



MISC 2003131651

RICHARD J. DEWITT  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NE



JUL 09 2003 14:21 P 6

RECEIVED

AFTER RECORDING RETURN TO:

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

<i>mwc</i>	FEE	<u>44.00</u>	FB
<u>6</u>	BKP	CO	COMP
<u>28</u>	DEL	SCAN	FV

**PERMANENT DRAINAGE, STORM SEWER AND CHANNEL MAINTENANCE EASEMENT**

KNOW ALL MEN BY THESE PRESENTS:

THAT ONE NINETY-TWO, LLC, a Nebraska limited liability company, hereinafter referred to as GRANTOR, (whether one or more) for and in consideration of the sum of One Dollar and other valuable consideration, the receipt of which is hereby acknowledged, does hereby donate, grant and convey unto the City of Omaha, Nebraska, a Municipal Corporation, hereinafter referred to as CITY, and to its successors and assigns, and Sanitary and Improvement District No. 438 of Douglas County, Nebraska, hereinafter referred to as S&ID, a permanent easement for the right to construct, maintain and operate sewers (either for storm or sanitary purposes), drainage structures, and/or drainage way, and appurtenances thereto, in, through, and under the parcel of land described as follows, to-wit:

**SEE ATTACHED EXHIBITS "A", "B" AND "C"  
PERMANENT EASEMENT LEGAL DESCRIPTION**

TO HAVE AND TO HOLD unto said CITY, its successors and assigns, and S&ID together with the right of ingress and egress from said premises for the purpose of constructing, inspecting, maintaining, operating, repairing or replacing said sewers, drainage structures, and/or drainage way at the will of the CITY or S&ID. The GRANTOR may, following construction of said sewers, drainage structures, and/or drainage way continue to use the surface of the easement strip conveyed hereby for other purposes, subject to the right of the CITY and S&ID to use the same for the purposes herein expressed.

It is further agreed as follows:

- 1) That no buildings, improvements, or other structures, nor any grading, fill or fill material, or embankment work, shall be placed in, on, over, or across said easement strip by GRANTOR, its successors and assigns, without express approval of the CITY. Improvements which may be approved by CITY include landscaping, road and/or street surfaces, parking area surfacing, and/or pavement. These improvements and any trees, grass or shrubbery placed on said easement shall be maintained by GRANTOR, its successors or assigns.
- 2) That CITY or S&ID will replace or rebuild any and all damage to improvements caused by CITY or S&ID exercising its rights of inspecting, maintaining or operating said sewer, except that damage to, or loss of trees and shrubbery will not be compensated for by CITY.
- 3) This permanent sewer easement is also for the benefit of any contractor, agent, employee, or representative of the CITY and S&ID and any of said construction and work.
- 4) That CITY or S&ID shall cause any trench made on said easement strip to be properly refilled and shall cause the premises to be left in a neat and orderly condition.
- 5) That said GRANTOR for itself and its successors and assigns, does confirm with the said CITY and S&ID and their assigns, that the GRANTOR is well seized in fee of the above described property and that it has the right to grant and convey this permanent sewer easement in the manner and form aforesaid, and that it will, and its successors and assigns shall warrant and defend this permanent easement to said CITY or S&ID and its assigns against the lawful claims and demands of all persons. This permanent sewer easement runs with the land.
- 6) That said permanent sewer easement is granted upon the condition that the CITY or S&ID may remove or cause to be removed all presently existing improvements thereon, including but not limited to, crops, vines, trees within the easement area as necessary for construction.
- 7) The CITY reserves the absolute right to terminate this permanent easement at any time prior to the payment of the above stated consideration, but in no event later than 60 days after the execution of this Easement Agreement.
- 8) That this instrument contains the entire agreement of the parties; that there are no other or different agreements or understandings, except a Temporary Construction Easement if and as applicable, between the GRANTOR and the CITY or S&ID or their agents; and that the GRANTOR, in executing and delivering this instrument, has not relied upon any promises, inducements, or

*THO A*

representations of the CITY or S&ID or their agents or employees, except as are set forth herein (if applicable):

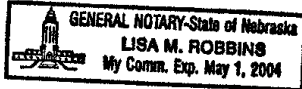
IN WITNESS WHEREOF, the said GRANTOR has hereunto caused these presents to be signed by its respective officer(s) this 17 day of June, 2003.

