



1256 343 MISC



09985 98 343-348

RICHARD N. TAKECHI
REGISTER OF DEEDS
DOUGLAS COUNTY, NE

98 JUL 22 PM 3:08

RECEIVED

AFTER RECORDING RETURN TO:

JAMES F. KASHER
CROKER, HUCK, KASHER, DeWITT,
ANDERSON & GONDERINGER, P.C.
2120 SOUTH 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", "B", "C" and "D" 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.

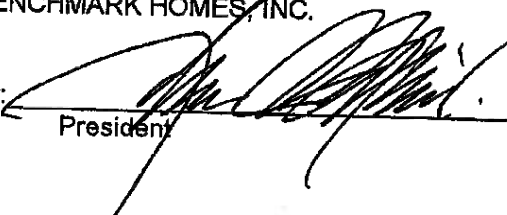
By accepting and recording this perpetual easement grant, said Grantee, Sanitary and Improvement District No. 379 of Douglas County, Nebraska, agrees forthwith, and said Grantee, City of Omaha, agrees effective with the annexation of the property in which said improvements are constructed, to make good 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.

mc-10986
FEE _____ FB _____
BKP _____ C/O _____ COMP JP
DEL _____ SCAN dc FV _____

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.

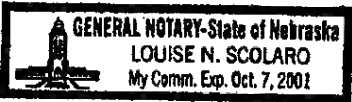
This instrument shall be binding on the successors and assigns of the respective parties hereto.


IN WITNESS WHEREOF, the Grantor herein, for itself, its successors and assigns, has caused the due execution hereof as of the 19th day of June, 1998.

