

2010-09347

04/16/2010 11:19:19 AM

Floyd J. Dowling

REGISTER OF DEEDS



COUNTER P C.E. P
VERIFY P DI
PROOF P
FEES \$ 15.50
CHECK# _____
CHG _____ CASH 20.00
REFUND 4.50 CREDIT _____
SHORT _____ NCR _____

Stamped Copy

**AMENDED AND RESTATED
DECLARATION OF STORM WATER DRAINAGE EASEMENT**

This Amended and Restated Declaration of Storm Water Drainage Easement ("Declaration") hereby amends and restates Instrument Number 2010-07362 filed on March 26, 2010 at the Office of the Register of Deeds, Sarpy County, Nebraska.

SCHEWE FARMS, INC., a Nebraska corporation (the "Grantor"), being the owner of the real estate located in Sarpy County, Nebraska, and legally described on Exhibit "A" attached hereto and incorporated herein by this reference (the "Real Estate"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby grant and convey a permanent nonexclusive storm water drainage easement as more particularly described on Exhibit "A" attached hereto (the "Easement Area").

The sole purpose of this Easement is to provide that any storm water will not be allowed to discharge toward Highway 370 or to the 126th Street public right-of-way immediately adjacent to Highway 370, and further, all storm water runoff will be required to be retained within the Easement Area or discharged to the north pursuant to applicable City of Papillion requirements.

Buildings, parking areas, green areas and landscaping may be permitted in the Easement Area so long as any storm water is not discharged toward Highway 370 or the 126th Street public right-of-way immediately adjacent to Highway 370 from the Easement Area. After having received prior written consent from the Nebraska Department of Roads, Grantor and Grantor's successors and assigns may terminate this Declaration when the easement area has been graded and an underground storm sewer system is constructed, both of which do not allow any storm water from Grantor's land to discharge toward Highway 370 or to the 126th Street public right-of-way.

DATED this 15th day of April, 2010.


SCHEWE FARMS, INC., a Nebraska corporation

By: *Margaret Langpaul*
Margaret Langpaul, President

After recording return to:
John Q. Bachman
Pansing Hogan Ernst & Bachman LLP
10250 Regency Circle, Suite 300
Omaha, NE 68114

Nebraska ^{OK}
 STATE OF ~~IOWA~~)
) ss.:
 COUNTY OF Douglas)

The foregoing instrument was acknowledged before me this 15th day of April, 2010, by Margaret Langpaul, President of SCHEWE FARMS, INC., a Nebraska corporation, on behalf of the corporation.



 Notary Public

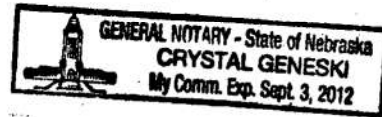


EXHIBIT A

LEGAL DESCRIPTION

A permanent drainage restriction area over that part of the Southeast Quarter of Section 30, Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska, described as follows:

Commencing at a 2" Brass Cap stamped "SARPY COUNTY GOVT CORNER" at the southwest corner of said Southeast Quarter of Section 30;

Thence North 02°30'53" West (bearing referenced to Nebraska State Plane NAD83-2008) for 229.07 feet along the west line of said Southeast Quarter of Section 30 to the north right of way line of State of Nebraska Highway 370;

Thence North 83°19'25" East for 120.32 feet along said north right of way line to the TRUE POINT OF BEGINNING;

Thence North 02°30'53" West for 165.00 feet;

Thence North 87°29'07" East for 75.00 feet;

