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GEORGE J. CHIGLEWICZ  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NE

AFTER RECORDING RETURN TO:

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

*4908 H* *M1-2550*  
FEB 29 1996  
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CO  
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**PERPETUAL EASEMENT**

KNOW ALL MEN BY THESE PRESENTS:

THAT **PACESETTER 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. 341 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 easement is the following:

- (a) 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; and
- (b) The unobstructed flow and drainage of surface waters over the described real property so long as such property shall be denominated as part of the One Hundred Year Flood Plain by the properly appointed authority.

No building or other obstruction shall be built within the easement areas during the effective period of this easement.

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 described on Exhibits "A", "B" and "C" is 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. 341 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 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.

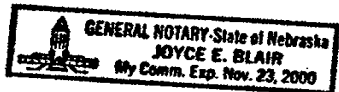
IN WITNESS WHEREOF, the Grantor herein, for itself its successors and assigns, has caused the due execution hereof as of the 12 day of December, 1996.

PACESETTER HOMES, INC.

By: [Signature]  
President

STATE OF NEBRASKA    )  
                                  ) ss.  
COUNTY OF DOUGLAS    )

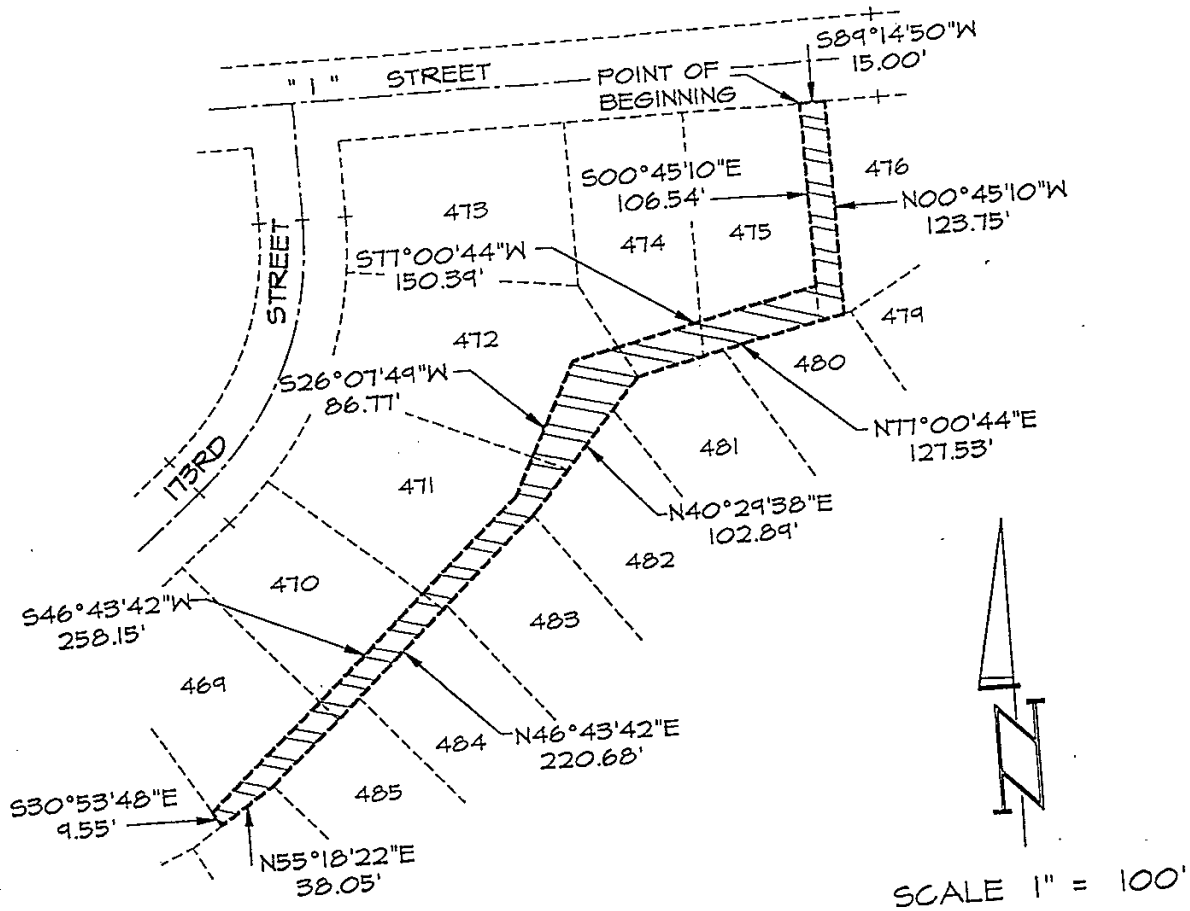
The foregoing instrument was acknowledged before me this 12 day of December, 1996, by Dennis Van Moorleghem, Vice President of PACESETTER HOMES, INC., a Nebraska corporation, on behalf of the Corporation.



