

PERPETUAL EASEMENT

THIS EASEMENT AGREEMENT made this 23rd day of November, 1970, between the undersigned, ROYALWOOD ESTATES, INC., a Nebraska corporation (herein called "Grantor") and SANITARY AND IMPROVEMENT DISTRICT NO. 31 OF DOUGLAS COUNTY, NEBRASKA and the CITY OF OMAHA in the State of Nebraska, a Municipal corporation (hereafter collectively called "Grantee" except as otherwise noted),

WITNESSETH:

1. In consideration of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, Grantor, being the owner of the property hereinafter described, does herewith give and grant unto the Grantee, its successors and assigns, perpetual sewer and drainage easements over, on and under the following-described real property in Douglas County, Nebraska, to-wit:

A. A twenty-foot wide permanent sewer and drainage easement in Lot 96, Montclair of Westwood South, a subdivision in Douglas County, Nebraska, being more particularly described as follows:

Commencing at the Easternmost corner of said Lot 96, and proceeding thence Northwesterly along the Northerly line of Lot 96 a distance of 239.369 feet to the point of beginning; thence South $47^{\circ}59'01''$ West a distance of 116.931 feet; thence South $57^{\circ}08'42''$ West a distance of 248.037 feet; thence North $77^{\circ}36'06''$ West a distance of 45.442 feet to a point on the East line of Lot 9, Montclair on the Green, a subdivision in Douglas County, Nebraska, said point being 15.000 feet Southerly of the Northeast corner of said Lot 9; thence Northerly along the Easterly line of said Lot 9 a distance of 15.000 feet to the Northeast corner of said Lot 9; thence Westerly along the Northerly line of said Lot 9 a distance of 20.661 feet; thence South $77^{\circ}36'06''$ East a distance of 57.283 feet; thence North $57^{\circ}08'42''$ East a distance of 238.099 feet; thence North $47^{\circ}59'01''$ East a distance of 113.201 feet to the Northerly line of Lot 96, Montclair of Westwood South, thence Southeasterly along said Northerly line a distance of 20.112 feet to the point of beginning, as shown on Exhibit "A" attached hereto and made a part hereof.

B. A permanent sewer and drainage easement in Lot 9, Montclair on the Green, a subdivision in Douglas County, Nebraska, being more particularly described as follows:

Commencing at the Southeasterly corner of said Lot 9 and proceeding thence Northerly along the Easterly line of said Lot 9 a distance of 245.000 feet to the point of beginning; thence North $77^{\circ}36'06''$ West a distance of 66.749 feet; thence South $56^{\circ}06'06''$ West a distance of 111.360 feet to a point on the 128th Avenue cul-de-sac right-of-way; thence North $33^{\circ}53'54''$ West along said right-of-way a distance of 8.013 feet; thence North $56^{\circ}06'06''$ East a distance of 131.380 feet; thence South

77°36'06" East a distance of 38.524 feet to the Northerly line of Lot 9, Montclair on the Green; thence South 63°35'47" East along said Northerly line a distance of 20.660 feet to the Northeasterly corner of said Lot 9; thence South 11°54'05" West along the Easterly line of said Lot 9 a distance of 15.000 feet to the point of beginning, as shown on Exhibit "B" attached hereto and made a part hereof.

2. The scope and purpose of said easements are for the construction, repair, maintenance, replacement and renewal of sanitary and storm sewer pipe lines and culverts, including all necessary manholes and other drainage appurtenances, and the transmission through said sewers of sanitary sewage and storm water. 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. The exact location of said sewer pipe lines and all related appurtenances in the permanent easementways shall be fixed and determined by the engineer for Grantee, 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 sewer and storm sewer improvements and drainage facilities are to be constructed shall be annexed as a part of said City and until said City shall have a legal obligation to maintain said sewer improvements and related drainage appurtenances as public facilities.

3. By accepting and recording these perpetual easement grants, said Grantee, Sanitary and Improvement District No. 31 of Douglas County, Nebraska, agrees forthwith, and said Grantee, City of Omaha, agrees effective with the annexation of the property in which said sewer improvements and drainage facilities are to be constructed, to make good or cause to be made good to the owner or owners of the property in which same are to be constructed, any and all damage that may be done by reason of negligent changes, alterations, maintenance, inspection, repairs or reconstruction in the way of damage to trees, grounds, buildings, or other improvements abutting thereon, including crops, vines and gardens; provided, however, that this provision does not apply to any of the aforesaid located in, on, over or across said easements or any part thereof.

