

255

Copy to:
James E. Lang
11306 Davenport Street
Omaha, NE 68154



RECEIVED

JAN 18 1 35 PM '96

GEORGE J. DUSLEWICZ
REGISTER OF RECORDS
DOUGLAS COUNTY, NEBRASKA

GRANT OF EASEMENT

Permanent Sewer Easement

IN CONSIDERATION of the sum of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, GOTTSCH FEEDING CORPORATION, a Nebraska corporation, hereinafter referred to as the "Grantor," hereby grants and conveys to Sanitary and Improvement District No. 400 of Douglas County, Nebraska, and its successors and assigns, hereinafter referred to as "Grantee", a permanent sewer easement, in, through, over and under the parcel of land described as follows:

See Exhibit "A" and Exhibit "B" attached hereto and by this reference made a part of this Easement for the legal description of the easement areas (hereinafter the "Easement Area"),

on which the Grantee may construct, reconstruct, maintain and repair a sanitary sewer line. Grantee shall have the right to enter upon this Easement Area at any time to inspect, construct, reconstruct, maintain and repair said sanitary sewer line.

After completion of the initial installation of the sanitary sewer line, Grantee shall restore the Easement Area surface as nearly as possible to the condition existing prior to such work, and Grantee shall repair or restore any damage done by Grantee on any subsequent entry on the Easement Area.

Grantee is solely responsible for the constructing, operating and maintaining of the above-described improvements and Grantee shall indemnify and hold harmless the Grantor, and its successors and assigns, from any and all claims for personal injury or damage to the property arising out of or in connection with the constructing, operating or maintaining of the above-described improvement.

No building, improvement or other structure shall be placed over said easement by the Grantor, its successor or assigns, without the express written approval of the Grantee, provided, however a hard surfaced street, parking lot, trees, grass, crops and shrubbery may be installed within the Easement Area by the Grantor, and its successors and assigns, and that in the event it becomes necessary to repair, remove or replace said sewer line, the Grantee shall have the right to remove such street, parking lot, trees, crops, grass or shrubbery and said premises shall thereafter be restored by the Grantee, its successors and assigns, to the condition existing before said removal.

00592

12-15-10
FEE 255 FB 016000
C/O COMPY P
SOM FV

As part of the consideration for the grant of the easement, the Grantee agrees that the Grantor, and its successor, heirs and assigns, shall have the right to connect to the sanitary sewer line located within the Easement Area to serve the Grantor's property which is within the drainage area of such sanitary sewer line, subject to the Grantor obtaining the appropriate consent of the City of Elkhorn and any other political subdivision whose consent is required for such connection. The Grantee shall charge no connection fee for the sewer connection, however, any fee required of the City of Elkhorn or any other political subdivision, shall be the responsibility of the Grantor.

The Grantor does hereby warrant and confirm to the Grantee that it is the owner of the Easement Area and that it has the right to grant and convey this Easement in the manner aforesaid and that it shall warrant and defend this Easement to the Grantee, its successors and assigns, against the lawful claims and demands of all persons.

This easement runs with the land and shall run in favor of and be binding upon the respective assigns, successors and agents of the Grantor and Grantee.

Dated this 14 day of Nov, 1995.

GRANTOR:

GOTTSCH FEEDING
CORPORATION, a Nebraska
corporation

By: _____

Its: Secretary

GRANTEE:

SANITARY & IMPROVEMENT DISTRICT
NO. 400 OF DOUGLAS COUNTY,
NEBRASKA

By: Frank Krejci

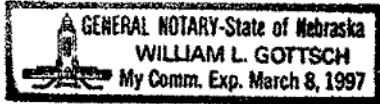
Chairman

By: Debra Jane Krejci

Clerk

STATE OF NEBRASKA)
COUNTY OF DOUGLAS) SS.

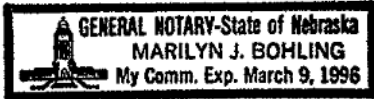
The foregoing instrument was acknowledged before me on NOV. 14,
1995 by Brett Gottsch, the President of GOTTSCH FEEDING
CORPORATION, a Nebraska corporation.



