

FILED SARPY CO. NE.  
INSTRUMENT NUMBER  
2006-21349

2006 JUN 26 A 10:31

*Shirley J. Dowling*  
REGISTER OF DEEDS

COUNTER LM G.E. LM  
VERIFY P+P D.E. LM  
PROOF LM  
FEES \$ 29.00  
CHECK # \_\_\_\_\_  
CHC TD CASH \_\_\_\_\_  
REFUND \_\_\_\_\_ CREDIT \_\_\_\_\_  
SHORT \_\_\_\_\_ NCR \_\_\_\_\_

RE: Lots 6, 7, 8, 9, 10, 11, and 14  
Shadow Lake Towne Center

### RETAINING WALL EASEMENT

**370 LLC**, a Nebraska limited liability company ("GRANTOR"), for and in consideration of the sum of **One Dollar** and other valuable consideration, the receipt of which is hereby acknowledged, does hereby donate, grant and convey unto **Sanitary and Improvement District No. 267 of Sarpy County, Nebraska, a Nebraska political subdivision**, and its successors and assigns, hereinafter referred to as "SID", (i) a permanent easement for the right to construct, maintain, operate, repair, or replace a retaining wall upon and under the portions of the parcels respectively described on Exhibits A and B, attached and incorporated herein, for the purpose of supporting the embankment of 72<sup>nd</sup> Street and all infrastructure improvements situated within the 72<sup>nd</sup> Street right-of-way, and (ii) a permanent easement for the right to construct, maintain, operate, repair, or replace a retaining wall upon and under the portion of the parcel described on Exhibit C attached and incorporated herein (collectively the "Easement Areas").

TO HAVE AND TO HOLD unto the SID and its successors and assigns, together with the right of reasonable access for the purpose of constructing, inspecting, maintaining, operating, repairing, or replacing such retaining walls. The GRANTOR may, following construction of such retaining walls, continue to use the Easement Areas for all other purposes, subject to the right of the SID to use the same for the purposes herein expressed.

It is further agreed as follows:

- 1) No buildings or other structures shall be placed in, on, over, or across the Easement Areas by GRANTOR or its successors and assigns without express approval of the SID which shall not be unreasonably withheld or delayed. Landscaping, road and/or street surfaces, parking area surfacing, sidewalks, trails, decorative landscaped areas, including stone and/or brick, and/or pavement are expressly permitted. Any such permitted items placed on or within the Easement Areas shall be maintained by GRANTOR and its successors and assigns.
- 2) The SID will replace or rebuild any and all damage caused by the SID and its successors and assigns exercising its rights granted under this Easement, except for the loss of trees and shrubbery which will not be compensated for by the SID.
- 3) The GRANTOR, for itself and its successors and assigns, does confirm with the SID and its successors and assigns that it is Owner in fee of the Easement Areas and that it has the right to grant and convey this Easement in the manner and form aforesaid, and that it will warrant and defend this Easement to the SID and its successors and assigns against the lawful claims and demands of all persons. This Easement runs with the land.

- 4) This instrument contains the entire agreement of the Parties and there are no other or different agreements or understandings.

IN WITNESS WHEREOF the GRANTOR has executed this Easement as of this 26<sup>th</sup> day of May  
\_\_\_\_\_, 2006.

370 LLC, a Nebraska Limited Liability Company,

By: RED Papillion, LLC, a Missouri Limited  
Liability Company, Its Manager

By: E & R Holdings, LLC, an Arizona  
Limited Liability Company, Its Manager

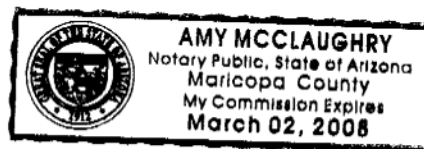
By: Michael L. Ebert  
Michael L. Ebert, Manager

