

FILED SARPY CO. NE.
INSTRUMENT NUMBER
~~2000-13884~~
2000 JUN -9 PM 2:38
Steven D. Johnson
REGISTER OF DEEDS

Counter JM ✓
Verify D
D.E. AK
Proof S
Fee \$ 48.50
ck Cash Chg

R+R

Return to: Steven D. Johnson, Stinson, Mag & Fizzell, P.C., 1299 Farnam St., Omaha, NE 68102; ph. 930-1720.

DECLARATION OF DRAINAGE EASEMENTS AND RESTRICTIONS

THIS DECLARATION, made on the date hereinafter set forth by PAPIO VALLEY, L.L.C., a Nebraska limited liability company, hereinafter referred to as the "Declarant",

WITNESSETH:

WHEREAS the Declarant is the Owner of the following described real property:

Lots 1, 2, 4, 5, 6, 7 and 8, inclusive, of Papio Valley 1 Business Park, a Subdivision, as surveyed, platted and recorded in Sarpy County, Nebraska.

WHEREAS overland storm water flow and underground storm water sewers will enhance the value and use of the property.

WHEREAS, the Declarant will convey said lots subject to the within-described drainage easements.

NOW, THEREFORE, the Declarant hereby declares that all of the lots described above shall be held, sold, and conveyed subject to the following easements, restrictions, covenants, and conditions, all of which are for the purpose of enhancing and protecting the value desirability and attractiveness of said lots. These easements, covenants, restrictions, and conditions, shall run with said real property, and shall be binding upon all parties having or acquiring any right, title or interest in the above described lots, or any part thereof, and they shall inure to the benefit of each owner thereof.

1. For the purpose of managing overland water flow, a perpetual license and easement is hereby reserved in favor of and granted to Sanitary and Improvement District 214 of Sarpy County, its successors, and assigns, to erect, grade, operate, maintain, repair, and renew surface drainage ways, and other related instrumentalities on, over, under and across all of the following locations (collectively, the "overland flow easement ways"):

- a. A 20-foot-wide strip of land across the northerly border of lots 1 and 2, as more particularly described on attached Exhibit A.

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- b. A 10-foot-wide strip of land along the easterly border of lot 5, south of Cary Circle, as more particularly described on Exhibit B.
- c. A 10-foot-wide strip of land along the westerly border of lot 6, and another such strip along the easterly border of lot 6, as more particularly described on Exhibit C.
- d. A 10-foot-wide strip of land along the westerly border of lot 7, and another such strip along the easterly border of lot 7, as more particularly described on Exhibit D.
- e. A 20-foot-wide strip of land along a portion of the northerly border of lot 8, as more particularly described on Exhibit E.

Lot owners shall not themselves and shall not allow others to: place permanent buildings in the overland flow easement ways; alter the grades of the overland flow easement ways; or block or impede the flow of water through the overland flow easement ways. Lot owners shall not allow others to do likewise. The overland flow easement ways may be used for shrubs, landscaping and other purposes that do not then or later interfere with the uses or rights granted herein.

2. For the purpose of managing both overland and underground flow, a perpetual license and easement is hereby reserved in favor of and granted to Sanitary and Improvement District 214 of Sarpy County, its successors, and assigns, to construct, install, grade, operate, maintain, repair, and renew surface drainage ways and underground pipe, and other related instrumentalities on, over, under and across the following location (the "hybrid flow easement way"):

- a. A 10-foot-wide strip of land across the easterly border of lot 8, as more particularly described on attached Exhibit F.

Lot owners shall not: place permanent buildings in the hybrid flow easement way; alter the grades of the hybrid flow easement way; block or impede the flow of water through the hybrid flow easement way; alter, damage, or destroy the underground pipe located in the hybrid flow easement way. Lot owners shall not allow others to do likewise. The hybrid flow easement ways may be used for shrubs, landscaping and other purposes that do not then or later interfere with the uses or rights granted herein.

IN WITNESS WHEREOF, the Declarant has caused this document to be executed this 1 day of June, 2000.

