

JDB

3 GAINES, MULLEN, PANSING &  
HOGAN  
10050 REGENCY CIRCLE, SUITE 200  
OMAHA, NEBRASKA 68114

RECORDED

SEP 29 10 07 AM '93

B  
CASH 27562 BK 1097 R 82-479 PD OU-21530  
TYPE Misc PG 584-586 C/O \_\_\_\_\_ COMP 8 SCAN 8  
FEE 2100 OF Misc LEGL PG \_\_\_\_\_ MC \_\_\_\_\_ FV \_\_\_\_\_

RECORDS  
DOUGLAS COUNTY, NE

DECLARATION OF  
STORM WATER DETENTION EASEMENT

This Declaration of Storm Water Detention Easement is made as of this 24<sup>th</sup> day of September, 1993, by WILLIAM H. FLEMING, a single person, and L & B DEVELOPMENT COMPANY, a Nebraska corporation (herein collectively referred to as the "Declarant").

PRELIMINARY STATEMENT

Declarant is the owner of certain real property legally described as:

Lots 1 through 12, inclusive, in Lakemont, a Subdivision, as surveyed, platted, and recorded in Douglas County, Nebraska.

Such lots are herein referred to collectively as the "Lots" and individually as each "Lot". Declarant anticipates the sale of the Lots to persons who will construct and maintain a single family residence on each Lot.

Declarant has determined that it is necessary to reserve a portion of Lot 9 (herein the "Restricted Lot") to allow storm water drainage to flow from the Restricted Lot and other Lots (herein the "Benefitted Lots") and collect onto such portion of Lot 9. In furtherance thereof, Declarant desires to impose a storm water detention easement on the Restricted Lot to allow storm water drainage from the Benefitted Lots on, across, and under part of Lot 9.

NOW, THEREFORE, the Declarant hereby declares that the Benefitted Lots and each of the Restricted Lots shall be held, sold, and conveyed subject to the following easement which shall run with the Benefitted Lots and the Restricted Lot and shall be binding upon all parties having or acquiring any right, title, or interest to the Benefitted Lots and Restricted Lot:

1. Declarant hereby reserves and grants to itself, the owners of the Benefitted Lots, and their respective successors and assigns, a perpetual easement (herein the "Drainage Easement") for water and related drainage from the Benefitted Lots, on, over, and under that portion of the Restricted Lot as pictorially illustrated on Exhibit "A" attached hereto (the "Drainage Easement Area"). The Drainage Easement created herein shall not create any right or obligation for the owner of the Restricted Lot to construct improvements over and under the Drainage Easement Area. The owner of the Restricted Lot may not construct and make surface and subsurface improvements to the Drainage Easement Area which will adversely impact or effect drainage from the Benefitted Lots on, across and under the Drainage Easement Area.


2. The Drainage Easement granted herein shall run with the land, inure to the benefit of, and be binding upon, the Declarant, the owners of the Restricted Lot and Benefitted Lots, and each of their respective heirs, personal representatives, successors and assigns.

IN WITNESS WHEREOF, the Declarant has executed this Declaration of Storm Water Detention Easement as of the date and year first above written.

DECLARANT:

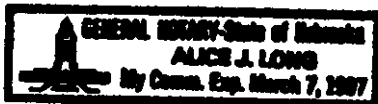
  
 \_\_\_\_\_  
 William H. Fleming


L & B DEVELOPMENT COMPANY, a Nebraska corporation

By:   
 \_\_\_\_\_  
 William H. Fleming, President

STATE OF NEBRASKA )  
 ) ss.  
 COUNTY OF DOUGLAS )

Acknowledged this 24 day of September, 1993, before me, a notary public in and for said county and state, by William H. Fleming, a single person.



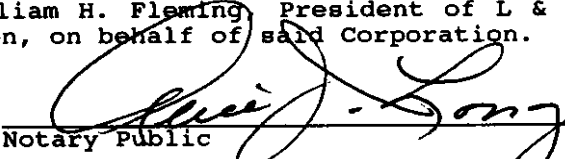
  
 \_\_\_\_\_  
 Notary Public

STATE OF NEBRASKA )  
 ) ss.  
 COUNTY OF DOUGLAS )

NOTARIAL SEAL AFFIXED  
 REGISTER OF DEEDS

Acknowledged this 24 day of September, 1993, before me, a notary public in and for said county and state, by William H. Fleming, President of L & B DEVELOPMENT COMPANY, a Nebraska corporation, on behalf of said Corporation.