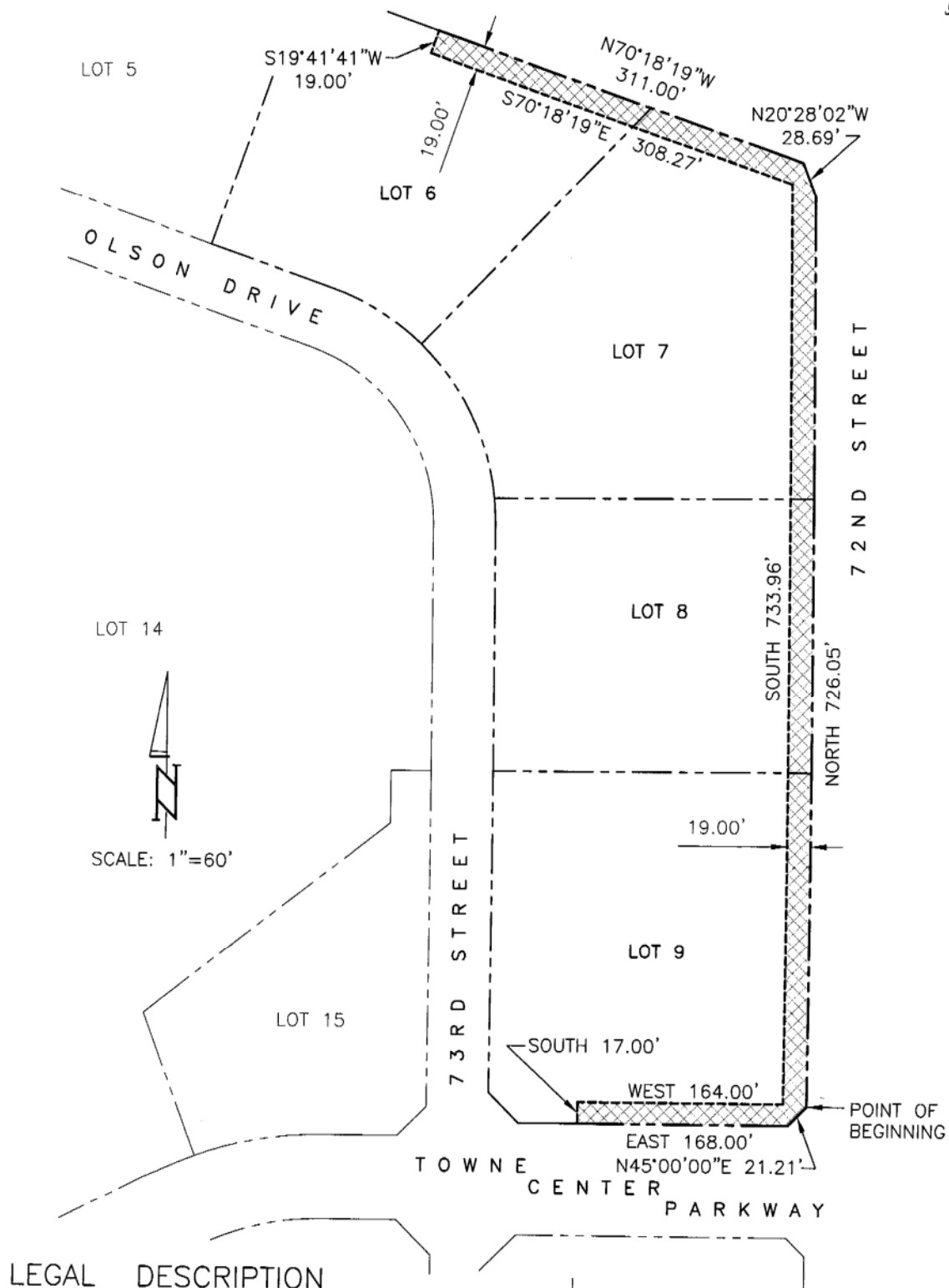
STATE OF ARIZONA            )  
  ) ss.:  
COUNTY OF MARICOPA        )

Now on this 26 day of May \_\_\_, 2006, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Michael L. Ebert, Manager of E & R Holdings, LLC, an Arizona Limited Liability Company, which entity is the Manager of RED Papillion LLC, a Missouri Limited Liability Company, which entity is the Manager of 370 LLC, a Nebraska Limited Liability Company, who is personally known to me to be the same person who executed in such capacity the within instrument on behalf of said entity and who duly acknowledged the execution of the same to be the act and deed of said entity.

