



BK 1474 P6 598-600

RICHARD N. TAKECHI
REGISTER OF DEEDS
DOUGLAS COUNTY, NE

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MISC 2002 28311

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EASEMENT

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THIS EASEMENT made this 31st day of October, 2002, by and between Dodge Development, Inc., a Nebraska corporation (herein referred to as the "Grantor"), and Sanitary and Improvement District No. 458 of Douglas County, Nebraska (herein referred to as the "Grantee").

WHEREAS, the Grantee is a sanitary and improvement district installing storm sewers in a subdivision known as Elk Valley in Douglas County, Nebraska, and

WHEREAS, part of the storm drainage for said subdivision is carried through an existing creek through said subdivision and another existing creek along the north boundary of said subdivision, and

WHEREAS, both of said creeks are bordered by mature trees which the parties would like to preserve,

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the following is agreed between the Grantor and Grantee herein:

1. Grant of Easement. The Grantor does hereby give, grant and convey unto the Grantee, and its successors and assigns, a permanent easement for construction and maintenance of a drainage way and storm sewer over portions of Lots 17 ¹⁰/₃₂, inclusive, 91 ⁴⁰/₁₃₀, inclusive, and 230 ³/₂₃₂, inclusive, in Elk Valley, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska, as shown on the plat of Elk Valley recorded at Book 2197 at page 422 - 428 of the records of Douglas County, Nebraska and additional areas on Lots 27, 98, 99, 124, 230 and 231 in Elk Valley, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska, as shown in Exhibit A attached hereto and by this reference made part hereof.

2. Scope and Purpose of Easement. The scope and purpose of this easement is for a permanent easement for a drainage way and storm sewer over and under said easement area. The primary obligation for care and maintenance of the lots, including the easement area, shall remain with the lot owner. Provided, however, the Grantee shall have the full right and authority but not the obligation to enter upon this Easement for the construction, reconstruction, repair, maintenance, replacement and renewal of a drainage way and storm sewer. The portion of the lot where the easement area is located shall not be graded, filled in, or otherwise changed and no structure, building or fence shall be constructed across or on the easement area except as deemed necessary by the Grantee, in its sole and absolute discretion, to establish and maintain the storm drainage through this easement area.

3. Preservation of Trees. Because the creeks in the easement area are a part of the storm drainage system and because a natural or man-made drainageway channel may meander out of its existing boundaries, it is desirable to maintain the trees along the creek areas so that the root system of the trees will help prevent washouts of the creek banks. Therefore, trees may not be removed from the easement areas unless dead or diseased and as deemed necessary by the Grantee, in its sole and absolute discretion, to maintain the storm drainage system.

4. Consideration for Easement. The consideration paid by the Grantee to the Grantor for said easement is \$1.00 and other valuable consideration.

Return to:
NP Dodge Land Development, Inc.
8701 W. Dodge Rd., Ste. 300
Omaha, NE 68114

5. Term of Easement. This easement shall be perpetual.

6. Make Good Any Damages. By accepting and recording this Easement, the Grantee agrees to make good or cause it to make good to the owner of the property on which said easement is located all damage that may be done by reason of negligent changes, alterations, maintenance, inspections, repairs or construction in the way of damage to trees, and grounds.

7. Lawful Authority. The Grantor herein for itself, its successors and assigns, does hereby covenant and agree with said Grantee, its successors and assigns, that the Grantor is lawfully seized of said property, and that the Grantor has the right and lawful authority to grant said Easement, and the Grantor further warrants and defends said Easement against the claims of all persons whomsoever.

8. Binding Effect. This Easement shall be binding upon the successors and assigns of the Grantor and Grantee.

DATED the day above written.

GRANTOR:

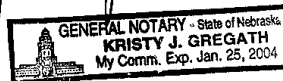
DODGE DEVELOPMENT, INC.,
a Nebraska corporation

By: W. L. Morrison, Jr.
W. L. Morrison, Jr., President

STATE OF NEBRASKA)
)ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me, a Notary Public, this 31st day of October, 2002, by W. L. Morrison, Jr., President of Dodge Development, Inc., a Nebraska corporation.

