

Return to:
Heldt, McKeone & Copley
PO Box 1050
Lexington, NE 68850

DECLARATION OF DRAINAGE AND UTILITY EASEMENT

THIS DECLARATION is made this ___ day of _____, 2017, by the CITY OF LEXINGTON, NEBRASKA, a Nebraska Municipal Corporation (“Declarant”).

RECITALS

A. Declarant is the fee owner of the real property legally described on **Exhibit A** attached hereto (the “Property”).

B. Declarant desires to declare a utility easement for drainage, and sewer, water, gas and electric service lines over, under and across part of the Property for the benefit of the real property legally described as set forth on **Exhibit A**.

DECLARATION

NOW, THEREFORE, the Declarant hereby declares, imposes upon and makes the Property subject to the following easements and covenants:

1. Grant of Utility/Drainage Easements. Declarant hereby declares perpetual, non-exclusive, utility and drainage easement over, under and across that part of the Property, as legally described and depicted on Exhibit B and Exhibit C attached hereto (the “Easement Area”).
2. Access to Utilities in Easement Area. The grant of the easement shall be for all purposes, including the construction, maintenance, operation, inspection, reconstruction, removal of utilities, and other purposes as may be required by the Declarant.
3. Duration. The provisions of this Declaration shall remain in full force and effect until the Declarant agrees in writing to terminate said provisions.
4. Severability. Invalidation of any one or more of the provisions of this Declaration by judgment or court order shall not affect any of the other provisions, which shall remain in full force and effect.
5. Mode of Enforcement. This Declaration may be enforced by proceedings in law to recover damages or by proceedings in equity to restrain any violation or compel performance.
6. Anti-Merger. Notwithstanding the Declarant’s ownership of more than one parcel, the easements granted hereunder shall burden and benefit each parcel individually, without merger as a result of common ownership.
7. Successors and Assigns. This Declaration shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, successors and assigns. This Declaration shall run with the land. This Declaration benefits and burdens the Property.

IN WITNESS WHEREOF, the party has executed this Declaration as of the day and year first above written.

Dated: August ___, 2017

CITY OF LEXINGTON, NEBRASKA, a Municipal Corporation

By _____
Joe Peplitsch, City Manager

STATE OF NEBRASKA,)
) ss.
COUNTY OF DAWSON.)

The foregoing instrument was acknowledged before me this ____ day of _____, 207, by Joe Peplitsch, City Manager of the CITY OF LEXINGTON, NEBRASKA, a Municipal Corporation, for and on behalf the CITY OF LEXINGTON, NEBRASKA, a Municipal Corporation.

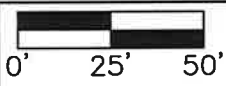
Notary Public

Exhibit A

Lots 16, 17, 24 and 25, all in Block 10, Southwest First Addition, an addition to the City of Lexington, Dawson County, Nebraska;

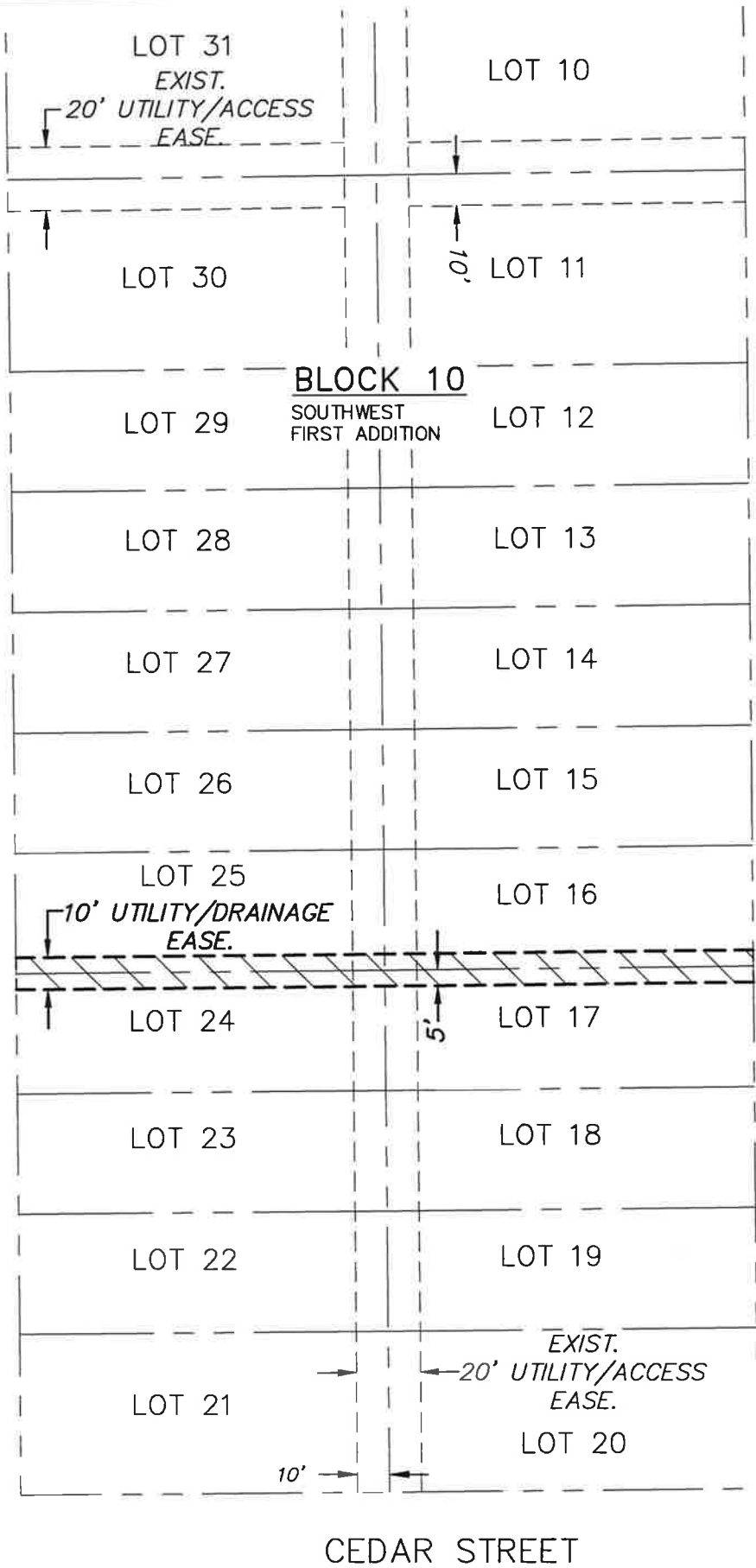
Lots 1-20, all in Block 10, Southwest First Addition, an addition to the City of Lexington, Dawson County, Nebraska;

Lots 21-40, all in Block 10, Southwest First Addition, an addition to the City of Lexington, Dawson County, Nebraska



BLOCK 9

ROOSEVELT DRIVE






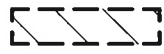
EISENHOWER DRIVE

BLOCK 1

CEDAR STREET

BLOCK 8

LEGEND

-  EXISTING PROPERTY LINE
-  EXISTING EASEMENT LINE
-  NEW EASEMENT LINE
-  NEW UTILITY/DRAINAGE EASEMENT AREA

EASEMENT DESCRIPTION

A 10 FT. UTILITY/DRAINAGE EASEMENT LOCATED IN LOTS 16, 17, 24 AND 25, BLOCK 10, SOUTHWEST FIRST ADDITION AN ADDITION TO THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A 10 FT. UTILITY/DRAINAGE EASEMENT BEING THE SOUTH 5 FT OF LOTS 16 AND 25 AND THE NORTH 5 FT OF LOTS 17 AND 24, ALL IN BLOCK 10, SOUTHWEST FIRST ADDITION AN ADDITION TO THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA.

SAID 10 FT. UTILITY/DRAINAGE EASEMENT CONTAINS A CALCULATED AREA OF 2300.00 SQUARE FEET OR 0.528 ACRES MORE OR LESS.

