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By

RICHARD N. TAKECHI
REGISTER OF DEEDS
DOUGLAS COUNTY, NE

99 DEC 16 PM 2:05

RECEIVED

AFTER RECORDING RETURN TO:

ROBERT J. HUCK
CROKER, HUCK, KASHER, DeWITT,
ANDERSON & GONDERINGER, P.C.
2120 S 72 ST STE 1250
OMAHA NE 68124

19335 B

FEE 15⁰⁰ FB _____

BKP _____ C/O _____ COMP _____

DEL _____ SCAN Y FV _____

PERPETUAL EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT **TBD Enterprises, L.L.C.**, a Nebraska limited liability company (hereinafter referred to as "Grantor"), for and in consideration of the sum of Ten and no/100ths Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, does hereby grant and convey unto **SANITARY AND IMPROVEMENT DISTRICT NO. 413 OF DOUGLAS COUNTY, NEBRASKA**, a Municipal corporation, (hereinafter referred to as "Grantee"), its successors and assigns (including the City of Omaha upon its annexation of Grantee), a perpetual easement and connection right over, under, on and across that real estate in Douglas County, Nebraska, more particularly described on **Exhibit "A"** attached hereto and incorporated herein by this reference.

The scope and purpose of said easement is for the use, construction, repair, maintenance, replacement and renewal of storm sewer pipe line, including all necessary manholes and other related appurtenances, and the transmission through said sewer of storm water runoff. The Grantee and its contractor and engineers shall have full right and authority to enter upon said easementway in order to perform any of the acts and functions described within the scope and purposes of such easement.

By accepting and recording this perpetual easement grant, said Grantee, agrees to make good or cause to be made good to the owner or owners of the property in which same are constructed, any and all damage that may be done by reason of construction, alterations, maintenance, inspection, repairs or reconstruction in the way of damage to trees, grounds, or other improvements thereon, including crops, vines and gardens. Grantor reserves the right, following construction of said sewer and appurtenances thereto, to continue to use the surface of the easement strip conveyed hereby for other purposes,

subject to the right of the Grantee to use the same for the purposes herein expressed. Provided, however, that no building or other structure shall be built within the permanent easement area by Grantor, their successors or assigns, which will in any way interfere with Grantee's ability to perform its rights granted hereunder. This easement runs with the land.

Grantor herein, for themselves and their successors and assigns, hereby covenant and agree with the said Grantee and its successors and assigns that at the time of the execution and delivery of these presents, Grantor is lawfully seized of said premises; that Grantor has good right and lawful authority to grant said perpetual storm sewer easement; and Grantor further hereby covenants to warrant and defend said easementway against the lawful claims of all persons whomsoever.

This instrument shall be binding on the successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the Grantor herein, for itself, its successors and assigns, has caused the due execution hereof as of the 14th day of December, 1999.

TBD ENTERPRISES, L.L.C.

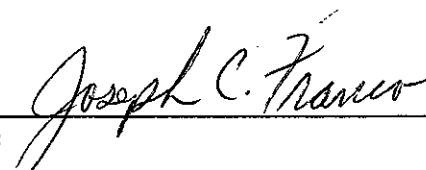
By: 

Manager

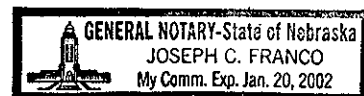
STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

