

FILED SARPY CO. NE.
INSTRUMENT NUMBER
98-028797

98 OCT 13 PM 2:03

Glenn J. Lowrey
REGISTER OF DEEDS

98-28797

Counter rk
Verify Dy
D.E. da
Proof na
Fee \$ 20.50
Ck Cash Chg

[The Space Above Line is for Recording Data]

TEMPORARY CONSTRUCTION EASEMENT

THIS AGREEMENT, made this 30th day of September, 1998 between Portal, L.L.C., a Nebraska limited liability company, hereinafter referred to as "Grantor," and Sanitary and Improvement District No. 195 of Sarpy County, Nebraska, hereinafter referred to as "Grantee."

WITNESSETH:

THAT, said Grantor, in consideration of the sum of One (\$1.00) Dollar, and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby grant and confirm unto said Grantee, and its successors and assigns, the right to use the parcel of land described as follows:

See Attached Exhibit "A"

This easement shall run with the land and terminate on May 1, 1999 or thirty (30) days after the improvements are completed, whichever is earlier.

Said easement is granted general grading and placement of fill material upon the condition that the Grantee 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.

The area disturbed under this easement will be replaced with like material as existed prior to construction upon the completion of construction. This easement is also for the benefit of any contractor, agent, employee and representative of the Grantee in any of said construction and work.

Said Grantor for itself and its successors and assigns does confirm with the said Grantee and its assigns, that Grantor has the right to grant this easement in the manner and form aforesaid, and that it will, and its successors and assigns shall warrant and defend this easement to said Grantee and its assigns against the lawful claims and demands of all persons.

IN WITNESS THEREOF, said Grantor has executed this Temporary Construction Easement on the day and year first above written.

028797

98-28797A

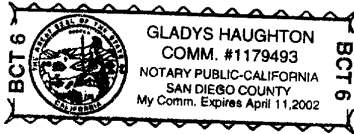
GRANTOR:

PORTAL, L.L.C., a Nebraska limited liability company,

By: Portal LLC
Name: Maryon D. Hoffman, Mgr.
Its: Maryon D. Hoffman, Mgr.

STATE OF California)
)ss
COUNTY OF SAN DIEGO)

On this 30th day of September, 1998, before me, a Notary Public in and for said County and State, personally appeared MARYON D. HOFFMAN, MANAGER of the Portal, L.L.C., a Nebraska limited liability company, who executed the above and foregoing easement acknowledged the execution thereof to be his or her voluntary act and deed on behalf of said limited liability company.



Gladys Haughton
Notary Public

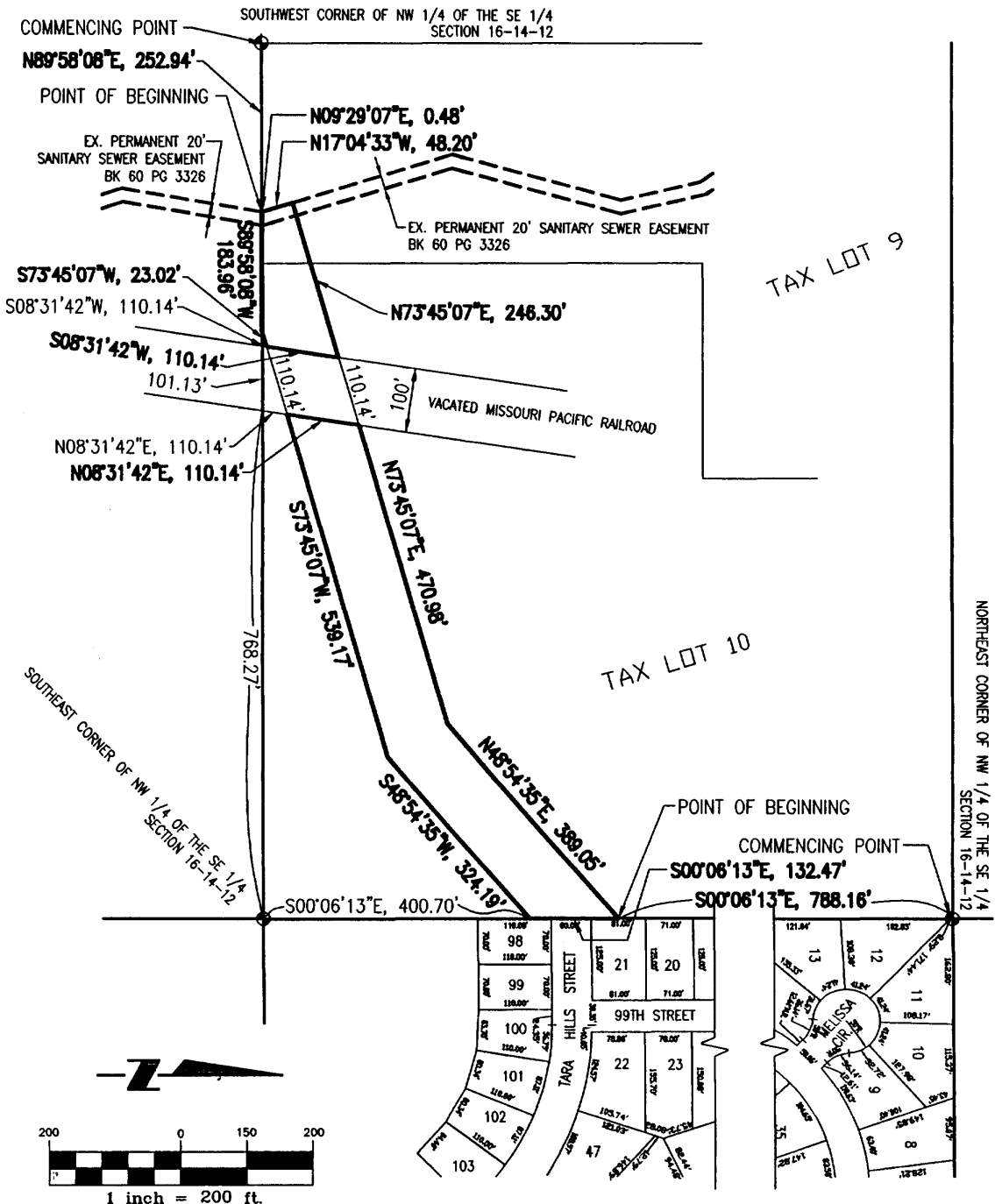
My commission expires April 11, 2002.