[Signature]  
Notary Public

0026253.01

NOTARIAL SEAL AFFIXED  
REGISTER OF DEEDS



### LEGAL DESCRIPTION

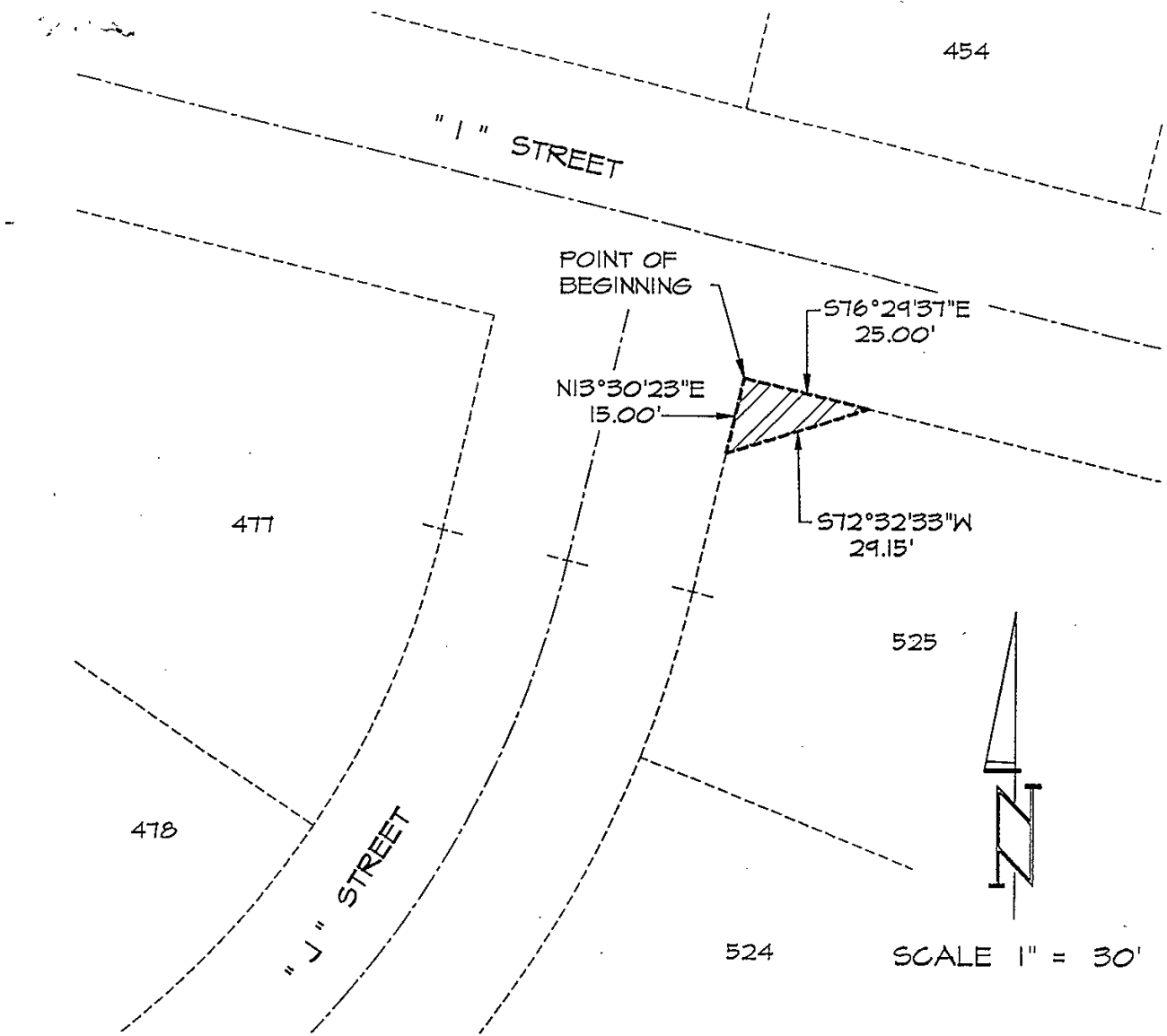
PART OF LOTS 469 THRU 472, INCLUSIVE AND PART OF LOTS 474 THRU 476, INCLUSIVE, LAKE SHORE, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NW CORNER OF SAID LOT 476; THENCE S00°45'10"E (ASSUMED BEARING) 106.54 FEET ON THE WEST LINE OF SAID LOT 476; THENCE S71°00'44"W 150.39 FEET ON A LINE 20.00 FEET NORTHERLY OF AND PARALLEL WITH THE SOUTHERLY LINE OF SAID LOTS 474 AND 475; THENCE S26°07'49"W 86.71 FEET; THENCE S46°43'42"W 258.15 FEET ON A LINE 15.00 FEET NORTHWESTERLY OF AND PARALLEL WITH THE SOUTHEASTERLY LINES OF SAID LOTS 469, 470 AND 471 TO THE SOUTHWESTERLY LINE OF SAID LOT 469; THENCE S30°53'48"E 9.55 FEET ON THE SOUTHWESTERLY LINE OF SAID LOT 469 TO THE SOUTHWESTERLY CORNER THEREOF; THENCE NORTHEASTERLY ON THE SOUTHWESTERLY LINES OF SAID LOTS 469 THRU 472, INCLUSIVE, ON THE FOLLOWING DESCRIBED THREE COURSES; THENCE N55°18'22"E 38.05 FEET; THENCE N46°43'42"E 220.68 FEET; THENCE N40°29'38"E 102.89 FEET TO THE SW CORNER OF SAID LOT 474; THENCE N71°00'44"E 127.53 FEET ON THE SOUTHERLY LINES OF SAID LOTS 474, 475 AND 476; THENCE N00°45'10"W 123.75 FEET ON A LINE 15.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID LOT 476 TO THE NORTH LINE THEREOF; THENCE S89°14'50"W 15.00 FEET ON THE NORTH LINE OF SAID LOT 476 TO THE POINT OF BEGINNING.