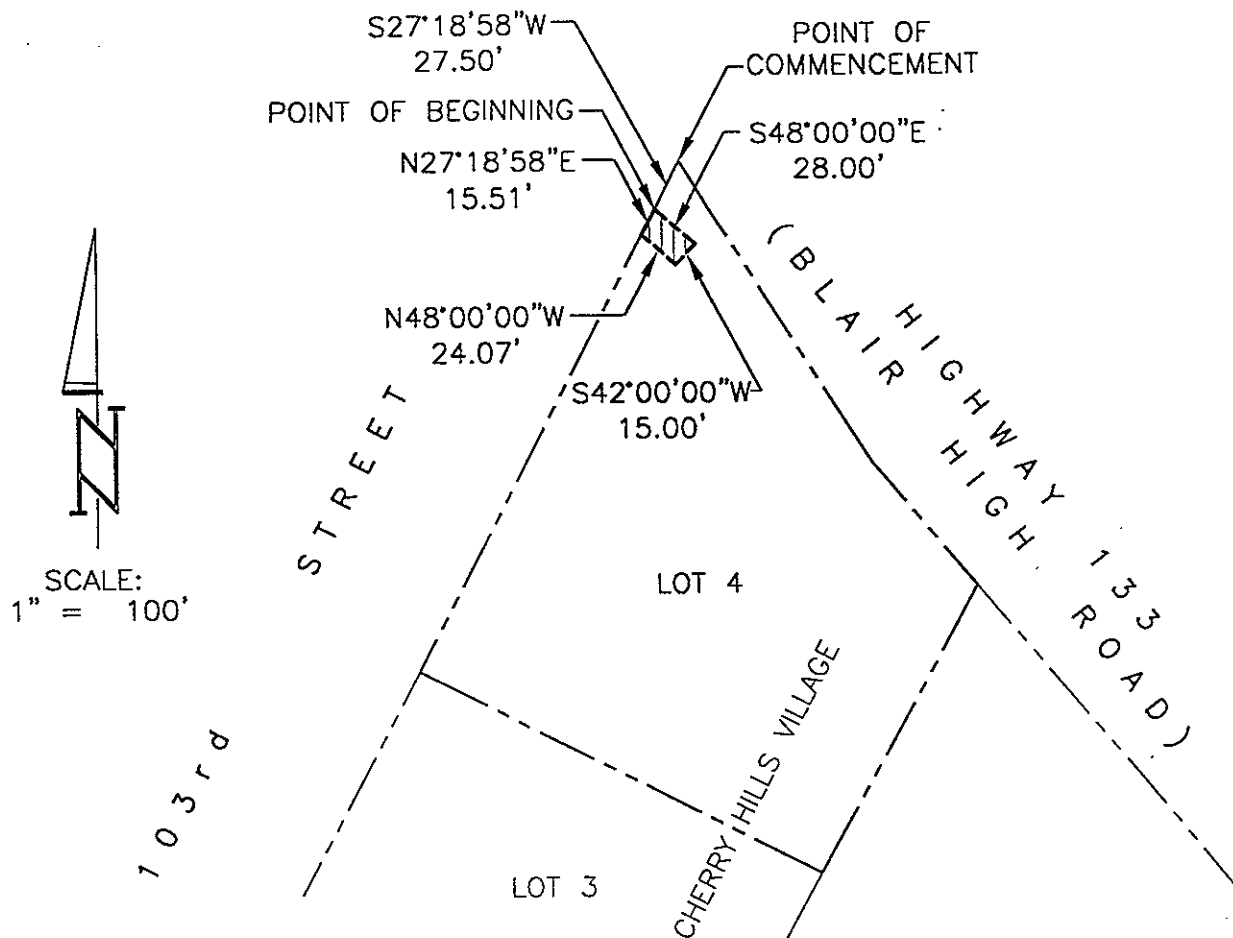
The foregoing instrument was acknowledged before me this 14TH day of DECEMBER, 1999, by Anthony Saldi, Manager of TBD Enterprises, L.L.C., a Nebraska limited liability company, on behalf of the Company.

Notary Public



63566.1





LEGAL DESCRIPTION

THAT PART OF LOT 4, CHERRY HILLS VILLAGE, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: COMMENCING AT THE NW CORNER OF SAID LOT 4;

THENCE S27°18'58"W (ASSUMED BEARING) 27.50 FEET ON THE WESTERLY LINE OF SAID LOT 4 TO THE POINT OF BEGINNING;

THENCE S48°00'00"E 28.00 FEET;

THENCE S42°00'00"W 15.00 FEET;

THENCE N48°00'00"W 24.07 FEET TO THE WESTERLY LINE OF SAID LOT 4;

THENCE N27°18'58"E 15.51 FEET ON THE WESTERLY LINE OF SAID LOT 4 TO THE POINT OF BEGINNING.

S.I.D. 413, DOUGLAS COUNTY TD2 FILE NO. 1074103D.DWG DATE: AUGUST 24, 1999
THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860

EXHIBIT "A"