ONE NINETY-TWO, LLC Grantor

By: [Signature]  
John C. Czerwinski, Jr., Manager

STATE OF NEBRASKA        )  
  ) SS.  
COUNTY OF DOUGLAS     )

The foregoing instrument was acknowledged before me on June 17, 2003, by John C. Czerwinski, Jr., Manager of One Ninety-Two, LLC, a Nebraska limited liability company, on behalf of the company.



Lisa M. Robbins  
Notary Public

## LEGAL DESCRIPTION

PART OF LOTS 456 THROUGH 483 AND OUTLOT DD, THE GROVE, A SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE MOST NORTHERLY CORNER OF SAID LOT 456; THENCE N37°26'17"E (ASSUMED BEARING) 35.00 FEET ON THE NORTHWESTERLY LINE OF SAID LOT 457; THENCE N42°26'17"E 48.00 FEET ON THE NORTHWESTERLY LINE OF SAID LOT 457; THENCE S65°12'44"E 120.46 FEET TO A POINT ON THE EAST LINE OF SAID LOT 457, SAID POINT BEING 90.00 FEET FROM THE NE CORNER OF SAID LOT 457; THENCE S62°57'52"E 63.06 FEET TO A POINT ON THE EAST LINE OF SAID LOT 458, SAID POINT BEING 100.00 FEET FROM THE NE CORNER OF SAID LOT 458; THENCE S36°19'21"E 73.78 FEET TO A POINT ON THE EAST LINE OF SAID LOT 459, SAID POINT BEING 140.00 FEET FROM THE NE CORNER OF SAID LOT 459; THENCE S51°55'45"E 101.22 FEET TO A POINT ON THE EAST LINE OF SAID LOT 460, SAID POINT BEING 180.00 FEET FROM THE NE CORNER OF SAID LOT 460; THENCE N68°06'59"E 108.00 FEET TO A POINT ON THE EAST LINE OF SAID LOT 461, SAID POINT BEING 140.00 FEET FROM THE NE CORNER OF SAID LOT 461; THENCE N67°34'35"E 92.37 FEET TO A POINT ON THE EAST LINE OF SAID LOT 462, SAID POINT BEING 130.00 FEET FROM THE NE CORNER OF SAID LOT 462; THENCE N51°37'56"E 89.64 FEET TO A POINT ON THE EAST LINE OF SAID LOT 463, SAID POINT BEING 120.00 FEET FROM THE NE CORNER OF SAID LOT 463; THENCE N31°25'00"E 72.82 FEET TO A POINT ON THE EAST LINE OF SAID LOT 464, SAID POINT BEING 103.00 FEET FROM THE NE CORNER OF SAID LOT 464; THENCE N51°22'38"E 58.55 FEET TO A POINT ON THE EAST LINE OF SAID LOT 465, SAID POINT BEING 105.00 FEET FROM THE NE CORNER OF SAID LOT 465; THENCE N58°28'21"E 58.36 FEET TO A POINT ON THE EAST LINE OF SAID LOT 466, SAID POINT BEING 105.00 FEET FROM THE NE CORNER OF SAID LOT 466; THENCE N62°24'47"E 58.26 FEET TO A POINT ON THE EAST LINE OF SAID LOT 467, SAID POINT BEING 100.00 FEET FROM THE NE CORNER OF SAID LOT 467; THENCE S87°48'07"E 100.05 FEET TO A POINT ON THE EAST LINE OF SAID LOT 468, SAID POINT BEING 150.00 FEET FROM THE NE CORNER OF SAID LOT 468; THENCE N48°12'39"E 93.09 FEET TO A POINT ON THE EAST LINE OF SAID LOT 469, SAID POINT BEING 150.00 FEET FROM THE NE CORNER OF SAID LOT 469; THENCE N48°24'38"E 99.34 FEET TO A POINT ON THE NORTHEAST LINE OF SAID LOT 470, SAID POINT BEING 175.00 FEET FROM THE NE CORNER OF SAID LOT 470; THENCE N03°02'07"W 86.80 FEET TO A POINT ON THE NORTHEAST LINE OF SAID LOT 471, SAID POINT BEING 138.00 FEET FROM THE NE CORNER OF SAID LOT 471; THENCE N01°36'42"W 66.85 FEET TO A POINT ON THE NORTHEAST LINE OF SAID LOT 472, SAID POINT BEING 113.00 FEET FROM THE NE CORNER OF SAID LOT 472; THENCE N14°17'09"E 51.68 FEET TO A POINT ON THE NORTHEAST LINE OF SAID LOT 473, SAID POINT