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Nov 12 9 22 AM '93

GEORGE J. BUGLEWICZ  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NE

RETURN TO:

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

30150 BK 1102 R [Signature]  
LPE [Signature] PG 419 419  
EE 2520 OF [Signature] LEGL PG [Signature] COMP [Signature] FB MC-10985  
SCAN [Signature] MC [Signature] FV [Signature]

**PERPETUAL EASEMENT**

KNOW ALL MEN BY THESE PRESENTS:

THAT **BENCHMARK HOMES, INC.**, a Nebraska corporation, (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. 379 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 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 easement 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 easementway in order to perform any of the acts and functions described within the scope and purposes of such easement; PROVIDED, however, that such easement 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. 379 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 alterations, maintenance, inspection, repairs or reconstruction in the way of damage to trees, grounds, buildings, or other improvements abutting thereon, including crops, vines and gardens; provided, however, that this provision does not apply to any of the aforesaid items located in, on, over or across said easementway or any part thereof.

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 easement; and Grantor further hereby covenants to warrant and defend said easementway 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 25<sup>th</sup> day of August, 1993.

ATTEST:

Barbara J. Czerwinski  
Secretary

BENCHMARK HOMES, INC.

By: [Signature]  
President

STATE OF NEBRASKA       )  
                                  ) ss.  
COUNTY OF DOUGLAS     )

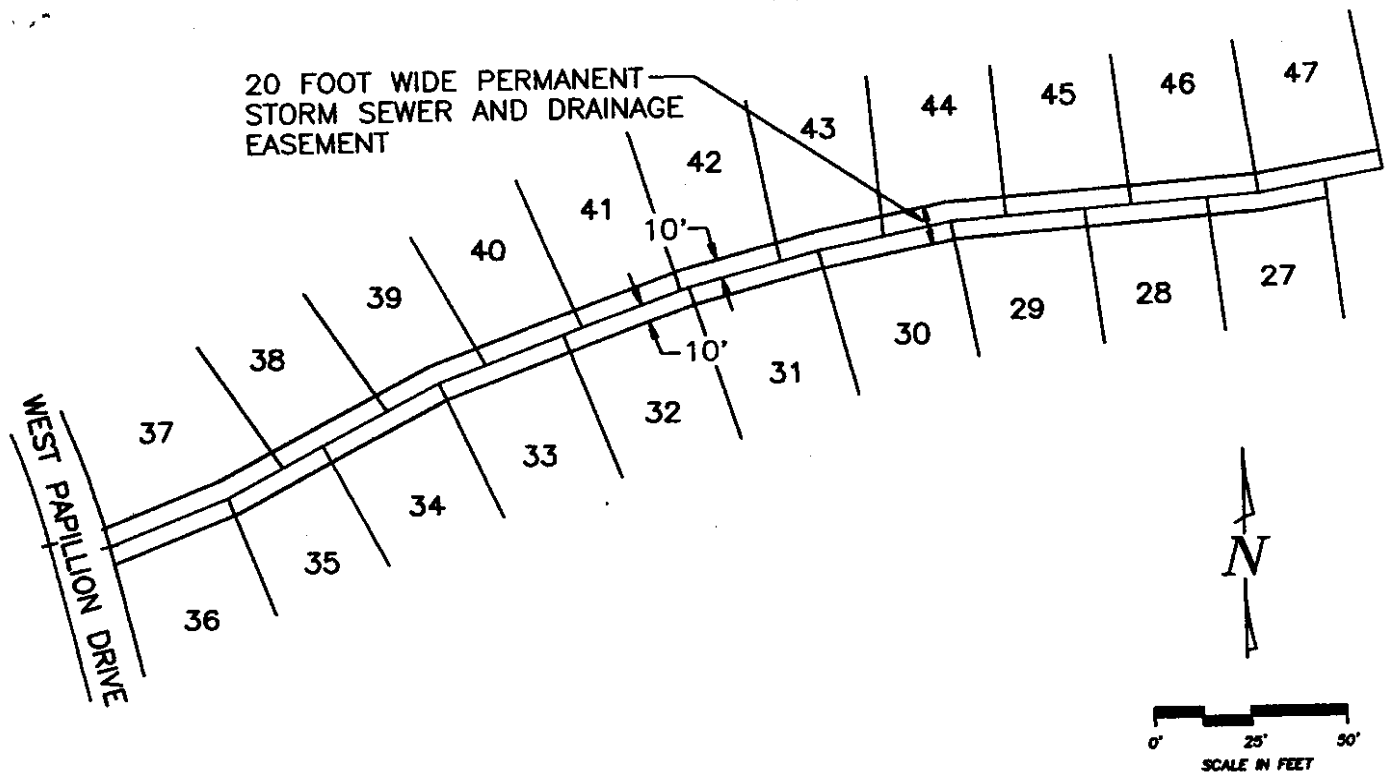
The foregoing instrument was acknowledged before me this 25<sup>th</sup> day of August, 1993, by John C. Czerwinski, Jr., President, and BARBARA J. CZERWINSKI, Secretary, of BENCHMARK HOMES, INC., a Nebraska corporation, on behalf of the Corporation.



[Signature]  
Notary Public

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NOTARIAL SEAL AFFIXED  
REGISTER OF DEEDS



## LEGAL DESCRIPTION

THE REAR 10.00 FEET, IN WIDTH, OF LOTS 27 THRU 47, INCLUSIVE, OF ELK CREEK CROSSING, A SUBDIVISION AS SURVEYED, PLATTED, AND RECORDED IN DOUGLAS COUNTY, NEBRASKA.

## EXHIBIT "A"

JOB NO. 942-103  
SHEET NO. 942103E1.DWG  
BOOK PAGE  
DATE 8/23/93