Amy McClaghry  
Notary Public

My Commission Expires: 3/2/08





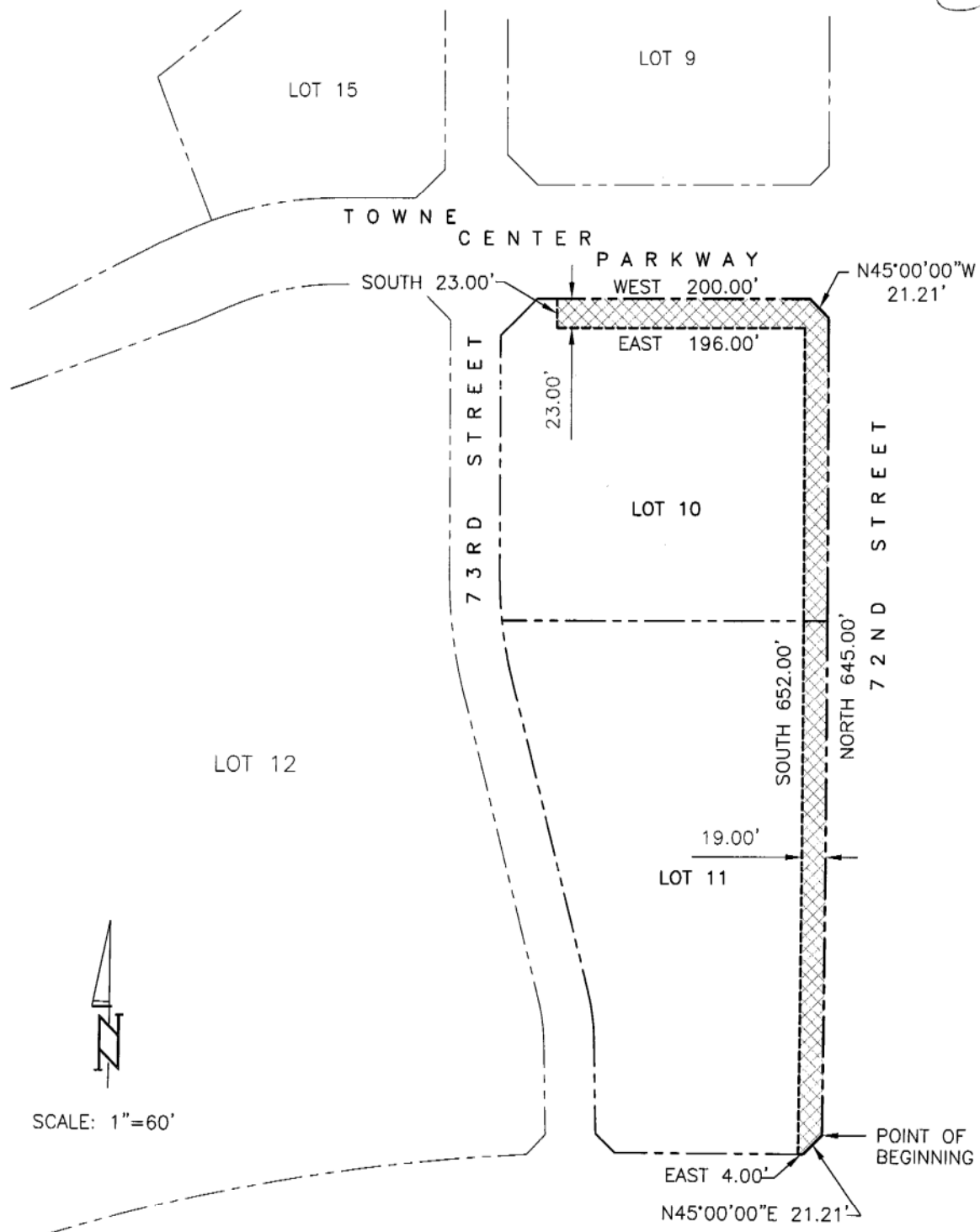
THAT PART OF LOTS 6, 7, 8 AND 9, SHADOW LAKE TOWNE CENTER, A SUBDIVISION IN SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: BEGINNING AT A SOUTHEAST CORNER OF SAID LOT 9; THENCE NORTH (ASSUMED BEARING) 726.05 FEET ON THE EAST LINES OF SAID LOTS 7, 8 AND 9; THENCE N20°28'02"W 28.69 FEET ON THE NORTHEAST LINE OF SAID LOT 7; THENCE N70°18'19"W 311.00 FEET ON THE NORTH LINES OF SAID LOTS 6 AND 7; THENCE S19°41'41"W 19.00 FEET; THENCE S70°18'19"E 308.27 FEET ON A LINE 19.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINES OF SAID LOTS 6 AND 7; THENCE SOUTH 733.96 FEET ON A LINE 19.00 FEET WEST OF AND PARALLEL WITH THE EAST LINES OF SAID LOTS 7, 8 AND 9; THENCE WEST 164.00 FEET ON A LINE 17.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 9; THENCE SOUTH 17.00 FEET TO THE SOUTH LINE OF SAID LOT 9; THENCE EAST 168.00 FEET ON THE SOUTH LINE OF SAID LOT 9; THENCE N45°00'00"E 21.21 FEET ON THE SOUTHEAST LINE OF SAID LOT 9 TO THE POINT OF BEGINNING.