BEING 103.00 FEET FROM THE NE CORNER OF SAID LOT 473; THENCE N38°15'18"E 60.83 FEET TO A POINT ON THE NORTHEAST LINE OF SAID LOT 474, SAID POINT BEING 103.00 FEET FROM THE NE CORNER OF SAID LOT 474; THENCE N40°11'47"E 124.06 FEET TO A POINT ON THE NORTHEAST LINE OF SAID LOT 476, SAID POINT BEING 107.00 FEET FROM THE NE CORNER OF SAID LOT 476; THENCE N45°06'17"E 71.61 FEET TO A POINT ON THE NORTHEAST LINE OF SAID LOT 477, SAID POINT BEING 117.00 FEET FROM THE NE CORNER OF SAID LOT 477; THENCE N40°24'25"E 96.38 FEET TO A POINT ON THE NORTHEAST LINE OF SAID LOT 478, SAID POINT BEING 145.00 FEET FROM THE NW CORNER OF SAID LOT 478; THENCE N12°01'31"W 97.42 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 479, SAID POINT BEING 114.00 FEET FROM THE NW CORNER OF SAID LOT 479; THENCE N01°30'09"W 62.01 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 480, SAID POINT BEING 115.00 FEET FROM THE NW CORNER OF SAID LOT 480; THENCE N04°00'54"E 62.39 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 481, SAID POINT BEING 122.00 FEET FROM THE NW CORNER OF SAID LOT 481; THENCE N00°32'46"E 57.85 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 482, SAID POINT BEING 125.00 FEET FROM THE NW CORNER OF SAID LOT 482; THENCE N00°27'58"E 51.34 FEET TO A POINT ON THE NORTHEAST LINE OF SAID LOT 483, SAID POINT BEING 87.00 FEET FROM THE NW CORNER OF SAID LOT 483; THENCE N47°54'37"E 100.07 FEET TO THE NORTHEAST LINE OF SAID OUTLOT DD; THENCE S51°22'28"E 66.00 FEET ON THE NORTHEAST LINE OF SAID OUTLOT DD; THENCE S43°25'59"E 145.00 FEET ON THE NORTHEAST LINE OF SAID OUTLOT DD; THENCE SOUTHEASTERLY ON THE NORTHEAST LINE OF SAID OUTLOT DD ON A 583.15 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING S45°18'28"E, CHORD DISTANCE 38.16 FEET, AN ARC DISTANCE OF 38.16 FEET; THENCE S44°19'52"W 102.79 FEET ON A NON-TANGENT LINE TO THE SOUTHEAST LINE OF SAID THE GROVE, LOTS 447 THROUGH 668 AND OUTLOTS DD, EE AND FF; THENCE SOUTHWESTERLY ON THE SOUTHEASTERLY LINE OF SAID THE GROVE ON THE FOLLOWING DESCRIBED 20 COURSES; THENCE S85°13'19"W 100.00 FEET; THENCE S05°45'37"E 200.00 FEET; THENCE S39°22'29"W 65.00 FEET; THENCE S59°06'54"W 121.06 FEET; THENCE S39°14'30"W 180.00 FEET; THENCE S03°33'42"E 81.38 FEET; THENCE S15°15'17"E 91.77 FEET; THENCE S30°37'33"W 66.75 FEET; THENCE S54°38'49"W 91.94 FEET; THENCE S30°50'49"W 73.33 FEET; THENCE S51°21'51"W 71.87 FEET; THENCE S76°41'46"W 47.77 FEET; THENCE N48°24'52"W 70.00 FEET; THENCE S62°15'13"W 120.00 FEET; THENCE S31°26'57"W 156.37 FEET; THENCE S70°57'25"W 358.38 FEET; THENCE N56°10'47"W 81.93 FEET; THENCE N38°41'18"W 65.66 FEET; THENCE S54°55'00"W 125.00 FEET; THENCE S86°25'15"W 13.20 FEET; THENCE N27°00'58"W 72.22 FEET; THENCE N83°02'36"W 85.68 FEET TO THE WEST LINE OF SAID LOT 456; THENCE NORTHEASTERLY ON THE WEST LINE OF SAID LOT 456 ON A NON-TANGENT 175.00 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING N18°39'50"E, CHORD DISTANCE 112.64 FEET, AN ARC DISTANCE OF 114.68 FEET; THENCE N37°26'17"E 25.00 FEET ON THE WEST LINE OF SAID LOT 456 TO THE POINT OF BEGINNING.

