

FILED SARPY CO. NE.
INSTRUMENT NUMBER
2006-04955

2006 FEB 16 A 10:52 9

Glenn J. Lawing
REGISTER OF DEEDS

COUNTER C.E.
VERIFY
PROOF
FEES \$ 24.00
CHECK# 150346
CHG CASH
REFUND CREDIT
STAMP

AFTER RECORDING RETURN TO:

RJR

Robert J. Huck, Esq.
CROKER, HUCK, KASHER, DEWITT,
ANDERSON & GONDERINGER, L.L.C.
2120 South 72nd Street, Suite 1200
Omaha, Nebraska 68124

PERPETUAL EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT, as the owner of Lots 1, 26, 27, 36, 37, 55, 56, 87, 88, 103, 104, 119, 120, 135, 136, 145, 146, 150, 151, 152, 153, 156, 157, 165, 166, 178, 179 and 190, Covington, a subdivision, as surveyed, platted and recorded in Sarpy County, Nebraska (the "Lots"), McCUNE DEVELOPMENT, L.L.C., 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. 258 OF SARPY COUNTY, NEBRASKA, a municipal corporation and THE CITY OF GRETNA, in the State of Nebraska, upon its annexation of SID 258 (hereinafter collectively referred to as "Grantee"), its successors and assigns, a perpetual easement over, upon and across that portion of the Lots more particularly described on Exhibit "A," which is attached hereto and incorporated herein by this reference (hereinafter the "Easement Area").

The scope and purpose of such easement is for the construction and maintenance of landscaping and fencing. Grantee and its contractors and agents shall have full right and authority to enter upon the Easement Area in order to perform any of the acts and functions described within the scope and purposes of such easement.

Notwithstanding Grantee's right of general maintenance of the landscaping features and fence located thereon, Grantor, or its successors in ownership of the Lots, will maintain in good condition (with such maintenance to include, but not be limited to, all necessary watering, mowing and fertilizing, and any replacement which may be necessary from time to time) all grass planted by the Grantee located in the Easement Area, and in addition, Grantor, or its successors in ownership of the Lots, shall at all times provide all bushes, shrubbery, and other vegetation and landscaping located in the Easement Area with sufficient water so as to maintain all such bushes, shrubbery, and other vegetation and landscaping in a healthy, growing condition, and shall perform all weeding as may be necessary to maintain the landscaping in a neat and trim condition.

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 easement; and Grantor further hereby covenants to warrant and defend said easement 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 14 day of February, 2006.

McCUNE DEVELOPMENT, L.L.C.

By: *Paul McCune*
Its: MANAGER

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 14 day of February, 2006, by *Paul McCune*, MANAGER of McCune Development, L.L.C., on behalf of the limited liability company.

Notary *Cathy Cole*
Public GENERAL NOTARY - State of Nebraska
CATHY COLE
My Comm. Exp. April 2, 2008

2006-04955A

LEGAL DESCRIPTION

A permanent easement for the construction and maintenance of landscaping and fencing over a five foot (5.0') strip of land abutting the right of way line of Covington Boulevard and 200th Street over Lots 1, 26, 27, 36, 37, 55, 56, 87, 88, 103, 104, 119, 120, 135, 136, 145, 146, 150, 151, 152, 153, 156, 157, 165, 166, 178, 179, and 190, COVINGTON, a subdivision, as surveyed, platted and recorded in Sarpy County, Nebraska.

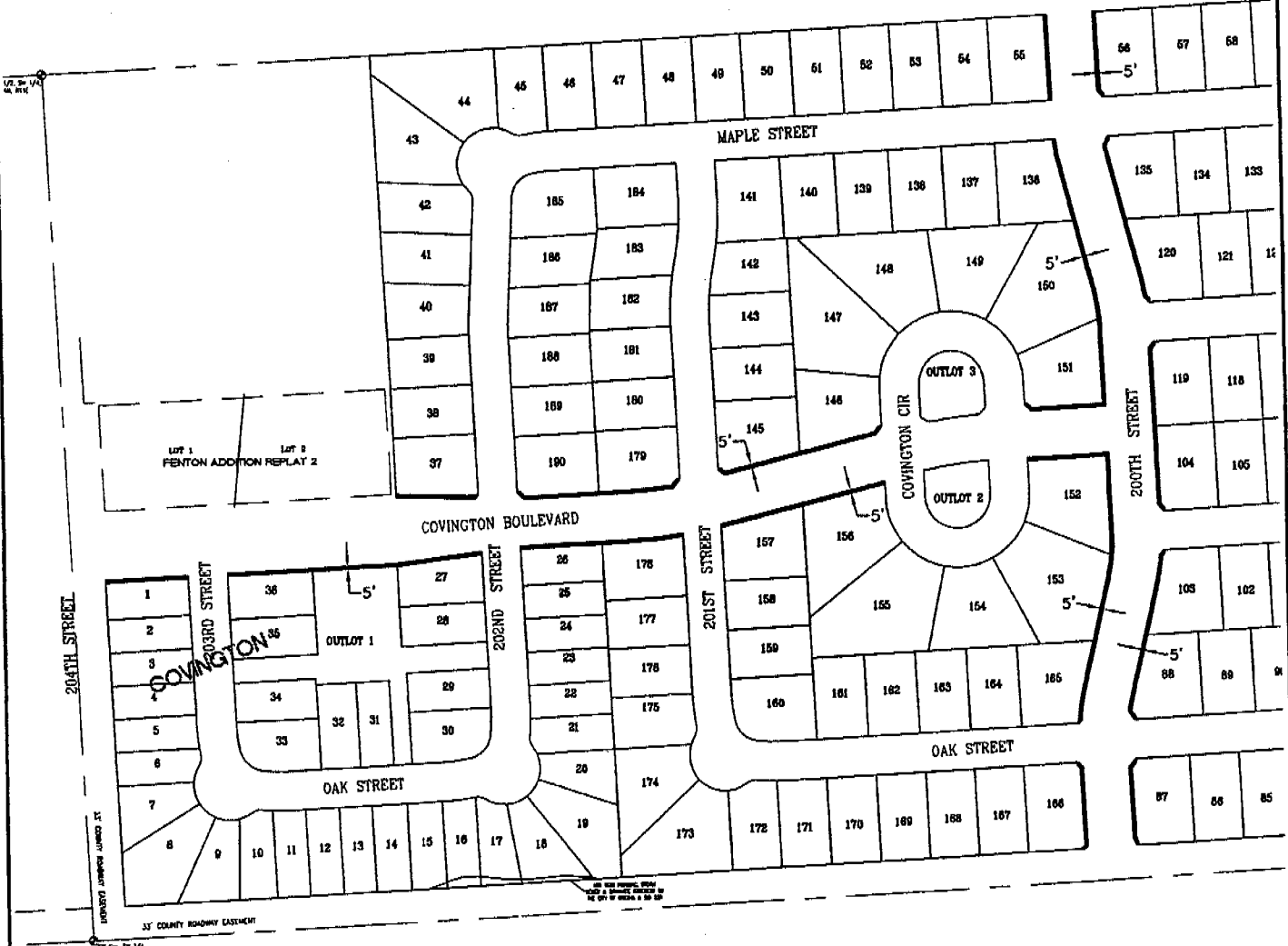
LEGEND



LANDSCAPING AND FENCING EASEMENT



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Book _____ Page _____ Date 11/10/05 Dwn.By MJW Job Number 04008.11-025



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EXHIBIT
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