TD2 FILE NO.: 738-149EASEA

EXHIBIT "A"

DATE: APRIL 12, 2006

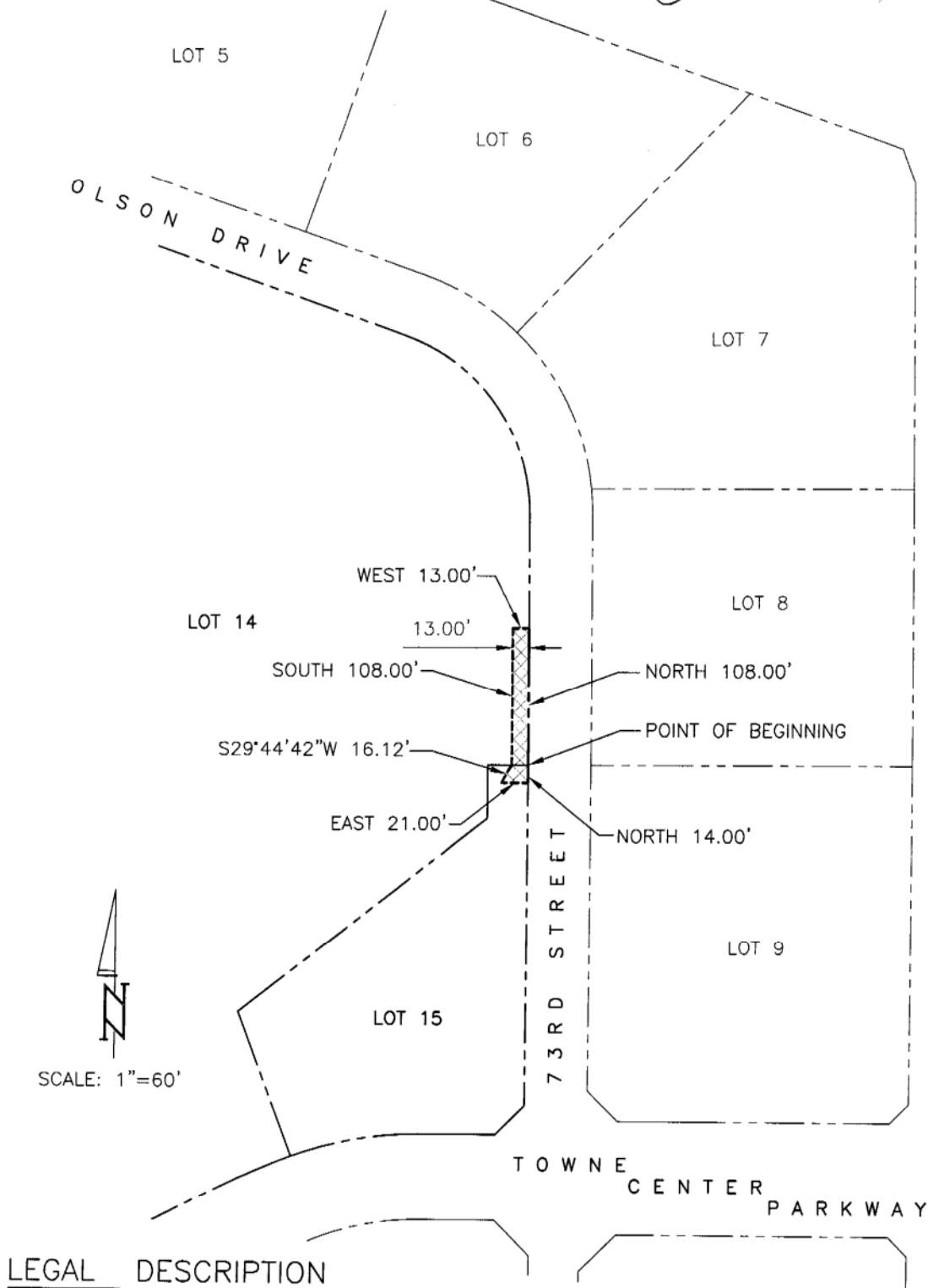
THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860