William L. Gottsch
Notary Public

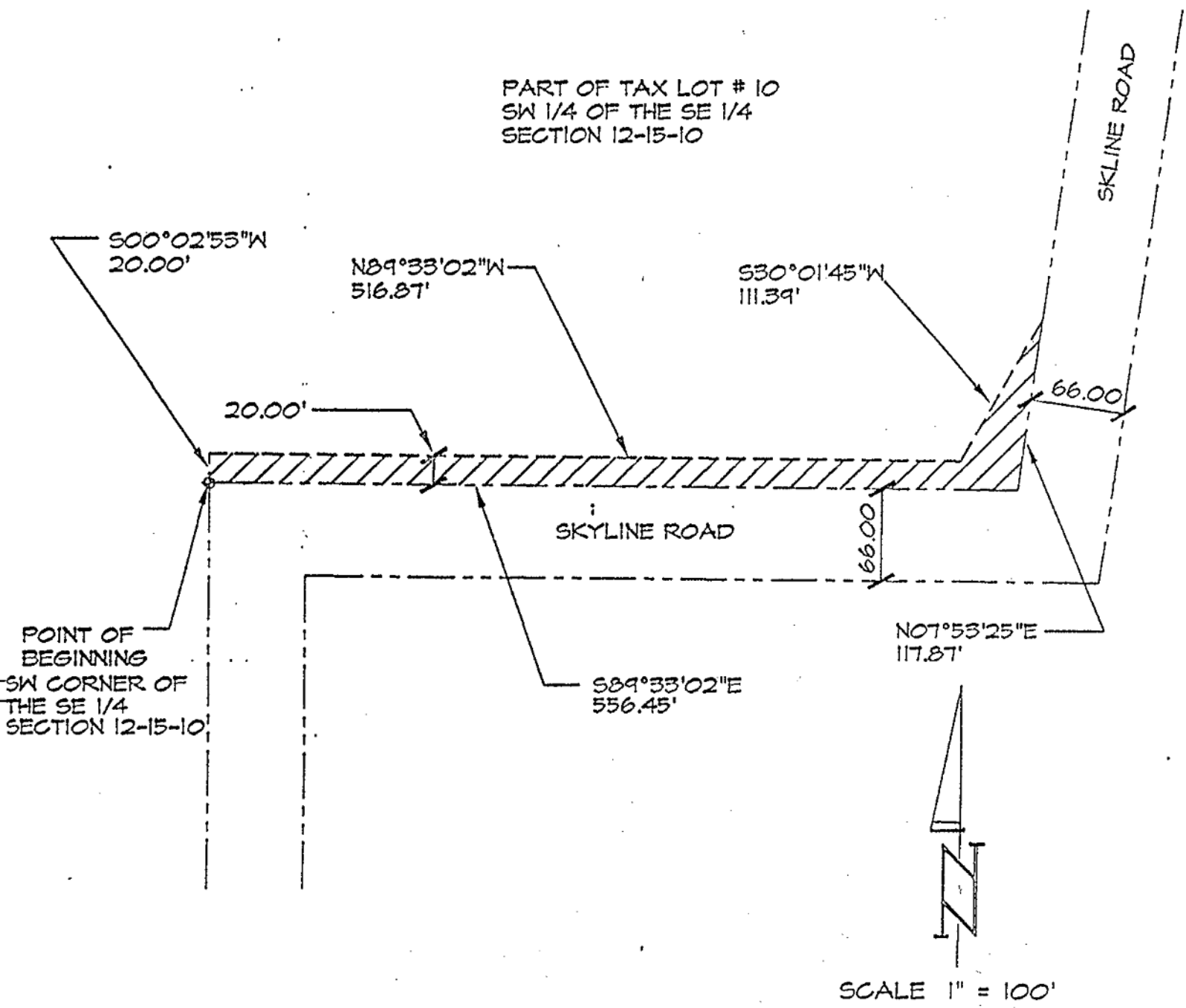
STATE OF NEBRASKA)
COUNTY OF DOUGLAS) SS.

The foregoing instrument was acknowledged before me on Dec 30,
1995 by Frank R. & Vera Jane Heyco, the Chairman and Clerk of
Sanitary & Improvement District No. 400 of Douglas County, Nebraska.



