THIS PAGE INCLUDED FOR

INDEXING

PAGE DOWN FOR BALANCE OF INSTRUMENT

BOOK 1019 PAGE 225 PROJECT NO. _____ 29

TRACT NO. _____

PERMANENT SEWER EASEMENT

KNOW ALL MEN BE THESE PRESENTS:

THAT CENTER ROAD RETAIL DEVELOPERS LIMITED PARTNERSHIP AND CONSTRUCTION DEVELOPERS, INC. hereinafter referred to as GRANTOR, (whether one or more) for and in consideration of the sum of Ten and 00/100 Dollars ($10.00 -) and other valuable consideration, the receipt of which is hereby acknowledged, does hereby grant and convey unto the CITY OF OMAHA, NEBRASKA, a Municipal Corporation, hereinafter referred to as CITY, and to its successors and assigns, an easement for the right to construct, maintain and operate a Sanitary and Storm Sewer, and appurtenances thereto, in, through, and under the parcel of land described as follows, to-wit:

See attached Exhibits "STSN-F", "SN-D", "ST-A", and "SN-O"

171844 MISC

RECEIVED JUL 1 3 14 PM '92 GEORGE J. BUGLEWICZ REGISTER OF DEEDS DOUGLAS COUNTY, NE

BK 1019 N ____ C/O ____ FEE 53.00

PG 225-234 DEL VK MC ____

OF MISC COMP ____ F/B 61-28224

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, inspecting, maintaining or operating said Sewer at the will of the CITY. The GRANTOR may, following construction of said Sewer, continue to use the surface of the easement strip conveyed hereby for other purposes, subject to the right of the CITY to use the same for the purposes herein expressed.

It is further agreed as follows:

1. That no buildings, improvements, or other structures, except signage shall be placed in, on, over, or across said easement strip by GRANTOR, his or their successors and assigns without express approval of the CITY. Improvements which may be approved by CITY include landscaping or road, street or parking area surfacing or pavement. These improvements and any trees, grass or shrubbery placed on said easement shall be maintained by GRANTOR, his heirs, successors or assigns.

2. That CITY will replace or rebuild any and all damage to improvements caused by CITY exercising its rights of inspecting, maintaining or operating said Sewer, except that, damage to, or loss of, trees and shrubbery and signage will not be compensated for by CITY.

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 for the benefit of any contractor, agent, employee, or representative of the CITY and any of said construction and work.

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

5. That said easement is granted upon the condition that the CITY will remove or cause to be removed all presently existing improvements thereon, including but not limited to, crops, vines, trees within the easement area as necessary for construction.

6. That this instrument contains the entire agreement of the parties; that there are no other different agreements or understandings, except a Temporary Construction Easement if and as applicable, 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 are set forth herein.

IN WITNESS WHEREOF said GRANTOR has or have hereunto set his or their hand(s) this 29th day of May A.D., 19 92.

CENTER ROAD RETAIL DEVELOPERS LIMITED
~~PARTNERSHIP, an Indiana Limited Partnership~~
By: CENTER-SIMON RETAIL DEVELOPERS LIMITED PARTNERSHIP, an Indiana Limited Partnership, General Partner
By: CS RETAIL DEVELOPERS, INC., an Indiana Corporation, its General Partner

Name of Corporation

Corporate Seal

By _____ President
David Simon, Vice President

~~Attest~~ _____ ~~Secretary~~

Form C

(Acknowledged on reverse side hereof)

Box 29

This Instrument should be returned after recording to:
Martin I. Bahr Esq.
Greenberger, Krauss & Tenenbaum
180 N. LaSalle, Suite 2700
Chicago IL 60601

CONSTRUCTION DEVELOPERS, INCORPORATED, an Arkansas corporation

By: _____

CORPORATE ACKNOWLEDGEMENT

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

On this 29th day of May, 1992, before me, the undersigned, a Notary Public in and for said County and State, personally appeared David Simon, to me personally known as the Vice President of CS RETAIL DEVELOPERS, INC., an Indiana Corporation, General Partner of CENTER-SIMON RETAIL DEVELOPERS LIMITED PARTNERSHIP, an Indiana Limited Partnership, General Partner of CENTER ROAD RETAIL DEVELOPERS LIMITED PARTNERSHIP, an Indiana Limited Partnership, who executed the foregoing instrument for and on behalf of said Corporation by authority of its Board of Directors.