DECLARANT:

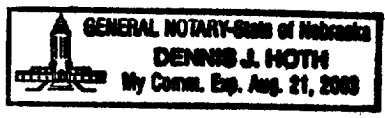
Papio Valley, L.L.C.,
a Nebraska limited liability company

By: [Signature]
Dean Hokanson, Jr., Managing Member

STATE OF NEBRASKA)
) ss.
COUNTY OF Douglas)

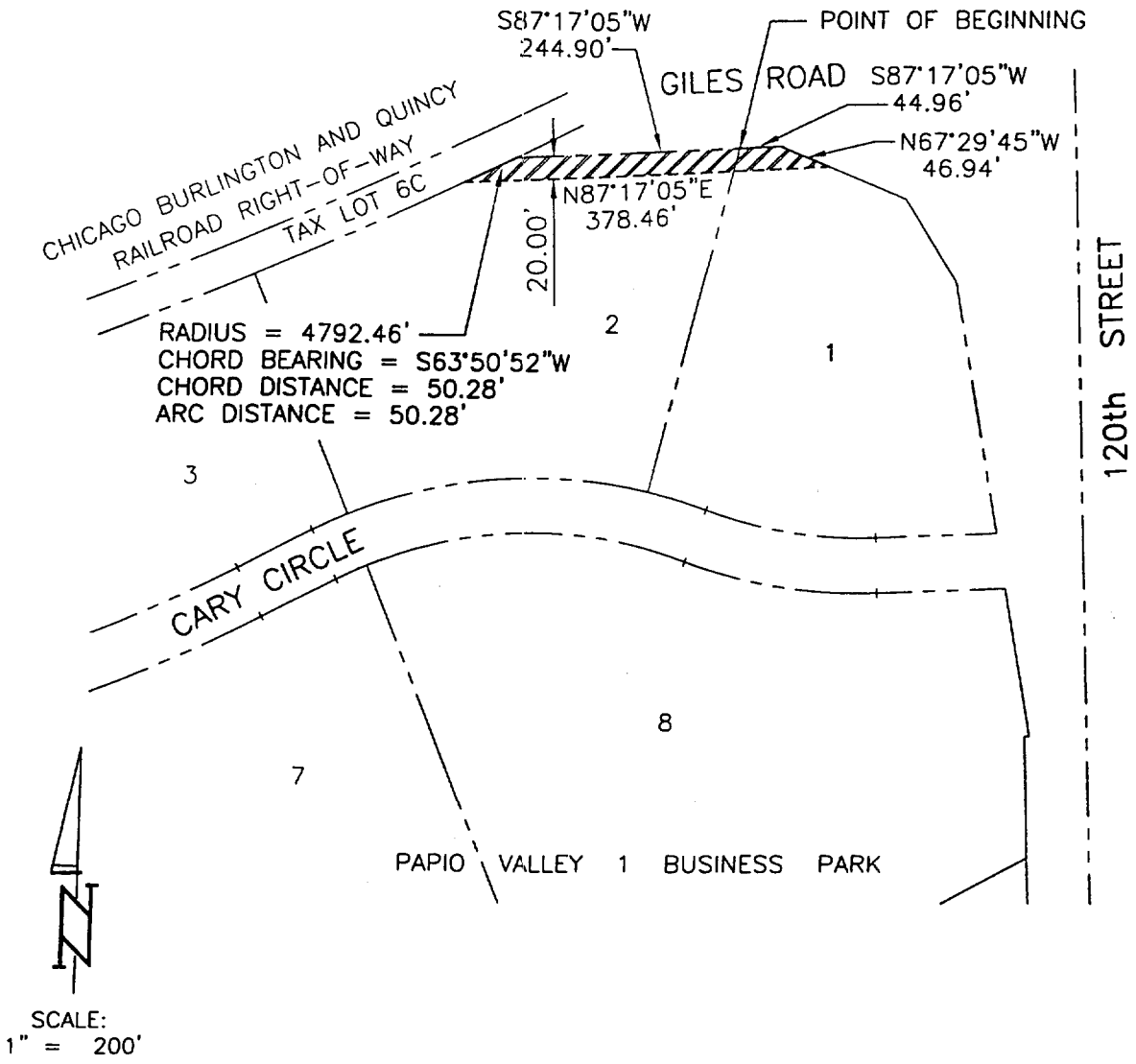
On this 7th day of June, 2000, before me the undersigned, a Notary Public in and for said County and State, personally came Dean Hokanson, Jr., known to me to be the Manager of Papio Valley, L.L.C., a Nebraska limited liability company, and acknowledged execution of the foregoing document on behalf of Papio Valley, L.L.C., a Nebraska limited liability company.