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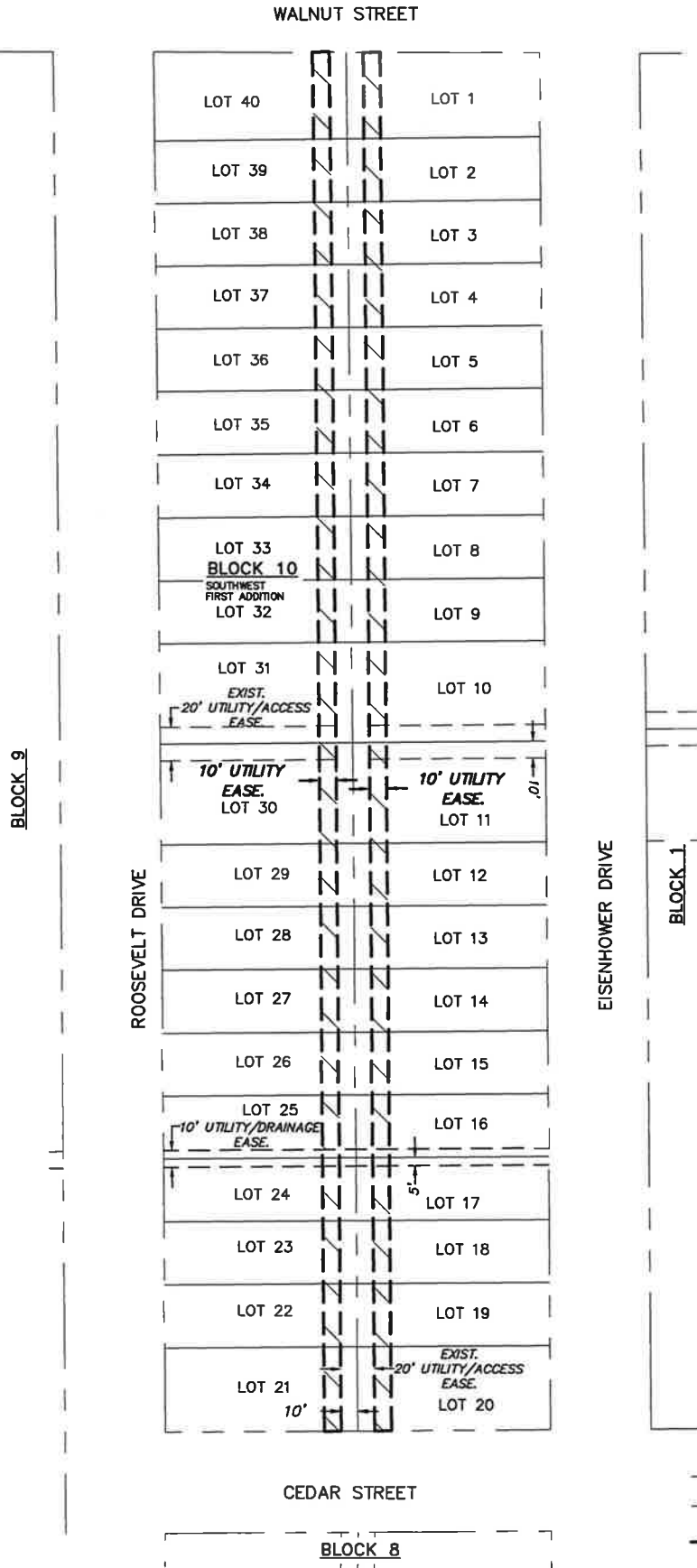
PROJECT NO:	2016-3239
DRAWN BY:	JMJ
DATE:	07.14.2017

10' UTILITY/DRAINAGE EASEMENT



201 East 2nd Street
 P.O. Box 1072
 Grand Island, NE 68802-1072
 TEL 308.384.8750
 FAX 308.384.8752

EXHIBIT
B



LEGEND

- EXISTING PROPERTY LINE
- EXISTING EASEMENT LINE
- NEW EASEMENT LINE
- NEW UTILITY EASEMENT AREA

EASEMENT DESCRIPTION

A 10 FT. UTILITY EASEMENT LOCATED IN LOTS 1-20, ALL IN BLOCK 10, SOUTHWEST FIRST ADDITION AN ADDITION TO THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A 10 FT. UTILITY EASEMENT BEING THE EAST 10 FT OF WEST 20 FT OF LOTS 1-20, ALL IN BLOCK 10, SOUTHWEST FIRST ADDITION AN ADDITION TO THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA. SAID 10 FT. UTILITY EASEMENT CONTAINS A CALCULATED AREA OF 8,212.74 SQUARE FEET OR 0.189 ACRES MORE OR LESS

EASEMENT DESCRIPTION

A 10 FT. UTILITY EASEMENT LOCATED IN LOTS 21-40, ALL IN BLOCK 10, SOUTHWEST FIRST ADDITION AN ADDITION TO THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A 10 FT. UTILITY EASEMENT BEING THE WEST 10 FT OF EAST 20 FT OF LOTS 21-40, ALL IN BLOCK 10, SOUTHWEST FIRST ADDITION AN ADDITION TO THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA. SAID 10 FT. UTILITY EASEMENT CONTAINS A CALCULATED AREA OF 8,212.74 SQUARE FEET OR 0.0189 ACRES MORE OR LESS

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 DATE: Jul 24, 2017 4:51pm
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PROJECT NO: 2016-3239	10' UTILITY EASEMENT	MOLSSON ASSOCIATES	201 East 2nd Street P.O. Box 1072 Grand Island, NE 68802-1072 TEL 308.384.8750 FAX 308.384.8752	EXHIBIT C
DRAWN BY: JMJ				
DATE: 07.24.2017				