

FILED SARPY CO. NE.
INSTRUMENT NUMBER
2006 - 01914

2006 JAN 19 P 2: 39

Glenn J. Lowrey
REGISTER OF DEEDS

COUNTER PM C.E. D
VERIFY W D.E. CH
PROOF _____
FEES \$ 25.50
CHECK# 34405
CHG _____ CASH _____
REFUND _____ CREDIT _____
SHORT _____ NCR _____

SECOND AMENDMENT TO EASEMENT

THIS SECOND AMENDMENT TO EASEMENT is made and entered into this 18 day of January, 2006, by and between Stone Creek Plaza, LLC, a Nebraska limited liability company (hereinafter referred to as "Stone Creek") and the Papio-Missouri River Natural Resources District, a political subdivision of the State of Nebraska, as successor-in-interest to Sarpy County, Nebraska (hereinafter referred to as the "NRD").

WHEREAS, Stone Creek intends to subdivide and develop the following legally described real property into a single-family subdivision known as Kingsbury Hills (hereinafter referred to as the "Property"):

See Exhibit "A" attached hereto

WHEREAS, the NRD has an easement ("The Easement") over a portion of the Property that was granted for the purpose of and in connection with the construction, operation, maintenance and inspection of a grade stabilization structure designated as S-21 in the plans for the Papillion Creek watershed recorded September 28, 1972, in Book 45 at Page 545, Miscellaneous Records, of Sarpy County, Nebraska (the "Easement t").

WHEREAS, Stone Creek desires to further amend the Easement by redefining the legal description of the easement area to that more particularly described on Exhibit "B" attached hereto, to accommodate the development of the Property into a single-family subdivision.

WHEREAS, the NRD has agreed to amend the Easement to redefine the easement area as more particularly described on Exhibit "B" attached hereto.

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. Amendment to Easement. The Easement is hereby further amended by reducing the parcel of land subject to the Easement to the parcel of land particularly described on Exhibit "B" attached hereto (the "Easement Area").

2. Access to Easement Area. The NRD shall have the right of ingress and egress to and from the Easement Area upon, over, through and across Outlot "D", Kingsbury Hills, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska, for inspection, maintenance, upkeep or repair of the Easement Area or any of the improvements located therein; provided, however, such access to, upon, over, through and across Outlot "D" to the Easement Area shall be limited to the adjacent public right-of-ways of 108th Street, 110th Street and Sherman Street as shown on the final plat of Kingsbury Hills.

A

2. No Other Amendment. Except as amended herein, all of the terms, conditions and provisions of the Easement as previously amended are ratified and confirmed and remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Second Amendment to Easement Agreement as of the day and year first above written.

STONECREEK PLAZA, LLC, a Nebraska limited liability company,

By: *Gerald L. Torczon*
Gerald L. Torczon, Manager

PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT, a political subdivision of the State of Nebraska,

By: *Steven G. Oltmans*
Steven G. Oltmans, General Manager

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

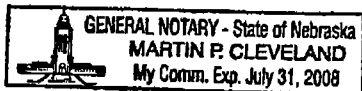
The foregoing instrument was acknowledged before me, a Notary Public, this 18 day of January, 2006, by Gerald L. Torczon, Manager of Stone Creek, LLC, a Nebraska limited liability company, on behalf of said limited liability company.



Doris J. Nicholson
Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF SARPY)

The foregoing instrument was acknowledged before me, a Notary Public, this 11th day of January, 2006, by Steven G. Oltmans, General Manager of the Papio-Missouri River Natural Resources District, a political subdivision of the State of Nebraska, on behalf of said political subdivision.



