

89-13137

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EASEMENT

Gregg Road
REGISTER OF DEEDS

KNOW ALL MEN BY THESE PRESENTS:

That, GREGG ROAD PARTNERSHIP SOUTH, a Nebraska General Partnership, and STEVEN A. WILLETT and LINDA M. WILLETT, husband and wife and TERRILL C. HERRING, hereinafter referred to as GRANTOR (whether one or more), for and in consideration of One (\$1.00) Dollar and Other Valuable Consideration, does hereby grant and convey unto the City of Bellevue, a Municipal Corporation, hereinafter referred to as the City, and its successors and assigns, an Easement for the right to construct, re-construct, grade, re-grade, inspect and maintain a permanent surface drainage area, in, through and under the Permanent Easement Area as described in the attached Exhibit "D".

TO HAVE AND TO HOLD unto said City, its successors and assigns, together with the right of ingress and egress from said premises for the purpose of constructing, re-constructing, grading, re-grading, inspecting and maintaining a permanent storm sewer retention area at the will of the City; it being the intention of the parties that GRANTOR may, following construction of said permanent storm sewer retention area continue to use the surface of the easement strip conveyed hereby subject only to the right of the City to use the same for the purpose herein expressed.

GRANTOR, its successors and assigns, covenant and agree that the City shall have no obligation to construct, re-construct, grade, re-grade, inspect and maintain said storm sewer retention area, but that the CITY shall have the right to construct, re-construct, grade, re-grade, inspect and maintain said storm sewer retention area should GRANTOR, its successors or assigns fail to maintain the same.

It is further agreed as follows:

1. That no buildings, improvements or other structures shall be placed in, on, over or across said easement strip by undersigned, his or her successors and assigns, without the express approval of CITY.

2. That CITY will replace, rebuild or repair any damage which shall be occasioned by the construction or maintenance of said storm sewer retention easement under, around and through the above described premises.

3. That CITY shall cause any trench made on said easement strip to be properly refilled and shall cause the premises to be left in a neat and orderly condition. This easement is also to the benefit of any contractor, agent, employee or representative of the CITY and any of said construction and work.

4. That said GRANTOR for Themselves and Their heirs, executors and administrators does or do confirm with the CITY and its assigns, that they, the GRANTOR, is or are well siezed in fee of the above desribed property and that they has or have the right to grant and convey this easement in the manner and form aforesaid, and that they will, and their heirs, executors and administrators, shall warrant and defend this easement to the CITY and its assigns, against the lawful claims and demands of all persons. This easement runs with the land.

5. That this instrument contains the entire agreement of the parties; that there are no other different agreements or understandings between the GRANTOR and the CITY or its agents; and that the GRANTOR in executing and delivering this instrument, has not relied upon any promises, inducements or representations of the CITY or its agents, or employees except as set forth herein.

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IN WITNESS WHEREOF, said Grantor has or have set their hand(s) this 9th day of August, 1989.

Charles R. Clatterbuck
GREGG ROAD PARTNERSHIP SOUTH
by CHARLES R. CLATTERBUCK
GENERAL PARTNER