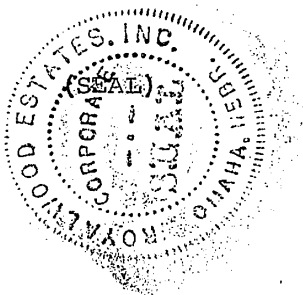
4. This Agreement shall be binding on the successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the Grantor herein, for itself, its successors and assigns, has caused the due execution hereof as of the day and year first-above written.

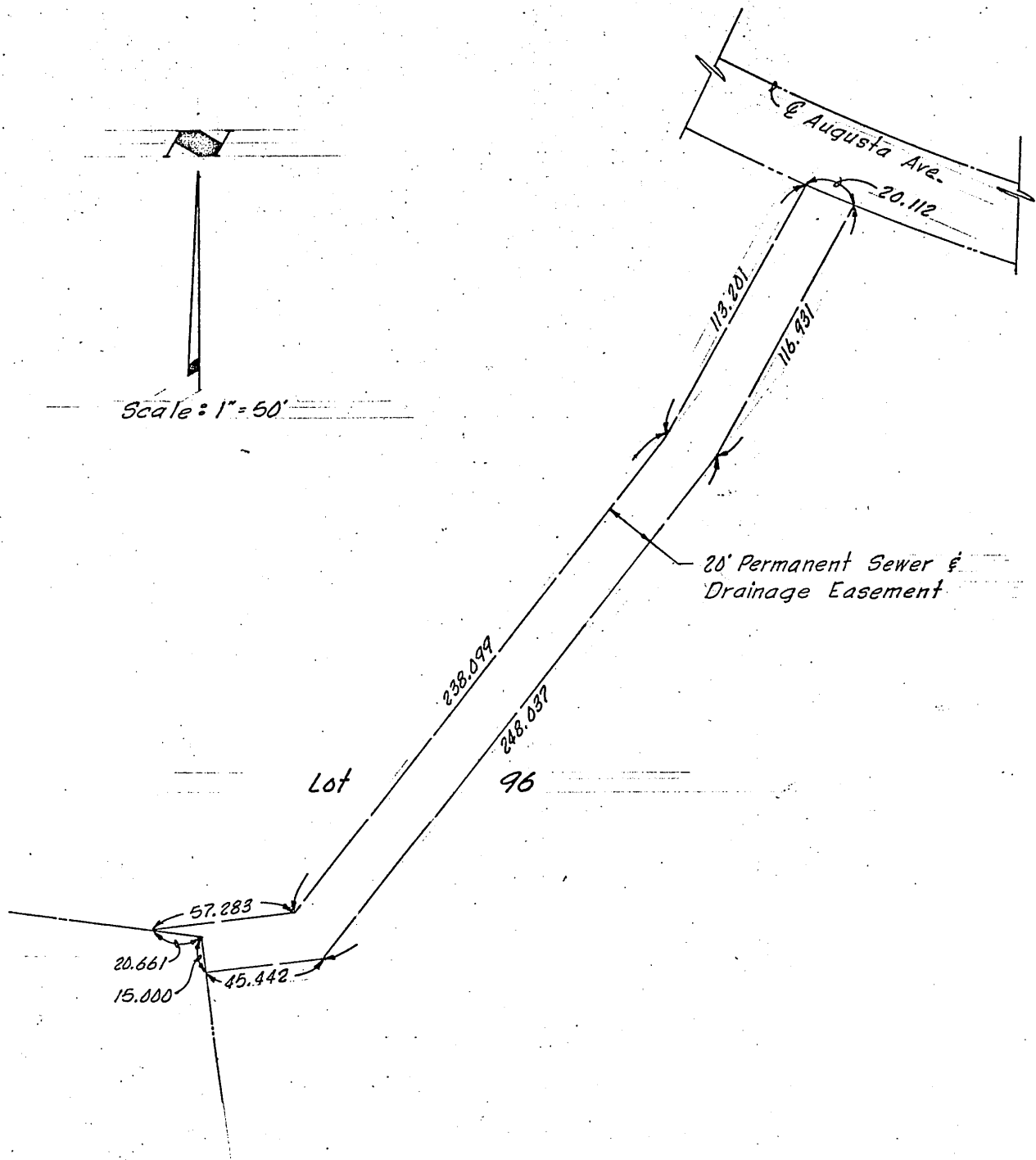
ROYALWOOD ESTATES, INC., Grantor

By: *William K. Kelch*
President

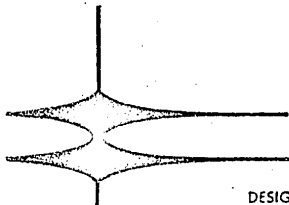
Attest: *Theodore M. Seldin*
Secretary



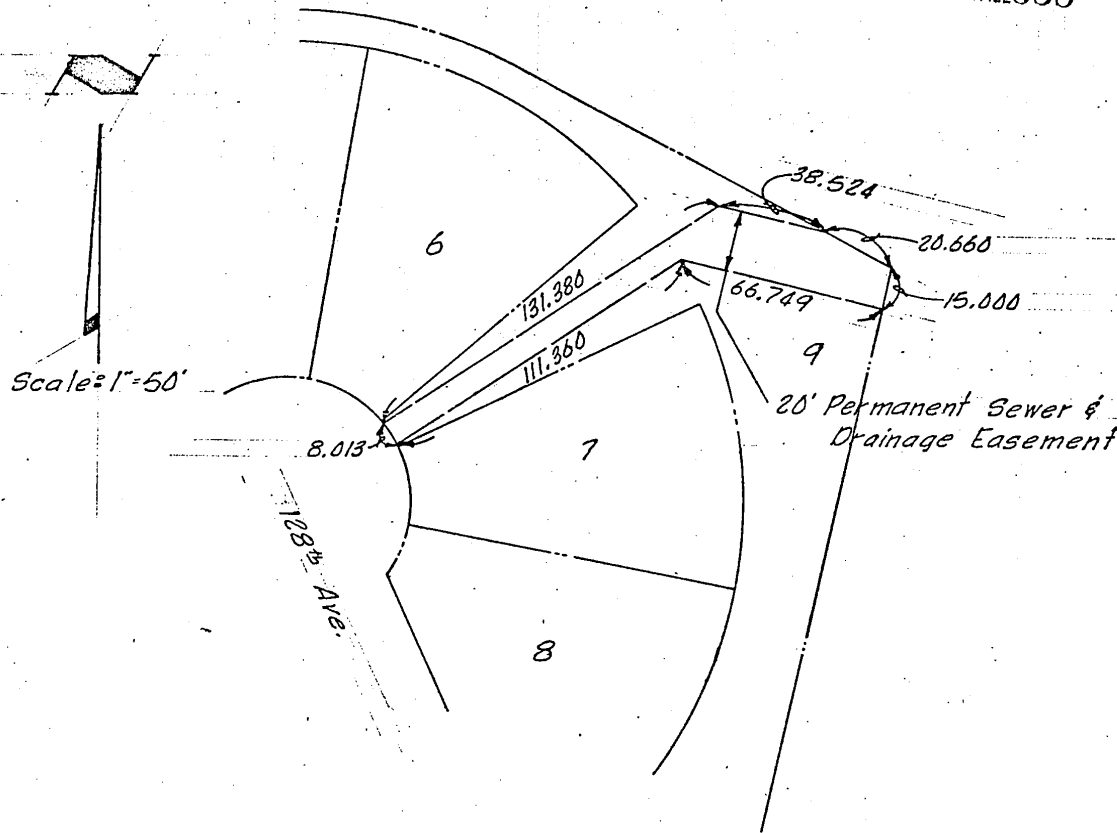
My Commission Expires: April 18, 1972



MONTCLAIR ON THE GREEN
SANITARY & IMPROVEMENT DISTRICT NO. 31
DOUGLAS COUNTY, NEBRASKA



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



MONTCLAIR ON THE GREEN
 SANITARY & IMPROVEMENT DISTRICT NO. 31
 DOUGLAS COUNTY, NEBRASKA

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

DESIGNED P.L.T. DRAWN J.M.H. CHECKED E.M.K. DATE Nov. 70 SHEET NO. 19.

ENTERED IN NUMERICAL INDEX AND RECORDED IN THE REGISTER OF DEEDS OFFICE IN DOUGLAS COUNTY, NEBRASKA,
 25 DAY OF November 1970 AT 3:26 P.M. & HAROLD OSTLER, REGISTER OF DEEDS. 1550