

FILED SARPY CO. NE.
INSTRUMENT NUMBER
99-028275

99 SEP -8 AM 11:35

Shirley J. Lawing
REGISTER OF DEEDS

99-28275
Counter aa
Verify S
D.E. m
Proof ML
Fee \$ 22.00
Ek Cash Chg
TD

AFTER RECORDING RETURN TO:

JAMES F. KASHER
CROKER, HUCK, KASHER, DeWITT,
ANDERSON & GONDERINGER, P.C.
2120 S 72 ST STE 1250
OMAHA NE 68124

PERPETUAL EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT **BENCHMARK HOMES, INC.**, a Nebraska corporation (hereinafter referred to as "Grantor"), for and in consideration of the sum of Ten and no/100ths Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, does hereby grant and convey unto **SANITARY AND IMPROVEMENT DISTRICT NO. 208 OF SARPY COUNTY, NEBRASKA** (hereinafter referred to as "Grantee"), its successors and assigns, a perpetual easement and connection right over, under, on and across **that part of Lots 279 and 280, and that part of Lots 274 and 275, Sunrise Addition, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska, more particularly described on Exhibits "A" and "B" attached hereto and incorporated herein by this reference.**

The scope and purpose of said easement is for the use, construction, repair, maintenance, replacement and renewal of storm sewer pipe line, including related appurtenances, and the transmission through said sewers of storm and other run-off water. The Grantee and its contractor and engineers shall have full right and authority to enter upon said easementway in order to perform any of the acts and functions described within the scope and purposes of such easement.

By accepting and recording this perpetual easement grant, said Grantee, Sanitary and Improvement District No. 208 of Sarpy County, Nebraska, agrees forthwith to make good or cause to be made good to the owner or owners of the property in which same are constructed, any and all damage that may be done by reason of construction, alterations, maintenance, inspection, repairs or reconstruction in the way of damage to trees, grounds, or other improvements thereon, including crops, vines and gardens.

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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 said premises; that Grantor has good right and lawful authority to grant said perpetual storm sewer and drainage easement; and Grantor further hereby covenants to warrant and defend said easementway against the lawful claims of all persons whomsoever.

This instrument shall be binding on 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 31st day of August, 1999.

BENCHMARK HOMES, INC.

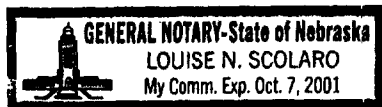
By: [Signature]
Title: President

STATE OF NEBRASKA)
) ss.
COUNTY OF _____)

