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A G R E E M E N T

THIS AGREEMENT, made this 12<sup>th</sup> day of October, 1972, by and between Peppertree Apartments, Ltd., a limited partnership, and Sanitary and Improvement District No. 203 of Douglas County, Nebraska, a public corporation, organized under the laws of the State of Nebraska, hereinafter referred to as S.I.D. No. 203;

## WITNESSETH:

WHEREAS, Peppertree Apartments, Ltd., a limited partnership, is the owner of a tract of land hereinafter more specifically described, in Douglas County, Nebraska, which adjoins a tract of ground on which S.I.D. No. 203 will be constructing sewers and paving; and

WHEREAS, both Peppertree Apartments, Ltd., a limited partnership, and S.I.D. No. 203 are desirous of having an outfall sewer system installed in the vicinity of their respective properties, said outfall sanitary sewer system being owned by S.I.D. No. 203; and

WHEREAS, Peppertree Apartments, Ltd., a limited partnership, has agreed to grant both a temporary construction easement and a permanent sanitary sewer easement in favor of S.I.D. No. 203 on property hereinafter described;

NOW, THEREFORE, in consideration of the above premises, the parties hereto agree as follows:

1. Peppertree Apartments, Ltd., a limited partnership, shall and hereby does, grant, bargain and sell a permanent sanitary sewer easement 20 feet in width, described as follows, to S.I.D. No. 203, of Douglas County, Nebraska:

Commencing at the NW corner of the NE $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 34 T16N R12E of the 6th P.M., Douglas County, Nebraska; thence South (assumed bearing) on the West line of said NE $\frac{1}{4}$ , 308.86 feet to the point of beginning; thence South on the West line of said NE $\frac{1}{4}$ , 290.88 feet to a point on the Southerly right of way line of the Chicago and Northwestern Railway; thence South 42° 5' 45" East on the Southerly right of way line of said Chicago and Northwestern Railway, 902.75 feet; thence South 44° 04' 18" East 470.89 feet; thence South 56° 59' 48" East 269.93 feet to a point on the Westerly right of way line of 90th Street; thence Northerly on the curved right of way line of 90th Street (radius being 5864.75 feet) an arc distance of 22.15 feet; thence North 56° 59' 48" West, 256.86 feet;

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thence North  $44^{\circ} 04' 18''$  West 468.29 feet; thence North  $42^{\circ} 05' 45''$  West, 894.89 feet; thence North 261.05 feet; thence North  $42^{\circ} 05' 45''$  West, 29.83 feet to the point of beginning.

Said easement will be for the construction, use and maintenance of a sanitary outfall sewer line.

Moreover, Peppertree Apartments, Ltd., a limited partnership does hereby grant to S.I.D. No. 203 of Douglas County, Nebraska, a temporary construction easement over the following described property for the purpose of facilitating the construction of the aforementioned outfall sewer line:

Commencing at the NW corner of the NE $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 34 T16N R12E of the 6th P.M., Douglas County, Nebraska; thence South (assumed bearing) on the West line of said NE $\frac{1}{4}$ , 264.11 feet to the point of beginning; thence South on the West line of said NE $\frac{1}{4}$ , 290.88 feet to a point on the Southerly right of way line of the Chicago and Northwestern Railway; thence South  $42^{\circ} 5' 45''$  East on the Southerly right of way line of said Chicago and Northwestern Railway, 902.75 feet; thence South  $44^{\circ} 04' 18''$  East, 470.89 feet; thence South  $56^{\circ} 59' 48''$  East, 269.93 feet to a point on the Westerly right of way line of 90th Street; thence Northerly on the curved right of way line of 90th Street (radius being 5864.75 feet) an arc distance of 57.18 feet; thence North  $56^{\circ} 59' 48''$  West, 193.96 feet; thence South  $33^{\circ} 0' 12''$  West, 24.00 feet; thence North  $47^{\circ} 52' 02''$  West, 199.63 feet; thence North  $45^{\circ} 55' 42''$  East, 20.00 feet; thence North  $44^{\circ} 04' 18''$  West, 312.24 feet; thence North  $42^{\circ} 05' 45''$  West, 882.71 feet; thence North 261.05 feet; thence North  $42^{\circ} 5' 45''$  West, 74.58 feet to the point of beginning.

The parties hereto agree that at all times the outfall sanitary sewer in question shall be owned by S.I.D. No. 203 of Douglas County, Nebraska.

2. In consideration of Peppertree Apartments, Ltd., a limited partnership, granting said temporary construction easement and granting a permanent sanitary sewer easement as described above to S.I.D. No. 203 of Douglas County, Nebraska, S.I.D. No. 203 of Douglas County, Nebraska, hereby, and by these presents, does agree to pay \$1,000.00 to Peppertree Apartments, Ltd., a limited partnership, and moreover, agrees to give Peppertree Apartments, Ltd., a limited partnership, two free commercial sanitary sewer connections into the outfall sanitary sewer owned by S.I.D. No. 203, said free sewer connections running from the present facility of Peppertree Apartments, Ltd., a limited partnership, located at 6404 North 90th Street, Omaha,

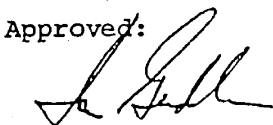
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Douglas County, Nebraska. Peppertree Apartments, Ltd., a limited partnership, agrees to execute and deliver to S.I.D. No. 203 of Douglas County, Nebraska, at any time upon request of S.I.D. No. 203 all necessary documents required to carry out the agreement herein contained.

3. The rights, benefits, and obligations under this agreement may be assigned by the parties hereto, and it is the intent of the parties that the perpetual easement granted hereunder shall run with the land. This agreement shall be binding upon all successors and assigns of the parties hereto.

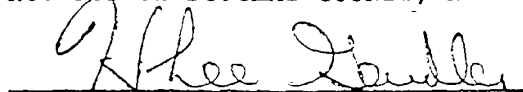
IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year first above written.

Approved:



Clerk

SANITARY AND IMPROVEMENT DISTRICT  
NO. 203 of DOUGLAS COUNTY, NEBRASKA

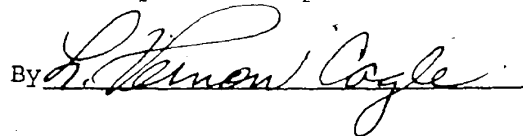


Chairman

Attest:

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PEPPERTREE APARTMENTS, LTD., a  
limited partnership

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