Martin P. Cleveland
Notary Public

B

LEGAL DESCRIPTION

A PERMANENT DRAINAGEWAY EASEMENT LOCATED IN TAX LOT 1, A TAX LOT LOCATED IN THE SE1/4 OF SECTION 29, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID TAX LOT 1, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID SE1/4 OF SECTION 29; THENCE S02°25'52"E (ASSUMED BEARING) ALONG THE EAST LINE OF SAID SE1/4 OF SECTION 29, SAID LINE ALSO BEING THE EAST LINE OF SAID TAX LOT 1, A DISTANCE OF 20.09 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S02°25'52"E ALONG SAID EAST LINE OF THE SE1/4 OF SECTION 29, SAID LINE ALSO BEING SAID EAST LINE OF TAX LOT 1, A DISTANCE OF 268.05 FEET; THENCE N54°27'27"W, A DISTANCE OF 32.11 FEET; THENCE S70°53'49"W, A DISTANCE OF 17.01 FEET; THENCE S49°11'07"W, A DISTANCE OF 3.92 FEET; THENCE S67°02'01"W, A DISTANCE OF 9.86 FEET; THENCE N83°55'56"W, A DISTANCE OF 8.64 FEET; THENCE S29°30'41"W, A DISTANCE OF 18.18 FEET; THENCE S37°01'40"W, A DISTANCE OF 24.76 FEET; THENCE S25°19'31"W, A DISTANCE OF 62.66 FEET; THENCE S15°01'58"W, A DISTANCE OF 23.20 FEET; THENCE S18°53'57"W, A DISTANCE OF 25.50 FEET; THENCE S24°07'10"W, A DISTANCE OF 24.01 FEET; THENCE S34°26'36"W, A DISTANCE OF 20.20 FEET; THENCE S29°24'12"W, A DISTANCE OF 13.90 FEET; THENCE S67°24'35"W, A DISTANCE OF 37.19 FEET; THENCE S50°25'04"W, A DISTANCE OF 19.93 FEET; THENCE S18°11'37"W, A DISTANCE OF 14.22 FEET; THENCE S07°58'30"E, A DISTANCE OF 14.05 FEET; THENCE S32°28'20"W, A DISTANCE OF 13.61 FEET; THENCE S11°12'06"W, A DISTANCE OF 12.54 FEET; THENCE S32°04'35"W, A DISTANCE OF 26.97 FEET; THENCE N12°04'33"W, A DISTANCE OF 2.54 FEET; THENCE N01°06'42"W, A DISTANCE OF 26.78 FEET; THENCE N89°32'27"W, A DISTANCE OF 5.87 FEET; THENCE N79°33'21"W, A DISTANCE OF 28.79 FEET; THENCE S82°29'19"W, A DISTANCE OF 2.22 FEET; THENCE S69°37'50"W, A DISTANCE OF 18.79 FEET; THENCE S01°13'31"W, A DISTANCE OF 15.58 FEET; THENCE S12°21'12"W, A DISTANCE OF 10.49 FEET; THENCE S02°24'17"E, A DISTANCE OF 8.77 FEET; THENCE S26°25'13"W, A DISTANCE OF 10.79 FEET; THENCE S56°09'10"W, A DISTANCE OF 9.47 FEET; THENCE N78°19'31"W, A DISTANCE OF 1.80 FEET; THENCE S44°22'26"W, A DISTANCE OF 24.33 FEET; THENCE S26°23'41"W, A DISTANCE OF 16.72 FEET; THENCE S40°52'42"W, A DISTANCE OF 11.44 FEET; THENCE S09°12'34"E, A DISTANCE OF 12.18 FEET; THENCE S21°36'33"W, A DISTANCE OF 23.04 FEET; THENCE S82°57'50"W, A DISTANCE OF 10.42 FEET; THENCE S10°19'32"W, A DISTANCE OF 52.44 FEET; THENCE S13°26'26"W, A DISTANCE OF 24.31 FEET; THENCE S09°29'50"W, A DISTANCE OF 8.05 FEET; THENCE S15°04'58"W, A DISTANCE OF 30.27 FEET; THENCE S07°15'22"W, A DISTANCE OF 9.46 FEET; THENCE S01°50'25"E, A DISTANCE OF 42.11 FEET; THENCE S13°24'22"W, A DISTANCE OF 28.22 FEET; THENCE S09°07'46"W, A DISTANCE OF 45.52 FEET; THENCE S16°12'45"W, A DISTANCE OF 6.91 FEET; THENCE S23°56'47"W, A DISTANCE OF 80.33 FEET; THENCE