## SHEET 1 OF 2

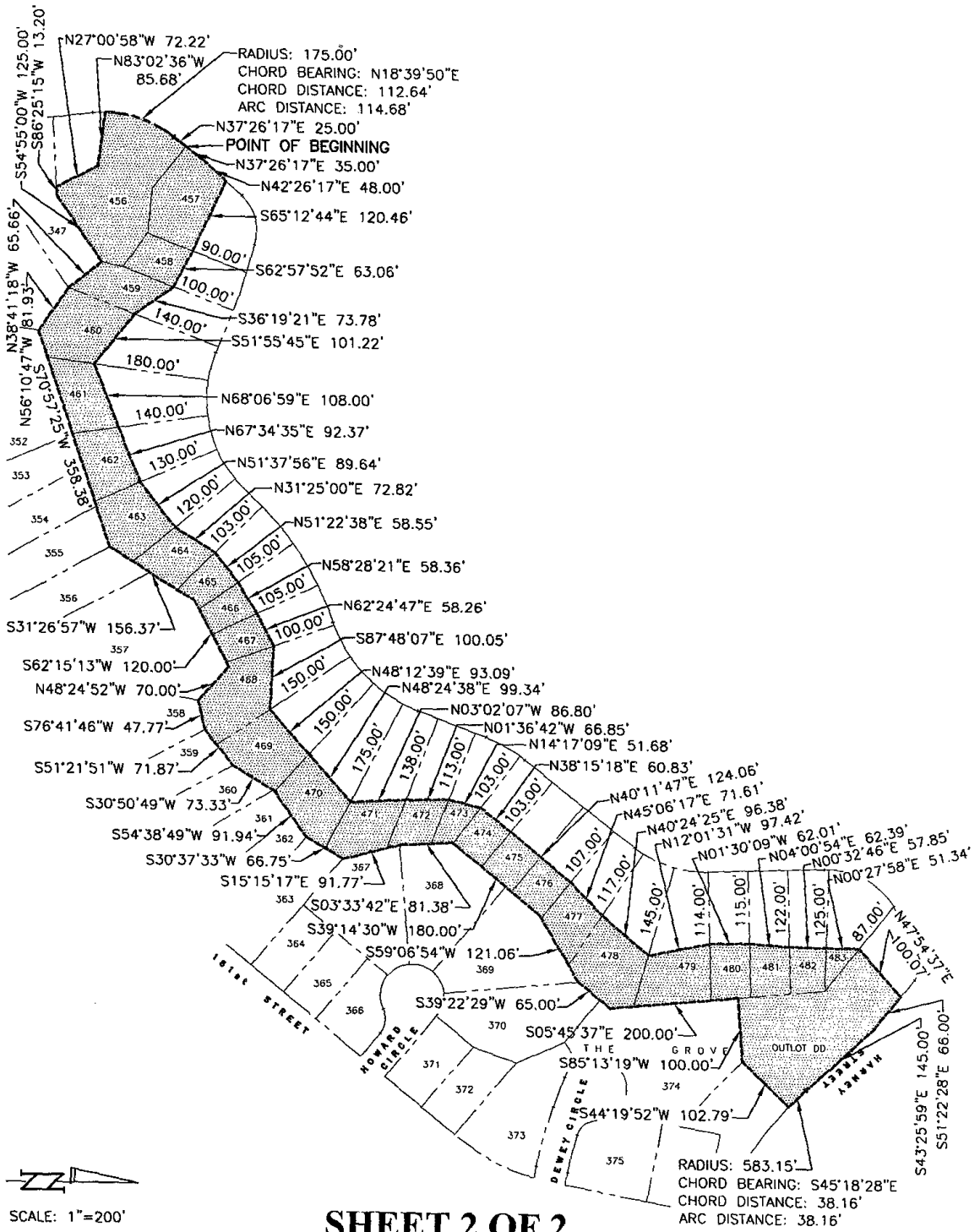
BENCHMARK HOMES

TD2 FILE NO.: 1139-124-EASE-M

DATE: APRIL 30, 2003