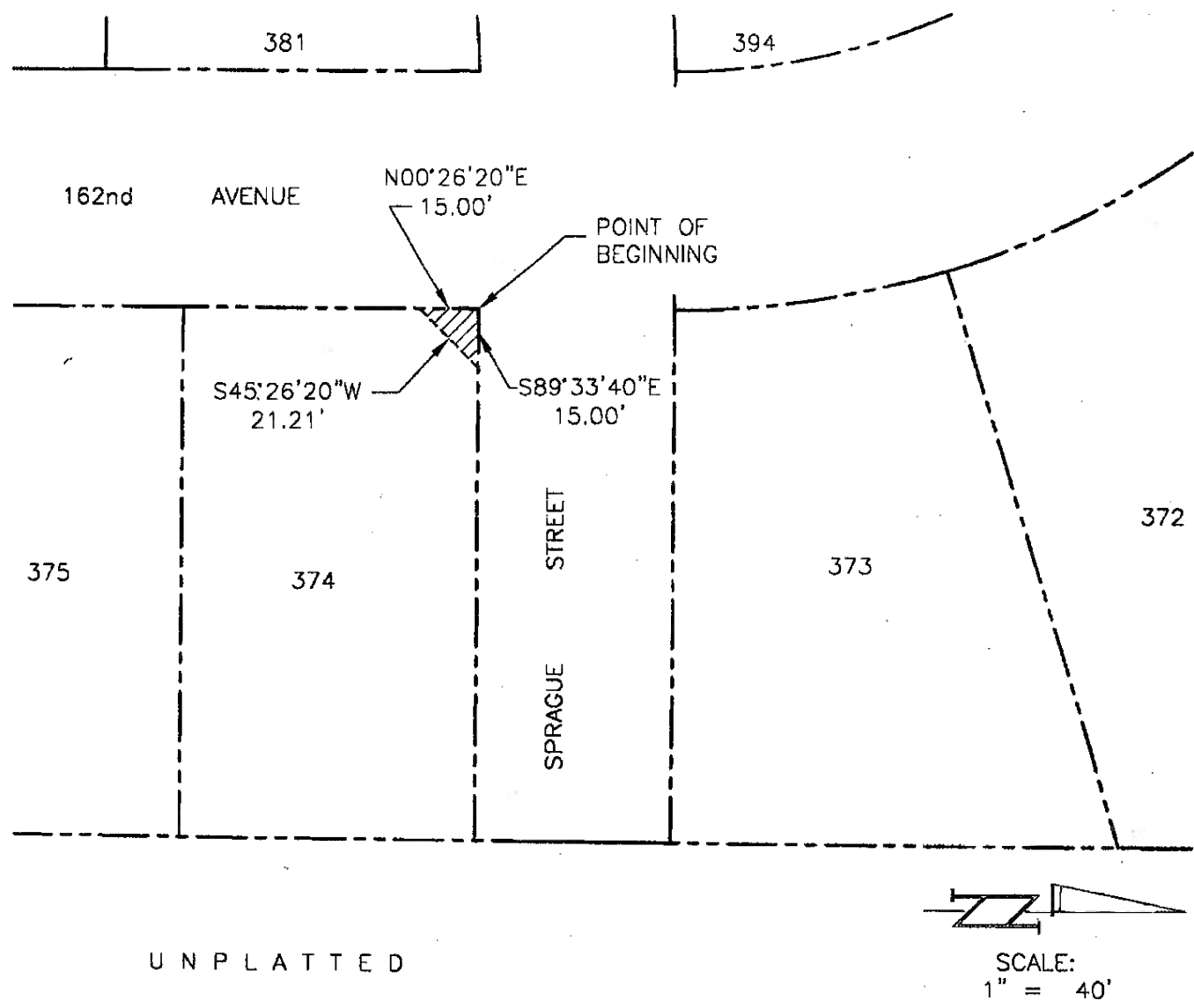
BENCHMARK HOMES, INC.
By: 
President

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 19th day of June, 1998, 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 374, ELK CREEK CROSSING, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: BEGINNING AT THE NW CORNER OF SAID LOT 374;

THENCE S89°33'40"E (ASSUMED BEARING) 15.00 FEET ON THE NORTH LINE OF SAID LOT 374;

THENCE S45°26'20"W 21.21 FEET TO THE WEST LINE OF SAID LOT 374;

THENCE N00°26'20"E 15.00 FEET ON THE WEST LINE OF SAID LOT 374 TO THE POINT OF BEGINNING.