Witness my hand and official seal the day and year last above written.



[Signature]
Notary Public

EXHIBIT A

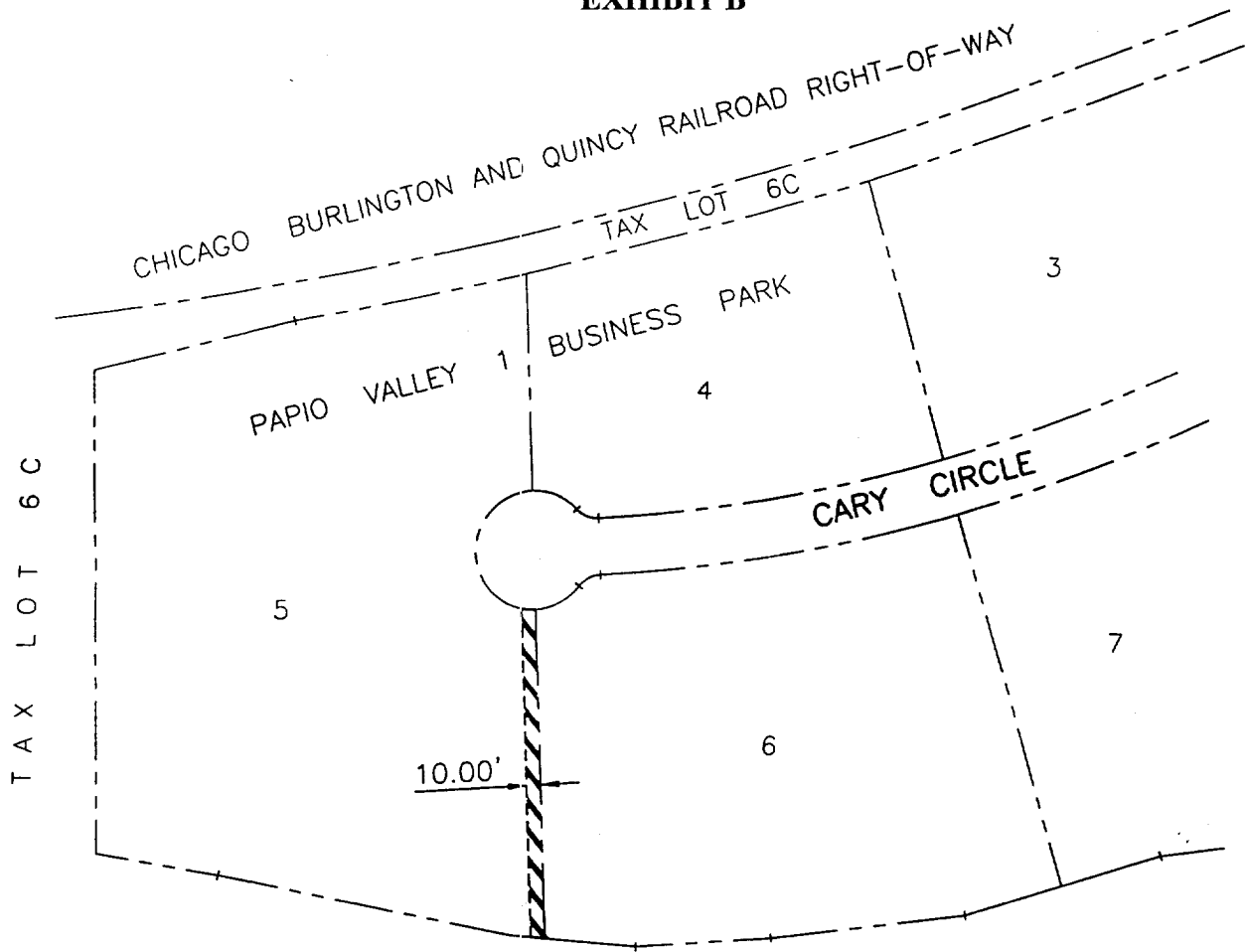


LEGAL DESCRIPTION

THAT PART OF LOTS 1 AND 2, PAPIO VALLEY 1 BUSINESS PARK, A SUBDIVISION IN SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: BEGINNING AT THE NE CORNER OF SAID LOT 2; THENCE ~~S87°17'05"W (ASSUMED BEARING)~~ 244.90 FEET ON THE NORTHERLY LINE OF SAID LOT 2; THENCE SOUTHWESTERLY ON THE NORTHERLY LINE OF SAID LOT 2 ON A NONTANGENT 4792.46 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING S63°50'52"W, CHORD DISTANCE 50.28 FEET AN ARC DISTANCE OF 50.28 FEET; THENCE N87°17'05"E 378.46 FEET TO THE NORTHERLY LINE OF SAID LOT 1; THENCE N67°29'45"W 46.94 FEET ON THE NORTHERLY LINE OF SAID LOT 1; THENCE S87°17'05"W 44.96 FEET ON THE NORTHERLY LINE OF SAID LOT 1 TO THE POINT OF BEGINNING.

