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By

RICHARD N. TAKECHI  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NE

99 DEC -8 PM 12: 30

RECEIVED

AFTER RECORDING RETURN TO:

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

*18874F*

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BKP \_\_\_\_\_ C/O \_\_\_\_\_ COMP \_\_\_\_\_

DEL \_\_\_\_\_ SCAN 9 FV \_\_\_\_\_

**PERPETUAL EASEMENT**

KNOW ALL MEN BY THESE PRESENTS:

THAT **ONE NINETY-TWO, LLC**, a Nebraska limited liability company (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. 438 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" and "C"** attached hereto and incorporated herein by this reference.

The scope and purpose of said easements is for the use, construction, repair, maintenance, replacement and renewal of outfall sanitary sewer pipe line, including all necessary manholes and other related appurtenances, and the transmission through said sewer of sanitary sewer discharge. The Grantee and its contractor and engineers shall have full right and authority to enter upon said easementways in order to perform any of the acts and functions described within the scope and purposes of such easements; PROVIDED, however, that such easements as to said Grantee, City of Omaha only, shall have no force and effect unless and until the property on or in which said sanitary outfall 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. 438 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 sanitary outfall sewer easement; and Grantor further hereby covenants to warrant and defend said easementways 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 1<sup>st</sup> day of June, 1999.