Terrill C. Herring
TERRILL C. HERRING

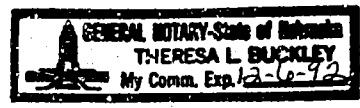
Steven A. Willett
STEVEN A. WILLETT

Linda M. Willett
LINDA M. WILLETT

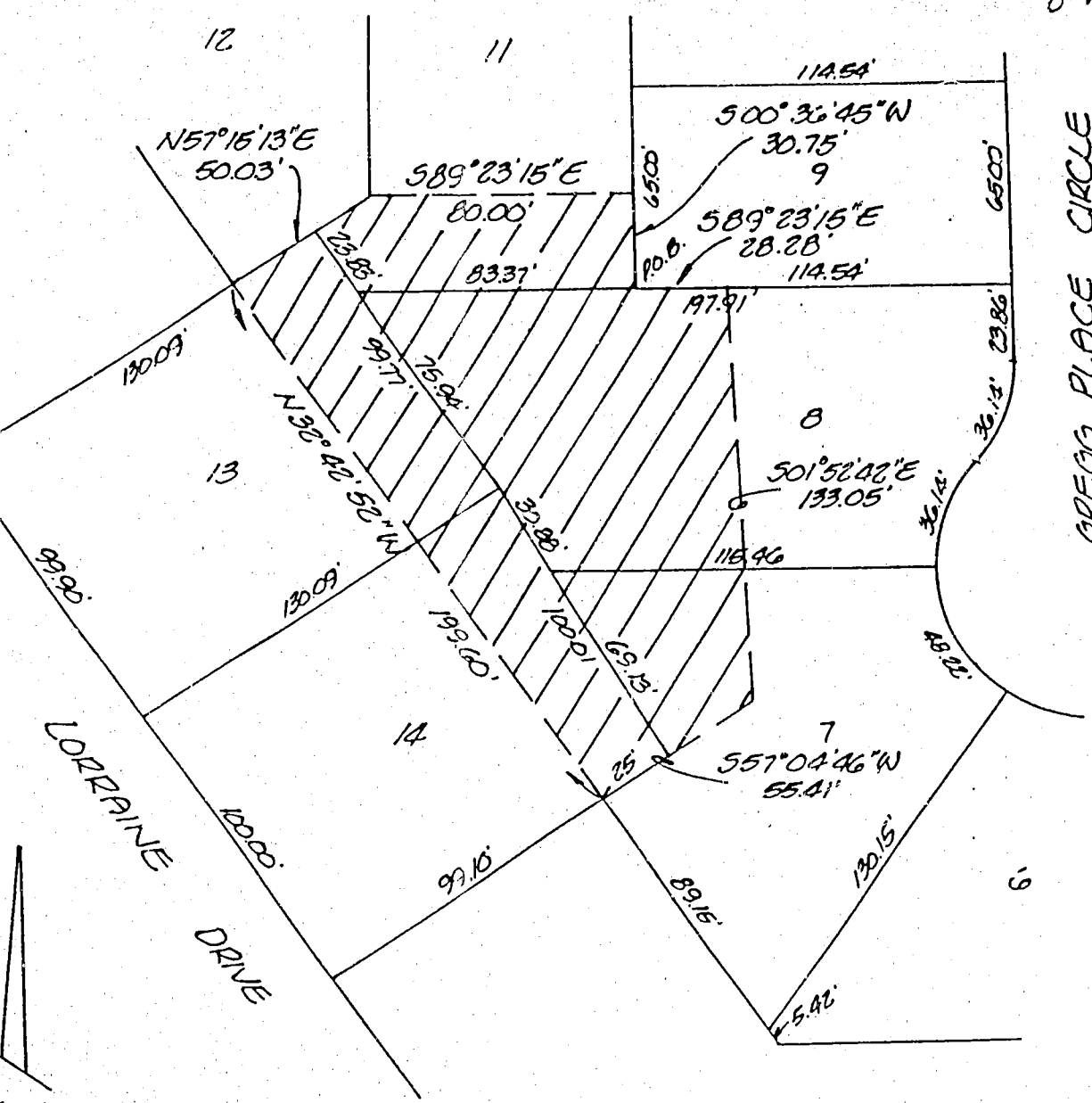
STATE OF NEBRASKA)
) ss.
COUNTY OF SARPY)

On this 9th day of Aug., 1989, before me a Notary Public, duly commissioned and qualified for said county, appeared Charles R. Clatterbuck, Terrill C. Herring, Steven A. Willett and Linda M. Willett, known by me to be the identical persons whose names are affixed to this document, and they did acknowledge the execution thereof to be their voluntary act and deed.

My commission expires 12-6-92. Theresa L. Buckley
NOTARY PUBLIC



89-13137.B



GREGG PLACE CIRCLE

LORRAINE DRIVE

LEGAL DESCRIPTION

PART OF LOTS 7, 8, 11, 13 AND 14, GREGG ROAD PLACE SOUTH AS SURVEYED, PLATTED AND RECORDED IN SARPY COUNTY, NEBRASKA, MORE FULLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 9, OF SAID GREGG ROAD PLACE SOUTH; THENCE S89°23'15"E ALONG THE SOUTH LINE OF SAID LOT 9 28.28 FEET, THENCE S01°52'42"E 133.05 FEET; THENCE S57°04'46"W, 55.41 FEET, THENCE N32°42'52"W 199.60 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID LOT 13, THENCE N57°15'13"E, 50.03 FEET; THENCE S89°23'15"E, 80.00 FEET TO A POINT ON THE EAST LINE OF SAID LOT 11; THENCE S00°36'45"W ALONG SAID EAST LINE OF LOT 11, 30.75 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.42 ACRES.

EXHIBIT D

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