2000 13884 D

EXHIBIT B



PART OF THE NORTH 1/2
OF THE NE 1/4 OF SECTION 19-14-12



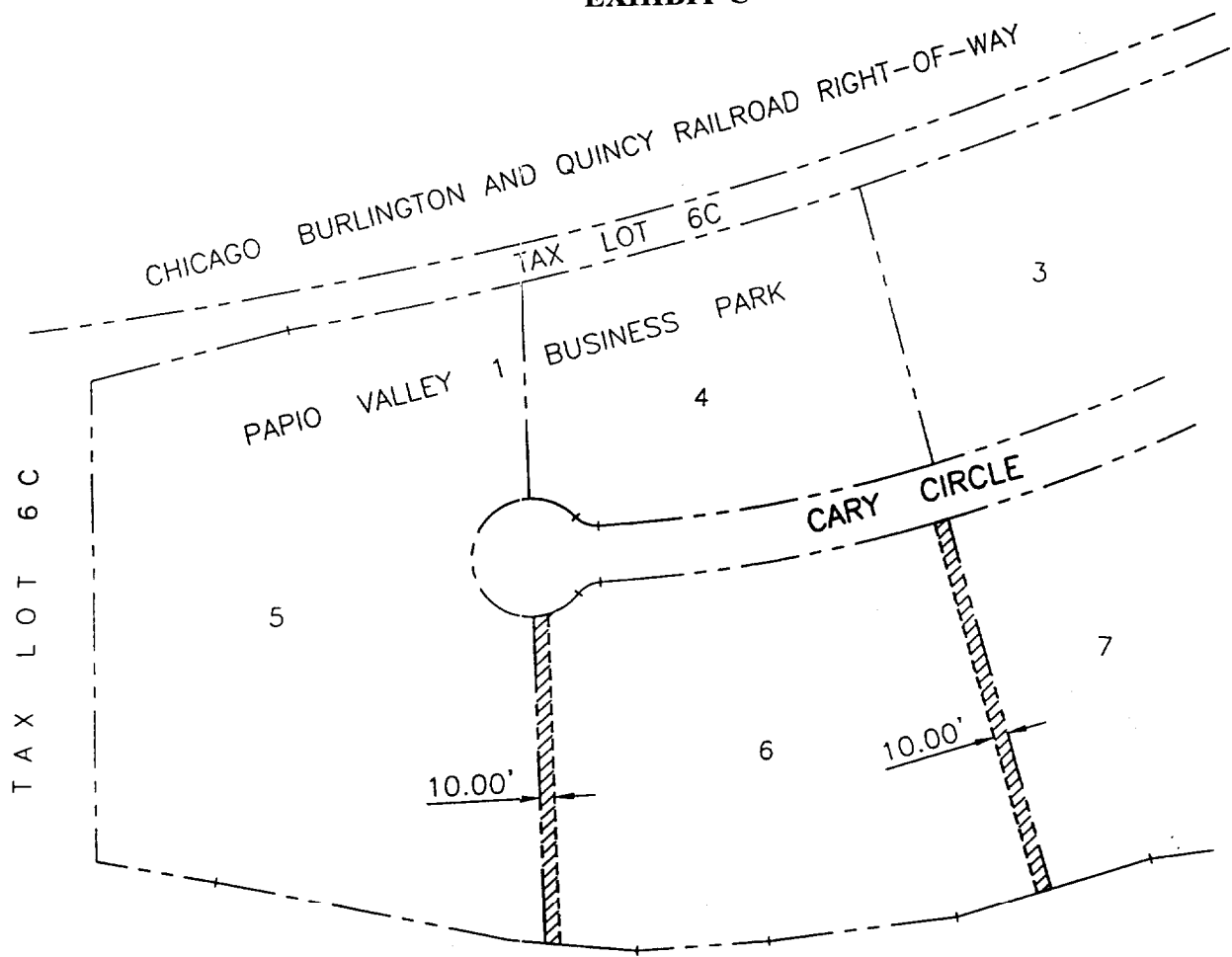
SCALE:
1" = 200'

