent covenants running with the land and shall be binding upon Grantor, and its heirs, executors, successors and assigns, and shall inure to the benefit of Grantee, and its successors and assigns.

IN WITNESS WHEREOF the Grantor has executed this Easement as of this 9<sup>th</sup> day of December, 2016.

GRANTOR:



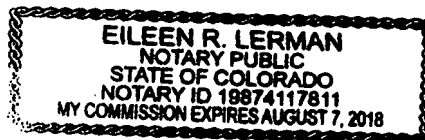
Marion Alyce Brewer,  
Trustee of the Marion Magee Brewer Trust

STATE OF Colorado )  
City & COUNTY OF Denver ) ss.

On this 9<sup>th</sup> day of December, 2016, before me, a Notary Public, in and for said County, personally came the above named Marion Alyce Brewer, Trustee of the Marion Magee Brewer Trust, who is personally known to me to be the identical person whose name is affixed to the above instrument and acknowledged the instrument to be his voluntary act and deed for the purpose therein stated.

WITNESS my hand and Notarial Seal the day and year last above written.


  
NOTARY PUBLIC



**GRANTEE:**

SANITARY AND IMPROVEMENT  
DISTRICT NO. 563 OF DOUGLAS  
COUNTY, NEBRASKA

ATTEST:

By: , Clerk

By: , Chairman

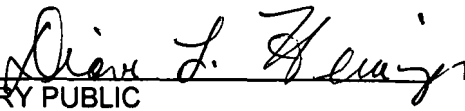
**ACKNOWLEDGMENT**

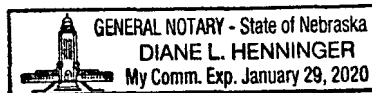
STATE OF NEBRASKA     )  
  ) SS  
COUNTY OF DOUGLAS    )

On this 3<sup>rd</sup> day of May, 2017, before me, a Notary Public in and for said County, personally came Chad Larsen and Loren Johnson behalf of Sanitary and Improvement District No. 563 of Douglas County, Nebraska, known to me to be the Chairman and Clerk of the District, respectively, and the identical persons whose names are affixed to the foregoing instrument, and acknowledged the execution thereof to be their respective voluntary act and deed as such Chairman and Clerk and the voluntary act and deed of said District.

WITNESS my hand and Notarial Seal the day and year last above written.

[Seal]

  
NOTARY PUBLIC



# EASEMENT EXHIBIT

*SWNW*

## LEGAL DESCRIPTION

A TEMPORARY EASEMENT FOR CONSTRUCTION AND GRADING OVER THAT PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 16 NORTH, RANGE 11 EAST OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 27;

THENCE NORTH 02°38'26" WEST (BEARINGS REFERENCED TO THE NEBRASKA STATE PLANE NAD 1983) FOR 33.00 FEET ON THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 27 TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 02°38'26" WEST FOR 17.10 FEET CONTINUING ON SAID WEST LINE;

THENCE NORTH 87°21'40" EAST FOR 52.46 FEET;

THENCE ALONG A CURVE TO THE RIGHT (HAVING A RADIUS OF 390.75 FEET AND A LONG CHORD BEARING SOUTH 78°37'38" EAST FOR 206.90 FEET) FOR AN ARC LENGTH OF 209.39 FEET TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 27;

THENCE SOUTH 87°21'34" WEST FOR 47.99 FEET ON SAID SOUTH LINE;

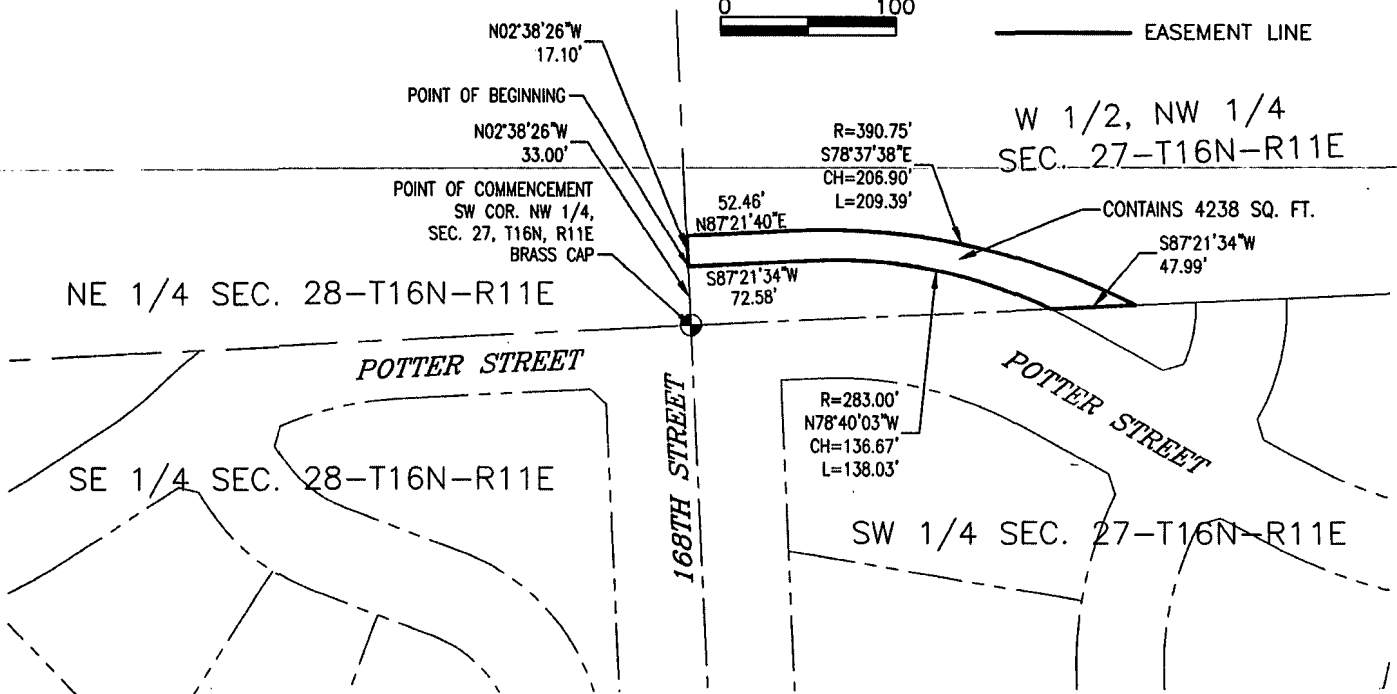
THENCE ALONG A CURVE TO THE LEFT (HAVING A RADIUS OF 283.00 FEET AND A LONG CHORD BEARING NORTH 78°40'03" WEST FOR 136.67 FEET) FOR AN ARC LENGTH OF 138.03 FEET;

THENCE SOUTH 87°21'34" WEST FOR 72.58 FEET TO THE POINT OF BEGINNING.

CONTAINS 4,238 SQUARE FEET.

## LEGEND

- SECTION LINE
- SECTION CORNER
- FUTURE LOT LINE
- EASEMENT LINE



**LAMP RYNEARSON  
& ASSOCIATES**

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