

EASEMENT

WHEREAS, Fountain Hills Joint Venture, a Nebraska Joint Venture, which joint venture is composed of Equity Services, Inc., a Iowa corporation, and Creative Land Consultants, Inc., a Nebraska corporation (said joint venture being herein referred to as the "Grantor") desires to grant a perpetual sanitary, sewer, and drainage easement over certain property owned by the Grantor to Sanitary and Improvement District No. 291 of Douglas County, Nebraska, and the City of Omaha, a municipal corporation, in the State of Nebraska (herein collectively referred to as the "Grantee" except as otherwise noted),

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, the Grantor, being the owner of the property described in Exhibits 1, 2, and 3 does herewith give and grant unto the Grantee, its successors and assigns, a perpetual sewer and drainage easement over, on across, under the property as shown on Exhibits "1" through "3" attached hereto and incorporated herein by reference as all set out herein.

1. The scope and purpose of the easement is for the construction, repair, maintenance, replacement and renewal of sanitary sewer and storm sewer pipe lines, including all necessary manholes and other related appurtenances, and the transmission through said sewers of sanitary sewage and storm water. The Grantee shall have full right and authority to enter upon said easement way in order to perform any of the acts and functions described within the scope and purpose of said easement. Provided, however, that the rights in said easements of the City of Omaha shall have no force and effect unless and until the property on which said sanitary sewer and/or storm sewer improvements are constructed shall be annexed as a part of said City and the City shall have a legal obligation to maintain said sewer improvements as public facilities.

2. By accepting and recording this perpetual easement, said Sanitary and Improvement District No. 291 of Douglas County, Nebraska, agrees forthwith, and said City of Omaha, agrees effective with the annexation of the property on which such sewer improvements are constructed, to make good or cause to be made good to the owner or owners of the property in which the same were constructed, any of all damage that may be done by reason of negligent changes, alterations, maintenance, inspection, repairs or construction in the way of damage to trees, grounds, buildings, or other improvements abutting thereon, including crops, vines, and gardens; provided, however, that this provision does not apply to any of the aforesaid located in, on, over or across said easement or any part thereof.

3. Grantor herein for itself, its successors and assigns does hereby covenant and agree with the said Grantee and its successors and assigns that at the time of the execution and delivery of these presents, Grantor is lawfully seized of such premises, that the Grantor has good right, and lawful authority to grant said easement way, and that the Grantor further hereby covenants to warrant and defend said easement way against the lawful claims of all persons whomsoever.

4. This Easement shall be binding upon the successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the Grantor herein, for itself, its successors and assigns, has caused the due execution hereof as of the date and year first above written.

FOUNTAIN HILLS JOINT VENTURE,
a Nebraska Joint Venture

By: Creative Land Consultants, Inc.,
a Nebraska corporation, a joint
venturer, signing in behalf of
all of the joint venturers pursuant
to the power granted to Creative
Land Consultants, Inc., as
contained in Paragraph 20 of
the Joint Venture Agreement
dated June 28, 1977 by and between
Equity Services Corporation, an
Iowa Corporation, and Creative
Land Consultants, Inc., a
Nebraska Corporation.