WITNESS my hand and notarial seal in said County and State the day and year last above written.

Darlene E. Garvey
Notary Public

My Commission expires:

DARLENE E. GARVEY, Notary Public
County of Residence: Johnson
My Commission Expires: Jan. 18, 1994

M:756KH

CORPORATE ACKNOWLEDGMENT

STATE OF ARKANSAS)
) SS:
COUNTY OF PULASKI)

On this day personally appeared before me, a Notary Public within and for the above State, duly qualified, commissioned and acting, JAMES E. DARR, JR., to me well known, who stated he is Vice President of CONSTRUCTION DEVELOPERS, INCORPORATED, an Arkansas corporation, and was duly authorized in that capacity to execute this instrument in the name and on behalf of the corporation, and stated he had executed and delivered this instrument for the consideration and purposes and in the capacity set forth therein.

WITNESS my hand and seal this 29 day of May, 1992.

MARIE WHITEAKER NOTARY PUBLIC JEFFERSON CO., ARK.

Marie Whiteaker
NOTARY PUBLIC

My commission expires:
1-13-2002

Exhibit STSN-F
1-10-92

61-28224

SANITARY SEWER & STORM SEWER EASEMENT

LEGAL DESCRIPTION OF TRACT:

A tract of land being part of Lot 5 in Oak View, a Subdivision, located in the West Half (W1/2) of Section 36, Township 15 North, Range 11 East, Douglas County, Nebraska and more particularly described as follows:

Permanent Easement:

Beginning at the most Northerly point of said Lot 5, Oak View Subdivision; thence Southeasterly along the Easterly Lot line of said Lot 5 and Westerly right-of-way (R.O.W.) line of Oak View Drive, on a curve to the left, said curve having a radius of 650.76 feet, a long chord of 69.71 feet bearing S25°53'28"E, and an arc length of 69.74 feet; thence N58°26'52"W, a distance of 33.77 feet; thence S60°11'37"W, a distance of 237.33 feet; thence N54°32'35"W, a distance of 23.28 feet to a point on the Southeastrly lot line of Lot 13, Oak View Subdivision; thence Northeasterly along the said Southeasterly Lot line of Lot 13, Oak View Subdivision, on a curve to the right, said curve having a radius of 80.85 feet, a long chord of 20.73 feet bearing N49°23'26"E, and an arc length of 20.78 feet to a point of tangency, said point of tangency being the most Easterly Lot corner of said Lot 13, Oak View Subdivision; thence N56°45'17"E a distance of 248.11 feet to the Point of Beginning;
the total area of the tract is 0.197 acres more or less.