CONTAINING 112.5 SQUARE FEET

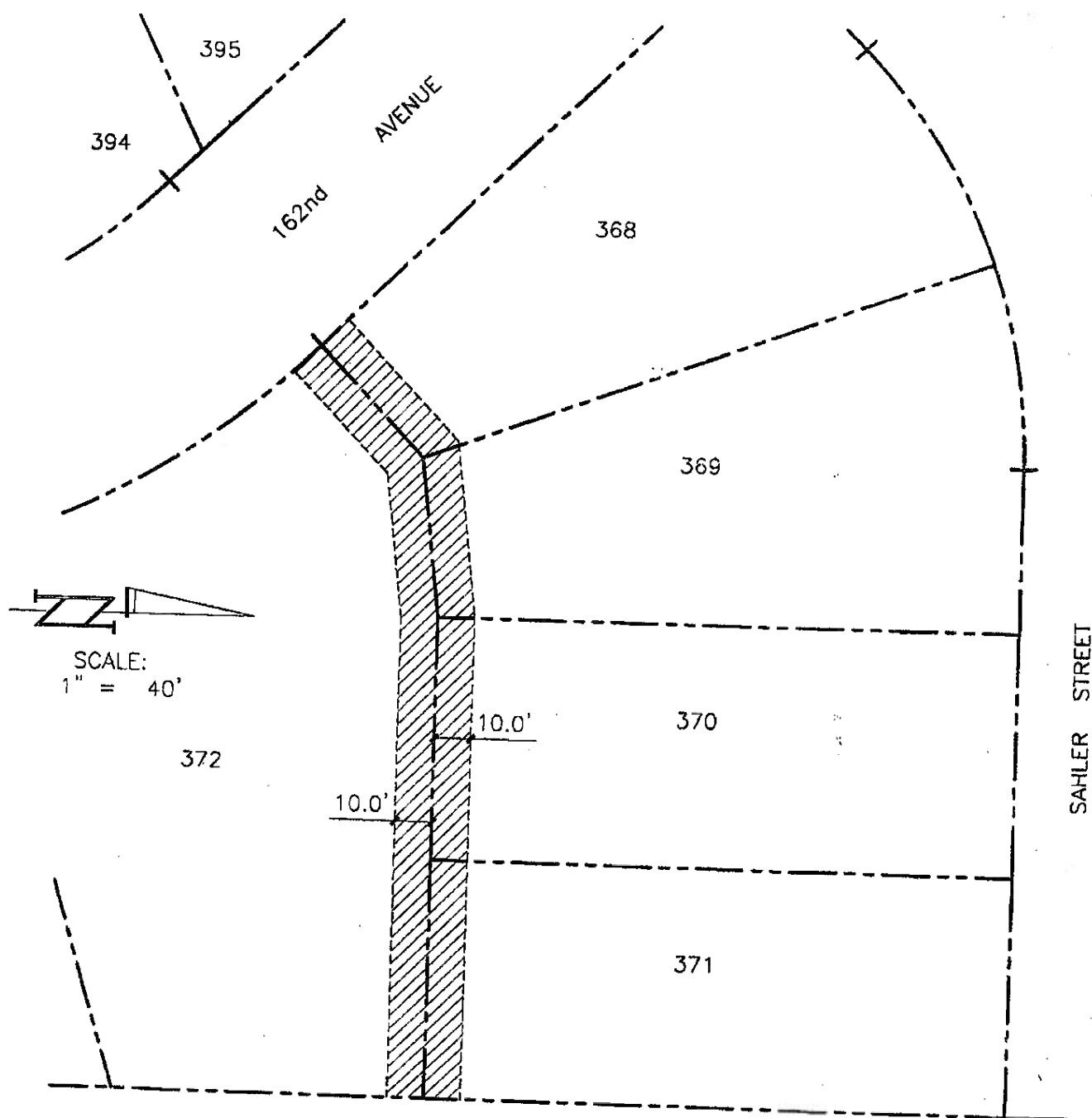
BENCHMARK HOMES, INC.

TD2 FILE NO. 122-169-EA-3

DATE: JUNE 16, 1998

THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860

EXHIBIT "A"



SCALE:
1" = 40'

UNPLATTED

LEGAL DESCRIPTION

THE NORTHERLY 10.00 FEET OF LOT 372, TOGETHER WITH THE SOUTHERLY 10.00 FEET OF LOTS 368, 369, 370 AND 371, ELK CREEK CROSSING, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA.