Kristy J. Gregath
Notary Public



"EXHIBIT A"
SID 458 – DRAINAGE EASEMENT

LOT 27 PERMANENT EASEMENT TO A TRACT OF LAND FOR DRAINAGE PURPOSES TO SID 458 AND THE CITIES OF ELKHORN AND OMAHA, SAID TRACT BEING PART OF LOT 27, ELK VALLEY SUBDIVISION, DOUGLAS COUNTY, NEBRASKA, SAID TRACT BEING MORE FULLY DESCRIBED AS FOLLOWS:

REFERRING TO THE NORTHWEST CORNER OF SAID LOT 27; THENCE NORTHEASTERLY ALONG THE NORTH LINE OF SAID LOT, A DISTANCE OF 193.55 FEET; THENCE SOUTHEASTERLY, DEFLECTING 55 DEGREES 01 MINUTES 24 SECONDS RIGHT, A DISTANCE OF 100.64 FEET; THENCE SOUTHERLY, DEFLECTING 74 DEGREES 03 MINUTES 08 SECONDS RIGHT, A DISTANCE OF 55.40 FEET TO THE POINT OF BEGINNING; THENCE SOUTHERLY, DEFLECTING 00 DEGREES 00 MINUTES 00 SECONDS RIGHT, A DISTANCE OF 32.00 FEET; THENCE WESTERLY, DEFLECTING 55 DEGREES 17 MINUTES 00 SECONDS RIGHT, A DISTANCE OF 44.00 FEET; THENCE NORTHEASTERLY, DEFLECTING 157 DEGREES 05 MINUTES 07 SECONDS RIGHT, A DISTANCE OF 67.56 FEET TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 578.67 SQ. FT., MORE OR LESS.

LOT 98 PERMANENT EASEMENT TO A TRACT OF LAND FOR DRAINAGE PURPOSES TO SID 458 AND THE CITIES OF ELKHORN AND OMAHA, SAID TRACT BEING PART OF LOT 98, ELK VALLEY SUBDIVISION, DOUGLAS COUNTY, NEBRASKA, SAID TRACT BEING MORE FULLY DESCRIBED AS FOLLOWS:

REFERRING TO THE SOUTHEAST CORNER OF SAID LOT 98; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID LOT, A DISTANCE OF 144.37 FEET TO THE POINT OF BEGINNING; THENCE NORTHEASTERLY, DEFLECTING 117 DEGREES 59 MINUTES 05 SECONDS RIGHT, A DISTANCE OF 84.23 FEET; THENCE NORTHWESTERLY, DEFLECTING 35 DEGREES 26 MINUTES 53 SECONDS LEFT, A DISTANCE OF 19.21 FEET TO THE NORTHERN LINE OF SAID LOT; THENCE EASTERLY, DEFLECTING 100 DEGREES 13 MINUTES 21 SECONDS RIGHT, A DISTANCE OF 1.93 FEET; THENCE SOUTHEASTERLY, DEFLECTING 79 DEGREES 46 MINUTES 39 SECONDS RIGHT, A DISTANCE OF 18.87 FEET; THENCE SOUTHWESTERLY, DEFLECTING 36 DEGREES 29 MINUTES 14 SECONDS RIGHT, A DISTANCE OF 85.35 FEET TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 101.37 SQ. FT., MORE OR LESS.

LOT 99 PERMANENT EASEMENT TO A TRACT OF LAND FOR DRAINAGE PURPOSES TO SID 458 AND THE CITIES OF ELKHORN AND OMAHA, SAID TRACT BEING PART OF LOT 99, ELK VALLEY SUBDIVISION, DOUGLAS COUNTY, NEBRASKA, SAID TRACT BEING MORE FULLY DESCRIBED AS FOLLOWS:

REFERRING TO THE SOUTHEAST CORNER OF SAID LOT 99; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID LOT, A DISTANCE OF 115.41 FEET TO THE POINT OF BEGINNING; THENCE NORTHERLY, DEFLECTING 79 DEGREES 46 MINUTES 39 SECONDS RIGHT, A DISTANCE OF 91.45 FEET; THENCE EASTERLY, DEFLECTING 100 DEGREES 13 MINUTES 21 SECONDS RIGHT, A DISTANCE OF 1.93 FEET; THENCE SOUTHERLY, DEFLECTING 79 DEGREES 46 MINUTES 39 SECONDS RIGHT, A DISTANCE OF 91.45 FEET TO THE SOUTHERN LINE OF SAID LOT; THENCE WESTERLY, DEFLECTING 100 DEGREES 13 MINUTES 21 SECONDS RIGHT, A DISTANCE OF 1.93 FEET TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 173.75 SQ. FT., MORE OR LESS.

