

LIES EAST OF FONTENELLE ESTATES

SEWER EASEMENT

THIS AGREEMENT, made this 12 day of November, 1975, between TIMBERLINE DEVELOPMENT, INC., a Nebraska corporation, herein called "Grantor" and SANITARY AND IMPROVEMENT DISTRICT NO. 43 OF SARPY COUNTY, NEBRASKA, a municipal corporation, herein called "Grantee",

WITNESSETH THAT:

WHEREAS, Grantor is the owner of the following described real property:

Tax Lots 5 and 7 in the Northwest Quarter (NW 1/4) of Section 25, Township 14 North, Range 13 East of the 6th P.M., Sarpy County, Nebraska,

and,

WHEREAS, Grantee is a municipal corporation, one of whose principal functions is to provide utility services including sanitary sewer services to the property within its district boundaries, and

WHEREAS, Grantee is desirous of providing sanitary sewer service to the Oaks of Fontenelle, a subdivision, as surveyed, platted and recorded in Sarpy County, Nebraska, which property lies immediately north of the property of the Grantor described above, and

WHEREAS, since the existing outfall sewer line into which Grantee must connect lies south of Grantor's property described above, it will be necessary for Grantee to traverse the above described property of Grantor in order to provide such sanitary sewer service, and

WHEREAS, the Grantor is desirous of accommodating the Grantee insofar as allowing Grantee to traverse Grantor's property for the purposes heretofore enumerated.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, receipt whereof is hereby acknowledged, the Grantor does hereby grant and convey to the Grantee, and the Grantee does hereby accept from the Grantor, for the purposes of construction and maintenance of two sanitary sewer outfall lines and appurtenances thereto, the following described easements over the following described tracts of land, to-wit:

1. Easements in Tax Lot 5 -

(a) A permanent sewer easement, 25 feet in width, over, under and upon the tract of land described in Exhibit "A" and attached hereto and reflected in the diagram labeled Exhibit "B" and attached hereto.

(b) A temporary construction easement, 60 feet in width, the center line of which is identical to the center line of the foregoing permanent sewer easement and the outer boundaries of which are 30 feet either side of said center line.

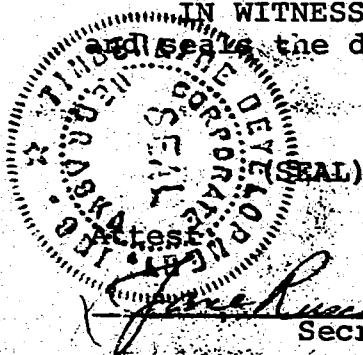
2. Easements in Tax Lot 7 -

(a) A permanent sewer easement, 20 feet in width, over, under and upon the tract of land described in Exhibit "C" attached hereto and reflected in the diagram labeled Exhibit "D" and attached hereto.

FILED FOR RECORD 11-20-75 1:00 PM IN BOOK 48 OF Miss Head
614 Carl L. Hibbelin REGISTER OF DEEDS, SARPY COUNTY, NEB. 2/25
50228

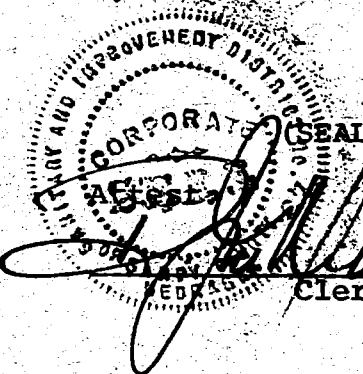
The parties hereto bind themselves, their successors and assigns to the faithful performance of the terms of this document and the covenants and conditions contained herein.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.



TIMBERLINE DEVELOPMENT, INC., a Nebraska corporation

By Ernest H. Addison, President "Grantor"



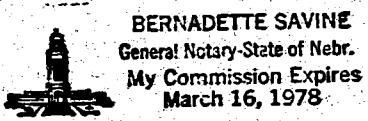
SANITARY AND IMPROVEMENT DISTRICT NO. 43 OF SARPY COUNTY, NEBRASKA, a municipal corporation,

By: William H. Fitzpatrick, Chairman "Grantee"

STATE OF NEBRASKA)) SS.) COUNTY OF)

Before me, a Notary Public qualified in said county, personally came Ernest Addison and Jane Russell, President and Secretary, respectively, of Timberline Development, Inc., known to me to be the identical persons and officers who signed the foregoing document, acknowledging the execution thereof to be their voluntary act and deed as such officers and the voluntary act and deed of the corporation and acknowledging the corporate seal to be affixed hereto by its authority.