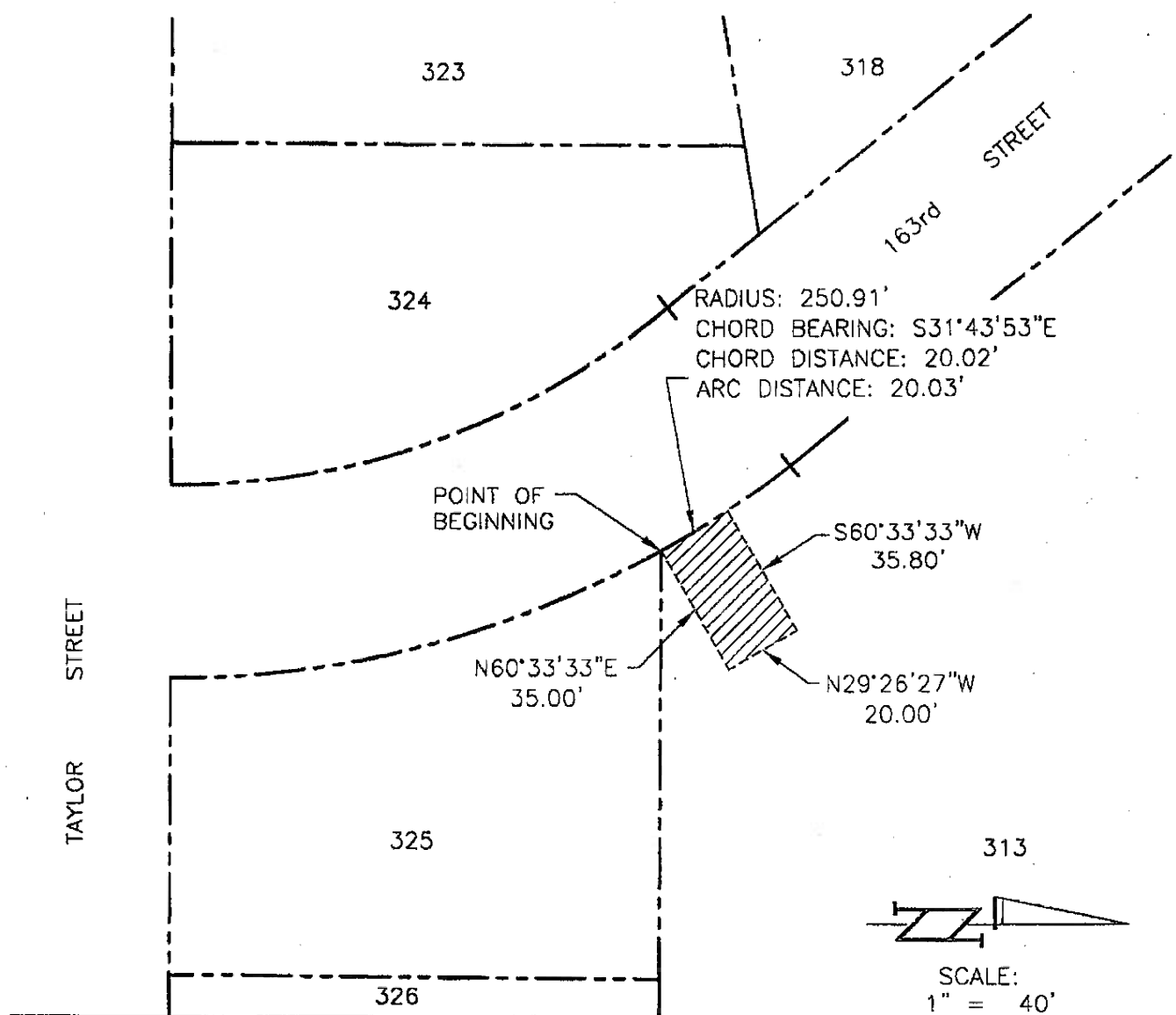
BENCHMARK HOMES, INC.

ID2 FILE NO. 122-169-EA-5

DATE: JUNE 16, 1998

THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860

EXHIBIT "B"



LEGAL DESCRIPTION

A 20.00 FOOT WIDE STRIP OF LAND LYING WITHIN THAT PART OF LOT 313, ELK CREEK CROSSING, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: COMMENCING AT THE SW CORNER OF SAID LOT 313;

THENCE N60°33'33"E (ASSUMED BEARING) 35.00 FEET ON A LINE RADIAL TO THE WESTERLY LINE OF SAID LOT 313;

THENCE N29°26'27"W 20.00 FEET;

THENCE S60°33'33"W 35.80 FEET TO THE WESTERLY LINE OF SAID LOT 313;

THENCE SOUTHEASTERLY ON THE WESTERLY LINE OF SAID LOT 313 ON A 250.91 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING S31°43'53"E CHORD DISTANCE 20.02 FEET, AN ARC DISTANCE OF 20.03 FEET TO THE POINT OF BEGINNING.