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

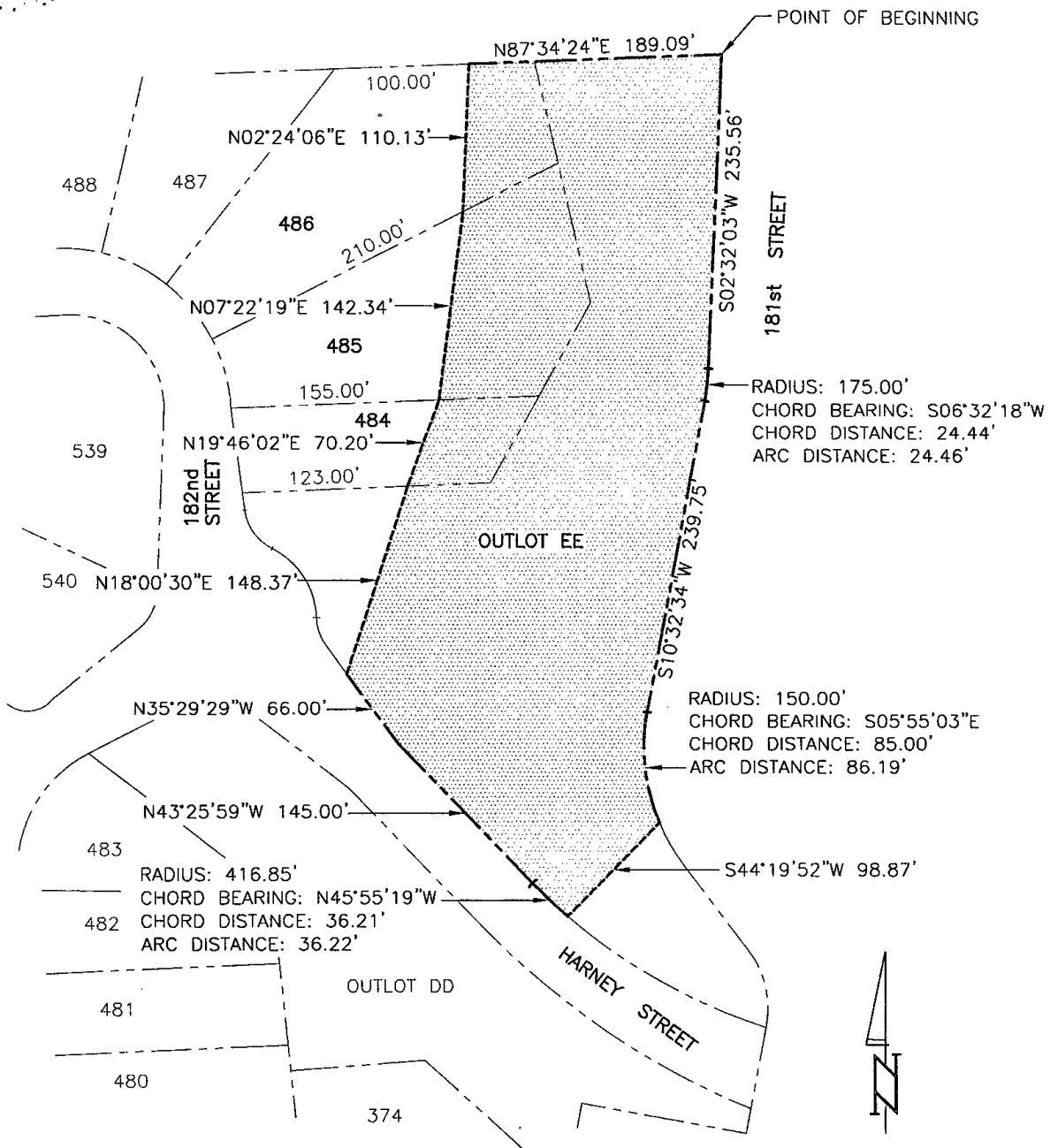
EXHIBIT "A"