ONE NINETY-TWO, LLC

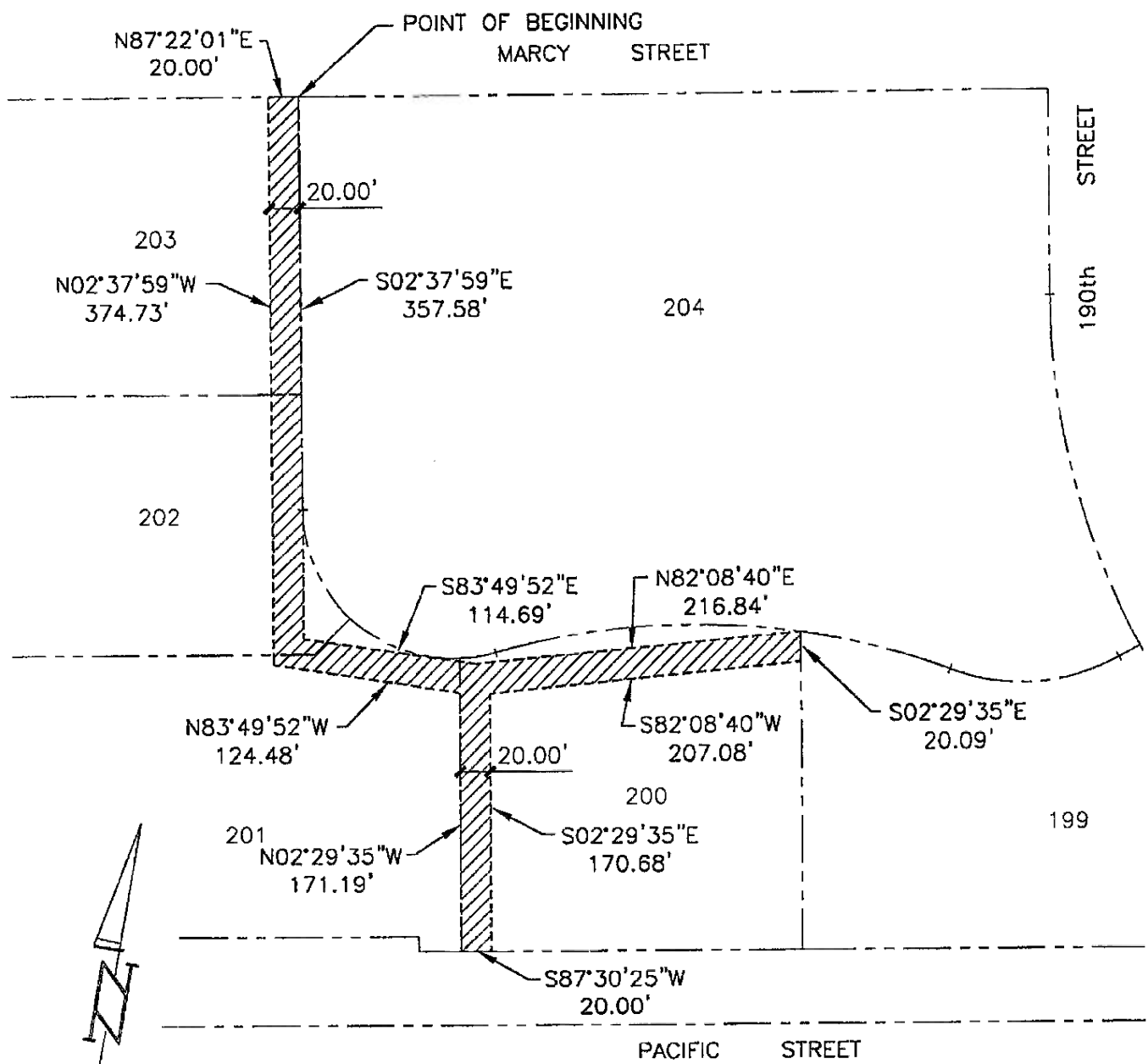
By *[Signature]*  
Managing Member

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF DOUGLAS )

The foregoing instrument was acknowledged before me this 1<sup>st</sup> day of June, 1999, by John C. Czerwinski, Jr., Managing Member of ONE NINETY-TWO, LLC, a Nebraska limited liability company, on behalf of the company.



*[Signature]*  
Notary Public



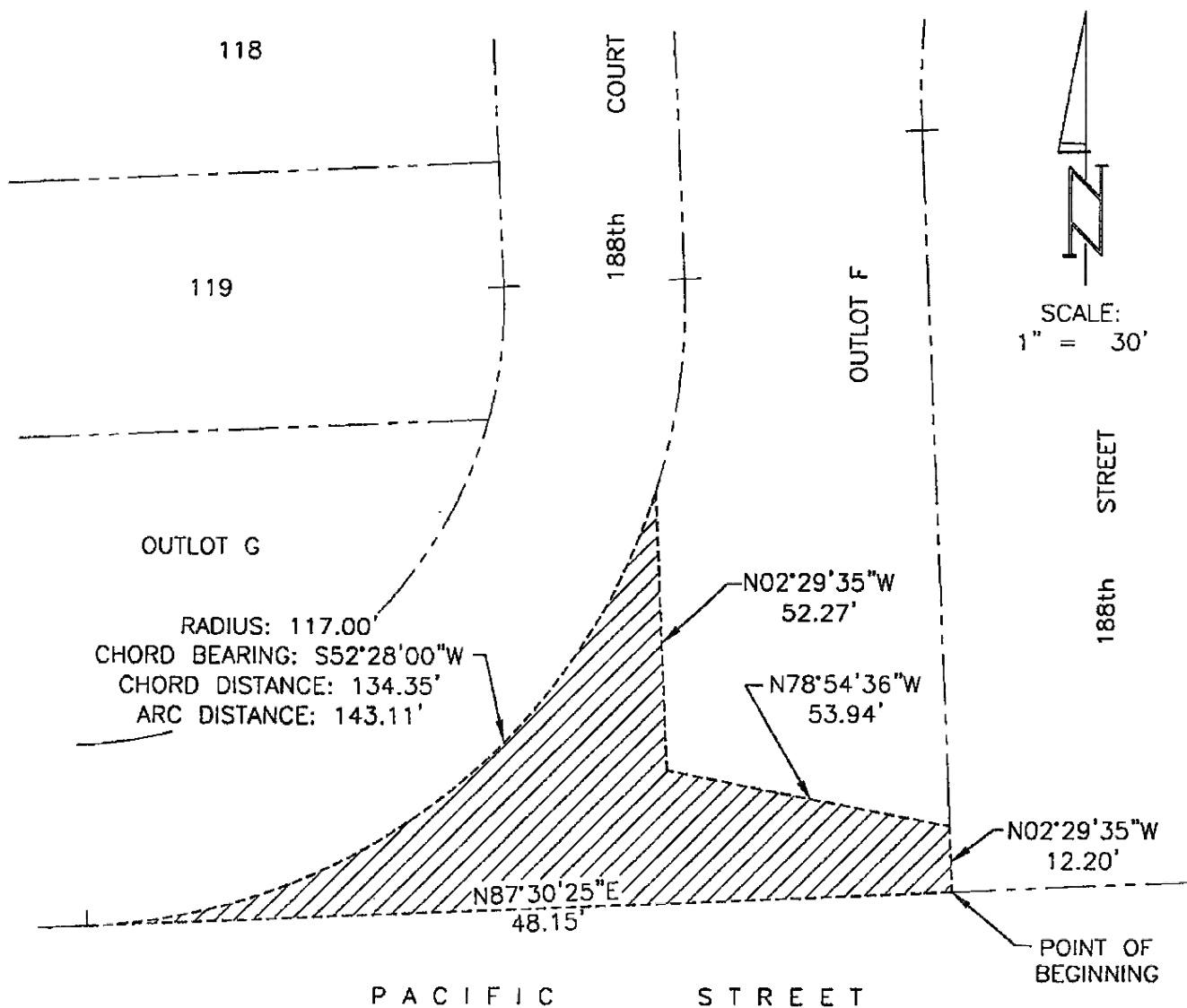
SCALE:  
1" = 100'

