FILED SARPY CO. NE. NSTRUMENT NUMBER 000-001184

Counter Proof Fee s

AFTER RECORDING RETURN TO:

CROKER, HUCK, KASHER, DeWITT. ANDERSON & GONDERINGER, P.C. (RJH) 2120 S 72 ST STE 1250 **OMAHA NE 68124**

PERPETUAL EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT BROOK VALLEY II, LTD., a Nebraska limited liability company (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. 59 OF SARPY COUNTY, NEBRASKA, and PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT, (hereinafter collectively referred to as "Grantee"), their successors and assigns, a perpetual easement and connection right over, under, on and across that real estate in Sarpy County, Nebraska, more particularly described on Exhibit "A" 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 channel and flood control improvements and public recreational trails along the South Papillion Creek, and other related appurtenances.

The Grantee and its contractors 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.

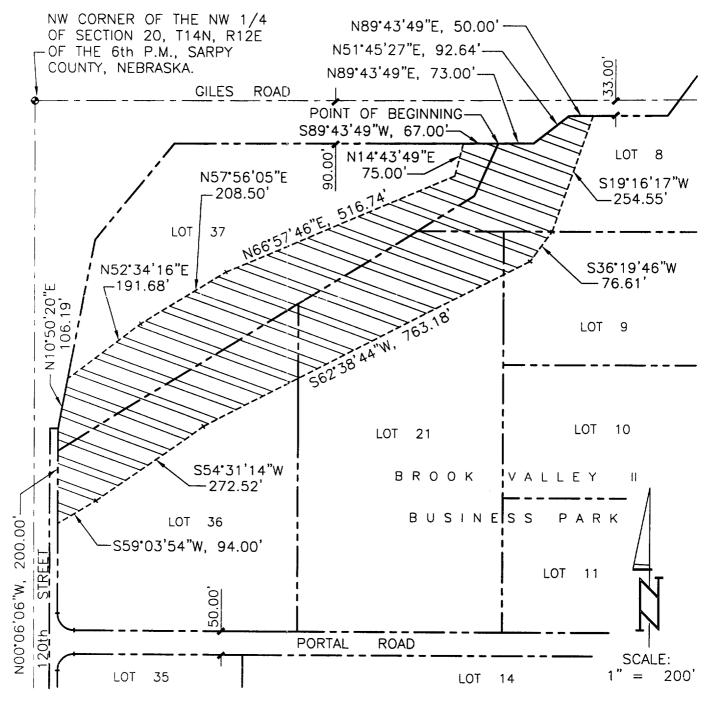
By accepting and recording this perpetual easement grant, said Grantee agrees forthwith to make good or cause to be made good to the owner or owners of the property in which same are constructed, any and all damage that may be done by reason of construction, alterations, maintenance, inspection, repairs or reconstruction in the way of damage to trees, grounds, or other improvements thereon, including crops, vines and gardens. No other surface improvements or fill, except trails, bank stabilization, stabilization structures, poles and sign structures, shall be placed in any such easement right-of-way.

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 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, t	he Grantor hereir	n, for itself, its successors and assigns, has caused the
due execution hereof as of the	day of	, 1999.
		BROOK VALLEY II, LTD. By: James, VMc Cast
		By: Same V Mc Cass Title: President Prime Realty, Inc., General Partner
STATE OF NEBRASKA)	June 1 selly, you, Orace 10 will
COUNTY OF DOUGLAS) SS.)	
The foregoing instrument v		ed before me on <u>JANUARY 12</u> , 2000, by of Brook Valley II, Ltd., on behalf
of the company.		Joseph C. Franco
62709.1	0.01	Notary Public A GENERAL NOTARY-State of Nebraska JOSEPH C. FRANCO

001184



LEGAL DESCRIPTION

THAT PART OF LOTS 8, 9, 21, 36 AND 37, BROOK VALLEY II BUSINESS PARK, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: BEGINNING AT THE NW CORNER OF SAID LOT 8;

THENCE N89°43'49"E (ASSUMED BEARING) 73.00 FEET ON THE NORTH LINE OF SAID LOT 8;

THENCE N51'45'27"E 92.64 FEET ON THE NORTH LINE OF SAID LOT 8;

THENCE N89'43'49"E 50.00 FEET ON THE NORTH LINE OF SAID LOT 8:

THENCE S19'16'17"W 254.55 FEET TO THE SOUTH LINE OF SAID LOT 8;

THENCE \$36'19'46"W 76.61 FEET; THENCE \$62'38'44"W 763.18 FEET; THENCE \$54'31'14"W 272.52 FEET;

THENCE S59°03'54"W 94.00 FEET TO THE WEST LINE OF SAID LOT 36;

THENCE NO0'06'06"W 200.00 FEET ON THE WEST LINES OF SAID LOTS 36 AND 37;

THENCE N10'50'20"E 106.19 FEET ON THE WEST LINE OF SAID LOT 37;

THENCE N52'34'16"E 191.68 FEET; THENCE N57'56'05"E 208.50 FEET; THENCE N66'57'46"E 516.74 FEET;

THENCE N14'43'49"E 75.00 FEET TO THE NORTH LINE OF SAID LOT 37;

THENCE N89'43'49"E 67.00 FEET ON THE NORTH LINE OF SAID LOT 37 TO THE POINT OF BEGINNING.

PRIME REALTY, INC.

TD2 FILE NO. 850-127-CHESMT

MAY 18, 1999

THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860