WITNESS my hand and notarial seal this 11th day of November 1975.

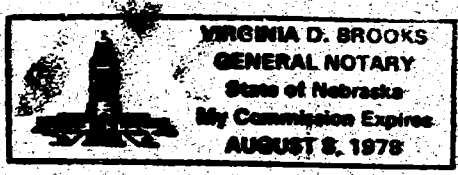


Bernadette Savine, Notary Public

STATE OF NEBRASKA)) SS.) COUNTY OF SARPY)

Before me, a Notary Public qualified in said county, personally came William H. Fitzpatrick and R. Joe Dennis, the Chairman and Clerk, respectively, of Sanitary and Improvement District No. 43 of Sarpy County, Nebraska, known to me to be the said officers and identical persons who signed the foregoing document, acknowledging the execution thereof to be their voluntary act and deed as such officers and the voluntary act and deed of said municipal corporation, and that its corporate seal was affixed thereto by its authority.

WITNESS my hand and notarial seal this 14th day of November, 1975.



Virginia D. Brooks, Notary Public

LEGAL DESCRIPTION
PERMANENT SEWER AND DRAINAGE EASEMENT
JOB NO. 743D-03

The following is a legal description of a permanent sewer and drainage easement located in Tax Lot 5 of the northeast one quarter of Section 25, Township 14 north, Range 13 east of the 6th P.M., Sarpy County, Nebraska, being more particularly described as follows: (all lots and bearings refer to the Oaks of Fontenelle, a platted and recorded subdivision in Sarpy County, Nebraska)

Commencing at the south one quarter corner of Section 24; thence south 89°52'12" east to a point on the southerly line of Lot 1, said Oaks of Fontenelle, a distance of 385.02 feet; thence south 89°42'21" east along said line, a distance of 25.03 feet thence south 02°23'19" east, a distance of 485.15 feet; thence south 08°17'48" east a distance of 329.73 feet to a point on the southerly line of said Tax Lot 5; thence north 88°47'47" west along said line, a distance of 25.35 feet; thence north 08°17'48" west a distance of 326.23 feet; thence north 02°23'19" west, a distance of 482.62 feet to the point of beginning.

Said easement contains 20,366 sq. feet (0.47 acres).

GOLLEHON, SCHEMME & ASSOCIATES, INC.
ARCHITECTS-ENGINEERS-PLANNERS
12100 WEST CENTER ROAD, SUITE 520
OMAHA, NEBRASKA 68144