### LEGAL DESCRIPTION

THAT PART OF LOTS 200 THRU 203, INCLUSIVE, THE GROVE, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: BEGINNING AT THE NE CORNER OF SAID LOT 203; THENCE S02°37'59"E (ASSUMED BEARING) 357.58 FEET ON THE EASTERLY LINES OF SAID LOTS 202 AND 203 AND THEIR SOUTHERLY EXTENSION; THENCE S83°49'52"E 114.69 FEET; THENCE N82°08'40"E 216.84 FEET TO THE NE CORNER OF SAID LOT 200; THENCE S02°29'35"E 20.09 FEET ON THE EASTERLY LINE OF SAID LOT 200; THENCE S82°08'40"W 207.08 FEET; THENCE S02°29'35"E 170.68 FEET ON A LINE 20.00 FEET EASTERLY OF AND PARALLEL WITH THE WESTERLY LINE OF SAID LOT 200 TO THE SOUTHERLY LINE THEREOF; THENCE S87°30'25"W 20.00 FEET ON THE SOUTHERLY LINE OF SAID LOT 200 TO THE SW CORNER THEREOF; THENCE N02°29'35"W 171.19 FEET ON THE WESTERLY LINE OF SAID LOT 200; THENCE N83°49'52"W 124.48 FEET; THENCE N02°37'59"W 374.73 FEET ON A LINE 20.00 FEET WESTERLY OF AND PARALLEL WITH THE EASTERLY LINES OF SAID LOTS 202 AND 203 AND THEIR SOUTHERLY EXTENSION TO THE NORTHERLY LINE OF SAID LOT 203; THENCE N87°22'01"E 20.00 FEET ON THE NORTHERLY LINE OF SAID LOT 203 TO THE POINT OF BEGINNING.

THE GROVE TD2 FILE NO. 122-187-E4 DATE: DEC. 18, 1998  
 THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860

EXHIBIT "A"



### LEGAL DESCRIPTION

THAT PART OF OUTLOT F, THE GROVE, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SE CORNER OF SAID OUTLOT F;

THENCE N02°29'35"W (ASSUMED BEARING) 12.20 FEET ON THE EASTERLY LINE OF SAID OUTLOT F;

THENCE N78°54'36"W 53.94 FEET;

THENCE N02°29'35"W 52.27 FEET TO THE WESTERLY LINE OF SAID OUTLOT F;

THENCE SOUTHWESTERLY ON THE WESTERLY LINE OF SAID OUTLOT F ON A 117.00 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING S52°28'00"W CHORD DISTANCE 134.35 FEET, AN ARC DISTANCE OF 143.11 FEET TO THE SE CORNER THEREOF;

THENCE N87°30'25"E 162.43 FEET ON THE SOUTHERLY LINE OF SAID OUTLOT F TO THE POINT OF BEGINNING.