RALPH HEAVRIN

TD2 FILE NO. 245-142E

DATE: FEBRUARY 14, 1996

THOMPSON, DREESSEN AND DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-881



### LEGAL DESCRIPTION

THAT PART OF LOT 525, LAKE SHORE, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: BEGINNING AT THE NW CORNER OF SAID LOT 525; THENCE  $S76^{\circ}29'37''E$  25.00 FEET ON THE NORTH LINE OF SAID LOT 525; THENCE  $S72^{\circ}32'33''W$  29.15 FEET TO THE WEST LINE OF SAID LOT 525; THENCE  $N13^{\circ}30'23''E$  15.00 FEET ON THE WEST LINE OF SAID LOT 525 TO THE POINT OF BEGINNING.

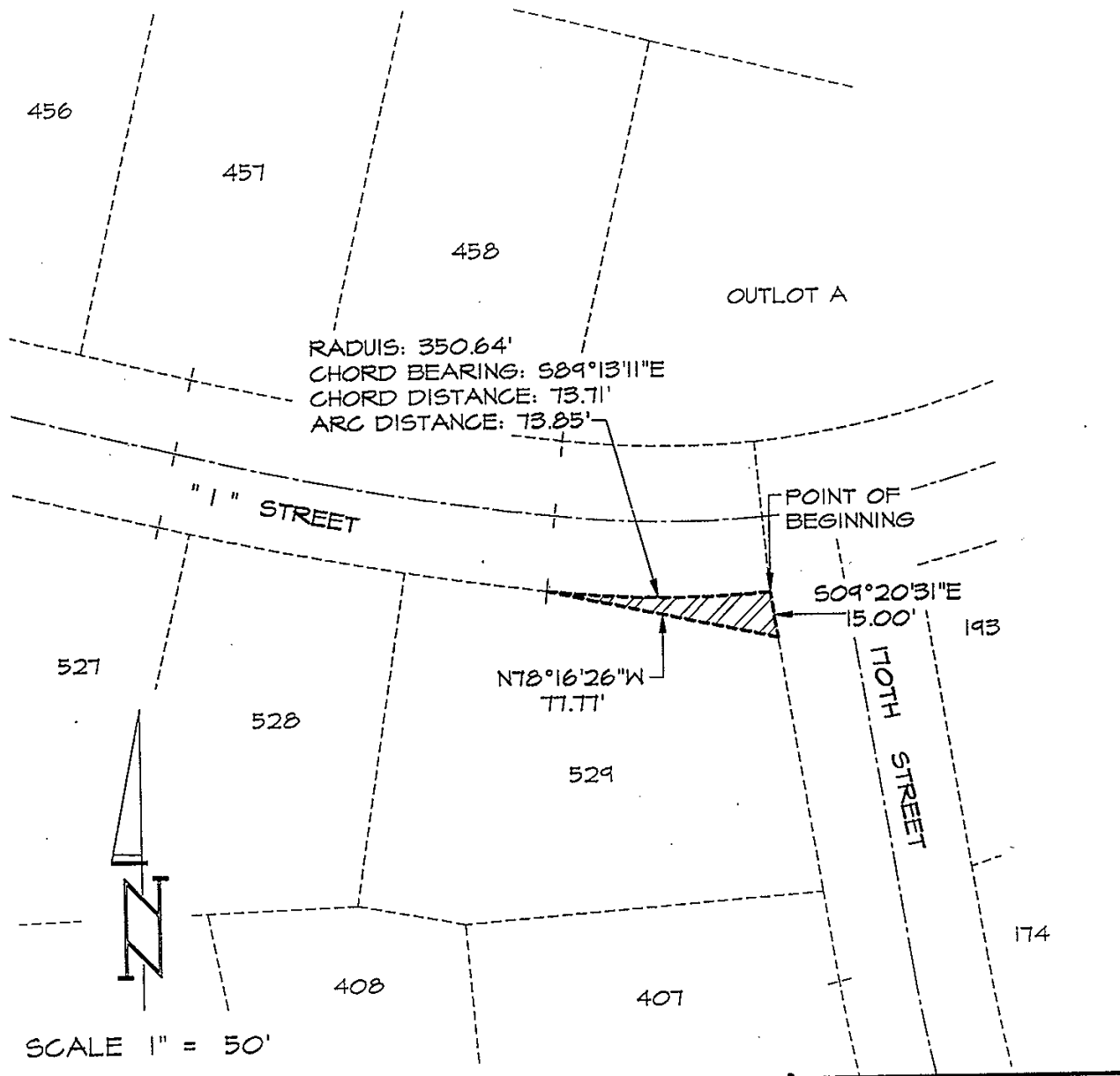
EXHIBIT C

RALPH HEAVRIN

TD2 FILE NO. 245-142-EE

DATE: FEBRUARY 14, 1996

HOMPSON, DREESSEN AND DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8861



### LEGAL DESCRIPTION

THAT PART OF LOT 529, LAKE SHORE, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: BEGINNING AT THE NE CORNER OF SAID LOT 529; THENCE S09°20'31"E (ASSUMED BEARING) 15.00 FEET ON THE EAST LINE OF SAID LOT 529; THENCE N78°16'26"W 77.77 FEET TO THE NORTH LINE OF SAID LOT 529; THENCE SOUTHEASTERLY ON THE NORTH LINE OF SAID LOT 529 ON A 350.64 FOOT RADIUS NONTANGENT CURVE TO THE LEFT, CHORD BEARING S89°13'11"E, CHORD DISTANCE 73.71 FEET, AN ARC DISTANCE OF 73.85 FEET TO THE POINT OF BEGINNING.

EXHIBIT B

RALPH HEAVRIN

TD2 FILE NO. E-245-142-E

DATE: FEBRUARY 14, 1996

THOMPSON, DREESSEN AND DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8861