

WHEREAS, David A. Wiesman, Trustee (hereinafter referred to as "Grantor"), desires to grant a perpetual easement over certain property owned by the Grantor to Sanitary and Improvement District No. 278 of Douglas County, Nebraska, and the City of Omaha (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 Exhibit "A", does herewith give and grant unto the Grantee, its successors and assigns, a perpetual maintenance easement over, on, across, under the property as shown on Exhibit "A" attached hereto and incorporated herein by reference, as all set out herein.

1. The scope and purpose of the easement is to allow access for the construction, repair, maintenance, replacement, snow removal and renewal of 104th Street, and storm sewer and sidewalks appurtenant thereto, located in Four Fountains Replat, a subdivision located in Douglas County, Nebraska, which said 104th Street is located directly to the west of said easement as shown on Exhibit "A". 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.

2. By accepting and recording this perpetual easement, said Sanitary and Improvement District No. 278 of Douglas County, Nebraska agrees forthwith, and said City of Omaha, agrees effective with the annexation of the property on which said 104th Street is located, to grade and seed the easement area and cover with straw, and to make good or cause to make good to the owner or owners of the property of which said easement is located, any and all damage that may hereafter be done by reason of negligent changes, alterations, maintenance, inspections, repairs, or construction in the way of damage to trees, grounds, or other improvements abutting thereon; and any and all changes, alterations, maintenance, inspections, repairs or construction on the easement area.

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.

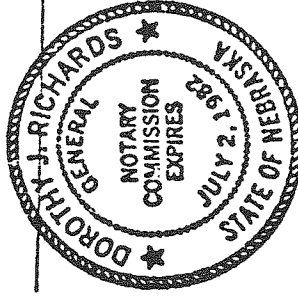
IN WITNESS WHEREOF, the Grantor herein, for itself, its successors and assigns, has caused the due execution hereof as of the 16th day of April, 1980.

GRANTOR:

David A. Wiesman Trustee

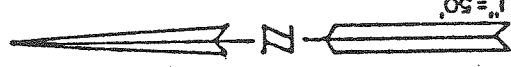
STATE OF NEBRASKA )
County of Douglas ) ss.

The foregoing instrument was acknowledged before me this 16th day of April, 1980, by David A. Wiesman, Trustee



Dorothy J. Richards
Notary Public

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A LICENSED SURVEYOR IN THE STATE OF NEBRASKA.  
 Ronald B. Miller  
 2119  
 10.00 10.00



COMMENCING AT THE SOUTHEAST CORNER OF LOT 9, FOUR FOUNTAIN'S REPLAT, THENCE S00°25'15"W (ASSUMED BEARING) ALONG THE EAST PROPERTY LINE OF FOUR FOUNTAINS REPLAT A DISTANCE OF 50.00 FEET TO THE NORTHEAST CORNER OF OUTLOT "A", THE POINT OF BEGINNING, THENCE S89°34'45"E A DISTANCE OF 10.00 FEET TO THE NORTHEAST CORNER OF SAID MAINTENANCE EASEMENT, THENCE S00°25'15"W ALONG THE EAST LINE OF SAID MAINTENANCE EASEMENT A DISTANCE OF 532.91 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF 103RD STREET, THENCE WESTERLY ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 172.11 FEET, A CHORD DISTANCE OF 10.00 FEET, A CHORD BEARING OF N87°55'15"W, AN ARC LENGTH OF 10.01 FEET TO THE SOUTHEAST CORNER OF OUTLOT "A", THENCE N00°25'15"E ALONG THE EAST LINE OF OUTLOT "A", A DISTANCE OF 532.62 FEET TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION:  
 A 10.00 FOOT MAINTENANCE EASEMENT LOCATED 10.00 FEET EAST OF AND PARALLEL WITH OUTLOT "A" FOUR FOUNTAINS REPLAT, A SUBDIVISION LOCATED IN DOUGLAS COUNTY, NEBRASKA, SAID 10.00 FOOT MAINTENANCE EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

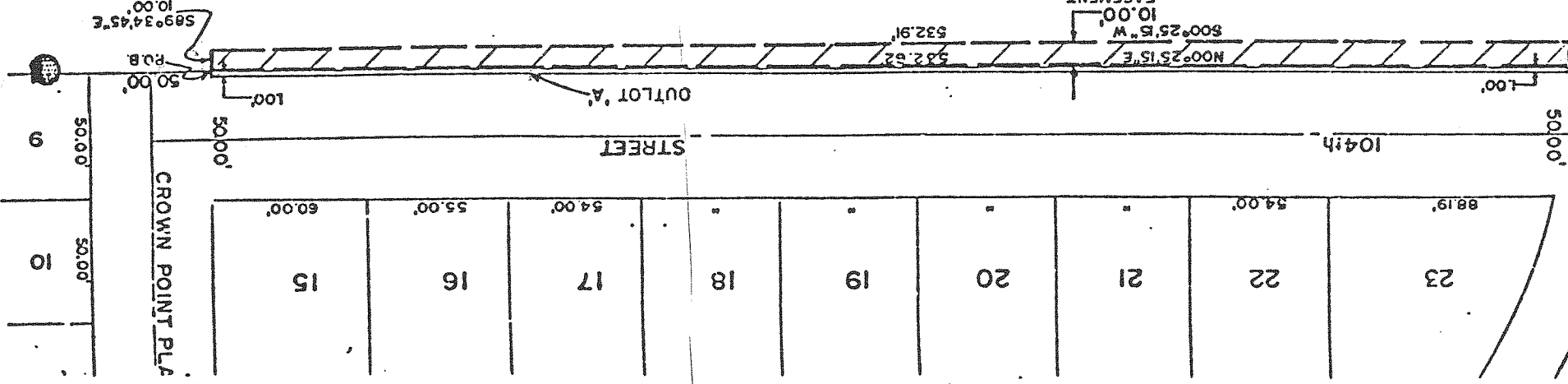


EXHIBIT "A"

Book 632  
 Page 113  
 Filed  
 83-704

RECEIVED  
 APR 24 AM 8:36  
 HAROLD GILLER  
 REGISTERED SURVEYOR  
 DOUGLAS COUNTY, NEBR.

*Handwritten signature*