LEGAL DESCRIPTION

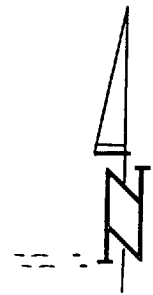
THE EASTERLY 10.00 FEET IN WIDTH OF LOT 5, PAPIO VALLEY 1 BUSINESS PARK, A SUBDIVISION IN SARPY COUNTY, NEBRASKA, LYING SOUTH OF CARY CIRCLE.

2000 13884 E

EXHIBIT C



PART OF THE NORTH 1/2
OF THE NE 1/4 OF SECTION 19-14-12



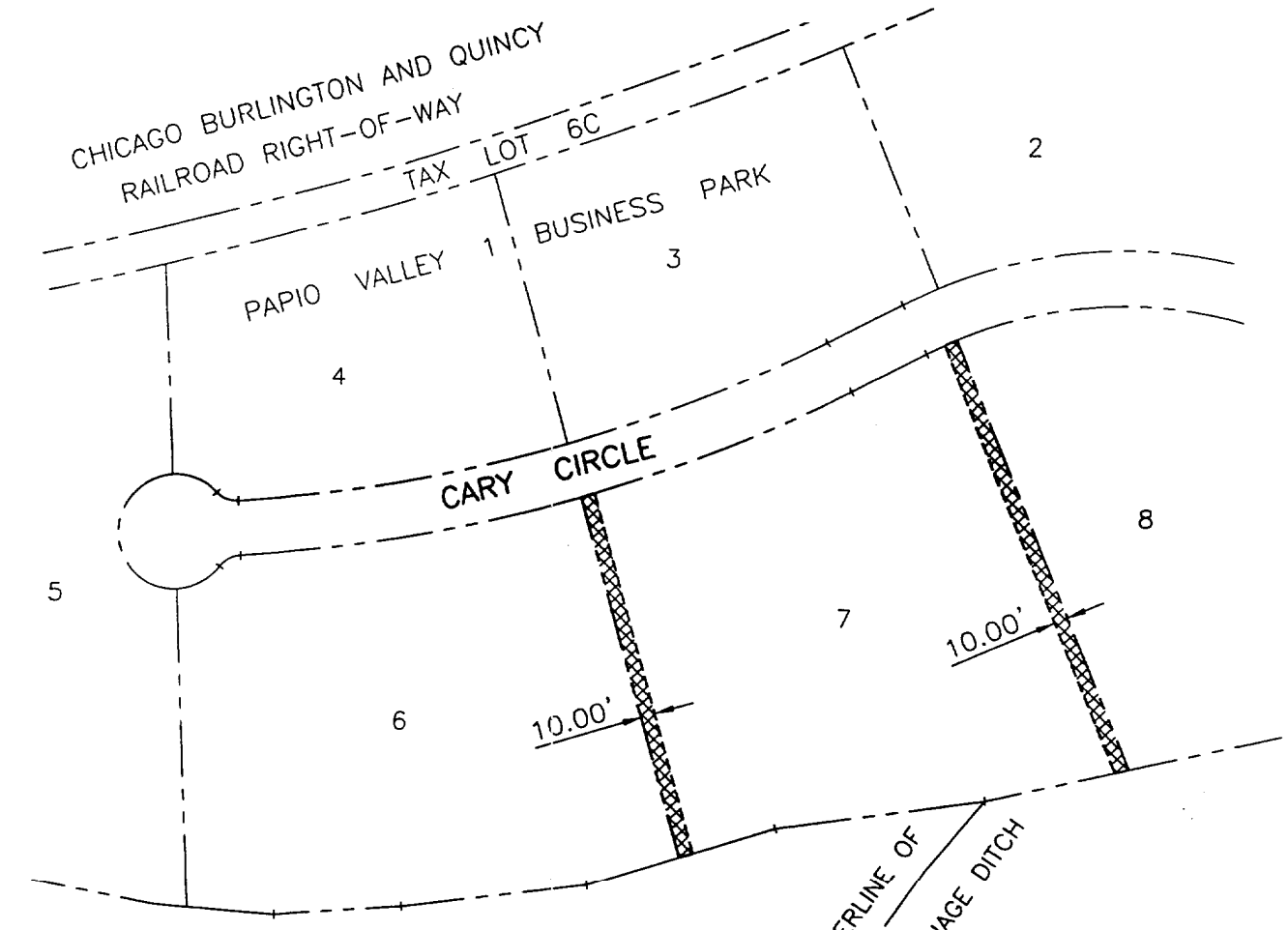
SCALE:
1" = 200'