## LEGAL DESCRIPTION

THAT PART OF LOTS 10 AND 11, SHADOW LAKE TOWNE CENTER, A SUBDIVISION IN SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: BEGINNING AT A SOUTHEAST CORNER OF SAID LOT 11; THENCE NORTH (ASSUMED BEARING) 645.00 FEET ON THE EAST LINES OF SAID LOTS 10 AND 11; THENCE N45°00'00"W 21.21 FEET ON THE NORTHEAST LINE OF SAID LOT 10; THENCE WEST 200.00 FEET ON THE NORTH LINE OF SAID LOT 10; THENCE SOUTH 23.00 FEET; THENCE EAST 196.00 FEET ON A LINE 23.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID LOT 10; THENCE SOUTH 652.00 FEET ON A LINE 19.00 FEET WEST OF AND PARALLEL WITH THE EAST LINES OF SAID LOTS 10 AND 11 TO THE SOUTH LINE OF SAID LOT 11; THENCE EAST 4.00 FEET ON THE SOUTH LINE OF SAID LOT 11; THENCE N45°00'00"E 21.21 FEET ON THE SOUTHEAST LINE OF SAID LOT 11 TO THE POINT OF BEGINNING.

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### LEGAL DESCRIPTION

THAT PART OF LOTS 14 AND 15, SHADOW LAKE TOWNE CENTER, A SUBDIVISION IN SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:  
 BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 15;  
 THENCE NORTH (ASSUMED BEARING) 108.00 FEET ON THE EAST LINE OF SAID LOT 14;  
 THENCE WEST 13.00 FEET;  
 THENCE SOUTH 108.00 FEET ON A LINE 13.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID LOT 14 TO THE NORTH LINE OF SAID LOT 15;  
 THENCE S29°44'42"W 16.12 FEET;  
 THENCE EAST 21.00 FEET TO THE EAST LINE OF SAID LOT 15;  
 THENCE NORTH 14.00 FEET ON THE EAST LINE OF SAID LOT 15 TO THE POINT OF BEGINNING.