Walsh, Fullenkamp & Doyle
11440 West Center Road
Omaha, Nebraska 68144

98-281197B

EXHIBIT A TEMPORARY SANITARY SEWER EASEMENT

SEE ATTACHED SHEET FOR LEGAL DESCRIPTION



98-28777C

LEGAL DESCRIPTION
TEMPORARY SANITARY SEWER EASEMENT

A Temporary Sanitary Sewer Easement located in Tax Lot 10, a Tax Lot located in the NW 1/4 of the SE 1/4 of Section 16, Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska, more particularly described as follows:

Commencing at the Northeast corner of said NW 1/4 of the SE 1/4 of Section 16, said point also being the Northeast corner of said Tax Lot 10; thence S00°06'13"E (assumed bearing) along the East line of said NW 1/4 of the SE 1/4 of Section 16, said line also being the East line of said Tax Lot 10, a distance of 788.16 feet to the Point of Beginning; thence continuing S00°06'13"E along said East line of the NW 1/4 of the SE 1/4 of Section 16, said line also being said East line of Tax Lot 10, a distance of 132.47 feet; thence S48°54'35"W, a distance of 324.19 feet; thence S73°45'07"W, a distance of 539.17 feet to a point on the Easterly right-of-way line of the vacated Missouri Pacific Railroad; thence N08°31'42"E along said Easterly right-of-way line of the vacated Missouri Pacific Railroad, a distance of 110.14 feet; thence N73°45'07"E, a distance of 470.98 feet; thence N48°54'35"E, a distance of 389.05 feet to the Point of Beginning.

And also together with

A Temporary Sanitary Sewer Easement located in Tax Lots 9 and 10, Tax Lots located in the NW 1/4 of the SE 1/4 of Section 16, Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska, more particularly described as follows:

Commencing at the Southwest corner of said NW 1/4 of the SE 1/4 of Section 16, said point also being the Southwest corner of said Tax Lot 9; thence N89°58'08"E (assumed bearing) along the South line of said NW 1/4 of the SE 1/4 of Section 16, said line also being the South line of said Tax Lot 9, a distance of 252.94 feet to the Point of Beginning; thence N09°29'07"E, a distance of 0.48 feet; thence N17°04'33"W, a distance of 48.20 feet; thence N73°45'07"E, a distance of 246.30 feet to a point on the Westerly right-of-way line of the vacated Missouri Pacific Railroad; thence S08°31'42"W along said Westerly right-of-way line of the vacated Missouri Pacific Railroad, a distance of 110.14 feet; thence S73°45'07"W, a distance of 23.02 feet to a point on said South line of the NW 1/4 of the SE 1/4 of Section 16, said line also being the South line of said Tax Lot 10; thence S89°58'08"W along said South line of the NW 1/4 of the SE 1/4 of Section 16, said line also being the South line of said Tax Lots 10 and 9, a distance of 183.96 feet to the Point of Beginning.

Said Temporary Sanitary Sewer Easement contains an area of 103,915 square feet or 2.385 acres, more or less.

#97054_{sw}
7/24/98
E&A CONSULTING GROUP
12001 "Q" STREET
OMAHA, NE 68137