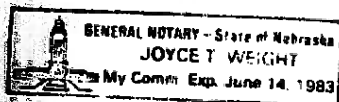
By: *Gene D. Svensen*
President

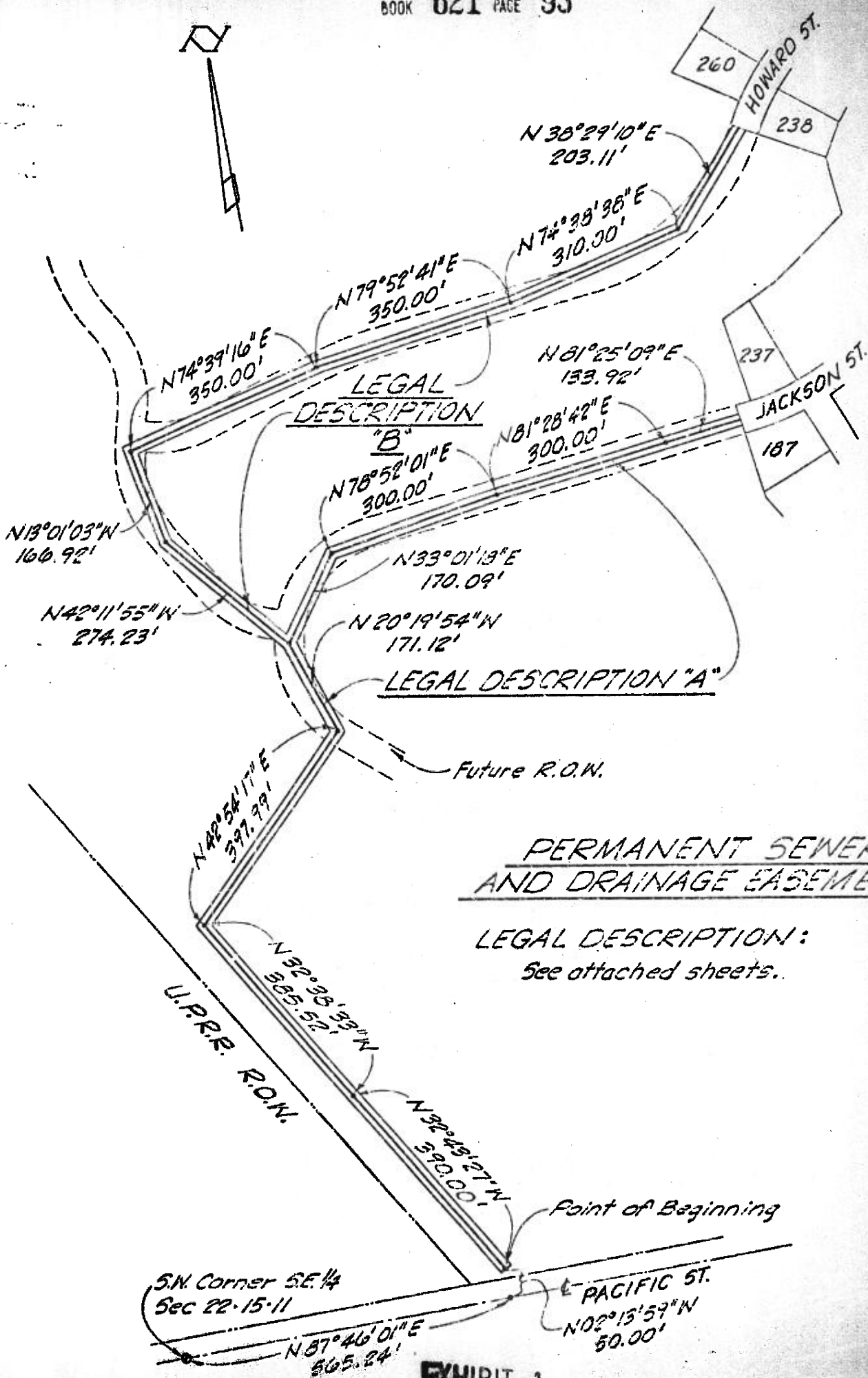
STATE OF NEBRASKA)
) SS
COUNTY OF DOUGLAS)

On this 10th day of September, 1979, before me the undersigned a Notary Public in and for said county, personally came Gene D. Svensen, President of Creative Land Consultants, Inc., personally known to me to be the President and identical person whose name is affixed to the foregoing instrument and he acknowledged the execution thereof to be his voluntary act and deed as such person, his voluntary act and deed as the officer of said corporation, the voluntary act and deed of said corporation, and the voluntary act and deed of said joint venture, and the corporate seal of said corporation was affixed thereto by its authority.

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

Joyce T. Weight
Notary Public





PERMANENT SEWER AND DRAINAGE EASEMENT

LEGAL DESCRIPTION:
See attached sheets.