S22°36'34"W, A DISTANCE OF 22.59 FEET; THENCE S14°13'30"W, A DISTANCE OF 3.47 FEET; THENCE N37°01'46"W, A DISTANCE OF 3.40 FEET; THENCE N16°36'00"E, A DISTANCE OF 23.02 FEET; THENCE N20°29'21"E, A DISTANCE OF 36.93 FEET; THENCE N23°23'24"E, A DISTANCE OF 46.09 FEET; THENCE N08°54'48"E, A DISTANCE OF 46.18 FEET; THENCE N14°37'47"E, A DISTANCE OF 27.64 FEET; THENCE N06°52'02"W, A DISTANCE OF 48.22 FEET; THENCE N18°56'05"E, A DISTANCE OF 36.48 FEET; THENCE N05°58'50"E, A DISTANCE OF 31.02 FEET; THENCE N08°20'06"E, A DISTANCE OF 53.33 FEET; THENCE N15°54'46"E, A DISTANCE OF 25.98 FEET; THENCE N32°32'36"E, A DISTANCE OF 63.34 FEET; THENCE N25°30'42"W, A DISTANCE OF 2.39 FEET; THENCE N61°45'52"W, A DISTANCE OF 29.18 FEET; THENCE S61°42'30"W, A DISTANCE OF 34.94 FEET; THENCE S69°22'17"E, A DISTANCE OF 1.69 FEET; THENCE S61°24'22"W, A DISTANCE OF 5.44 FEET; THENCE S87°49'29"W, A DISTANCE OF 26.98 FEET; THENCE N85°57'53"W, A DISTANCE OF 8.95 FEET; THENCE N80°12'50"W, A DISTANCE OF 1.82 FEET; THENCE N15°37'22"E, A DISTANCE OF 1.27 FEET; THENCE S48°59'17"E, A DISTANCE OF 1.73 FEET; THENCE N84°13'18"E, A DISTANCE OF 34.41 FEET; THENCE N49°14'00"E, A DISTANCE OF 30.00 FEET; THENCE N64°55'14"E, A DISTANCE OF 14.97 FEET; THENCE N73°18'17"E, A DISTANCE OF 35.15 FEET; THENCE N04°57'34"E, A DISTANCE OF 11.53 FEET; THENCE N21°04'19"W, A DISTANCE OF 11.16 FEET; THENCE N70°45'06"E, A DISTANCE OF 12.42 FEET; THENCE N50°11'43"E, A DISTANCE OF 25.38 FEET; THENCE N44°00'00"E, A DISTANCE OF 3.21 FEET; THENCE N86°04'51"E, A DISTANCE OF 13.58 FEET; THENCE N40°31'42"E, A DISTANCE OF 19.65 FEET; THENCE N50°38'07"E, A DISTANCE OF 32.15 FEET; THENCE N59°57'47"E, A DISTANCE OF 18.07 FEET; THENCE N05°05'32"W, A DISTANCE OF 9.46 FEET; THENCE N16°12'36"E, A DISTANCE OF 7.29 FEET; THENCE N47°51'18"E, A DISTANCE OF 24.48 FEET; THENCE N31°24'40"E, A DISTANCE OF 13.84 FEET; THENCE N16°44'16"E, A DISTANCE OF 37.24 FEET; THENCE N15°10'55"W, A DISTANCE OF 7.02 FEET; THENCE N10°17'28"E, A DISTANCE OF 16.31 FEET; THENCE N28°29'47"E, A DISTANCE OF 11.71 FEET; THENCE N00°29'57"E, A DISTANCE OF 16.24 FEET; THENCE N14°07'01"E, A DISTANCE OF 33.22 FEET; THENCE N18°10'26"E, A DISTANCE OF 19.19 FEET; THENCE N00°56'06"E, A DISTANCE OF 22.41 FEET; THENCE N21°13'24"E, A DISTANCE OF 32.52 FEET; THENCE N04°51'52"W, A DISTANCE OF 6.44 FEET; THENCE N27°20'43"E, A DISTANCE OF 24.39 FEET; THENCE N19°09'07"E, A DISTANCE OF 17.67 FEET; THENCE N36°44'44"E, A DISTANCE OF 46.00 FEET; THENCE N69°09'37"E, A DISTANCE OF 10.38 FEET; THENCE N32°38'48"E, A DISTANCE OF 65.24 FEET; THENCE N38°45'02"E, A DISTANCE OF 36.63 FEET; THENCE N00°48'03"W, A DISTANCE OF 8.64 FEET; THENCE N24°19'41"E, A DISTANCE OF 16.60 FEET; THENCE N40°36'22"E, A DISTANCE OF 5.92 FEET; THENCE N57°15'52"E, A DISTANCE OF 14.84 FEET; THENCE N38°40'52"E, A DISTANCE OF 7.69 FEET TO THE POINT OF BEGINNING.

