

FILED SARPY CO. NE.

INSTRUMENT NUMBER

98 008835

98 APR 10 AM 11:31

*James F. Kasher*  
REGISTER OF DEEDS

98-08835

Counted *an*

Verify *sk*

D.E. *sk*

Proof *sk*

Fee \$ 25.50

Ck  Cash  Chg

AFTER RECORDING RETURN TO:

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

**PERPETUAL EASEMENT**

KNOW ALL MEN BY THESE PRESENTS:

THAT HILLTOP INDUSTRIAL PARK, 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. 189 OF SARPY COUNTY, NEBRASKA**, (hereinafter referred to as "Grantee"), its successors and assigns, a perpetual easement and connection right over, under, on and across that real estate in Sarpy County, Nebraska, more particularly described as follows:

The East 20 Feet of Lots 1, 2, 3, 8 and 9, Hilltop Industrial Park, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska, together with the West 20.00 feet of Lots 4, 5, 6, 10, 11 and 12, said Hilltop Industrial Park, as drawn on Exhibits "A" and "B" 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 related appurtenances, and the transmission through said sewers of storm and other run-off water. 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, Sanitary and Improvement District No. 189 of Sarpy County, Nebraska, agrees forthwith 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 herein, for itself, its successors and assigns, does 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 sanitary outfall 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 24 day of MARCH, 1998.

HILLTOP INDUSTRIAL PARK, L.L.C.

By: *[Signature]*  
Title: *Member*

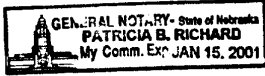
008835

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF Douglas )

98-08835A

The foregoing instrument was acknowledged before me this 24 day of March, 1998, by Rudy R. Mudra member of HILLTOP INDUSTRIAL PARK, L.L.C., on behalf of the company.

Patricia B. Richard  
Notary Public



**CONSENT AND SUBORDINATION**

The undersigned, American National Bank, being the holder of a deed of trust or other security interest in or upon the above-described real property, for and in consideration of the sum of One Dollar and other valuable considerations, the receipt of which are hereby acknowledged from the above-named Grantee, does hereby consent to the granting of the easement rights as hereinabove set forth, and further covenants and agrees with said Sanitary and Improvement District No. 189 of Sarpy County, Nebraska, that said easement rights shall be senior and paramount to the rights of the undersigned in and to said real property by virtue of any deed of trust or other security interest of the undersigned in said property presently held by the undersigned.

Dated this 25<sup>th</sup> day of MARCH, 1998.

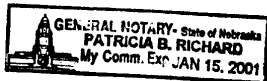
AMERICAN NATIONAL BANK

By: Larry W. Marjovic  
Title: SENIOR VICE PRESIDENT

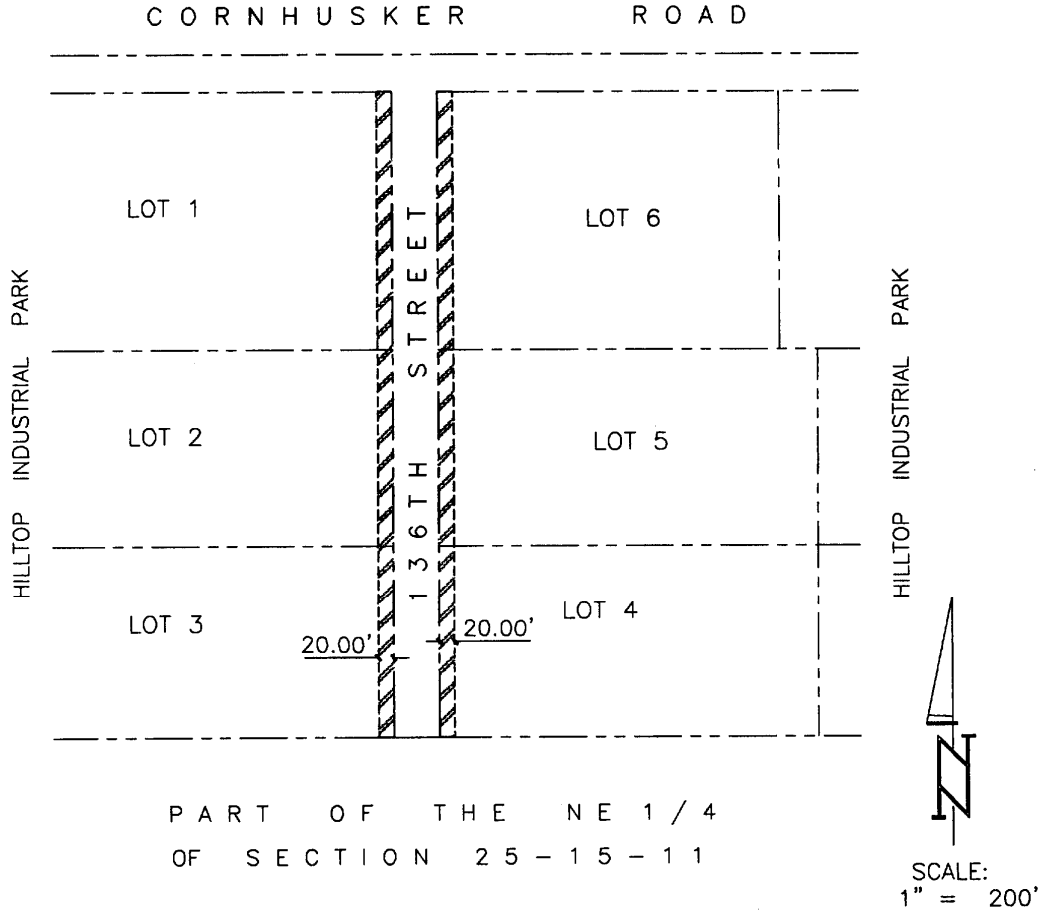
STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF Douglas )