S.W. Corner SE 1/4
Sec 22-15-11

Point of Beginning

EXHIBIT 1

THE SCHEMMER ASSOCIATES INC.
ARCHITECTS · ENGINEERS · PLANNERS

LEGAL DESCRIPTION

PERMANENT SEWER AND DRAINAGE EASEMENTS

SANITARY AND IMPROVEMENT DISTRICT NO. 291

PROJECT NO. 1147D-03

DECEMBER 20, 1978

LEGAL DESCRIPTION "A"

A 20-FOOT WIDE PERMANENT SEWER AND DRAINAGE EASEMENT (LYING 10 FEET EITHER SIDE OF FOLLOWING DESCRIBED CENTER LINE) LOCATED IN THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 15 NORTH, RANGE 11 EAST OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA, THE CENTER LINE OF WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 22-15-11; THENCE NORTH $87^{\circ}46'01''$ EAST (ASSUMED BEARING) ALONG THE SOUTH LINE OF SAID SECTION (A.K.A. THE CENTER LINE OF PACIFIC STREET) A DISTANCE OF 565.24 FEET; THENCE NORTH $02^{\circ}13'59''$ WEST, A DISTANCE OF 50 FEET TO THE POINT OF BEGINNING; THENCE NORTH $32^{\circ}43'27''$ WEST, A DISTANCE OF 390 FEET; THENCE NORTH $32^{\circ}38'33''$ WEST, A DISTANCE OF 385.52 FEET; THENCE NORTH $42^{\circ}54'17''$ EAST, A DISTANCE OF 397.99 FEET; THENCE NORTH $20^{\circ}19'54''$ WEST, A DISTANCE OF 171.12 FEET; THENCE NORTH $33^{\circ}01'18''$ EAST, A DISTANCE OF 170.09 FEET; THENCE NORTH $78^{\circ}52'01''$ EAST, A DISTANCE OF 300 FEET; THENCE NORTH $81^{\circ}28'42''$ EAST, A DISTANCE OF 300 FEET; THENCE NORTH $81^{\circ}25'09''$ EAST, A DISTANCE OF 133.92 FEET TO A POINT LOCATED ON THE PLATTED BOUNDARY OF FOUNTAIN HILLS, LOTS 187 THRU 260 (SAID POINT ALSO BEING LOCATED ON THE EXTENDED WESTERNMOST LINE OF LOT 187 AND 25.14 FEET NORTHERLY OF THE NORTHWESTERNMOST CORNER OF SAID LOT).