LOT 124 PERMANENT EASEMENT TO A TRACT OF LAND FOR DRAINAGE PURPOSES TO SID 458 AND THE CITIES OF ELKHORN AND OMAHA, SAID TRACT BEING PART OF LOT 124, ELK VALLEY SUBDIVISION, DOUGLAS COUNTY, NEBRASKA, SAID TRACT BEING MORE FULLY DESCRIBED AS FOLLOWS:

REFERRING TO THE NORTHWEST CORNER OF SAID LOT 124; THENCE EASTERLY ALONG THE NORTH LINE OF SAID LOT, A DISTANCE OF 150.90 FEET TO THE POINT OF BEGINNING; THENCE SOUTHEASTERLY, DEFLECTING 53 DEGREES 37 MINUTES 24 SECONDS RIGHT, A DISTANCE OF 56.52 FEET; THENCE SOUTHWESTERLY, DEFLECTING 86 DEGREES 38 MINUTES 55 SECONDS RIGHT, A DISTANCE OF 66.48 FEET TO THE SOUTHERN LINE OF SAID LOT; THENCE NORTHEASTERLY, DEFLECTING 178 DEGREES 53 MINUTES 15 SECONDS RIGHT, A DISTANCE OF 65.08 FEET; THENCE NORTHWESTERLY, DEFLECTING 83 DEGREES 59 MINUTES 37 SECONDS LEFT, A DISTANCE OF 55.36 FEET TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 84.12 SQ. FT., MORE OR LESS.

LOT 230 PERMANENT EASEMENT TO A TRACT OF LAND FOR DRAINAGE PURPOSES TO SID 458 AND THE CITIES OF ELKHORN AND OMAHA, SAID TRACT BEING PART OF LOT 230, ELK VALLEY SUBDIVISION, DOUGLAS COUNTY, NEBRASKA, SAID TRACT BEING MORE FULLY DESCRIBED AS FOLLOWS:

REFERRING TO THE NORTHWEST CORNER OF SAID LOT 230; THENCE EASTERLY ALONG THE NORTH LINE OF SAID LOT, A DISTANCE OF 74.63 FEET TO THE POINT OF BEGINNING; THENCE SOUTHERLY, DEFLECTING 89 DEGREES 54 MINUTES 56 SECONDS RIGHT, A DISTANCE OF 139.96 FEET; THENCE SOUTHEASTERLY, DEFLECTING 31 DEGREES 36 MINUTES 14 SECONDS LEFT, A DISTANCE OF 72.14 FEET; THENCE SOUTHEASTERLY, DEFLECTING 06 DEGREES 00 MINUTES 13 SECONDS LEFT, A DISTANCE OF 175.18 FEET TO THE SOUTHERN LINE OF SAID LOT; THENCE NORTHWESTERLY, DEFLECTING 175 DEGREES 35 MINUTES 00 SECONDS RIGHT, A DISTANCE OF 174.14 FEET; THENCE NORTHERLY, DEFLECTING 13 DEGREES 57 MINUTES 24 SECONDS RIGHT, A DISTANCE OF 75.29 FEET; THENCE NORTHERLY, DEFLECTING 28 DEGREES 04 MINUTES 04 SECONDS RIGHT, A DISTANCE OF 144.39 FEET TO THE NORTHERN LINE OF SAID LOT; THENCE EASTERLY, DEFLECTING 90 DEGREES 05 MINUTES 14 SECONDS RIGHT, A DISTANCE OF 7.30 FEET TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 3008.44 SQ. FT., MORE OR LESS.

LOT 231 PERMANENT EASEMENT TO A TRACT OF LAND FOR DRAINAGE PURPOSES TO SID 458 AND THE CITIES OF ELKHORN AND OMAHA, SAID TRACT BEING PART OF LOT 231, ELK VALLEY SUBDIVISION, DOUGLAS COUNTY, NEBRASKA, SAID TRACT BEING MORE FULLY DESCRIBED AS FOLLOWS:

REFERRING TO THE NORTHEAST CORNER OF SAID LOT 231; THENCE WESTERLY ALONG THE NORTH LINE OF SAID LOT, A DISTANCE OF 89.13 FEET TO THE POINT OF BEGINNING; THENCE SOUTHERLY, DEFLECTING 91 DEGREES 23 MINUTES 20 SECONDS LEFT, A DISTANCE OF 81.81 FEET; THENCE SOUTHEASTERLY, DEFLECTING 25 DEGREES 05 MINUTES 10 SECONDS LEFT, A DISTANCE OF 121.78 FEET; THENCE NORTHWESTERLY, DEFLECTING 170 DEGREES 44 MINUTES 33 SECONDS RIGHT, A DISTANCE OF 92.60 FEET; THENCE NORTHERLY, DEFLECTING 25 DEGREES 35 MINUTES 34 SECONDS RIGHT, A DISTANCE OF 35.45 FEET; THENCE NORTHERLY, DEFLECTING 08 DEGREES 45 MINUTES 03 SECONDS RIGHT, A DISTANCE OF 80.61 FEET TO THE NORTHERLY LINE OF SAID LOT; THENCE EASTERLY, DEFLECTING 91 DEGREES 23 MINUTES 20 SECONDS RIGHT, A DISTANCE OF 6.00 FEET TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 1495.79 SQ. FT., MORE OR LESS.