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GEORGE J. FUGLESTAD
REGISTER OF DEEDS
DOUGLAS COUNTY

4427 H MC-10986
FEE 21.00 R FB
DEL CO COMPS
LOCAL FG SCALE FV

AFTER RECORDING RETURN TO:

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

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 Exhibits "A" and "B" 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 pipeline, including all necessary manholes and other related appurtenances, and the transmission through said sewer of storm water runoff. The Grantee and its contractors 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 construction, alterations, maintenance, inspection, repairs or reconstruction in the way of damage to trees, grounds, or other improvements thereon, including crops, vines and gardens.

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 20th day of April, 1995.

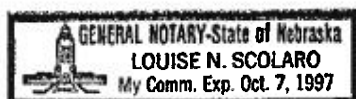
BENCHMARK HOMES, INC.

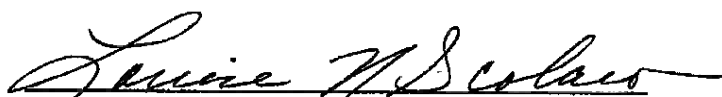
By: 

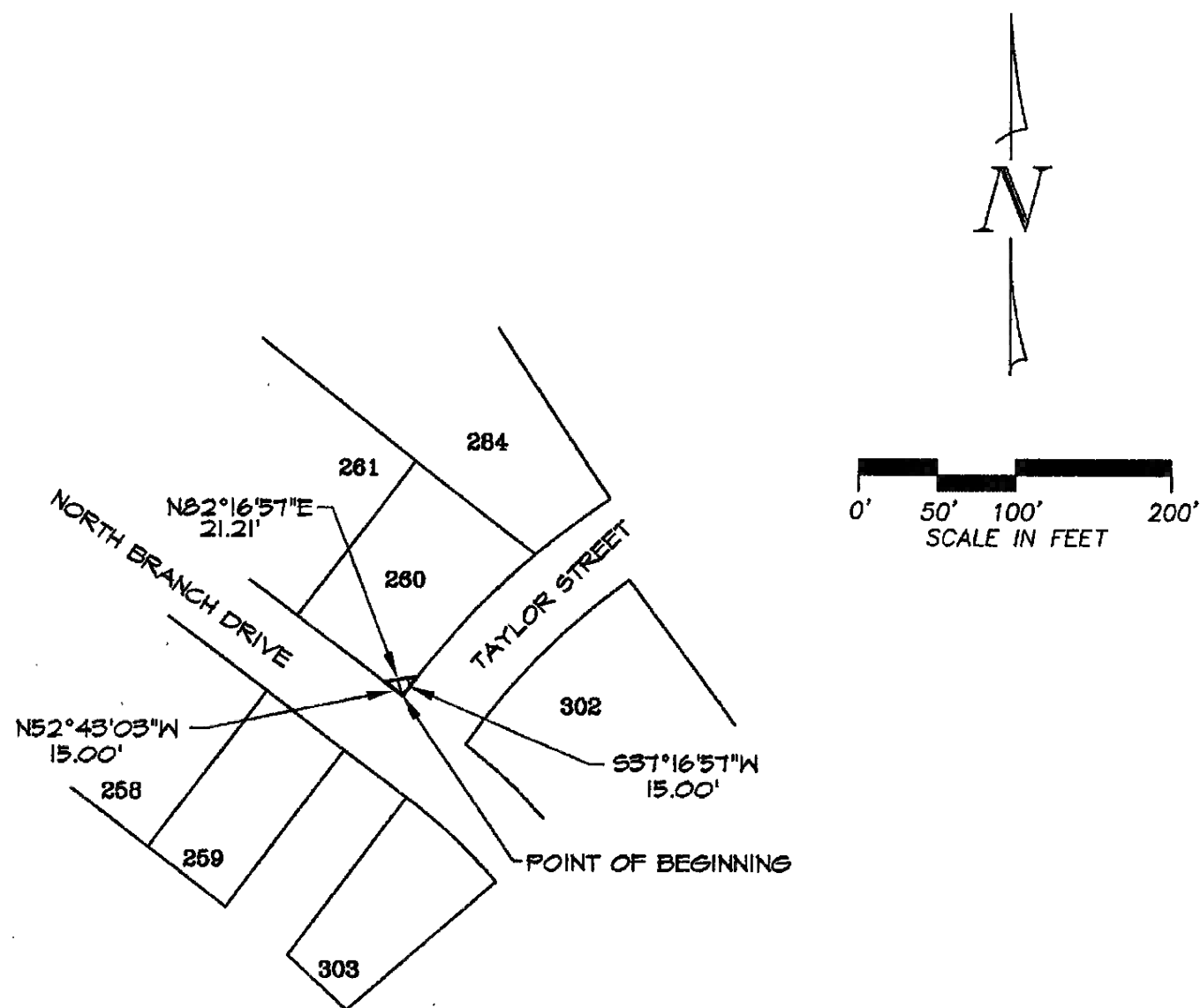
President

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 20th day of April, 1995, by John C. Czerwinski, Jr., President of BENCHMARK HOMES, INC., a Nebraska corporation, on behalf of the Corporation.