EXHIBIT 1

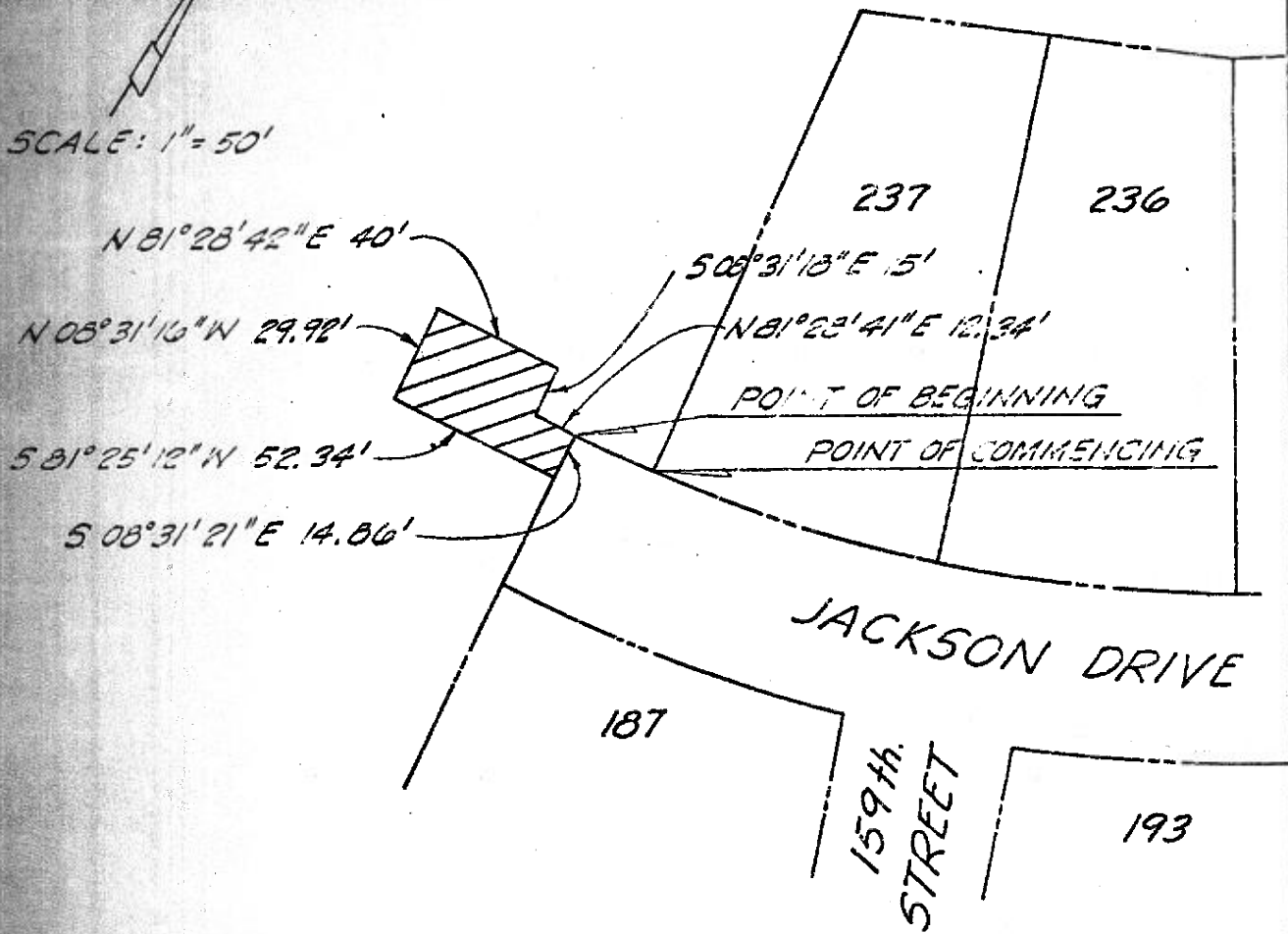
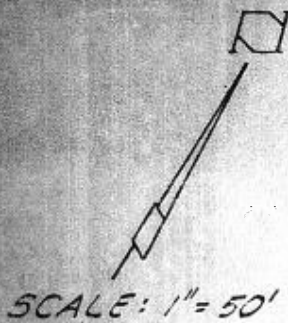
LEGAL DESCRIPTION "B"

A 20-FOOT WIDE PERMANENT SEWER AND DRAINAGE EASEMENT (LYING 10 FEET EITHER SIDE OF FOLLOWING DESCRIBED CENTER LINE) LOCATED IN THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 15 NORTH, RANGE 11 EAST OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA, THE CENTER LINE OF WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 22-15-11; THENCE NORTH $87^{\circ}46'01''$ EAST (ASSUMED BEARING) ALONG THE SOUTH LINE OF SAID SECTION (A.K.A. THE CENTER LINE OF PACIFIC STREET) A DISTANCE OF 565.24 FEET; THENCE NORTH $02^{\circ}13'59''$ WEST, A DISTANCE OF 50 FEET; THENCE NORTH $32^{\circ}43'27''$ WEST, A DISTANCE OF 390 FEET; THENCE NORTH $32^{\circ}38'33''$ WEST, A DISTANCE OF 385.52 FEET; THENCE NORTH $42^{\circ}54'17''$ EAST, A DISTANCE OF 397.99 FEET; THENCE NORTH $20^{\circ}19'54''$ WEST, A DISTANCE OF 171.12 FEET TO THE POINT OF BEGINNING; THENCE NORTH $42^{\circ}11'55''$ WEST, A DISTANCE OF 274.23 FEET; THENCE NORTH $13^{\circ}01'03''$ WEST, A DISTANCE OF 166.92 FEET; THENCE NORTH $74^{\circ}39'16''$ EAST, A DISTANCE OF 350 FEET; THENCE NORTH $79^{\circ}52'41''$ EAST, A DISTANCE OF 350 FEET; THENCE NORTH $74^{\circ}38'38''$ EAST, A DISTANCE OF 310 FEET; THENCE NORTH $38^{\circ}29'10''$ EAST, A DISTANCE OF 203.11 FEET TO A POINT LOCATED ON THE PLATTED BOUNDARY OF FOUNTAIN HILLS, LOTS 187 THRU 260 (SAID POINT ALSO BEING LOCATED ON THE EXTENDED SOUTHERLY LINE OF LOT 238 AND 35.81 FEET WESTERLY OF THE WESTERNMOST CORNER OF SAID LOT).