## SHEET 2 OF 2

BENCHMARK HOMES
TD2 FILE NO.: 1139-124-EASE-M
DATE: APRIL 30, 2003

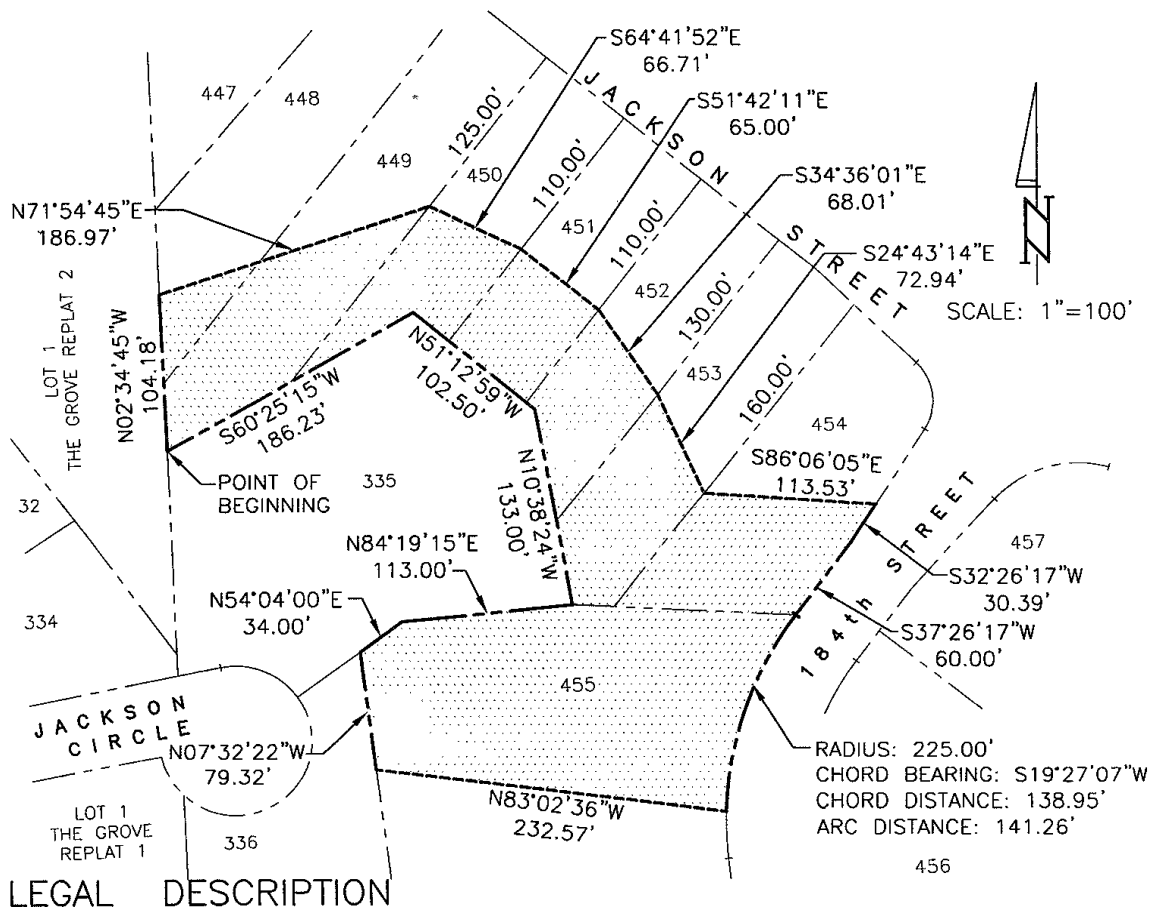
THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860