LKC:jrh8

B910334

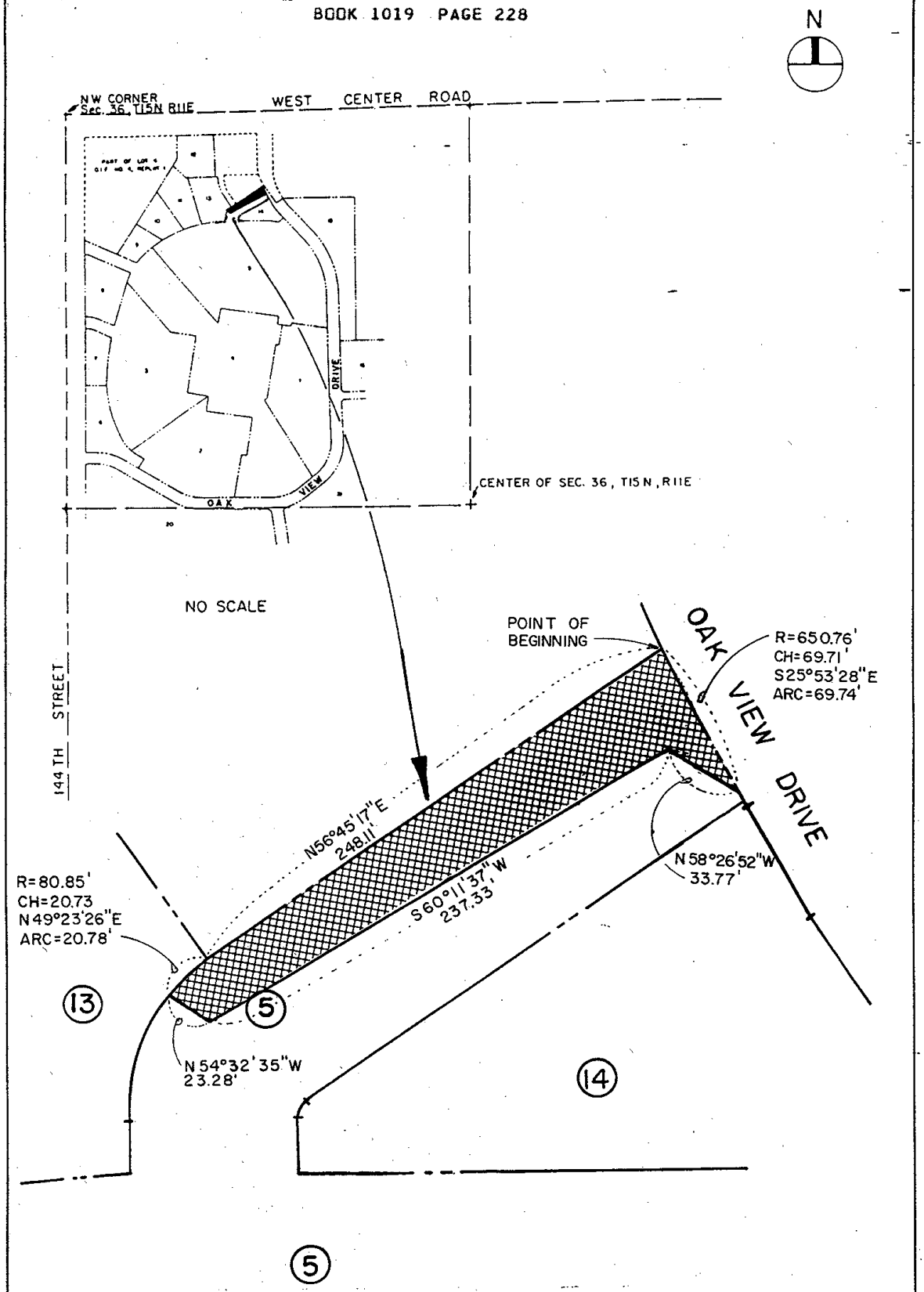

EXHIBIT STSN-F

SCALE: 1"=50'

Exhibit SN-D
2-21-92
Plate 2/2

61-28224

LEGAL DESCRIPTION
PERMANENT SANITARY SEWER EASEMENT
OAK VIEW MALL

An easement for Sanitary Sewer purposes located in part of Lots 3, 4, & 5, Oak View, a Subdivision located in the West Half (W1/2) of Section 36, Township 15 North, Range 11 East, Douglas County, Nebraska and more particularly described as follows:

Commencing at the Southeast corner of said Lot 8; thence Northeasterly along the Easterly lot line of said Lot 8 on a curve to the right, said curve having a radius of 1655.00 feet, a long chord of 13.74 feet bearing N14°57'15"E (assumed bearing) and an arc length of 13.74 feet to the true Point of Beginning; thence Northeasterly along the Easterly lot line of Lot 8, Oak View, on a curve to the right, said curve having a radius of 1655.00 feet, a long chord of 3.09 feet bearing N15°14'44"E and an arc length of 3.09 feet to a point of tangency; thence N15°17'56"E, 20.71 feet along the said Easterly lot line of Lot 8; thence S41°54'00"E, 28.94' feet; thence S81°32'18"E, 320.67 feet; thence S81°16'21"E, 312.89 feet; thence N8°43'39"E, 70.22 feet; thence S39°33'32"E, 9.78 feet; thence N8°42'31"E, 122.28; thence S81°16'21"E, 12.74 feet; thence S8°43'39"W, 206.00 feet; thence N81°16'21"W, 332.85 feet; thence N81°32'18"W, 327.83 feet; thence N41°54'00"W, 23.25 feet to the Point of Beginning; containing 0.379 acres more or less.

