



BK 0836 PG 262



MISC 1988 00075

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GEORGE J. BUCLEWICZ
REGISTER OF DEEDS
DOUGLAS COUNTY, NEBR.

DEPARTMENT OF THE ARMY
CONSENT FOR FLOWAGE EASEMENTS
AT
PAPILLION CREEK AND TRIBUTARIES LAKES,
DAM NO. 16, STANDING BEAR LAKE, NEBRASKA
TRACTS NOS. 110E and 111E

Consent No. DACW45-3-87-6032

WHEREAS, the Government acquired by virtue of easements dated 31 May 1972 and 30 December 1971, permanent flowage easements for the perpetual right, power, and privilege to overflow, flood, and submerge over land designated as Tracts 110E and 111E, which easements by their terms, reserve to the Government the right of prior approval of any structures that may be constructed and maintained on the land;

WHEREAS, the Papio Natural Resources District, Omaha, Nebraska, has, or is in the process of acquiring from the landowners, easements for the construction, operation, and maintenance of a grade stabilization structure (D-18) over, across, in and upon tracts of land lying in Section 2, Township 15 North, Range 11 East of the Sixth Principal Meridian, Douglas County, Nebraska;

WHEREAS, the Papio Natural Resources District, wishes to construct a grade stabilization structure across land within the easement area;

WHEREAS, the Papio Natural Resources District, Omaha, Nebraska, shall comply with all applicable Federal laws, regulations, and with all applicable laws, ordinances, and regulations of state, county, and municipality wherein the premises are located;

WHEREAS, the grade stabilization structure (D-18) will require construction on the land which must be approved by the Government in writing:

NOW THEREFORE, consent of the Government is hereby given for the grade stabilization structure (D-18) to be placed at the location shown in red on Exhibit "A" and described on Exhibit "B" attached hereto:

PROVIDED HOWEVER, that this consent is subject to the following conditions:

- 1. That the United States shall not be responsible for damages to property or injuries to persons which may arise from or be incident to the exercise of the privileges herein granted, or for damages to the property of the grantee or injuries to the person of the grantee or for damages to the property or injuries to the person of the grantee's officers, agents, servants, or employees or others who may be on said premises at their invitation or the invitation of any one of them, arising from governmental activities on the said premises and the grantee shall hold the United States harmless from any and all such claims.

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BK 836 N 2-15-11^m C/O _____ FEE 20.50
 PG 262-265 2-15-11 DEL 11 MG BR
 OF Misc COMP 11 F/B 01-60-111

Consent No. DACW45-3-87-6032

2. The right is hereby reserved to the United States to flood the granted premises whenever necessary in connection with river and flood control work, and the grantee shall have no claims for damages of any character on account thereof against the United States.

3. That it is understood that this consent is effective only insofar as the property rights of the United States on the lands to be occupied are concerned, and that it does not relieve the grantee from obtaining the permission necessary on account of any other existing rights.

4. That the proposed construction shall not be commenced until appropriate rights shall have been obtained by the grantee from the record owners and encumbrances of the fee title to the lands involved.

5. That any property of the United States damaged or destroyed by the grantee incident to the exercise of the privileges herein granted shall be promptly repaired or replaced by the grantee to the satisfaction of the said officer, or in lieu of such repair or replacement, the grantee shall, if so required by the said officer and at his option, pay to the United States money in an amount sufficient to compensate for the loss sustained by the United States by reason of damage to or destruction of Government property.

IN WITNESS WHEREOF, I have hereunto set my hand this 16th day
of APRIL, 1987 by authority of the Secretary of the Army.