CONTAINING 708.0 SQUARE FEET

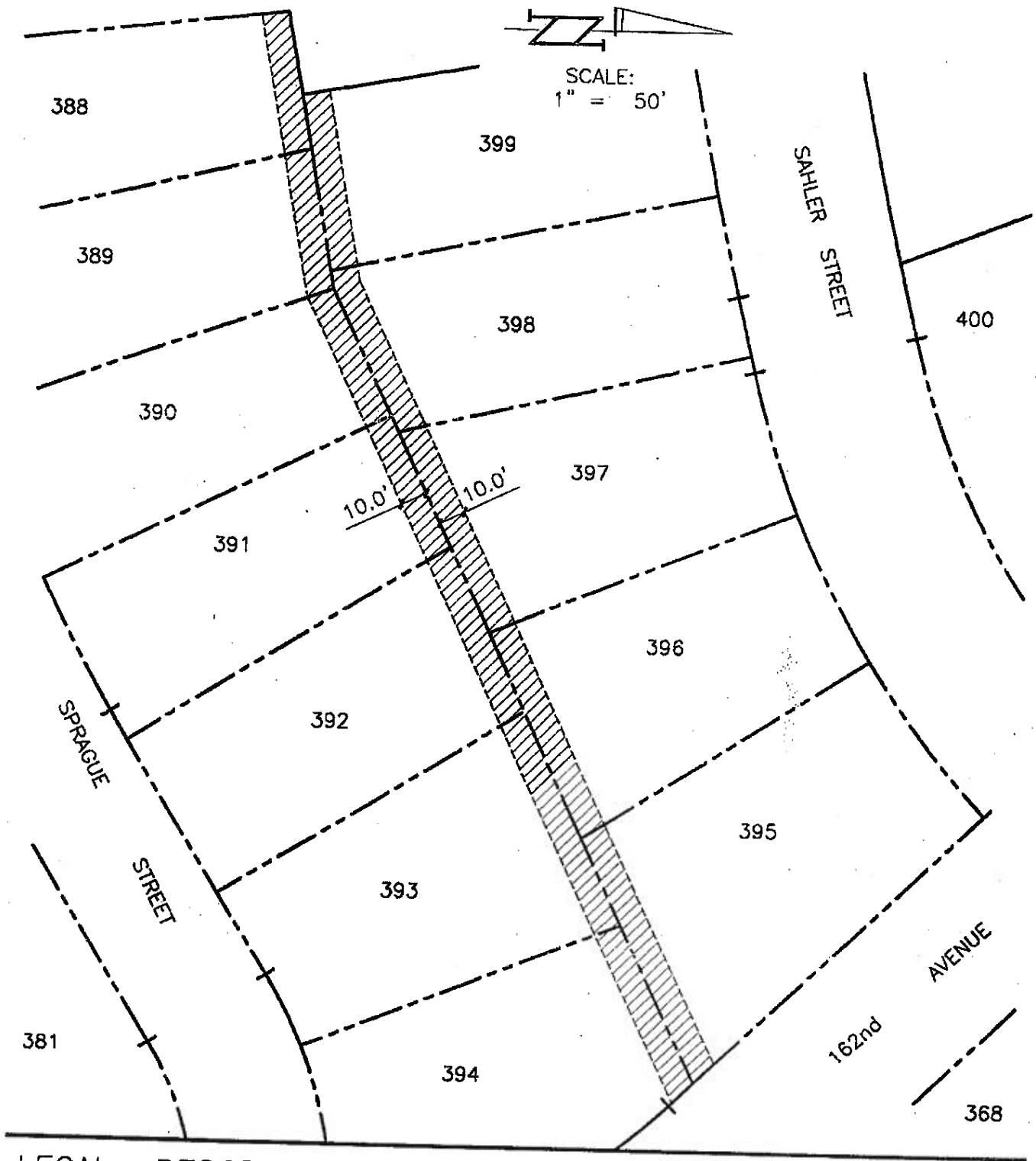
BENCHMARK HOMES, INC.

TD2 FILE NO. 122-169-EA-4

DATE: JUNE 16, 1998

THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860

EXHIBIT "C"



LEGAL DESCRIPTION

THE SOUTHERLY 10.00 FEET OF LOTS 395 THRU 399, INCLUSIVE, TOGETHER WITH THE NORTHERLY 10.00 FEET OF LOTS 388 THRU 394, INCLUSIVE, ELK CREEK CROSSING, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA.

BENCHMARK HOMES, INC. TD2 FILE NO. 122-169-EA-6 DATE: JUNE 16, 1998
THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860

EXHIBIT "D"