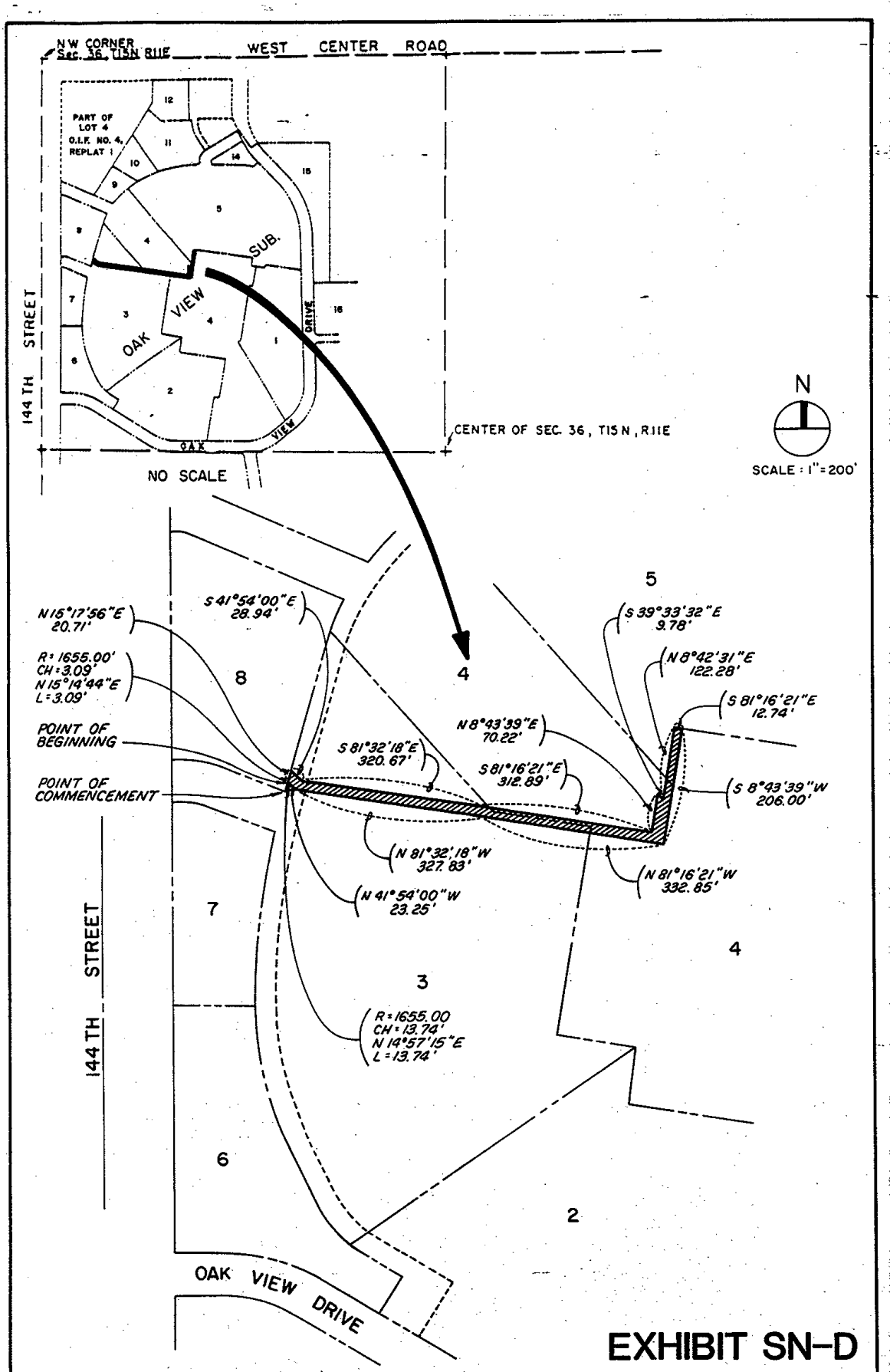

EXHIBIT SN-D

PLATE	DATE	TITLE	
1/2	2-21-92	SANITARY SEWER EASEMENT	KIRKHAM, MICHAEL AND ASSOCIATES — ARCHITECTS ENGINEERS PLANNERS
	K.M.A. NO. 8910334	PROJECT OAK VIEW SUBDIVISION	