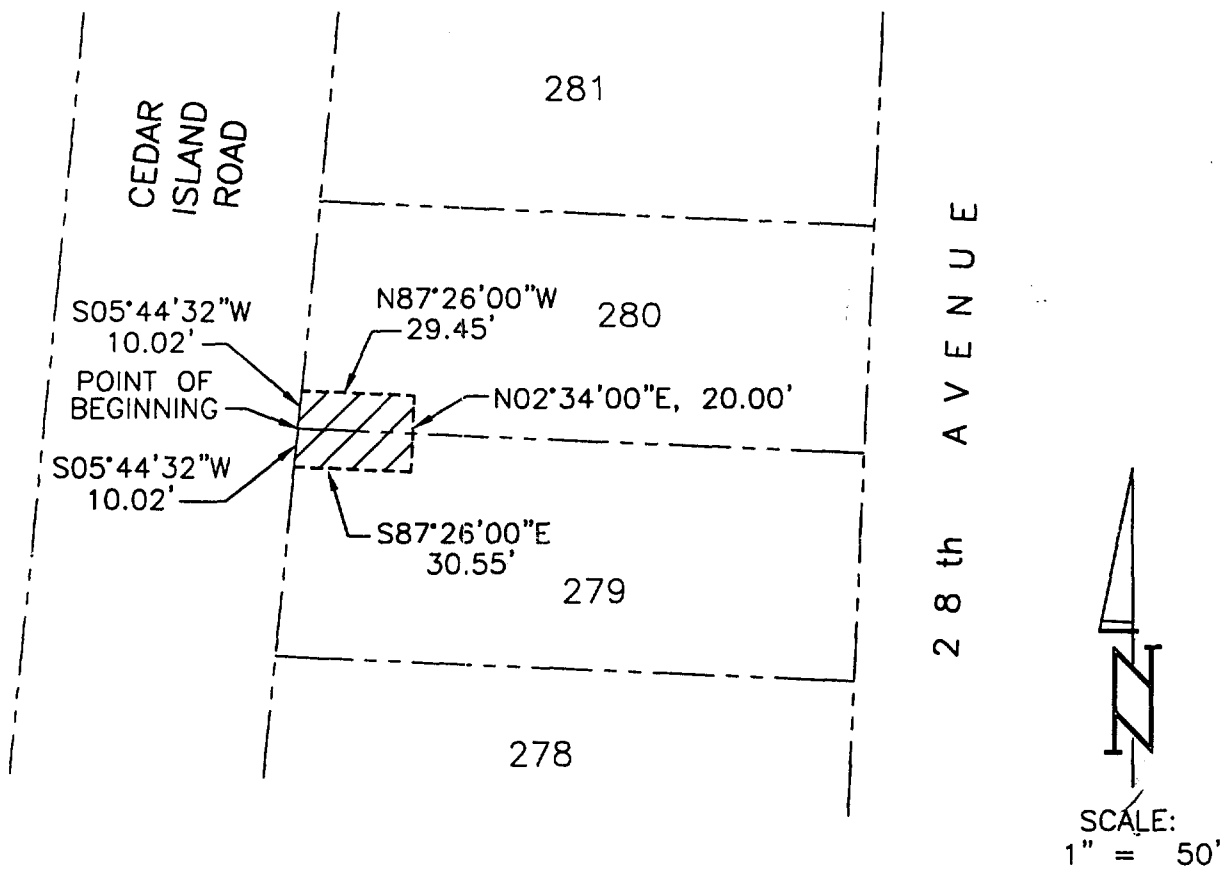
The foregoing instrument was acknowledged before me this 31st day of August, 1999, by John C. Czerwinski, Jr., President of Benchmark Homes, Inc., on behalf of the corporation.

[Signature]
Notary Public

60426.1



99-28275B



LEGAL DESCRIPTION

THAT PART OF LOTS 279 AND 280, SUNRISE ADDITION, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS; BEGINNING AT THE NW CORNER OF SAID LOT 279;

THENCE S05°44'32"W (ASSUMED BEARING) 10.02 FEET ON THE WEST LINE OF SAID LOT 279;

THENCE S87°26'00"E 30.55 FEET ON A LINE 10.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID LOT 279;

THENCE N02°34'00"E 20.00 FEET;

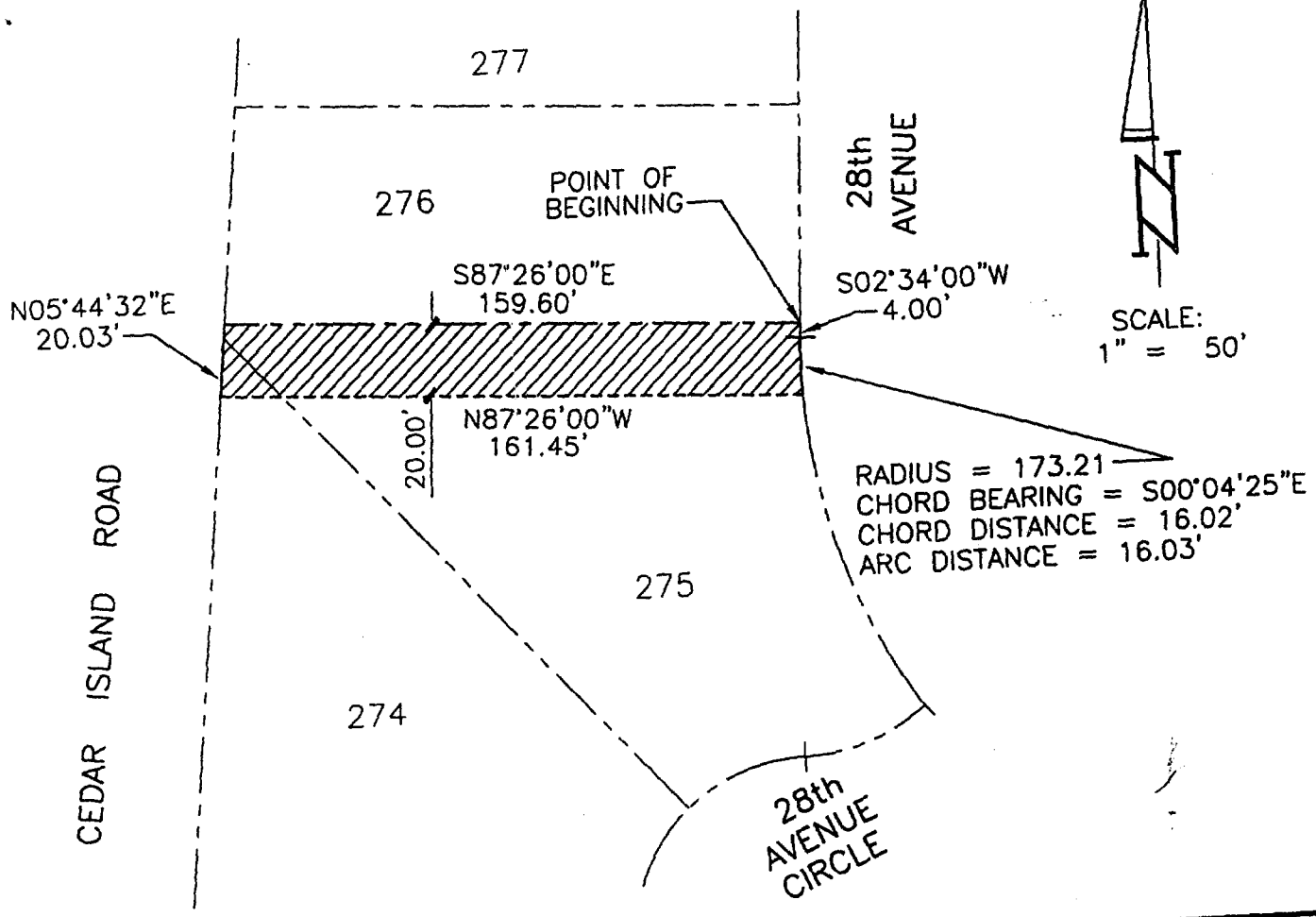
THENCE N87°26'00"W 29.45 FEET ON A LINE 10.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 280 TO THE WEST LINE THEREOF;

THENCE S05°44'32"W 10.02 FEET ON THE WEST LINE OF SAID LOT 280 TO THE POINT OF BEGINNING.

EXHIBIT A

BENCHMARK HOMES TD2 FILE NO. 122-191-E1 DATE: JULY 27, 1999
THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860

99-28275C



LEGAL DESCRIPTION

THAT PART OF LOTS 274 AND 275, SUNRISE ADDITION, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:
 BEGINNING AT THE NE CORNER OF SAID LOT 275;

THENCE S02°34'00"W (ASSUMED BEARING) 4.00 FEET ON THE EAST LINE OF SAID LOT 275;

THENCE SOUTHERLY ON THE EAST LINE OF SAID LOT 275 ON A 173.21 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING S00°04'25"E, CHORD DISTANCE 16.02 FEET, AN ARC DISTANCE OF 16.03 FEET;

THENCE N87°26'00"W 161.45 FEET ON A LINE 20.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID LOT 275 TO THE WEST LINE OF SAID LOT 274;

THENCE N05°44'32"E 20.03 FEET ON THE WEST LINES OF SAID LOTS 274 AND 275 TO THE NW CORNER OF SAID LOT 275;

THENCE S87°26'00"E 159.60 FEET ON THE NORTH LINE OF SAID LOT 275 TO THE POINT OF BEGINNING.

EXHIBIT B

BENCHMARK HOMES
 THOMPSON, DREESSEN & DORNER, INC.,

TD2 FILE NO. 122-191-E2

DATE: JULY 27, 1999

10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860