THE SCHEMME ASSOCIATES INC.
ARCHITECTS-ENGINEERS-PLANNERS
10830 OLD MILL ROAD
OMAHA, NEBRASKA 68154

EXHIBIT 1



PERMANENT SEWER AND DRAINAGE EASEMENT

LEGAL DESCRIPTION:

See attached sheet

EXHIBIT 2

THE SCHEMMER ASSOCIATES INC.

ARCHITECTS • ENGINEERS • PLANNERS

DESIGNED _____ DRAWN J.F.G. CHECKED M.D.E. DATE JAN. 1979 SHEET NO. 1 of 2

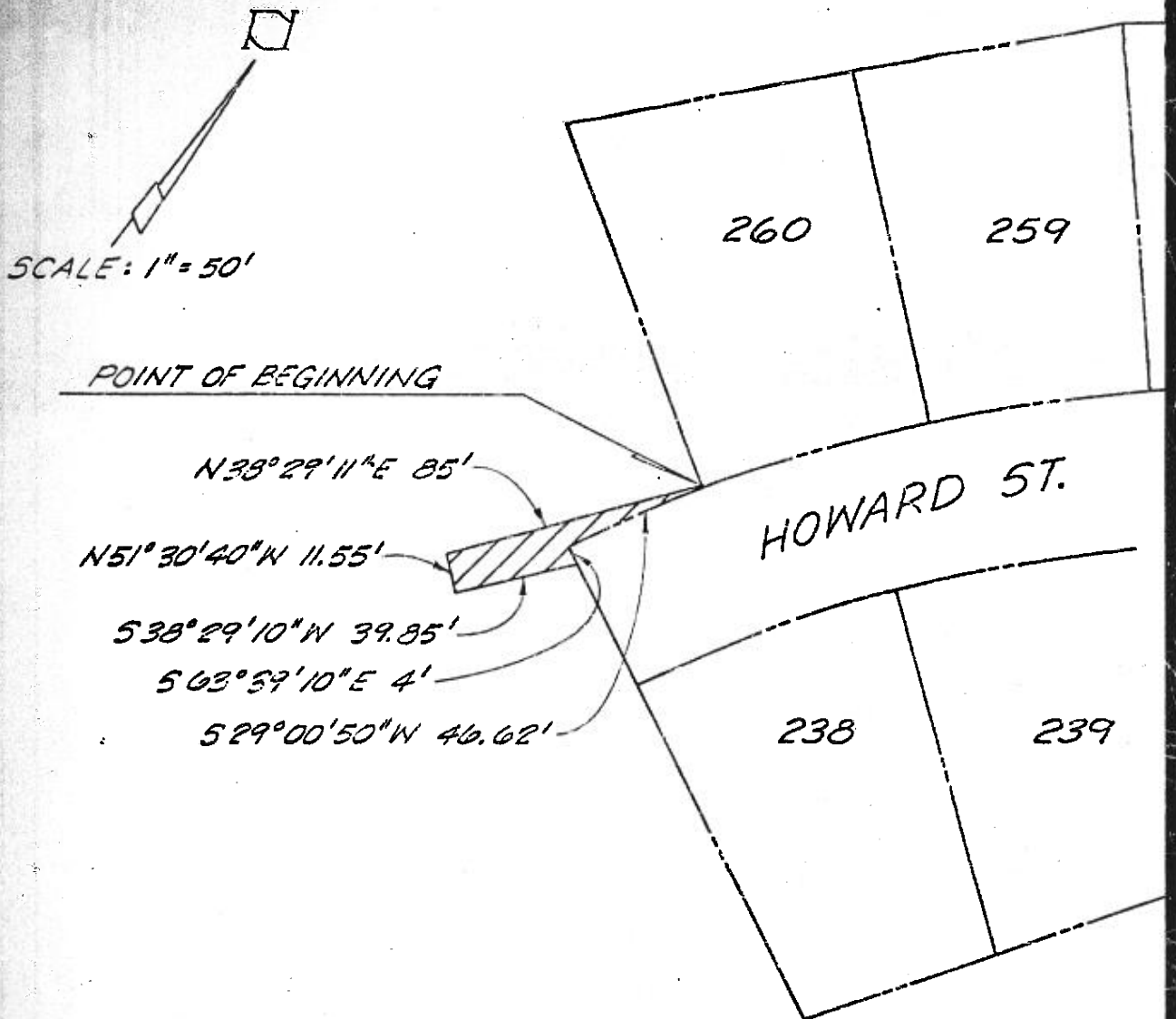
LEGAL DESCRIPTION

PERMANENT SEWER AND DRAINAGE EASEMENT

THE FOLLOWING IS THE LEGAL DESCRIPTION OF A PERMANENT SEWER AND DRAINAGE EASEMENT LOCATED IN THE EAST ONE-HALF OF SECTION 22-15-11 EAST OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWESTERLY CORNER OF LOT 237, FOUNTAIN HILLS (LOTS 187 THRU 260), A PLATTED AND RECORDED SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA, SAID POINT ALSO BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF JACKSON DRIVE; THENCE SOUTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE, SAID RIGHT-OF-WAY LINE BEING A 415.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 12.88 FEET TO A POINT OF TANGENCY; THENCE SOUTH $81^{\circ}28'42''$ WEST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 12.66 FEET TO THE POINT OF BEGINNING; THENCE SOUTH $08^{\circ}31'21''$ EAST, A DISTANCE OF 14.86 FEET; THENCE SOUTH $81^{\circ}25'12''$ WEST, A DISTANCE OF 52.34 FEET; THENCE NORTH $08^{\circ}31'16''$ WEST, A DISTANCE OF 29.92 FEET; THENCE NORTH $81^{\circ}28'42''$ EAST, A DISTANCE OF 40 FEET; THENCE SOUTH $08^{\circ}31'18''$ EAST, A DISTANCE OF 15 FEET; THENCE NORTH $81^{\circ}28'41''$ EAST, A DISTANCE OF 12.34 FEET TO THE POINT OF BEGINNING.

EXHIBIT 2



PERMANENT SEWER AND DRAINAGE EASEMENT

LEGAL DESCRIPTION:

See attached sheet

EXHIBIT 3

THE SCHEMMER ASSOCIATES INC.

ARCHITECTS • ENGINEERS • PLANNERS

DESIGNED _____ DRAWN J.F.G. CHECKED M.D.S. DATE JUL 1979 SHEET NO. 1 of 2

LEGAL DESCRIPTION

PERMANENT SEWER AND DRAINAGE EASEMENT

THE FOLLOWING IS THE LEGAL DESCRIPTION OF A PERMANENT SEWER AND DRAINAGE EASEMENT LOCATED IN THE EAST ONE-HALF OF SECTION 22-15-11 EAST OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHWESTERLY CORNER OF LOT 260, FOUNTAIN HILLS (LOTS 187 THRU 260); THENCE SOUTH 29°00'50" WEST, A DISTANCE OF 46.62 FEET; THENCE SOUTH 63°39'10" EAST, A DISTANCE OF 4 FEET; THENCE SOUTH 38°29'10" WEST, A DISTANCE OF 39.85 FEET; THENCE NORTH 51°30'40" WEST, A DISTANCE OF 11.55 FEET; THENCE NORTH 38°29'11" EAST, A DISTANCE OF 85 FEET TO THE POINT OF BEGINNING.



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EXHIBIT 3

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1979 SEP 21 PM 2:13
HAROLD OSTLIN
REGISTER OF DEEDS
DOUGLAS COUNTY, NEBR.

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