Exhibit ST-A
1-10-92

61-28224

STORM SEWER EASEMENT

LEGAL DESCRIPTION OF TRACT:

A tract of land being part of Lots 4, 5, 9, 11, & 13 in Oak View, a Subdivision, located in the West Half (W1/2) of Section 36, Township 15 North, Range 11 East, Douglas County, Nebraska and more particularly described as follows:

Permanent Easement:

Commencing at the Southeasterly corner of said Lot 5, Oak View Subdivision, said point also being on the Westerly right-of-way (R.O.W.) line of Oak View Drive; thence N1°19'53"W, (assumed bearing) along the said Westerly R.O.W. line of Oak View Drive, a distance of 52.30 feet to the True Point of Beginning; thence N73°39'29"W, a distance of 161.03 feet; thence N14°37'37"W, a distance of 286.11 feet; thence N81°16'22"W, a distance of 514.10 feet; thence N42°00'46"W, a distance of 165.52 feet; thence N39°33'33"W, a distance of 97.09 feet; thence S57°45'59"W, a distance of 396.97 feet; thence N58°09'43"W, a distance of 148.29 feet to a point on the Westerly Lot line of said Lot 9, Oak View Subdivision; thence N31°50'17"E along the Westerly Lot line of said Lot 9, Oak View Subdivision, a distance 20.00 feet; thence S58°09'43"E, a distance of 135.78 feet; thence N57°45'59"E, a distance of 394.83 feet; thence N69°29'31"E, a distance of 156.78 feet; thence N84°13'23"E, a distance of 61.68 feet; thence N35°27'25"E, a distance of 91.26 feet; thence S54°32'35"E, a distance of 20.00 feet; thence S35°27'25"W, a distance of 100.33 feet; thence S84°13'23"W, a distance of 67.72 feet; thence S69°29'31"W, a distance of 140.09 feet; thence S39°33'33"E, a distance of 91.43 feet; thence S42°00'46"E, a distance of 157.96 feet; thence S81°16'22"E, a distance of 507.02 feet; thence N32°28'57"E, a distance of 182.58 feet; thence N47°28'03"E, a distance of 12.03 feet to a point on the Westerly R.O.W. line of Oak View Drive, and Northeasterly Lot line of Said Lot 5, Oak View Subdivision; thence Southeasterly along the said Westerly R.O.W. line of Oak View Drive and Northeasterly Lot line of said Lot 5, Oak View Subdivision, on a curve to the right, said curve having a radius of 550.00 feet, a long chord of 20.12 feet bearing S36°16'54"E and an arc length of 20.12 feet; thence S47°28'03"W, a distance of 7.21 feet; thence S32°28'57"W, a distance of 182.11 feet; thence S14°37'37"E, a distance of 277.00 feet; thence S73°39'29"E, a distance of 143.34 feet to a point on the Westerly R.O.W. line of Oak View Drive, and Easterly Lot line of said Lot 5, Oak View Subdivision; thence S1°19'53"E along the Westerly R.O.W. line of Oak View Drive, and Easterly Lot line of said Lot 5, Oak View Subdivision, a distance of 20.99 feet to the Point of Beginning; the total area of the tract is 1.04 acres, more or less.

