



MISC 2006122170



OCT 24 2006 13:35 P 3

Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
10/24/2006 13:35:08.72



2006122170

**PERMANENT STORM SEWER
AND DRAINAGE EASEMENT**

FOR VALUABLE CONSIDERATION, receipt and sufficiency of which is hereby acknowledged, Fire Omaha, LLC, a Kansas limited liability company (the "Grantor"), hereby grants, transfers and conveys to Sanitary and Improvement District No. 461 of Douglas County, Nebraska, and its successors and assigns, including, but not limited to, the City of Omaha, Douglas County, Nebraska (the "Grantee"), a permanent storm sewer and drainage easement in, through, over and under the parcels of real property described as follows:

See Exhibit "A" attached hereto and by reference made a part hereof for the legal description of the easement areas, hereinafter referred to as the "Easement Area",

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

After completion of the initial installation of the storm sewer lines and drainage areas, Grantee shall restore the surface of the Easement Area 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 constructing, operating and maintaining 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 property arising out of or in connection with construction, operation and maintenance of the above described improvements.

No building, improvement or other structure shall be placed over said Easement Area by the Grantor, or its successors or assigns, without the express written approval of the Grantee, provided, grass and shrubbery, that does not interfere with or in any way obstruct the storm sewer and drainage areas, 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 or drainage area, the Grantee shall have the right to remove such grass and shrubbery, and said premises shall thereafter be restored by the Grantee, its successors and assigns, to the condition thereof existing before said removal.

Upon Recording Return to: James E. Lang, 11718 Nicholas Street, Suite 101, Omaha, NE 68154

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The Grantor hereby warrants and confirms 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 set forth herein. This easement runs with the land and shall run in favor of and be binding upon the parties hereto and to their respective grantees, assigns, successors and agents.

Dated this 23 day of October, 2006.

GRANTOR:

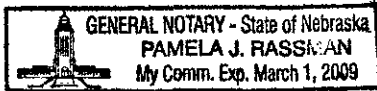
Fire Omaha, LLC, a Kansas limited liability company

By: *Brad Fice*
Its PRESIDENT

STATE OF Nebraska)
~~KANSAS~~)
COUNTY OF Douglas) ss.

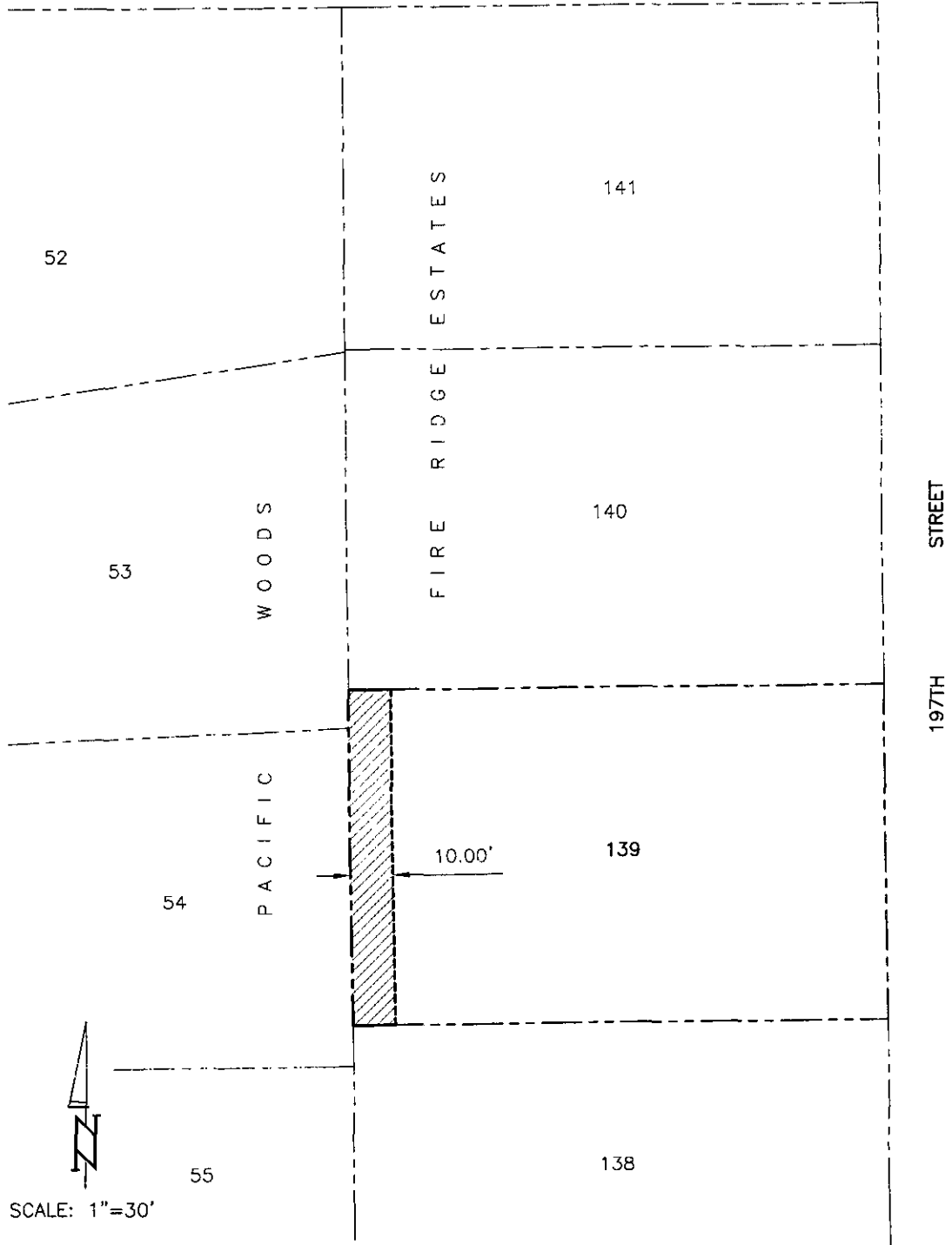
On this 23 day of October, 2006, before me, a Notary Public duly commissioned and qualified in and for said County and State, personally came Brad Fice the Principal of Fire Omaha, LLC, a Kansas limited liability company, known to me to be the identical persons who signed the foregoing instrument and acknowledged the execution thereof to be their voluntary act and deed.

WITNESS my hand and notarial seal the day and year last above written.



Pamela J. Rasmussen
Notary Public

EMILE STREET



LEGAL DESCRIPTION

THE WEST 10.00 FEET IN WIDTH OF LOT 139, FIRE RIDGE ESTATES, A SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA.