



MISC 2007104593

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SEP 12 2007 15:22 P 6

PERMANENT STORM SEWER EASEMENT

Received - DIANE L. BATTIATO

Register of Deeds, Douglas County, NE

9/12/2007 15:22:34.82



2007104593

KNOW ALL MEN BY THESE PRESENTS:

THAT **BRUNING ENTERPRISES, LLC**, a Nebraska limited liability company (hereinafter referred to as "GRANTOR"), for and in consideration of the sum of **One Dollar (\$1.00)** and other valuable consideration, the receipt of which is hereby acknowledged, on the property described below, does hereby donate, grant and convey unto the **CITY OF BENNINGTON, NEBRASKA**, a municipal corporation (hereinafter referred to "CITY"), and to its successors and assigns, permanent easements for the right to construct, maintain and operate storm sewers, drainage structures and/or drainage ways, and appurtenances thereto, in, through and under the parcels of land described as follows, to-wit:

**SEE EXHIBITS "A", "B", "C" AND "D" ATTACHED HERETO
PERMANENT EASEMENT LEGAL DESCRIPTIONS**

TO HAVE AND TO HOLD unto the CITY, its successors and assigns, together with the right of ingress and egress from said premises for the purpose of constructing, inspecting, maintaining, operating, repairing or replacing said sewers, drainage structures and/or drainage ways at the will of the CITY. The GRANTOR may, following construction of said sewers, drainage structures and/or drainage way continue to use the surface of the easements 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, nor any grading, fill or fill material or embankment work, shall be placed in, on, over or across said easements by GRANTOR and its successors and assigns without express approval of the CITY. Improvements which may be approved by the CITY include landscaping, road and/or street surfaces, parking area surfacing and/or pavement. These improvements and any trees, grass or shrubbery placed on said easements shall be maintained by GRANTOR and its successors or assigns.
- 2) That CITY will replace or rebuild any and all damage to improvements caused by the CITY exercising its rights of inspecting, maintaining or operating said sewers, except that damage to, or loss of trees and shrubbery will not be compensated for by the CITY.
- 3) This permanent sewer 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 CITY shall cause any trench made on said easements to be properly refilled and shall cause the premises to be left in a neat and orderly condition.

After recording, please return to:
John Q. Bachman
PANSING HOGAN ERNST & BACHMAN LLP
10250 Regency Circle, Suite 300
Omaha, NE 68114

✓ 103195

- 5) That GRANTOR for itself and its successors and assigns does confirm with the CITY and its successors and assigns that it is well seized in fee of the above-described property and that it has the right to grant and convey this permanent sewer easement in the manner and form aforesaid. This permanent sewer easement runs with the land.
- 6) This permanent sewer easement is granted upon the condition that the CITY may remove or cause to be removed all presently existing improvements thereon, including but not limited to, crops, vines, and trees within the easements as necessary for construction.
- 7) This instrument contains the entire agreement of the parties; that there are no other or different agreements or understandings between the GRANTOR and the CITY; 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.

IN WITNESS WHEREOF said GRANTOR has hereunto set its hand this 12th day of September, 2007.

BRUNING ENTERPRISES, LLC, a Nebraska limited liability company

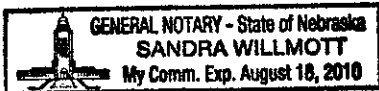
By: Robert J. Bruning
Robert J. Bruning, Manager

By: Sharon S. Bruning
Sharon S. Bruning, Manager

STATE OF NEBRASKA)
) ss.:
COUNTY OF DOUGLAS)

On this 12th day of September, 2007, before me, the undersigned, a Notary Public in and for said County, personally came Robert J. Bruning and Sharon S. Bruning, Managers of Bruning Enterprises, LLC, a Nebraska limited liability company, to me personally known to be the identical persons whose names are affixed to the foregoing instrument, and acknowledged the execution thereof to be their voluntary act and deed on behalf of said limited liability company.

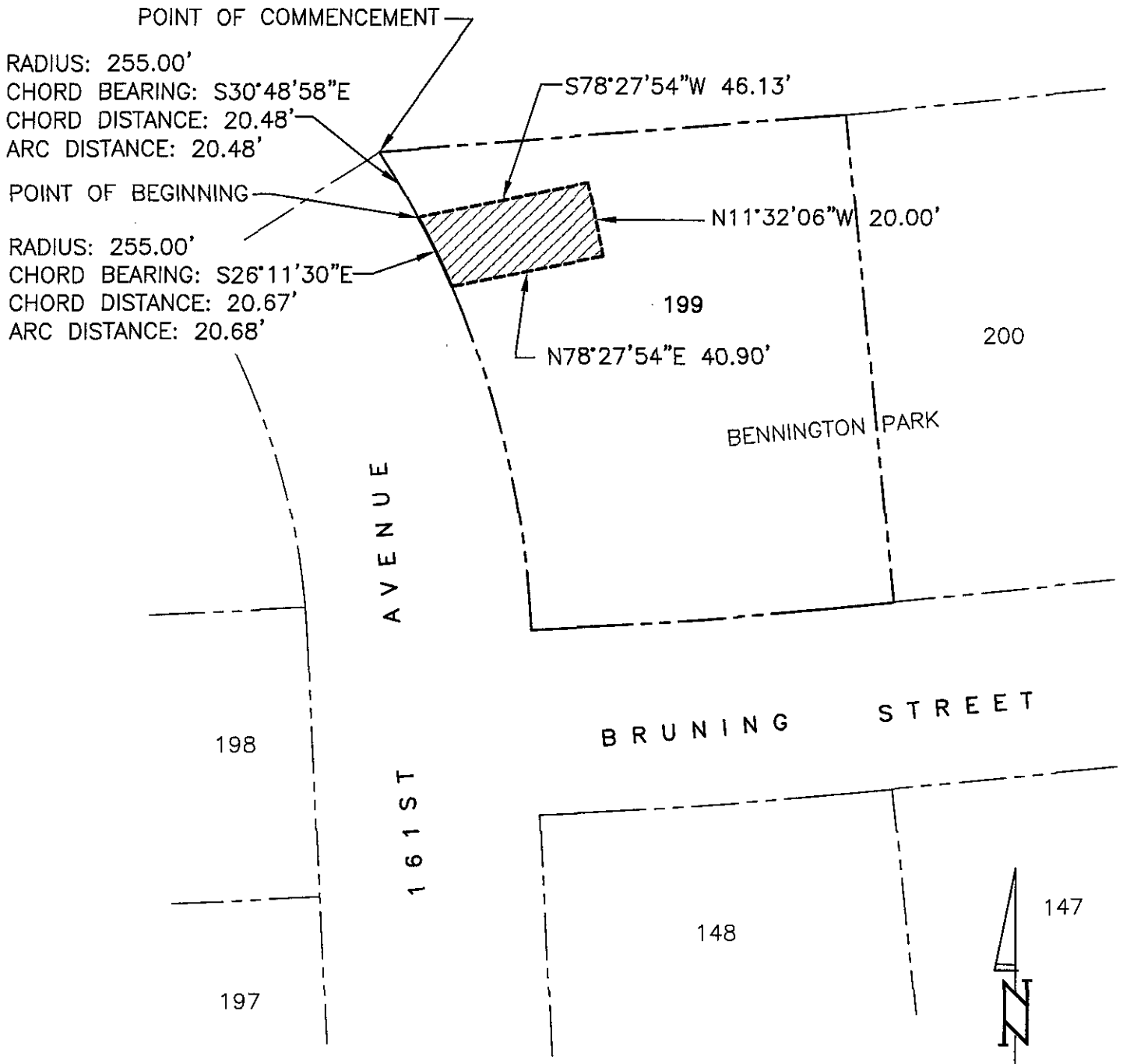
WITNESS my hand and Notarial Seal at Omaha, NE in said County the day and year last above written.



Sandra Willmott
Notary Public

My commission expires: _____.

EXHIBIT "A"
 PART OF THE SW 1/4 OF THE NE 1/4 OF
 SECTION 10-16-11

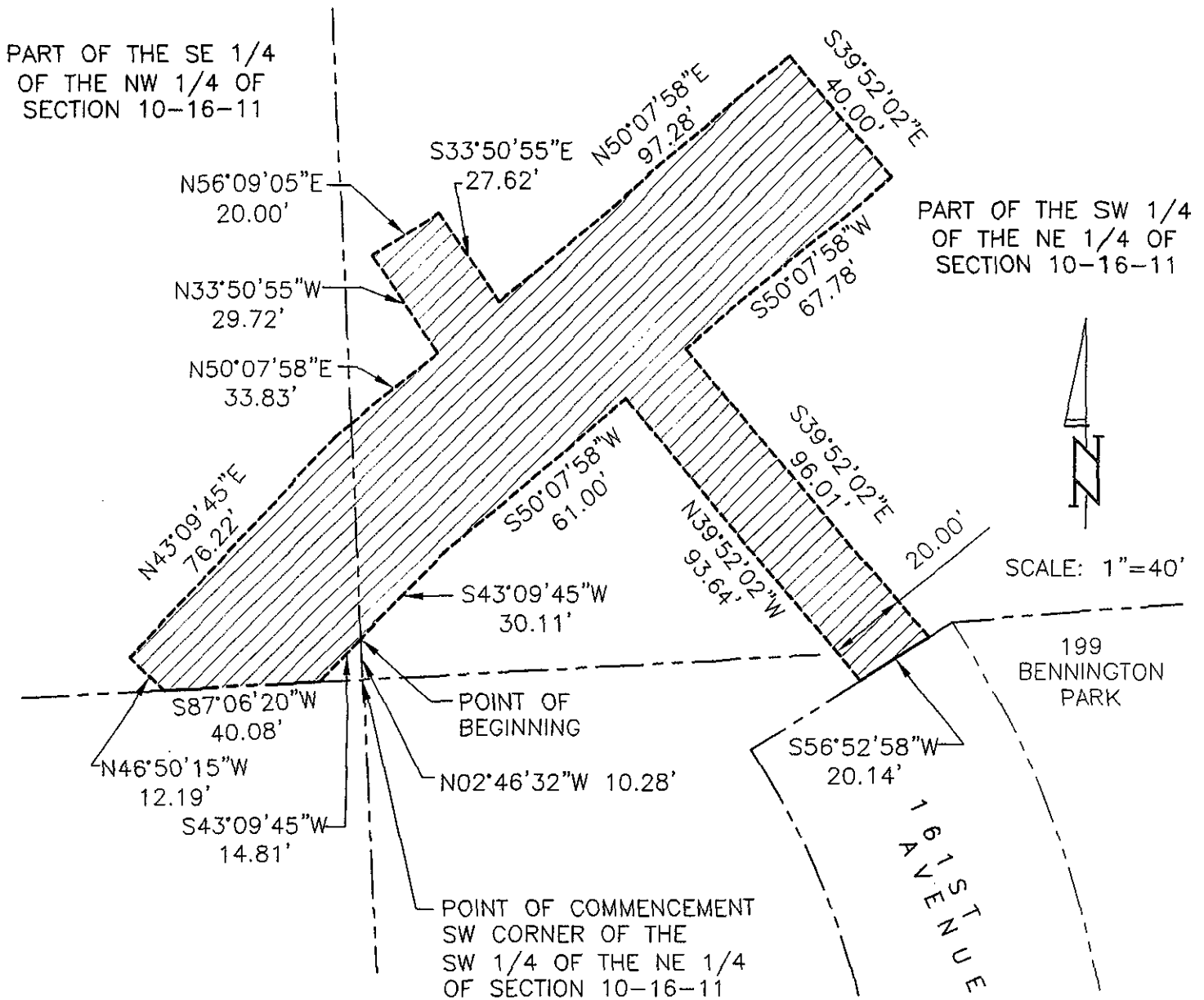


LEGAL DESCRIPTION

SCALE: 1"=40'

THAT PART OF LOT 199, BENNINGTON PARK, A SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 199; THENCE SOUTHEASTERLY ON THE WEST LINE OF SAID LOT 199 ON A 255.00 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING S30°48'58"E, CHORD DISTANCE 20.48 FEET, AN ARC DISTANCE OF 20.48 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTHEASTERLY ON THE WEST LINE OF SAID LOT 199 ON A 255.00 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING S26°11'30"E, CHORD DISTANCE 20.67 FEET, AN ARC DISTANCE OF 20.68 FEET; THENCE N78°27'54"E 40.90 FEET ON A NON-TANGENT LINE; THENCE N11°32'06"W 20.00 FEET; THENCE S78°27'54"W 46.13 FEET TO THE POINT OF BEGINNING.

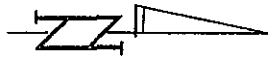
EXHIBIT "B"



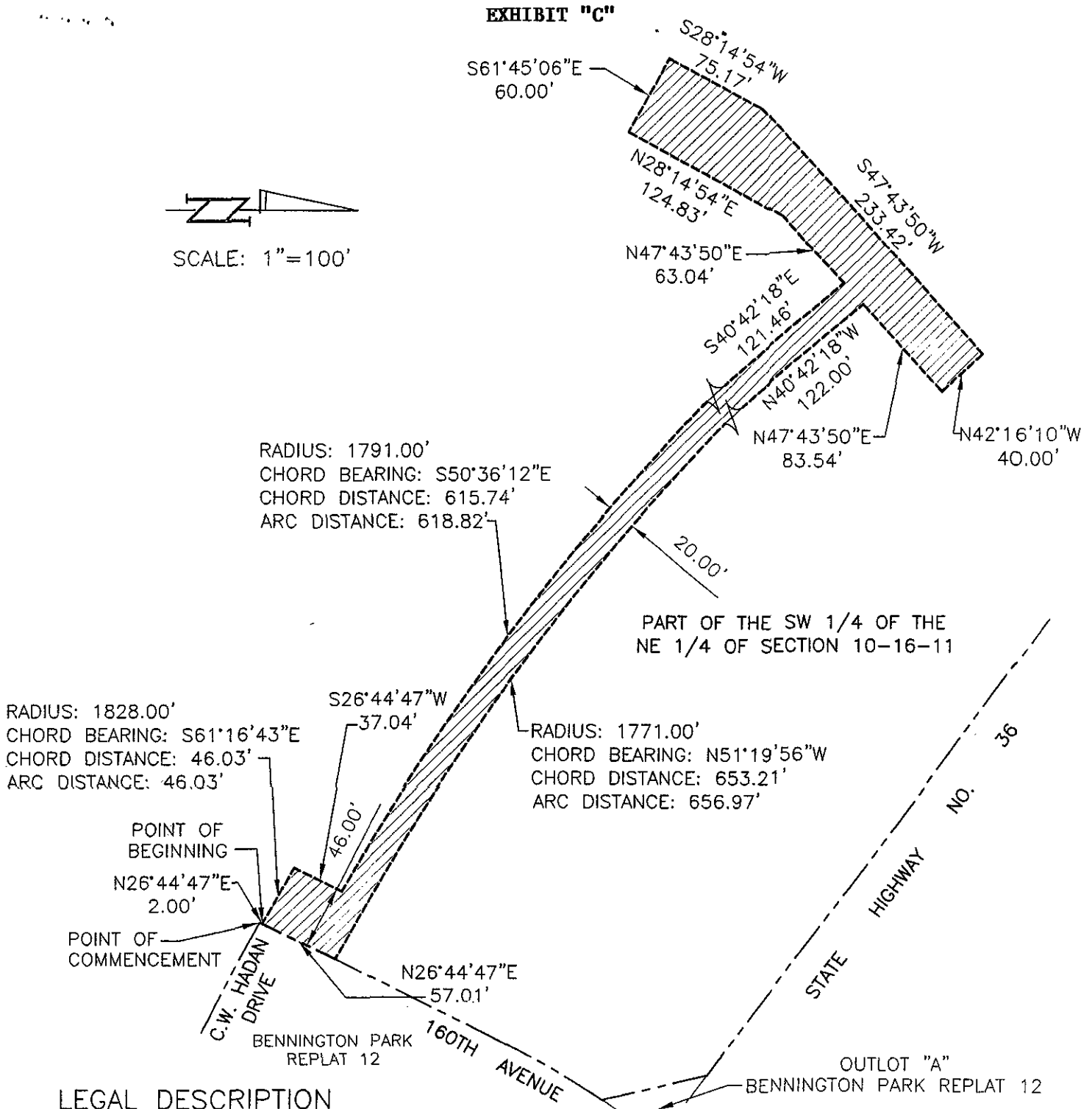
LEGAL DESCRIPTION

PART OF THE SW 1/4 OF THE NE 1/4, TOGETHER WITH PART OF THE SE 1/4 OF THE NW 1/4, ALL IN SECTION 10, T16N, R11E OF THE 6th P.M., DOUGLAS COUNTY, NEBRASKA, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SW 1/4; THENCE N02°46'32"W (ASSUMED BEARING) 10.28 FEET ON THE WEST LINE OF SAID SW 1/4 TO THE POINT OF BEGINNING; THENCE S43°09'45"W 14.81 FEET TO THE SOUTH LINE OF SAID SE 1/4; THENCE S87°06'20"W 40.08 FEET ON THE SOUTH LINE OF SAID SE 1/4; THENCE N46°50'15"W 12.19 FEET; THENCE N43°09'45"E 76.22 FEET; THENCE N50°07'58"E 33.83 FEET; THENCE N33°50'55"W 29.72 FEET; THENCE N56°09'05"E 20.00 FEET; THENCE S33°50'55"E 27.62 FEET; THENCE N50°07'58"E 97.28 FEET; THENCE S39°52'02"E 40.00 FEET; THENCE S50°07'58"W 67.78 FEET; THENCE S39°52'02"E 96.01 FEET TO THE NORTH LINE OF BENNINGTON PARK, A SUBDIVISION IN SAID DOUGLAS COUNTY; THENCE S56°52'58"W 20.14 FEET ON THE NORTH LINE OF SAID BENNINGTON PARK; THENCE N39°52'02"W 93.64 FEET; THENCE S50°07'58"W 61.00 FEET; THENCE S43°09'45"W 30.11 FEET TO THE POINT OF BEGINNING.

EXHIBIT "C"



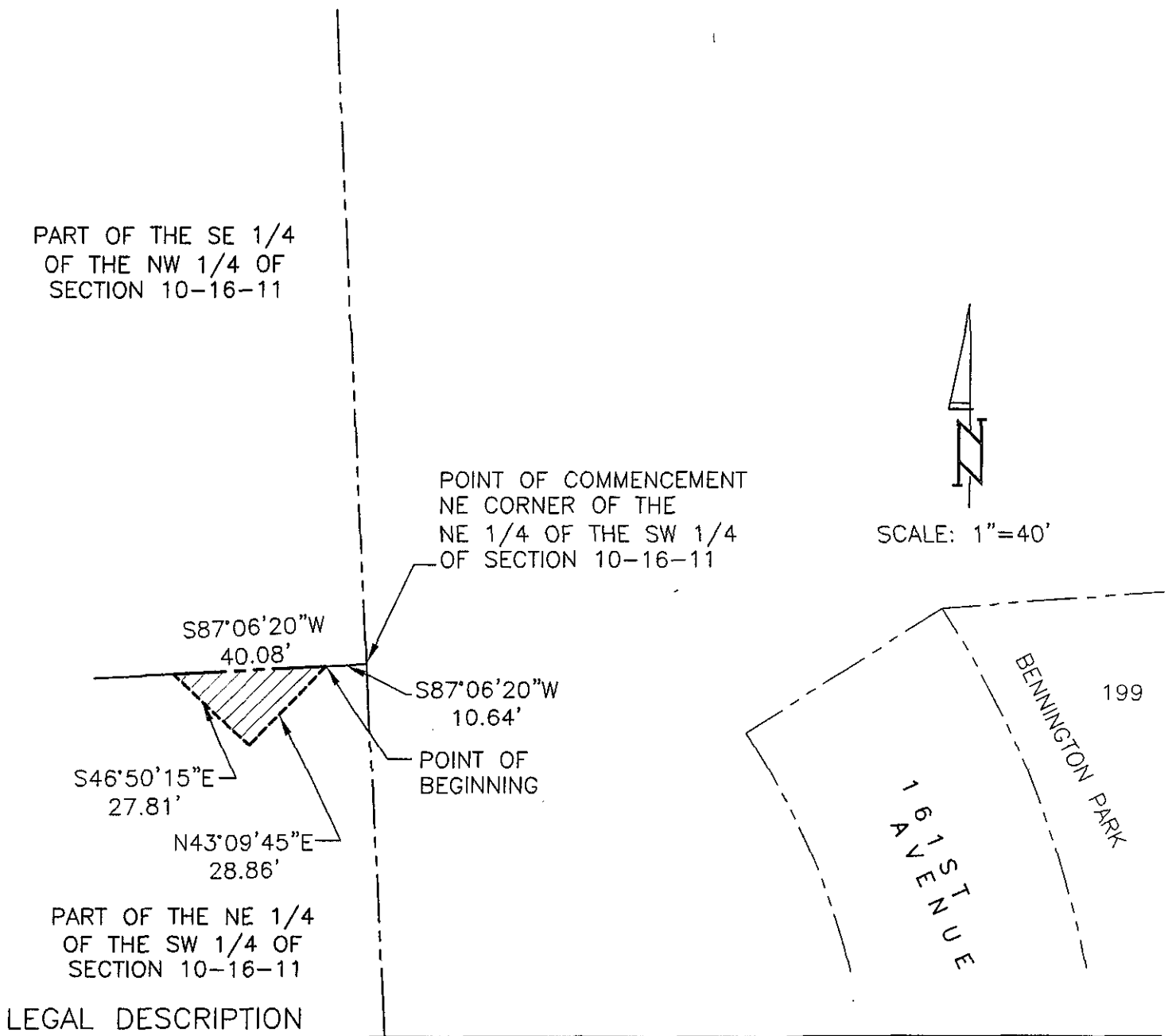
SCALE: 1"=100'



LEGAL DESCRIPTION

THAT PART OF THE SW 1/4 OF THE NE 1/4 OF SECTION 10, T16N, R11E OF THE 6th P.M., DOUGLAS COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: COMMENCING AT THE MOST WESTERLY CORNER OF BENNINGTON PARK REPLAT 12, A SUBDMISION IN SAID DOUGLAS COUNTY; THENCE N26°44'47"E (ASSUMED BEARING) 2.00 FEET ON THE WEST LINE OF SAID BENNINGTON PARK REPLAT 12 TO THE POINT OF BEGINNING; THENCE CONTINUING N26°44'47"E 57.01 FEET ON THE WEST LINE OF SAID BENNINGTON PARK REPLAT 12; THENCE NORTHWESTERLY ON A NON-TANGENT 1771.00 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING N51°19'56"W, CHORD DISTANCE 653.21 FEET, AN ARC DISTANCE OF 656.97 FEET; THENCE N40°42'18"W 122.00 FEET; THENCE N47°43'50"E 83.54 FEET; THENCE N42°16'10"W 40.00 FEET; THENCE S47°43'50"W 233.42 FEET; THENCE S28°14'54"W 75.17 FEET; THENCE S61°45'06"E 60.00 FEET; THENCE N28°14'54"E 124.83 FEET; THENCE N47°43'50"E 63.04 FEET; THENCE S40°42'18"E 121.46 FEET; THENCE SOUTHEASTERLY ON A 1791.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING S50°36'12"E, CHORD DISTANCE 615.74 FEET, AN ARC DISTANCE OF 618.82 FEET; THENCE S26°44'47"W 37.04 FEET ON A NON-TANGENT LINE 46.00 FEET WEST OF AND PARALLEL WITH THE WEST LINE OF SAID BENNINGTON PARK REPLAT 12; THENCE SOUTHEASTERLY ON A NON-TANGENT 1828.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING S61°16'43"E, CHORD DISTANCE 46.03 FEET, AN ARC DISTANCE OF 46.03 FEET TO THE POINT OF BEGINNING.

EXHIBIT "D"



THAT PART OF THE NE 1/4 OF THE SW 1/4 OF SECTION 10, T16N, R11E OF THE 6th P.M., DOUGLAS COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID NE 1/4; THENCE S87°06'20"W (ASSUMED BEARING) 10.64 FEET ON THE NORTH LINE OF SAID NE 1/4 TO THE POINT OF BEGINNING; THENCE CONTINUING S87°06'20"W 40.08 FEET ON THE NORTH LINE OF SAID NE 1/4; THENCE S46°50'15"E 27.81 FEET; THENCE N43°09'45"E 28.86 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.01 ACRES