LKC:jrh9

B910334

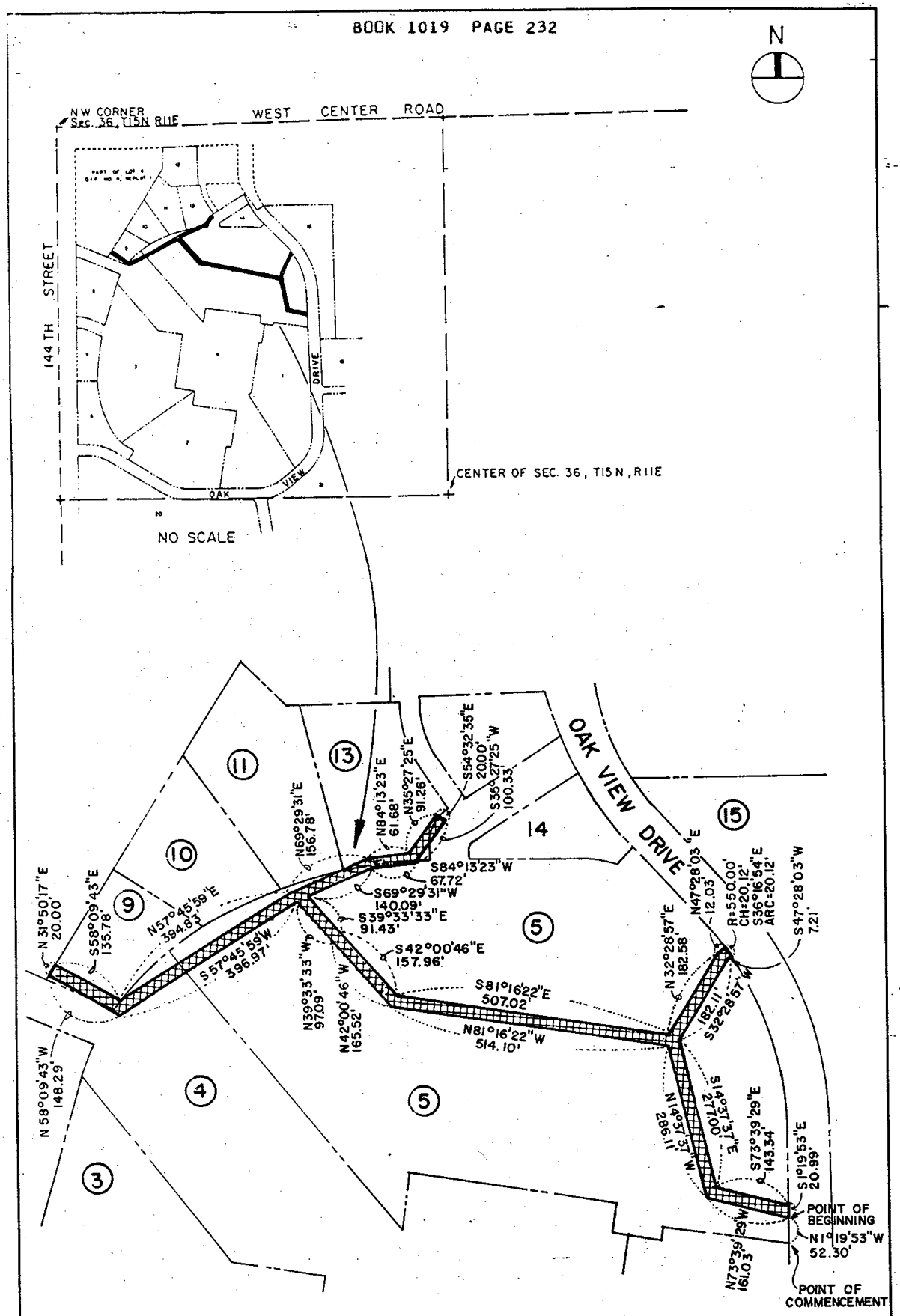

EXHIBIT ST-A

SCALE: 1"=200'

Exhibit SN-O
2-21-92
Plate 2/2

61-28324

LEGAL DESCRIPTION
PERMANENT SANITARY SEWER EASEMENT
ON DILLARD'S TRACT
OAK VIEW MALL

An easement for Sanitary Sewer purposes located in part of Lots 4 and 5, Oak View, a subdivision located in the West half (W1/2) of Section 36, Township 15 North, Range 11 East, Douglas County, Nebraska and more particularly described as follows:

Commencing at the Westerly most corner of said Lot 5; thence S39°33'32"E, 660.65 feet along the Southwesterly lot line of said Lot 5 to the true Point of Beginning; thence N8°43'39"E, 78.94 feet; thence S81°16'21"E, 7.26 feet; thence S8°42'31"W, 122.28 feet; thence N39°33'32"W, 9.78 feet; thence N8°43'39"E, 36.84 feet to the Point of Beginning; containing 866 square feet more or less.