LEGAL DESCRIPTION

THE EASTERLY 10.00 FEET IN WIDTH AND THE WESTERLY 10.00 FEET IN WIDTH
OF LOT 6, PAPIO VALLEY 1 BUSINESS PARK, A SUBDIVISION IN SARPY COUNTY,
NEBRASKA.

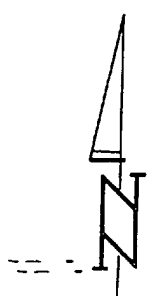
2000 13884 F

EXHIBIT D



PART OF THE NORTH 1/2
OF THE NE 1/4 OF SECTION 19-14-12

APPROXIMATE CENTERLINE OF
THE CHALCO - PORTAL DRAINAGE DITCH

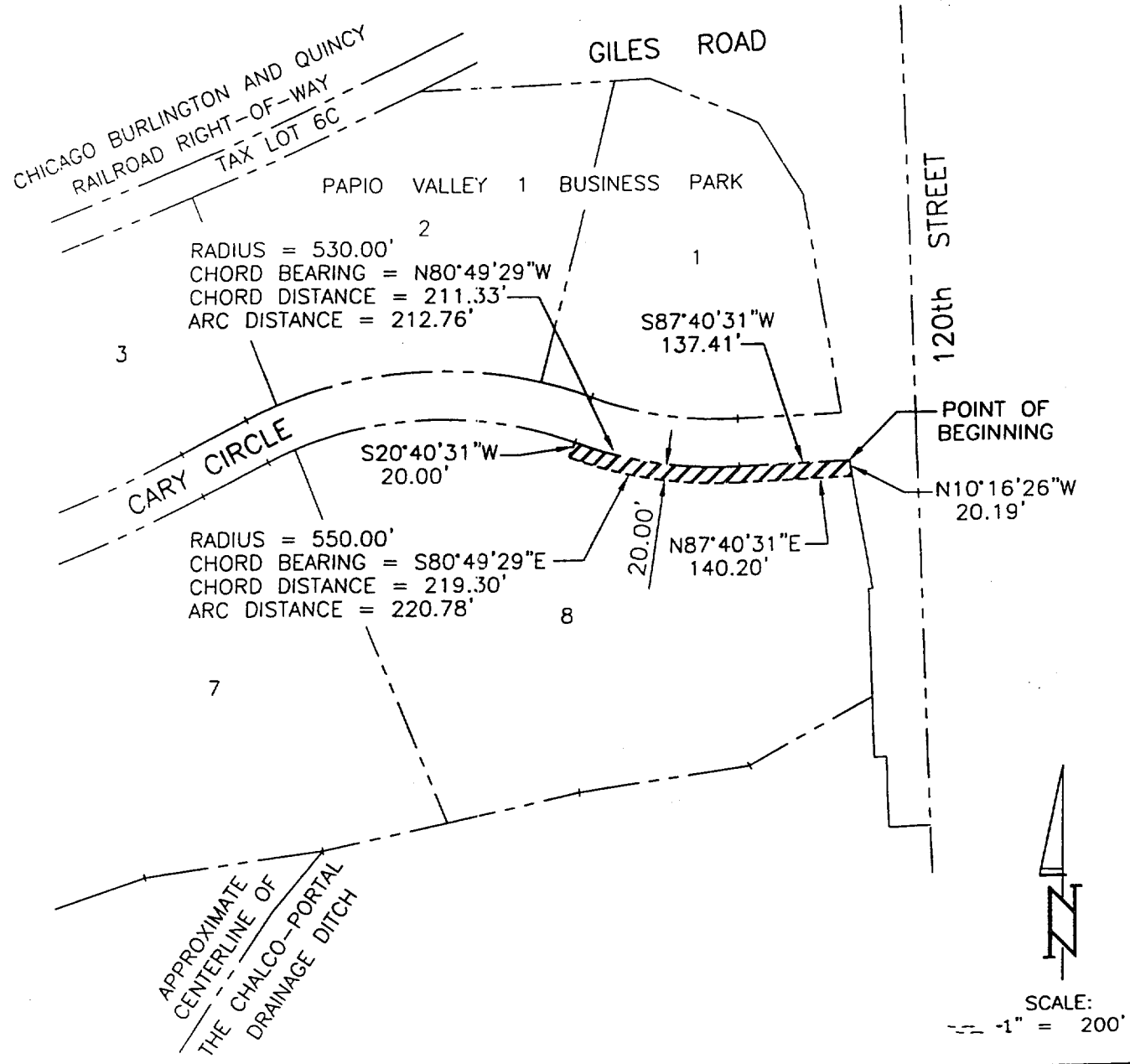


SCALE:
1" = 200'

LEGAL DESCRIPTION

THE EASTERLY 10.00 FEET IN WIDTH AND THE WESTERLY 10.00 FEET IN WIDTH
OF LOT 7, PAPIO VALLEY 1 BUSINESS PARK, A SUBDIVISION IN SARPY COUNTY,
NEBRASKA.