Notary Public

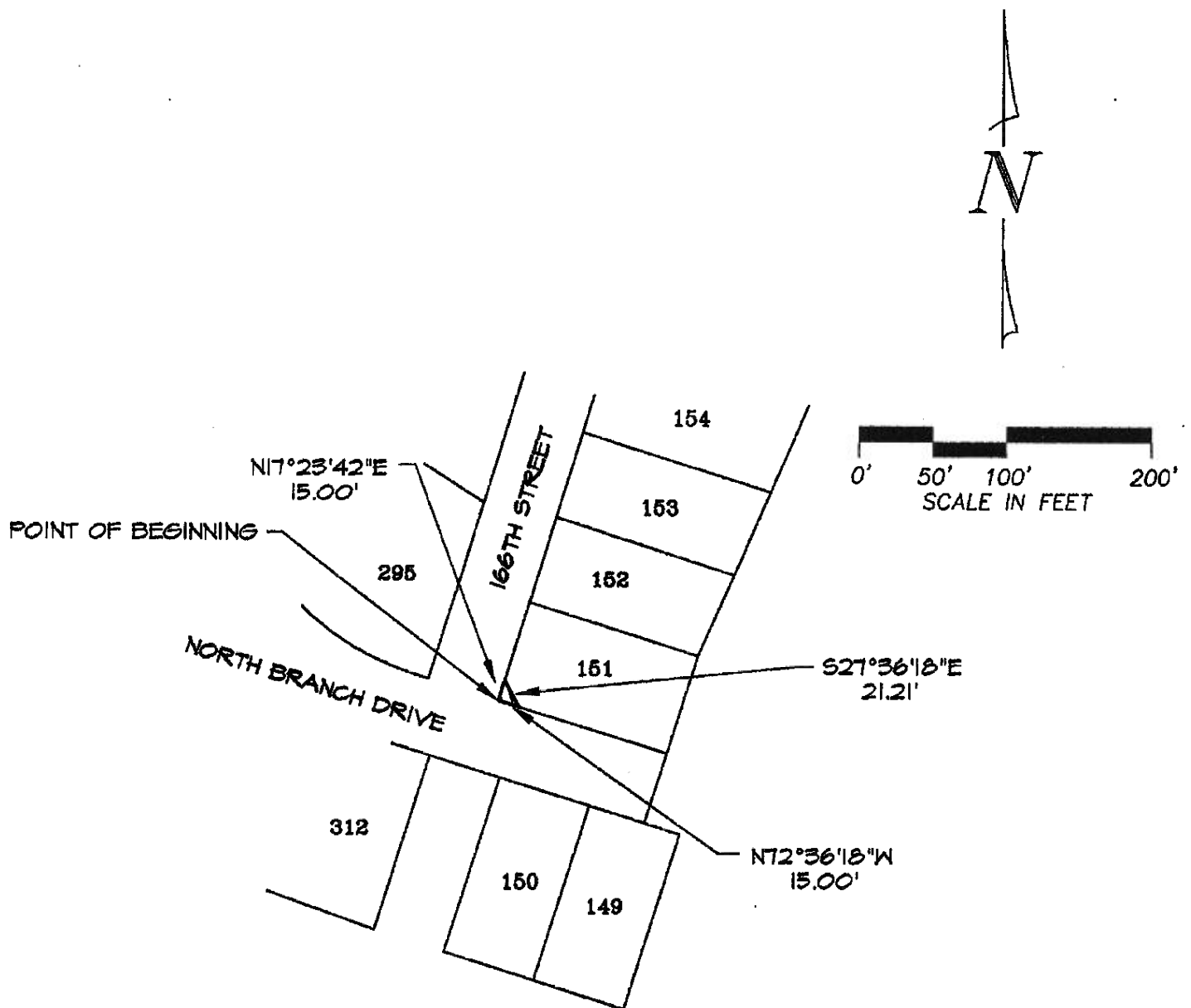


LEGAL DESCRIPTION

THAT PART OF LOT 260, ELK CREEK CROSSING, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHERN MOST CORNER OF SAID LOT 260; THENCE N52°43'03"W (ASSUMED BEARING) 15.00 FEET ON THE SOUTHWESTERLY LINE OF SAID LOT 260; THENCE N82°16'57"E 21.21 FEET TO THE SOUTHEASTERLY LINE OF SAID LOT 260; THENCE S37°16'57"W 15.00 FEET ON THE SOUTHEASTERLY LINE OF SAID LOT 260 TO THE POINT OF BEGINNING.

SID 379 (ELK CREEK CROSSING)
 TD2 FILE NO. 9421084
 4-11-95

EXHIBIT "A"



LEGAL DESCRIPTION

THAT PART OF LOT 151, ELK CREEK CROSSING, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: BEGINNING AT THE SW CORNER OF SAID LOT 151; THENCE $N17^{\circ}23'42''E$ (ASSUMED BEARING) 15.00 FEET ON THE WEST LINE OF SAID LOT 151; THENCE $S27^{\circ}36'18''E$ 21.21 FEET TO THE SOUTH LINE OF SAID LOT 151; THENCE $N72^{\circ}36'18''W$ 15.00 FEET ON THE SOUTH LINE OF SAID LOT 151 TO THE POINT OF BEGINNING.

SID 379 (ELK CREEK CROSSING)
 TD2 FILE NO. 9421083
 4-11-95

EXHIBIT "B"