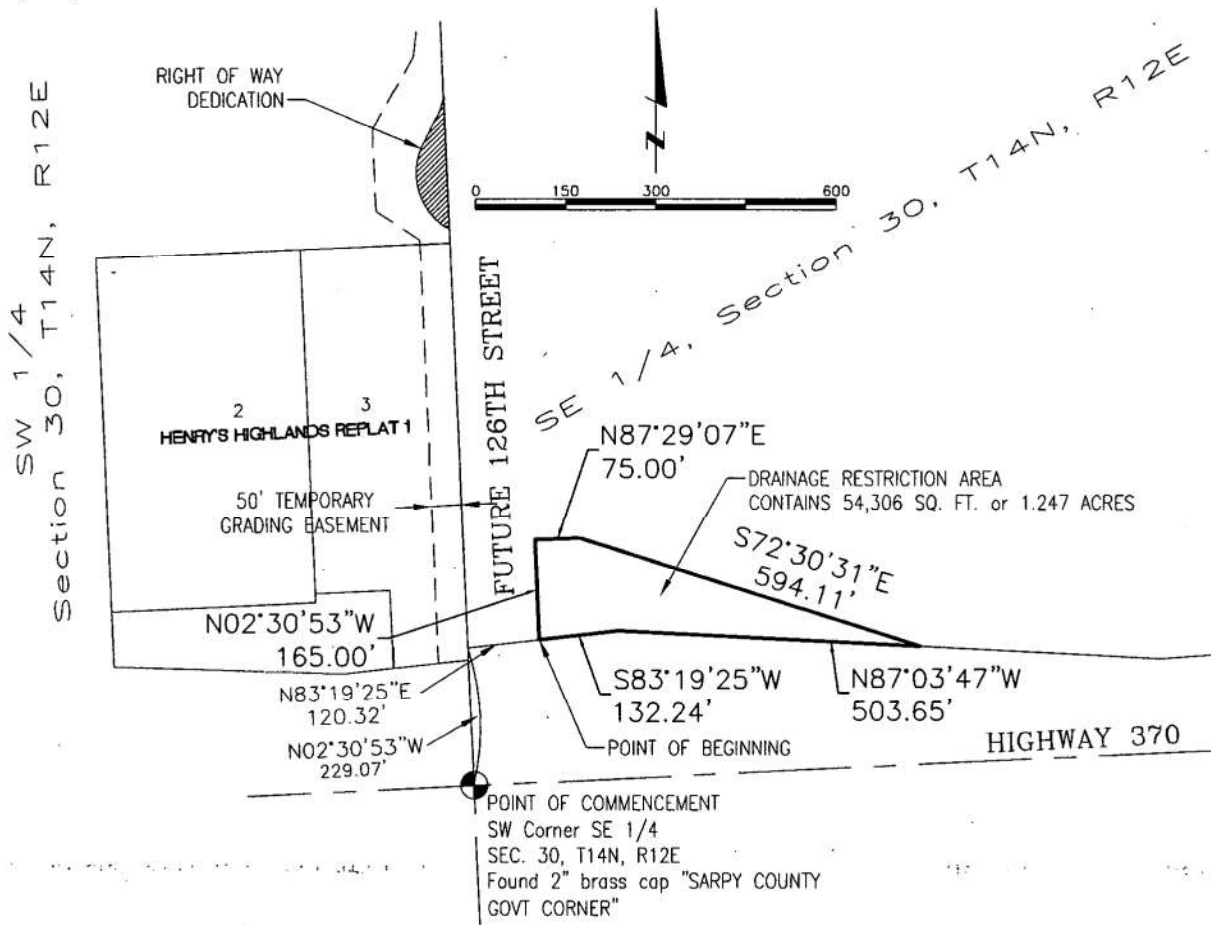
Thence South 72°30'31" East for 594.11 feet to the north right of way line of State of Nebraska Highway 370;

Thence North 87°03'47" West for 503.65 feet along said north right of way line;

Thence South 83°19'25" West for 132.24 feet continuing along said right of way line to the Point of Beginning;

Contains 54,306 square feet, or 1.247 acres.

Note: This drainage restriction area is designed to eliminate the flow of storm water from this area onto the State of Nebraska Highway 370 or to the future 126th Street public right of way immediately adjacent to Highway 370.



Revised

Lamp, Rynearson & Associates, Inc.
 14710 West Dodge Road, Suite 100
 Omaha, Nebraska 68154-2027

WWW.LRA-INC.COM
 (Ph) 402.496.2498
 (Fax) 402.496.2730

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