SAID PERMANENT DRAINAGEWAY EASEMENT CONTAINS AN AREA OF 52,391 SQUARE FEET OR 1.203 ACRES, MORE OR LESS. SEE SHEET 1 & 2 OF 3 FOR DRAWING

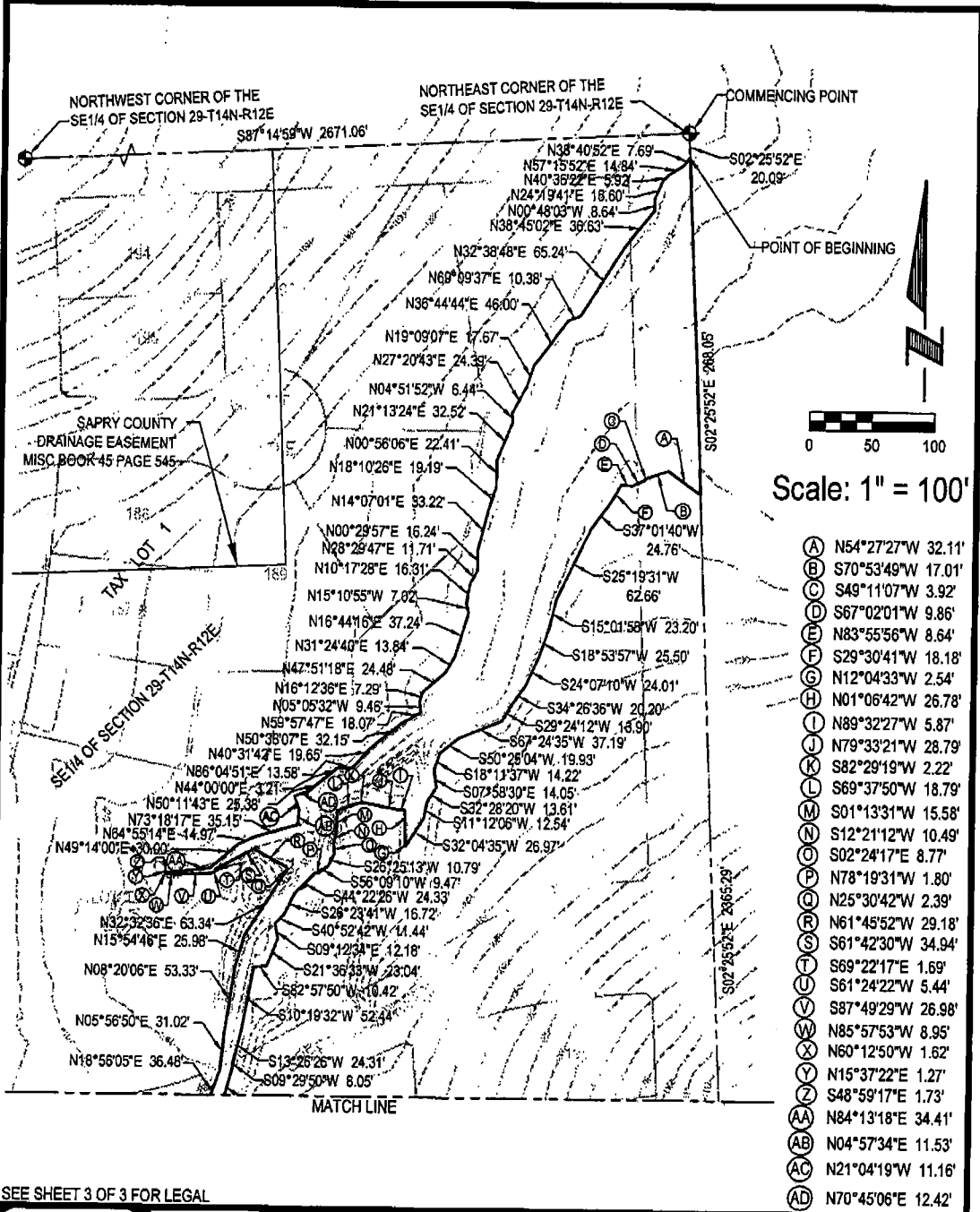


E&A CONSULTING GROUP, INC.
ENGINEERS • PLANNERS • SURVEYORS
1221 G STREET OMAHA, NE 68137 PHONE: (402) 815-4700

**KINGSBURY HILLS
PERMANENT DRAINAGEWAY
EASEMENT**
SARPY COUNTY, NEBRASKA

Drawn by: EAS Chkd by: _____ Chkd by: _____
Job No.: 2004225.01 Date: 12/12/2005 SHEET 3 OF 3