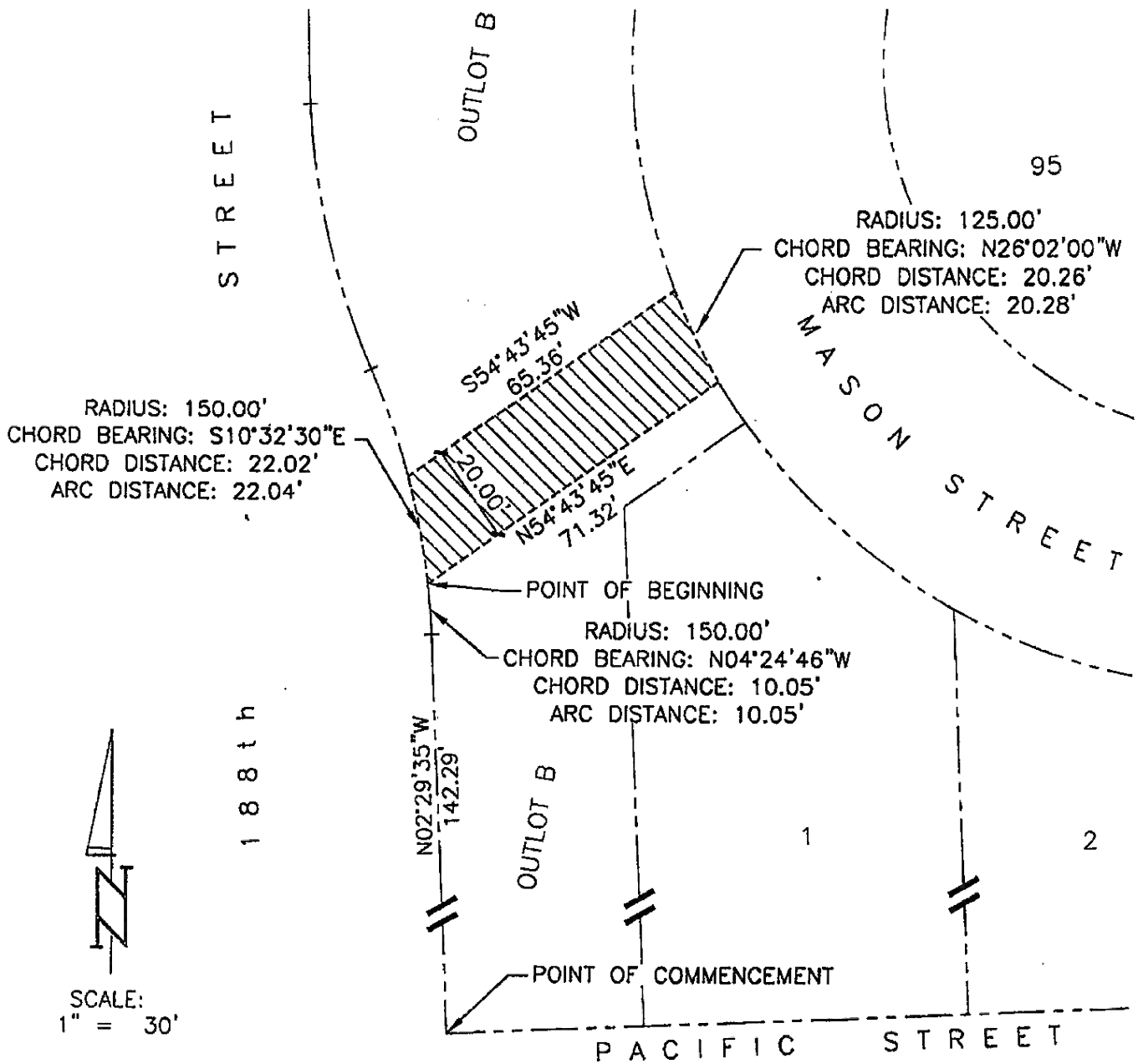
BENCHMARK HOMES, INC.

TD2 FILE NO. 122-187-E1

DATE: MAR. 18, 1999

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

EXHIBIT "B"



**LEGAL DESCRIPTION**

THAT PART OF OUTLOT B, THE GROVE, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SW CORNER OF SAID OUTLOT "B";

THENCE N02°29'35"W (ASSUMED BEARING) 142.29 FEET ON THE WESTERLY LINE OF SAID OUTLOT "B";

THENCE NORTHWESTERLY ON THE WESTERLY LINE OF SAID OUTLOT "B" ON A 150.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING N04°24'46"W CHORD DISTANCE 10.05 FEET, AN ARC DISTANCE OF 10.05 FEET TO THE POINT OF BEGINNING;

THENCE N54°43'45"E 71.32 FEET ON A NON-TANGENT LINE 10.00 FEET NORTHERLY OF AND PARALLEL WITH THE NORTHERLY LINE OF LOT 1 SAID THE GROVE AND ITS WESTERLY EXTENSION TO THE EASTERLY LINE OF SAID OUTLOT B;

THENCE NORTHWESTERLY ON THE EASTERLY LINE OF SAID OUTLOT B ON A NON-TANGENT 125.00 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING N26°02'00"W, CHORD DISTANCE 20.26 FEET, AN ARC DISTANCE OF 20.28 FEET;

THENCE S54°43'45"W 65.36 FEET ON A NON-TANGENT LINE 30.00 FEET NORTHERLY OF AND PARALLEL WITH THE NORTHERLY LINE OF SAID LOT 1 AND ITS WESTERLY EXTENSION TO THE WESTERLY LINE OF SAID OUTLOT "B";

THENCE SOUTHWESTERLY ON THE WESTERLY LINE OF SAID OUTLOT "B" ON A NON-TANGENT 150.00 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING S10°32'30"E, CHORD DISTANCE 22.02 FEET, AN ARC DISTANCE OF 22.04 FEET TO THE POINT OF BEGINNING.

BENCHMARK HOMES, INC.

TD2 FILE NO. 122-187-E9

DATE: MAR. 18, 1999

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

EXHIBIT "C"