The foregoing instrument was acknowledged before me this 25 day of March, 1998, by Larry W. Marjovic SVP of AMERICAN NATIONAL BANK, on behalf of the corporation.

Patricia B. Richard  
Notary Public



98-08835B



LEGAL DESCRIPTION

THE EAST 20.00 FEET OF LOTS 1, 2, AND 3, HILLTOP INDUSTRIAL PARK, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN SARPY COUNTY, NEBRASKA.

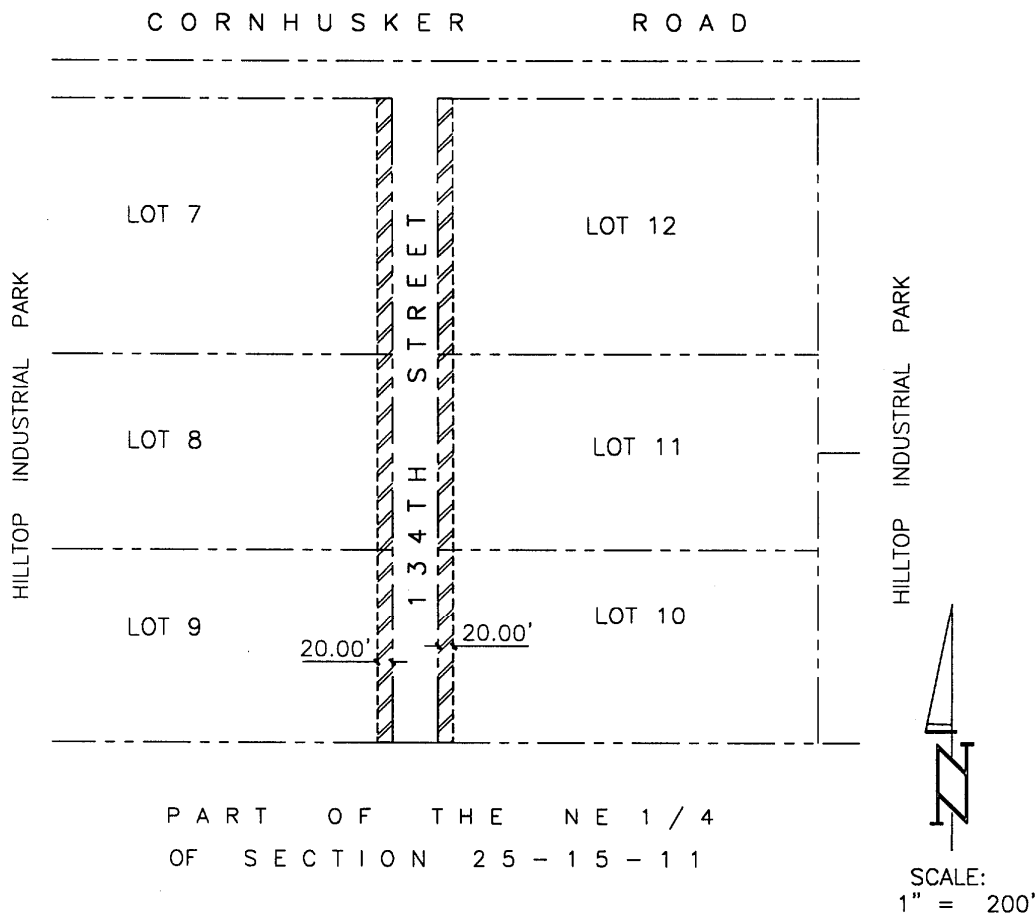
AND

THE WEST 20.00 FEET OF LOTS 4, 5, AND 6, HILLTOP INDUSTRIAL PARK, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN SARPY COUNTY, NEBRASKA.

EXHIBIT "A"

S.I.D. NO. 189, SCN      TD2 FILE NO. 1086-103-E3      DATE: FEB. 17, 1998  
THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860

98-08835C



LEGAL DESCRIPTION

THE EAST 20.00 FEET OF LOTS 8, AND 9, HILLTOP INDUSTRIAL PARK, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN SARPY COUNTY, NEBRASKA.

AND

THE WEST 20.00 FEET OF LOTS 10, 11 AND 12, HILLTOP INDUSTRIAL PARK, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN SARPY COUNTY, NEBRASKA.

EXHIBIT "B"

S.I.D. NO. 189, SCN TD2 FILE NO. 1086-103-E4 DATE: FEB. 17, 1998  
THOMPSON, DRESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860