C



SEE SHEET 3 OF 3 FOR LEGAL

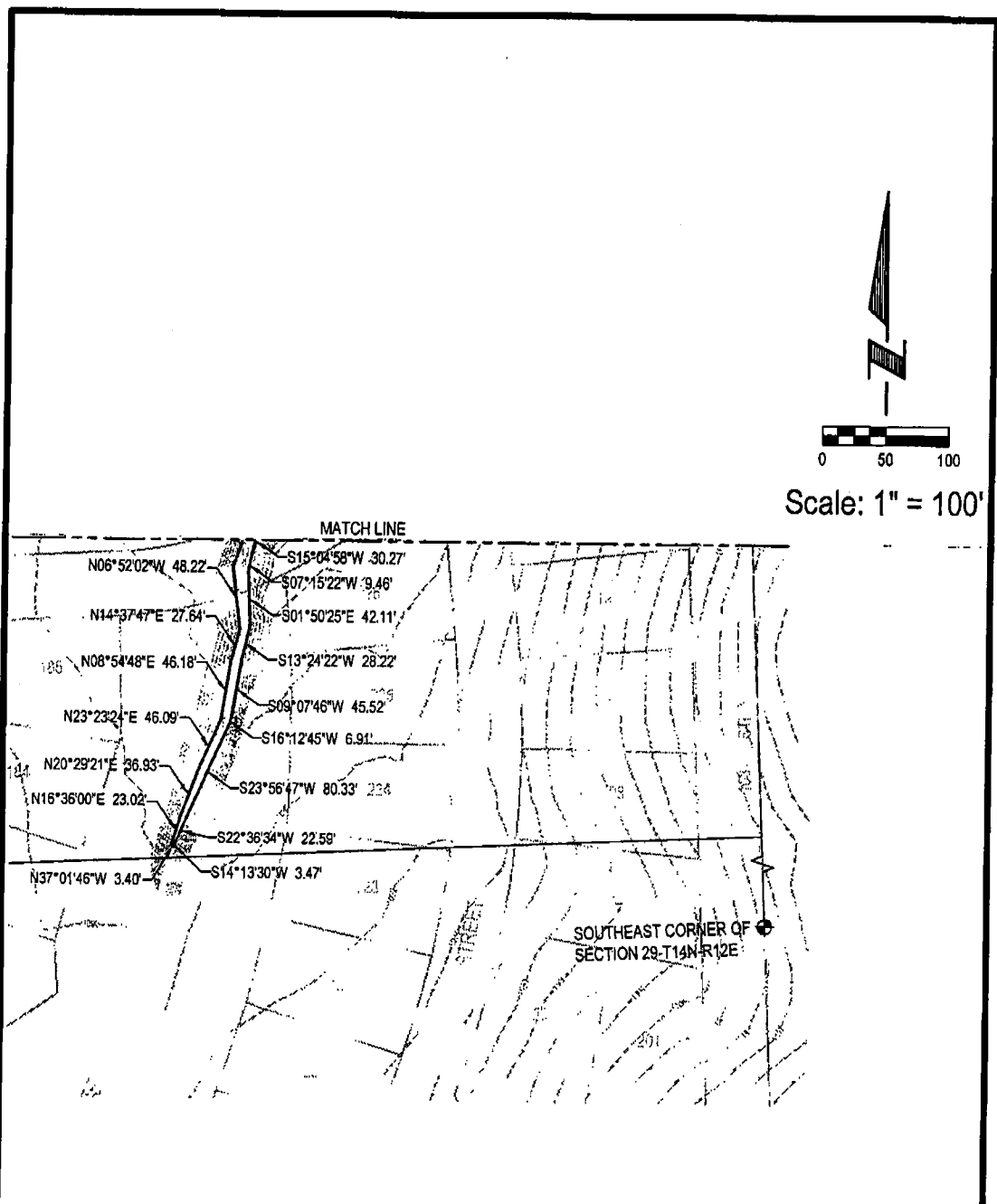


E&A CONSULTING GROUP, INC.
 ENGINEERS • PLANNERS • SURVEYORS
 12001 G STREET, OMAHA, NE 68137 PHONE: (402) 895-4700

**KINGSBURY HILLS
 PERMANENT DRAINAGEWAY
 EASEMENT**
 SARPY COUNTY, NEBRASKA

Drawn by: EAS Chkd by: _____ Chkd by: _____
 Job No.: 2004225.01 Date: 12/12/2005 SHEET 1 OF 3

2006-01914 D



SEE SHEET 3 OF 3 FOR LEGAL



E&A CONSULTING GROUP, INC.
 ENGINEERS • PLANNERS • SURVEYORS
12001 G STREET OMAHA, NE 68157 PHONE (402) 695-4700

**KINGSBURY HILLS
 PERMANENT DRAINAGEWAY
 EASEMENT**
 SARPY COUNTY, NEBRASKA

Drawn by: EAS Chkd by: _____ Chkd by: _____
 Job No.: 2004225.01 Date: 12/12/2005 SHEET 2 OF 3