OAKS OF FONTENELLE SANITARY & IMPROVEMENT DIST. 43

LOT 1

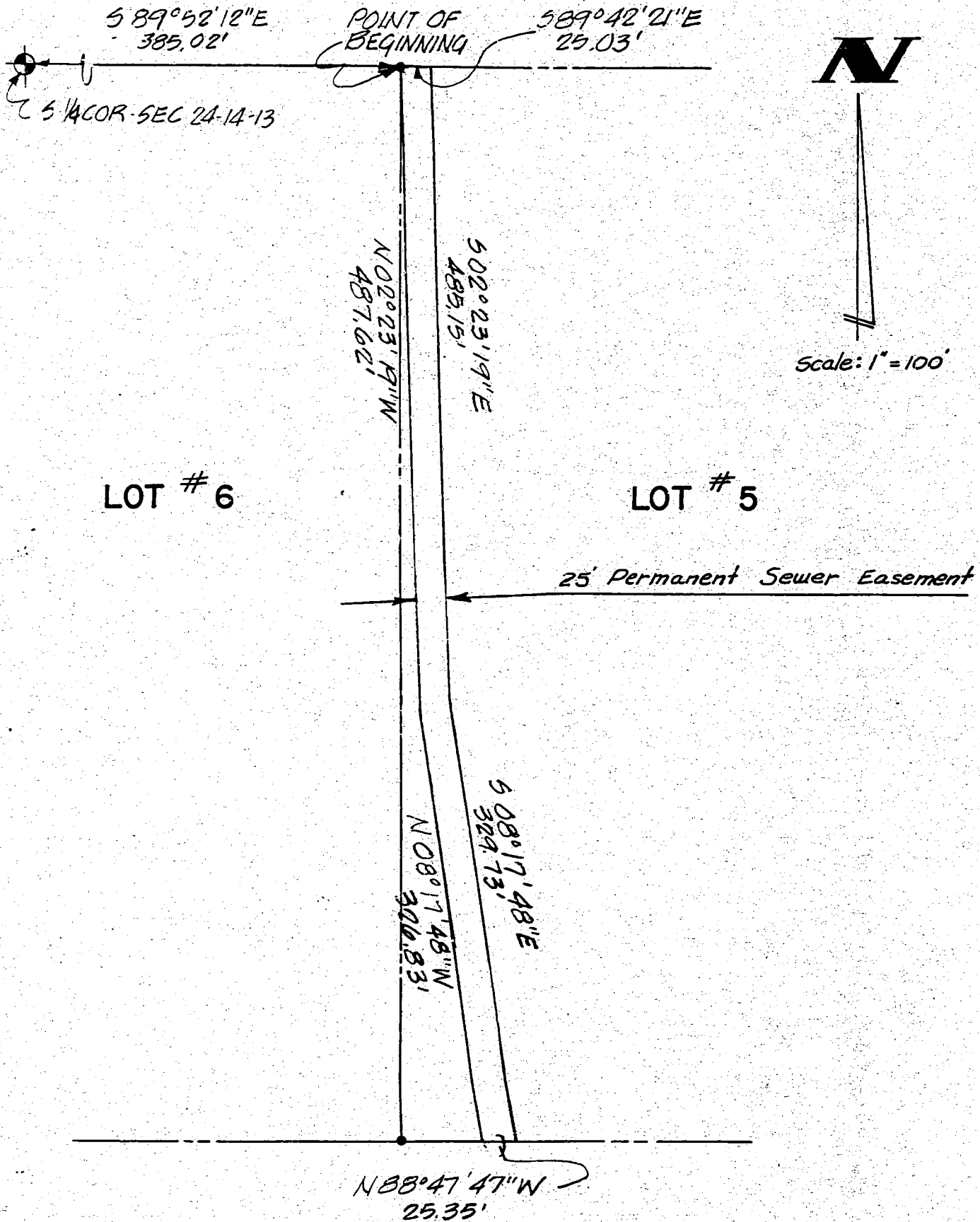


EXHIBIT "B"

GOLLEHON, SCHEMMER & ASSOCIATES, INC.
ARCHITECTS • ENGINEERS • PLANNERS

LEGAL DESCRIPTION
PERMANENT SEWER AND DRAINAGE EASEMENT

The following is a legal description of a 20 foot Permanent Sewer and Drainage Easement, located in Tax Lot 7, in the Northwest One Quarter of Section 25, Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska, being more particularly described as follows:

Commencing at a point which is the north one quarter corner of said section; thence South 89°42'35" West a distance of 308.46 feet to the point of beginning; thence South 38°09'23" West a distance of 89.35 feet; thence South 28°36'03" East a distance of 266.19 feet; thence South 17°35'09" East a distance of 350.75 feet; thence South 00°31'43" West to the southernmost lot line of said Tax Lot 7 a distance of 160.47 feet; thence North 89°14'54" West along the southernmost lot line of said Tax Lot 7 a distance of 20.00 feet; thence North 00°31'43" East a distance of 157.20 feet; thence North 17°35'09" West a distance of 345.63 feet; thence North 28°36'03" West a distance of 277.44 feet; thence North 38°09'23" East to the southernmost lot line of Lot 7 in The Oaks of Fontenelle, a subdivision platted and recorded in Sarpy County, Nebraska a distance of 86.65 feet; thence North 89°42'35" East along the lot line of said Lot 7 a distance of 25.54 feet to the point of beginning.