EXHIBIT E

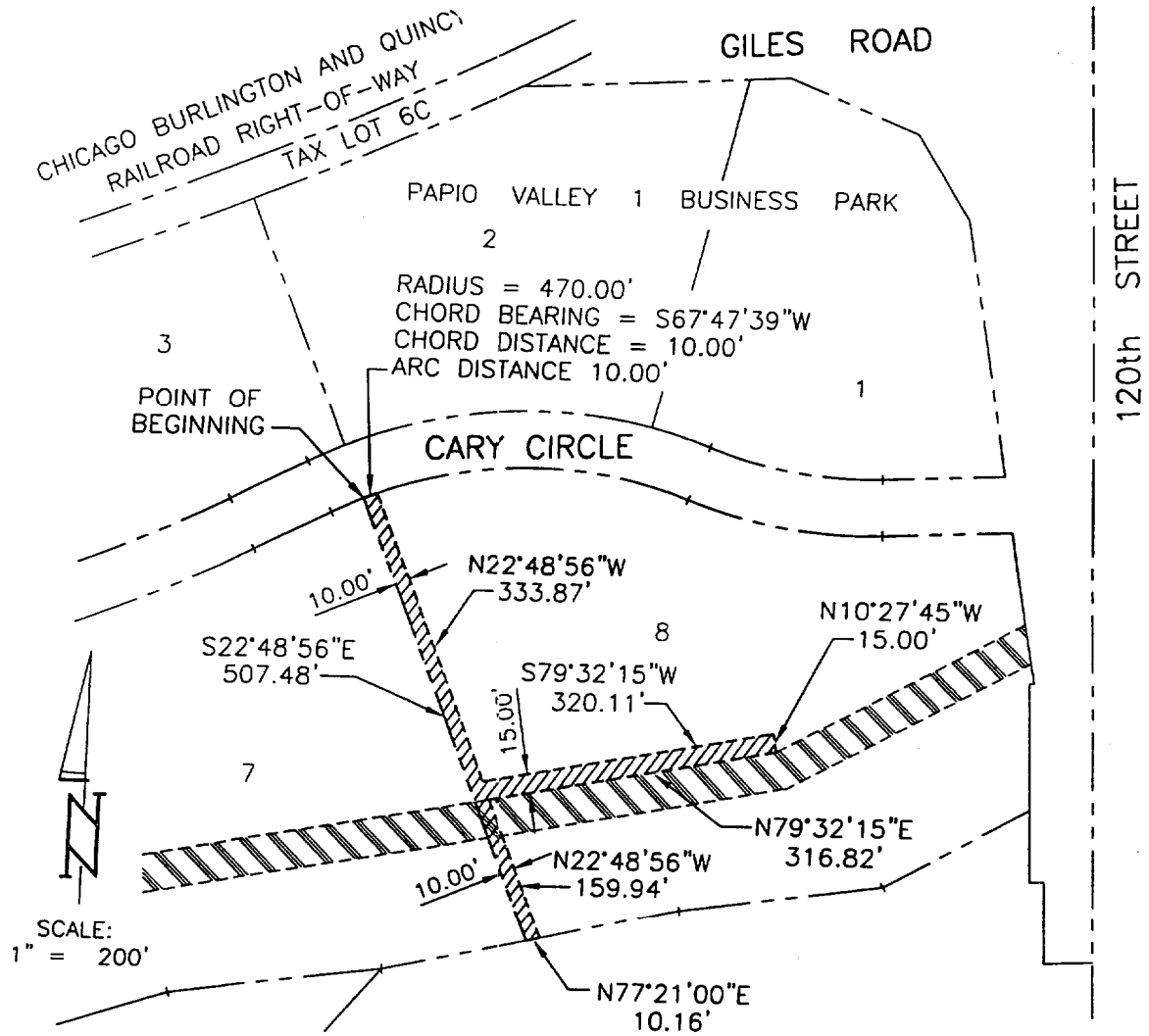


LEGAL DESCRIPTION

A 20.00 FOOT WIDE STRIP OF LAND LYING WITHIN LOT 8, PAPIO VALLEY 1 BUSINESS PARK, A SUBDIVISION IN SARPY COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE NE CORNER OF SAID LOT 8; THENCE ~~S87°40'31"W (ASSUMED BEARING) 137.41 FEET ON THE NORTHERLY~~ LINE OF SAID LOT 8; THENCE NORTHWESTERLY ON THE NORTHERLY LINE OF SAID LOT 8 ON A 530.00 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING N80°49'29"W, CHORD DISTANCE 211.33 FEET AN ARC DISTANCE OF 212.76 FEET; THENCE S20°40'31"W 20.00 FEET ON A NONTANGENT LINE; THENCE SOUTHEASTERLY ON A 550.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING S80°49'29"E, CHORD DISTANCE 219.30 FEET AN ARC DISTANCE OF 220.78 FEET; THENCE N87°40'31"E 140.20 FEET ON A LINE 20.00 FEET SOUTHERLY OF AND PARALLEL WITH THE NORTHERLY LINE OF SAID LOT 8 TO THE EASTERLY LINE THEREOF; THENCE N10°16'26"W 20.19 FEET ON THE EASTERLY LINE OF SAID LOT 8 TO THE POINT OF BEGINNING.

2000 13884 H

EXHIBIT F



LEGAL DESCRIPTION

THAT PART OF LOT 8, PAPIO VALLEY 1 BUSINESS PARK, A SUBDIVISION IN SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: BEGINNING AT THE NW CORNER OF SAID LOT 8; THENCE S22°48'56"E (ASSUMED