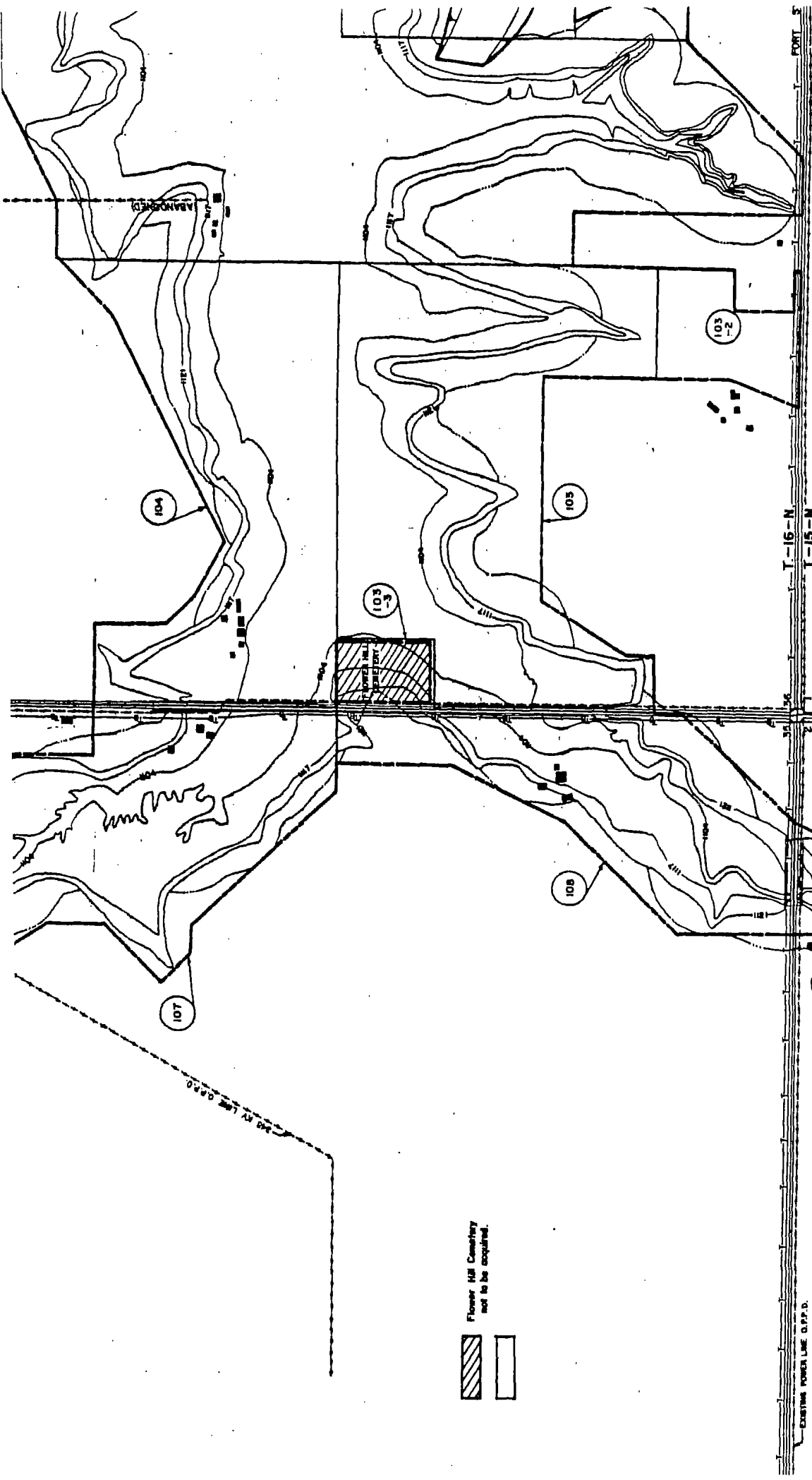


GARY D. BLAIR
Chief, Real Estate Division
Omaha, District, Corps of Engineers

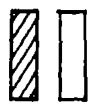
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NOTE: BOUNDARY OF THE INSTALLATION WAS DERIVED FROM COUNTY RECORDS AND TOPOGRAPHIC SURVEY.

EXHIBIT *A* ATTACHED TO AND MADE A PART OF *D.A. 2445-2-82-6032*



Flower Hill Cemetery not to be acquired.



TRACT NO. 110E

That portion of the $N\frac{1}{2}$, $W\frac{1}{2}$, $NE\frac{1}{4}$ of Section 2 lying below the contour elevation 1121.0 M.S.L. in Township 15 North, Range 11 East of the Sixth Principal Meridian, Douglas County, Nebraska, and containing 3.09 acres, more or less.

TRACT NO. 111E

That portion of the East 132.00 feet of the North 363.00 of the $W\frac{1}{2}$, $NE\frac{1}{4}$ of Section 2, lying below the contour elevation 1121.0 M.S.L. in Township 15 North, Range 11 East of the Sixth Principal Meridian, Douglas County, Nebraska, and containing .15 of an acre, more or less.

EXHIBIT *B*... ATTACHED TO AND MADE
A PART OF DACW45-3-87-6032