Said easement contains 17,337 sq. ft. (0.40 acres).

48-614 F

The Oaks of Fontenelle

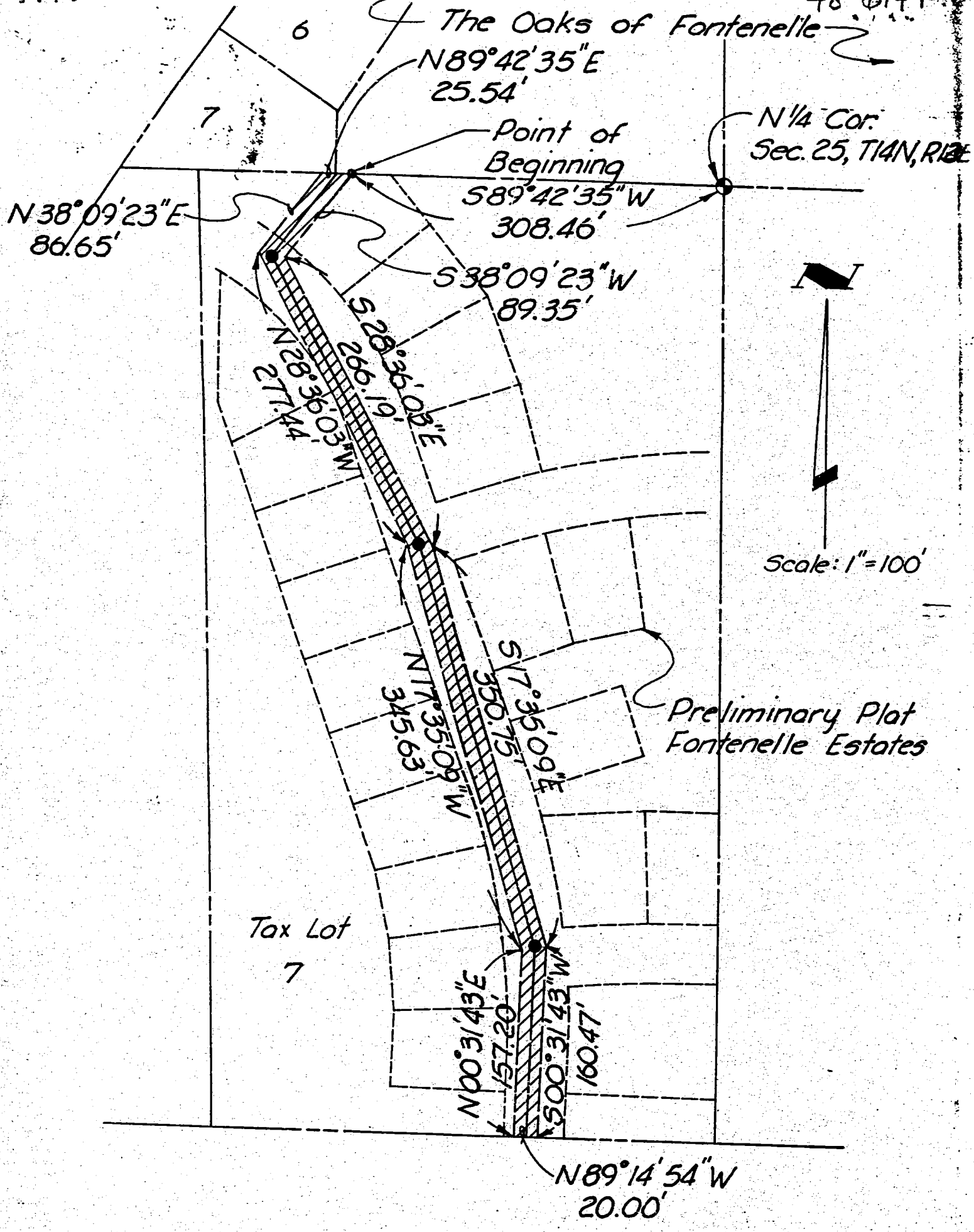


EXHIBIT "D"