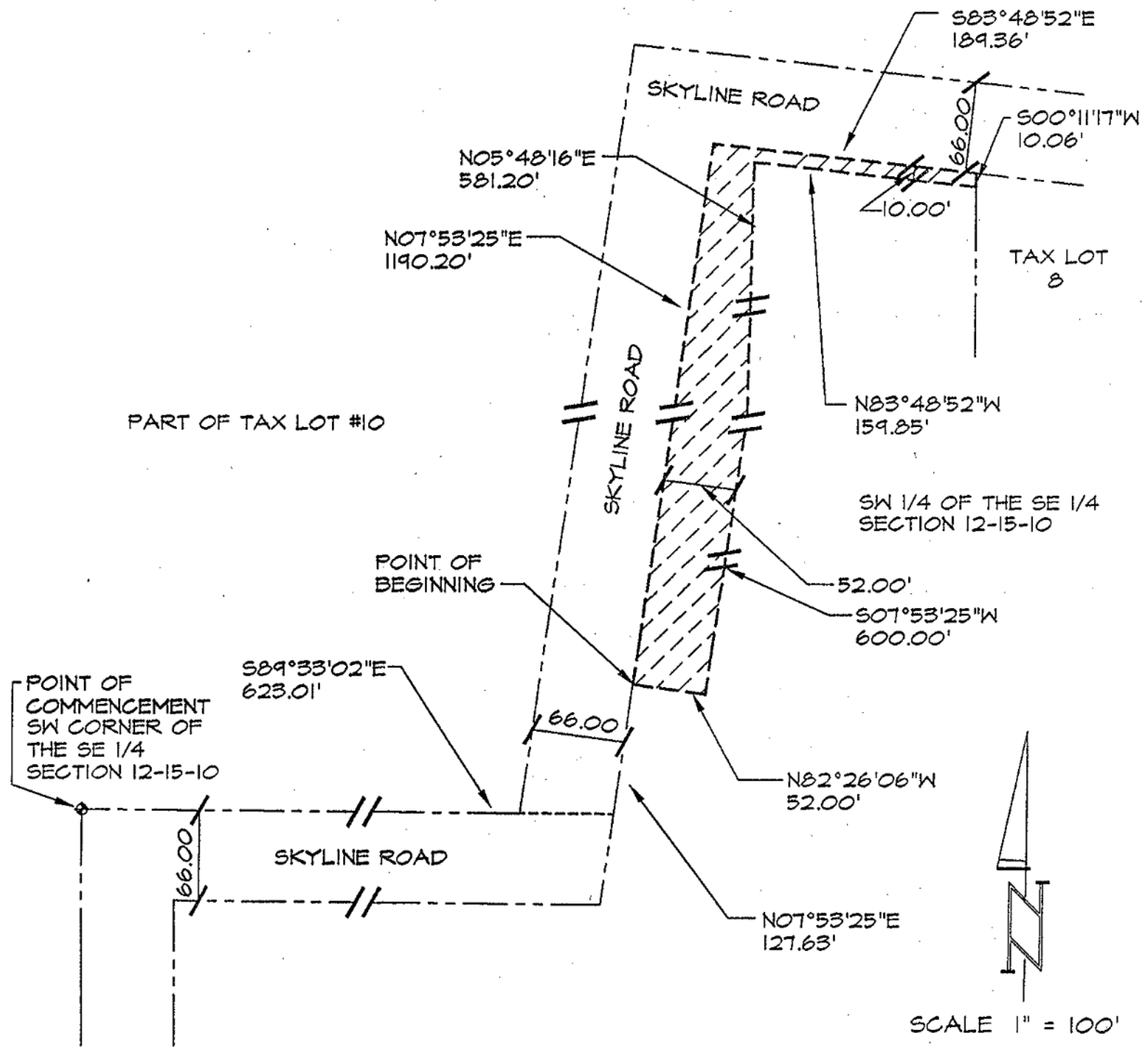
Marilyn J. Bohling
Notary Public

PART OF TAX LOT # 10
SW 1/4 OF THE SE 1/4
SECTION 12-15-10



LEGAL DESCRIPTION

THAT PART OF THE SW 1/4 OF THE SE 1/4 OF SECTION 12, T15N, R10E OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: BEGINNING AT THE SW CORNER OF SAID SW 1/4; THENCE $S89^{\circ}33'02''E$ (ASSUMED BEARING) 556.45 FEET ON THE SOUTH LINE



LEGAL DESCRIPTION

THAT PART OF THE SW 1/4 OF THE SE 1/4 OF SECTION 12, T15N, R10E OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: COMMENCING AT THE SW CORNER OF SAID SW 1/4; THENCE S89°33'02"E (ASSUMED BEARING) 623.01 FEET ON THE SOUTH LINE OF SAID SW 1/4 TO THE EAST LINE OF SKYLINE ROAD; THENCE N07°53'25" E 127.63 FEET

ON THE EAST LINE OF SAID SKYLINE ROAD TO THE POINT OF BEGINNING; THENCE CONTINUING $N07^{\circ}53'25''E$ 1190.20 FEET ON THE EAST LINE OF SAID SKYLINE ROAD; THENCE $S83^{\circ}48'52''E$ 189.36 FEET ON THE SOUTH LINE OF SAID SKYLINE ROAD TO THE WEST LINE OF TAX LOT 8 IN SAID SW 1/4; THENCE $S00^{\circ}11'17''W$ 10.06 FEET ON THE WEST LINE OF SAID TAX LOT 8; THENCE $N83^{\circ}48'52''W$ 159.85 FEET ON A LINE 10.00 FEET SOUTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SKYLINE ROAD; THENCE $S05^{\circ}48'16''$ 581.20 FEET; THENCE $S07^{\circ}53'25''W$ 600.00 FEET ON A LINE 52.00 FEET EAST OF AND PARALLEL WITH THE EAST LINE OF SAID SKYLINE ROAD; THENCE $N82^{\circ}26'06''W$ 52.00 FEET TO THE POINT OF BEGINNING. CONTAINING 1.31 ACRES MORE OR LESS.

SID 400 (GREENBRIER)

TD2 FILE NO.10051046

8-3-95

THOMPSON, DREESSEN AND DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860

Exhibit "B"