BEARING) 507.48 FEET ON THE WESTERLY LINE OF SAID LOT 8 TO THE SE CORNER THEREOF; THENCE N77°21'00"E 10.16 FEET ON THE SOUTHERLY LINE OF SAID LOT 8; THENCE N22°48'56"W 159.94 FEET ON A LINE 10.00 FEET EASTERLY OF AND PARALLEL WITH THE WESTERLY LINE OF SAID LOT 8 TO THE NORTHERLY LINE OF A 40.00 FOOT WIDE PERMANENT SEWER EASEMENT GRANTED TO SANITARY AND IMPROVEMENT DISTRICT NO. 65, RECORDED IN MISC. BOOK 45 AT PAGE 254 OF THE SARPY COUNTY RECORDS AND ASSIGNED TO THE CITY OF OMAHA BY INSTRUMENT NO. 94-15619 OF THE SARPY COUNTY RECORDS, HEREINAFTER REFERRED TO AS EASEMENT; THENCE N79°32'15"E 316.82 FEET ON THE NORTHERLY LINE OF SAID EASEMENT; THENCE N10°27'45"W 15.00 FEET; THENCE S79°32'15"W 320.11 FEET ON A LINE 15.00 FEET NORTHERLY OF AND PARALLEL WITH THE NORTHERLY LINE OF SAID EASEMENT TO A POINT 10.00 FEET FROM THE WESTERLY LINE OF SAID LOT 8; THENCE N22°48'56"W 333.87 FEET ON A LINE 10.00 FEET EASTERLY OF AND PARALLEL WITH THE WESTERLY LINE OF SAID LOT 8 TO THE NORTHERLY LINE THEREOF; THENCE SOUTHWESTERLY ON THE NORTHERLY LINE OF SAID LOT 8 ON A NONTANGENT 470.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING S67°47'39"W, CHORD DISTANCE 10.00 FEET AN ARC DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.