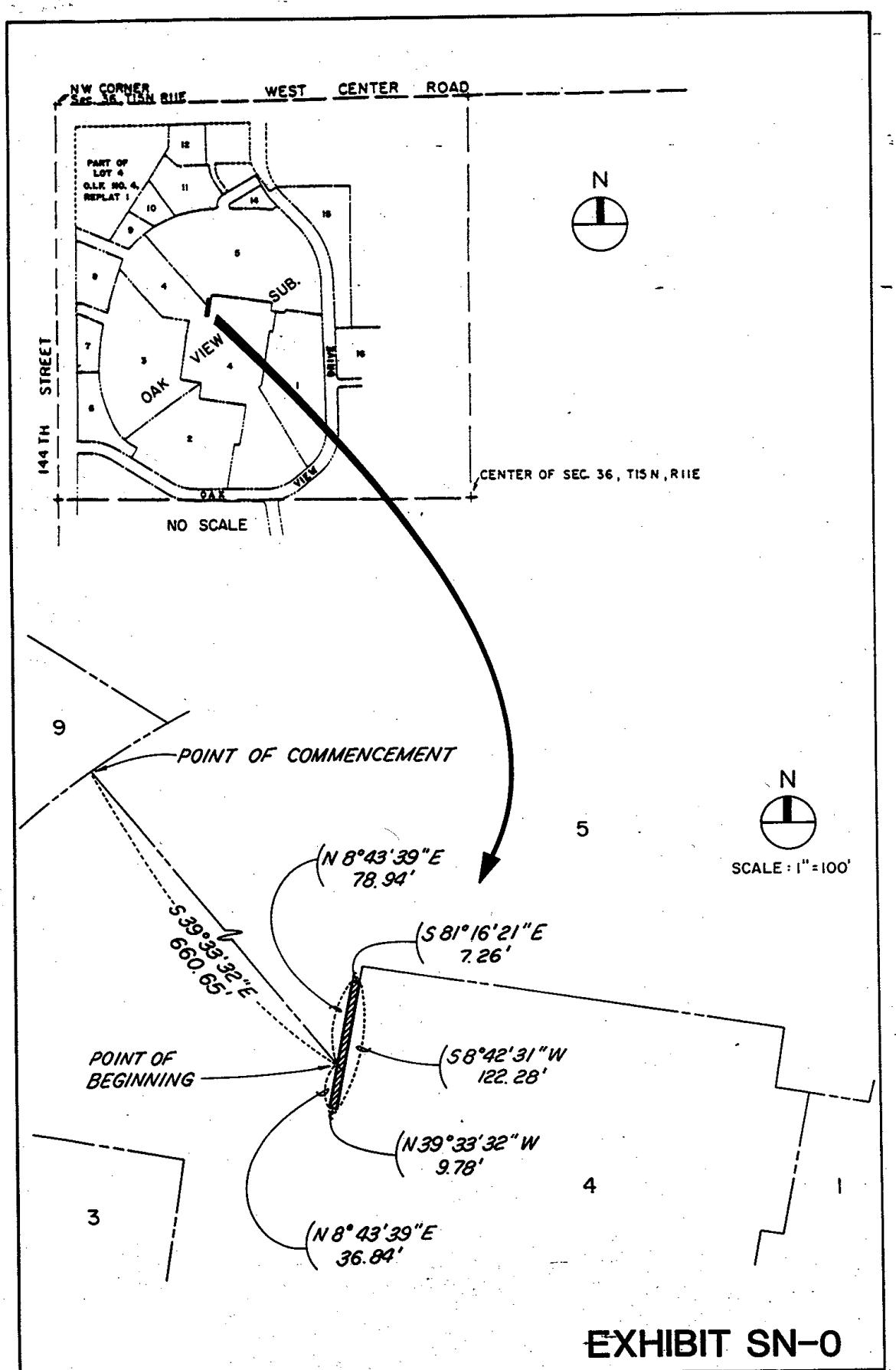

EXHIBIT SN-0

PLATE	DATE	TITLE	
1/2	2-21-92	DILLARDS TRACT SANITARY SEWER EASEMENT	KIRKHAM, MICHAEL AND ASSOCIATES — ARCHITECTS ENGINEERS PLANNERS
	K.M.A. NO. B910334	PROJECT OAK VIEW SUBDIVISION	