  
 \_\_\_\_\_  
 Notary Public

NOTARIAL SEAL AFFIXED  
 REGISTER OF DEEDS

# LAKEMONT

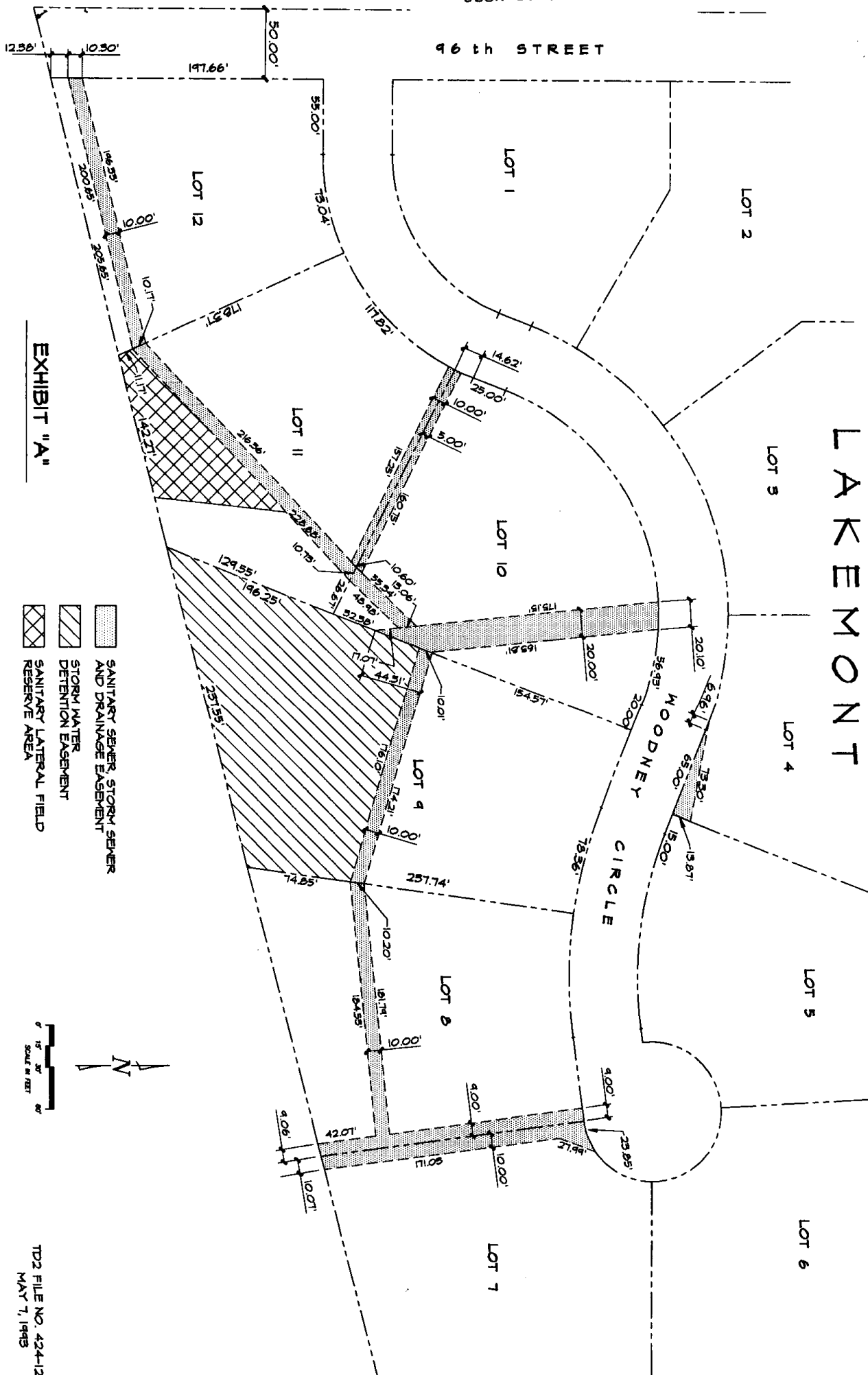



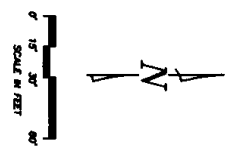


EXHIBIT "A"

-  SANITARY SEWER, STORM SEWER AND DRAINAGE EASEMENT
-  STORM WATER DETENTION EASEMENT
-  SANITARY LATERAL FIELD RESERVE AREA



TD2 FILE NO. 424-121  
MAY 7, 1948