

99-035449

FILED SARPY CO. NE.  
INSTRUMENT NUMBER  
99 035449

99 NOV 22 PM 12: 21

*Shawn J. Dawkins*  
REGISTER OF DEEDS

Counter SM  
Verify M  
D.E. AK  
Proof AK  
Fee \$ 21.50  
Ck  Cash  Chg

Stamp TD  
copy

AFTER RECORDING RETURN TO:

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

**PERPETUAL EASEMENT**

KNOW ALL MEN BY THESE PRESENTS:

THAT **BENCHMARK 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. 208 OF SARPY COUNTY, NEBRASKA, and THE CITY OF BELLEVUE, in the State of Nebraska**, a Municipal corporation, (hereinafter collectively referred to as "Grantee"), their successors and assigns, a perpetual easement over, under, on and across that real estate in Sarpy County, Nebraska, more particularly described on **Exhibit "A"** attached hereto and incorporated herein by this reference.

The scope and purpose of said easement is 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 and no building or other obstruction shall be built thereon 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 Bellevue only, shall have no force and effect unless and until the property described on Exhibit "A" 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. 208 of Sarpy County, Nebraska, agrees forthwith, and said Grantee, City of Bellevue, 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

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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.

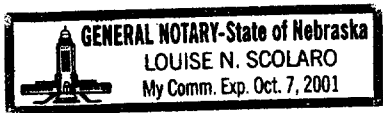
IN WITNESS WHEREOF, the Grantor herein, for itself, its successors and assigns, has caused the due execution hereof as of the 17 day of November, 1999.

BENCHMARK HOMES, INC.

By: [Signature]  
President

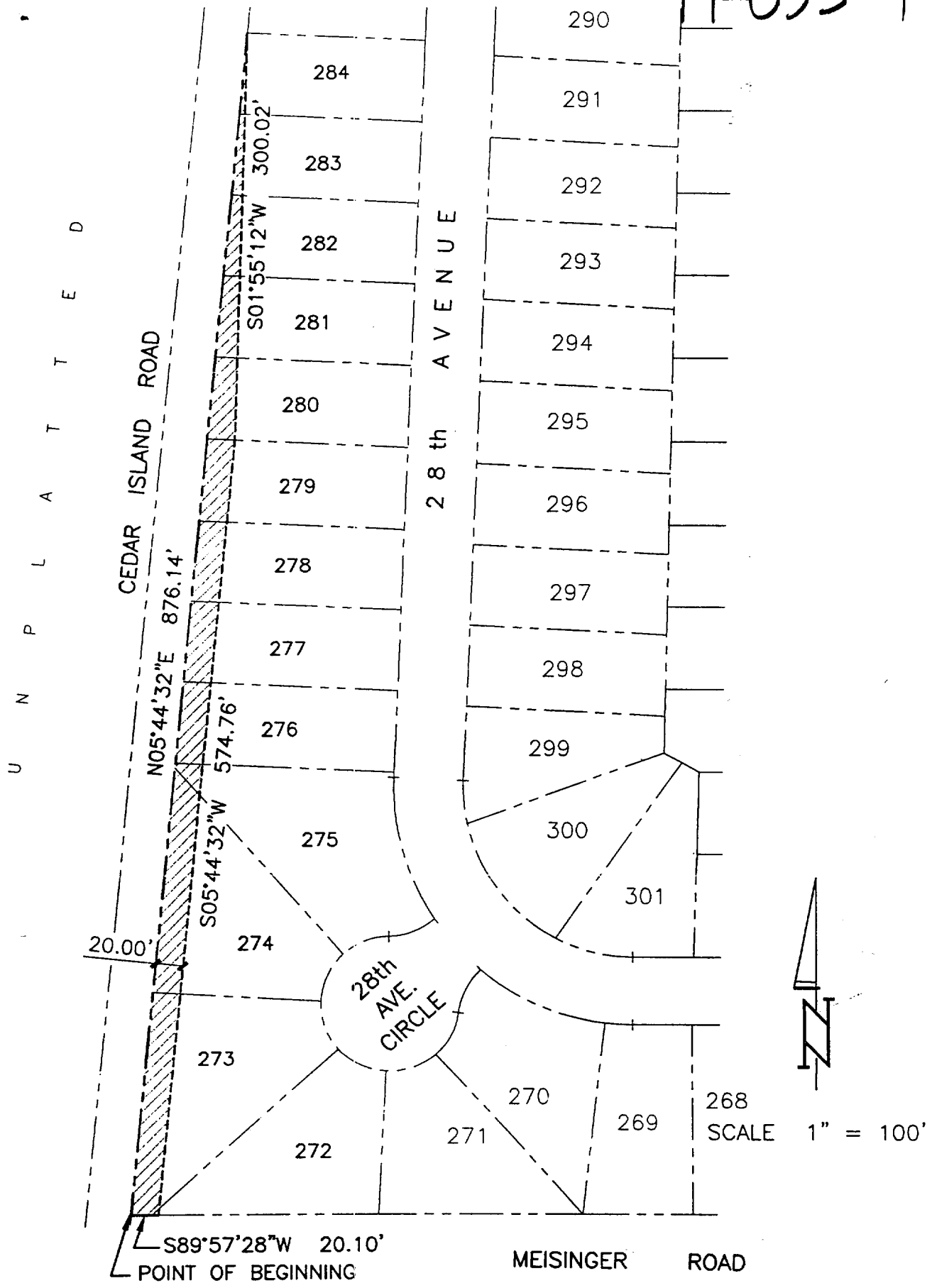
STATE OF NEBRASKA     )  
   ) ss.  
COUNTY OF SARPY     )

The foregoing instrument was acknowledged before me this 17 day of Nov, 1999, by John C. Czerwinski, Jr., President of BENCHMARK HOMES, INC., a Nebraska corporation, on behalf of the Corporation.



[Signature]  
Notary Public

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SCALE 1" = 100'

**LEGAL DESCRIPTION**

THAT PART OF LOTS 272 THRU 284, INCLUSIVE, SUNRISE ADDITION, A SUBDIVISION IN SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SW CORNER OF SAID LOT 273;

THENCE N05°44'32"E (ASSUMED BEARING) 876.14 FEET ON THE WESTERLY LINE OF SAID SUNRISE ADDITION TO THE NW CORNER OF SAID LOT 284;

THENCE S01°55'12"W 300.02 FEET TO THE NORTHERLY LINE OF SAID LOT 279;

THENCE S05°44'32"W 574.76 FEET ON A LINE 20.00 FEET EASTERLY OF AND PARALLEL WITH THE WESTERLY LINE OF SAID SUNRISE ADDITION TO THE SOUTHERLY LINE OF SAID LOT 272;

THENCE S89°57'28"W 20.10 FEET ON THE SOUTHERLY LINES OF SAID LOTS 272 AND 273 TO THE POINT OF BEGINNING.

S.I.D. 208 SARPY COUNTY TD2 JOB NO.: 1156-101-EASE.DWG NOVEMBER 3, 1999  
 THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860

**EXHIBIT "A"**