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By

RICHARD N. TAKECHI  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NE

99 DEC -8 PM 12: 36

RECEIVED

RETURN TO:

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

18878P

FEE 75.00 FB \_\_\_\_\_

BKP \_\_\_\_\_ C/O \_\_\_\_\_ COMP \_\_\_\_\_

DEL \_\_\_\_\_ SCAN 9 FV \_\_\_\_\_

**PERPETUAL EASEMENT**

KNOW ALL MEN BY THESE PRESENTS:

THAT **SHADOW RIDGE LIMITED PARTNERSHIP**, a Nebraska limited partnership, (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. 438 OF DOUGLAS COUNTY, NEBRASKA, and THE CITY OF OMAHA, in the State of Nebraska**, a Municipal corporation, (hereinafter collectively referred to as "Grantee"), their successors and assigns, a perpetual easement and connection right over, under, on and across that parcel of real estate in Douglas County, Nebraska, more particularly described on **Exhibit "A"** attached hereto and incorporated herein by this reference.

The scope and purpose of said easements is for the use, construction, repair, maintenance, replacement and renewal of storm sewer pipe line, including all necessary manholes and other related appurtenances, and the transmission through said sewer of storm water runoff. The Grantee and its contractor and engineers shall have full right and authority to enter upon said easementways in order to perform any of the acts and functions described within the scope and purposes of such easements; PROVIDED, however, that such easements as to said Grantee, City of Omaha only, shall have no force and effect unless and until the property on or in which said storm sewer pipeline, manholes and other related appurtenances are constructed shall be annexed as a part of said City and until said City shall have a legal obligation to maintain such improvements as public facilities.

By accepting and recording this perpetual easement grant, said Grantee, Sanitary and Improvement District No. 438 of Douglas County, Nebraska, agrees forthwith, and said Grantee, City of Omaha, agrees effective with the annexation of the property in which said improvements are constructed, 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.

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 easements; and Grantor further hereby covenants to warrant and defend said easementways against the lawful claims of all persons whomsoever.

This instrument shall be binding on the successors and assigns of the respective parties hereto.

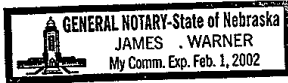
IN WITNESS WHEREOF, the Grantor herein, for itself, its successors and assigns, has caused the due execution hereof as of the 23<sup>RD</sup> day of SEPTEMBER, 1999.

SHADOW RIDGE LIMITED PARTNERSHIP

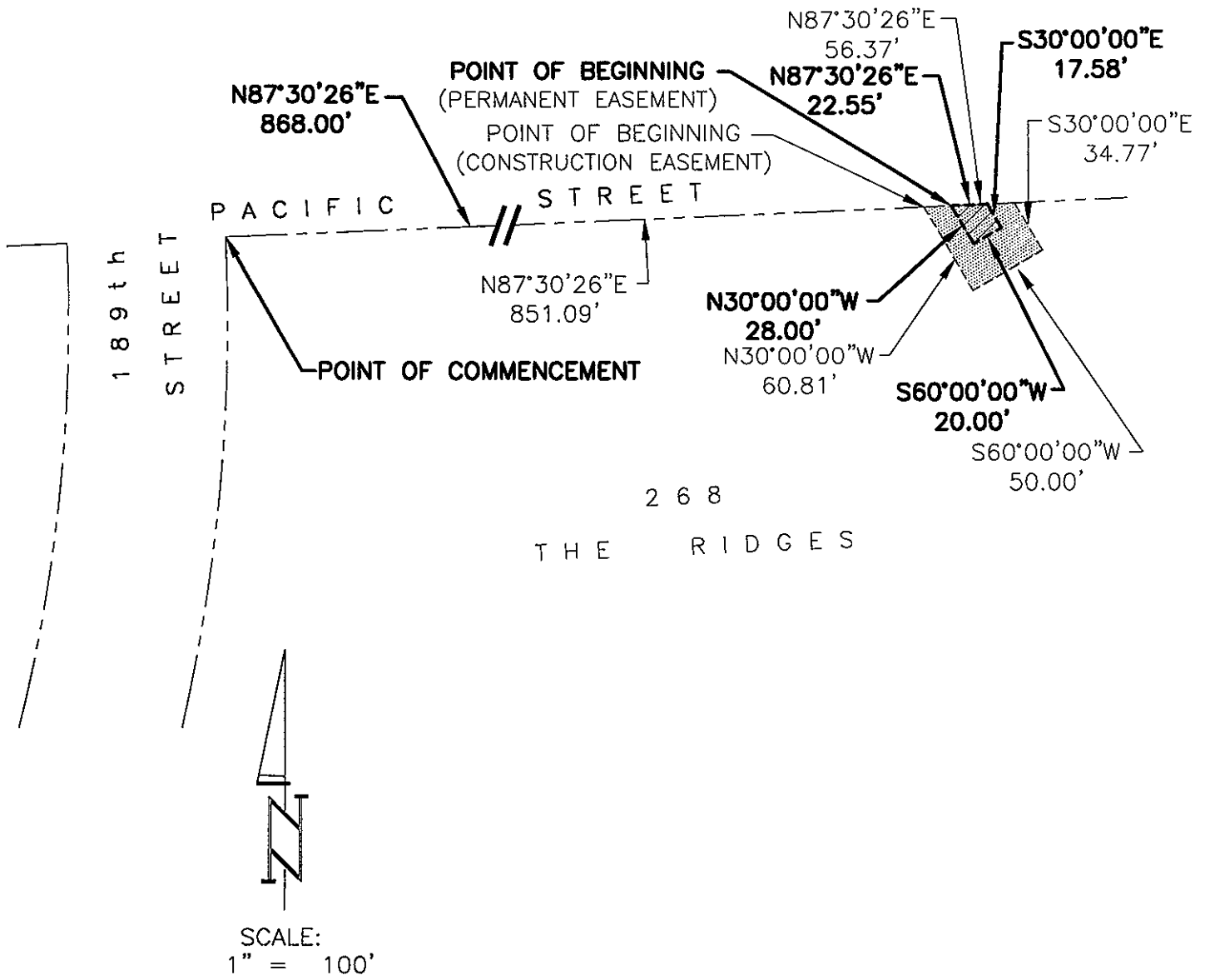
By: *Steve Shanahan*

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF DOUGLAS )

The foregoing instrument was acknowledged before me this 23<sup>RD</sup> day of SEPTEMBER, 1999, by STEVE SHANAHAN, general partner of Shadow Ridge Limited Partnership, a Nebraska limited partnership, on behalf of the partnership.



*James Warner*  
Notary Public



**LEGAL DESCRIPTION – PERMANENT EASEMENT** 

THAT PART OF LOT 268, THE RIDGES, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NW CORNER OF SAID LOT 268; THENCE N87°30'26"E (ASSUMED BEARING) 868.00 FEET ON THE NORTHERLY LINE OF SAID LOT 268 TO THE POINT OF BEGINNING; THENCE CONTINUING N87°30'26"E 22.55 FEET ON THE NORTHERLY LINE OF SAID LOT 268; THENCE S30°00'00"E 17.58 FEET; THENCE S60°00'00"W 20.00 FEET; THENCE N30°00'00"W 28.00 FEET TO THE POINT OF BEGINNING.

**EXHIBIT A**

BENCHMARK HOMES, INC. TD2 FILE NO. 122-187-E10 DATE: SEPTEMBER 8, 1999  
 THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860