

GRANT OF EASEMENT

THIS INDENTURE AND GRANT OF EASEMENT made the 27th day of September, 1979, between Daniel H. Lucy and Joyce L. Lucy _____, hereinafter referred to as "Grantor(s)", in favor of Sanitary and Improvement District No. 252, Douglas County, Nebraska, hereinafter referred to as "SID", and its successors and assigns, including but not in limitation of the City of Omaha, Douglas County, Nebraska, a municipal corporation, hereinafter referred to as "City".

WITNESSETH:

THAT, said Grantor(s) in consideration of the sum of One Dollar (\$1.00), and other valuable consideration, to Grantor(s) in hand paid by SID, the receipt whereof is hereby acknowledged, does or do hereby grant, sell, convey and confirm unto said SID and City and their assigns forever, the right to grade, use, construct, build, lay, maintain, repair and reconstruct a drainage way, swail, ditch or sewer for the draining and passage of surface water, together with all appurtenances, wires, lines, poles, structures, and other applicable equipment pertaining to any such way, swail, ditch or sewer, in, through, over and under the parcel of land described on Exhibit "A" attached hereto and incorporated herein by this reference.

No buildings, improvements or structures, shall be placed, in, on, over or across said easement by the undersigned, his or their successors and assigns without express approval of said SID and said City; provided, however, that trees, grass, shrubbery and other plants may be installed within said easement by Grantor, his or their successors and assigns, and that in the event it becomes necessary to remove, repair, replace or reconstruct said way, swail, ditch or sewer, the removal, repair replacement or reconstruction of said way, swail, ditch or sewer shall be done at the expense of the undersigned and his or their successors and assigns.

Said SID shall cause any trench made on or other damage to the aforesaid realty to be properly refilled, and shall cause grass seed to be sown over any affected area, and shall cause the premises to be left in a neat and orderly condition.

The easement is also for the benefit of any contractor, agent, employee and representative of the SID in any of said construction and work.

Said Grantor(s) for himself or themselves and his or their heirs, executors, and administrators does or do confirm with the said SID and its assigns, that he or they, the Grantor(s) is or are well seized in fee of the above described property and that he or they has or have the right to grant and convey this easement in the manner and form aforesaid, and that he or they will, and his or their heirs, executors and administrators, shall warrant and defend this easement to said SID and their assigns against the lawful claims and demands of all persons. This easement runs with the land.

The consideration recited includes damages for change in grade, if any, and any and all claims for damages arising from change of grade or grading are hereby waived.

IN WITNESS WHEREOF, said Grantor(s) has or have hereunto set his or their hands and seal(s) the day and year first above written.

Daniel H. Lucy

Joyce L. Lucy



STATE OF NEBRASKA)
) ss.
 COUNTY OF DOUGLAS)

On the 27th day of September, 1979, before me, a Notary Public in and for said County, personally came Daniel H. and Joyce L. Lucy who is (are) personally known to me to be the identical person(s) whose name(s) is (are) affixed to the foregoing instrument and acknowledge the instrument to be his, her, (their) voluntary act and deed for the purposes therein contained.

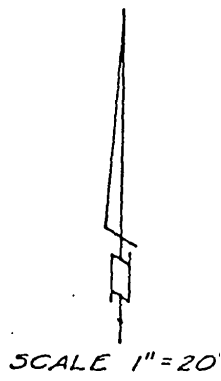
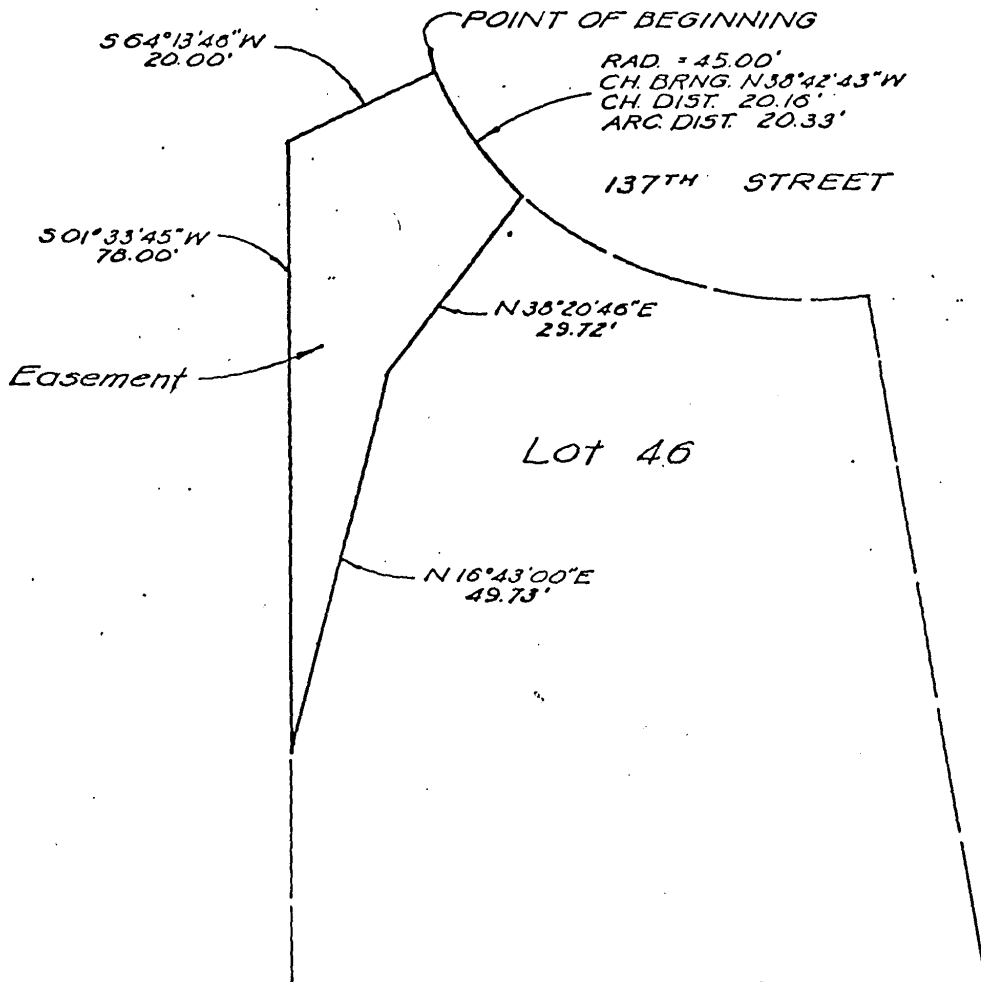
WITNESS my hand and Notarial Seal the date aforesaid.

Mary Lou Garrity

 Notary Public

My Commission Expires:

October 3, 1979



LEGAL DESCRIPTION: (EASEMENT)

That part of Lot 46, Discovery, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska, described as follows: Beginning at the most northerly corner of said Lot 46; thence S 64° 13' 48" W (assumed bearing) on the northerly line of said Lot 46, 20.00 feet; thence S 01° 33' 45" W on the west line of said Lot 46, 78.00 feet; thence N 16° 43' 00" E, 49.73 feet; thence N 38° 20' 46" E, 29.72 feet to a point on the northerly line of said Lot 46; thence northwesterly on the northerly line of said Lot 46 on a 45.00 foot radius curve to the right (chord bearing N 38° 42' 43" W, chord distance 20.16 feet) an arc distance of 20.33 feet to the point of beginning.

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 of (Mass.)

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 1980 JAN -4 AM 11:14
 C. HAROLD OSTLER
 REGISTER OF DEEDS
 DOUGLAS COUNTY, NEBRASKA

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