**LEGAL DESCRIPTION**

PART OF LOTS 484, 485, 486 AND OUTLOT EE, THE GROVE, A SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NE CORNER OF SAID OUTLOT EE; THENCE SOUTHERLY ON THE EAST LINE OF SAID OUTLOT EE ON THE FOLLOWING DESCRIBED 4 COURSES; THENCE S02°32'03"W (ASSUMED BEARING) 235.56 FEET; THENCE SOUTHWESTERLY ON A 175.00 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING S06°32'18"W, CHORD DISTANCE 24.44 FEET, AN ARC DISTANCE OF 24.46 FEET; THENCE S10°32'34"W 239.75 FEET; THENCE SOUTHEASTERLY ON A 150.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING S05°55'03"E, CHORD DISTANCE 85.00 FEET, AN ARC DISTANCE OF 86.19 FEET; THENCE S44°19'52"W 98.87 FEET ON A NON-TANGENT LINE TO THE SOUTH LINE OF SAID OUTLOT EE; THENCE NORTHWESTERLY ON THE SOUTH LINE OF SAID OUTLOT EE ON A NON-TANGENT 416.85 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING N45°55'19"W, CHORD DISTANCE 36.21 FEET, AN ARC DISTANCE OF 36.22 FEET; THENCE N43°25'59"W 145.00 FEET ON THE SOUTH LINE OF SAID OUTLOT EE; THENCE N35°29'29"W 66.00 FEET ON THE SOUTH LINE OF SAID OUTLOT EE; THENCE N18°00'30"E 148.37 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 484, SAID POINT BEING 123.00 FEET FROM THE SW CORNER OF SAID LOT 484; THENCE N19°46'02"E 70.20 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 485, SAID POINT BEING 155.00 FEET FROM THE SW CORNER OF SAID LOT 485; THENCE N07°22'19"E 142.34 FEET TO A POINT ON THE SOUTHEAST LINE OF SAID LOT 486, SAID POINT BEING 210.00 FEET FROM THE SW CORNER OF SAID LOT 486; THENCE N02°24'06"E 110.13 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 486, SAID POINT BEING 100.0 FEET FROM THE NW CORNER OF SAID LOT 486; THENCE N87°34'24"E 189.09 FEET ON THE NORTH LINES OF SAID LOT 486 AND OUTLOT EE TO THE POINT OF BEGINNING.

BENCHMARK HOMES                      TD2 FILE NO.: 1139-124-EASE-L                      DATE: APRIL 30, 2003  
 THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860



**LEGAL DESCRIPTION**

PART OF LOTS 448 THROUGH 455, THE GROVE, A SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SW CORNER OF SAID LOT 449; THENCE N02°34'45"W (ASSUMED BEARING) 104.18 FEET ON THE WEST LINES OF SAID LOTS 448 AND 449; THENCE N71°54'45"E 186.97 FEET TO A POINT ON THE NORTHWEST LINE OF SAID LOT 450, SAID POINT BEING 125.00 FEET FROM THE NW CORNER OF SAID LOT 450; THENCE S64°41'52"E 66.71 FEET TO A POINT ON THE NORTHWEST LINE OF SAID LOT 451, SAID POINT BEING 110.00 FEET FROM THE NW CORNER OF SAID LOT 451; THENCE S51°42'11"E 65.00 FEET TO A POINT ON THE NORTHWEST LINE OF SAID LOT 452, SAID POINT BEING 110.00 FEET FROM THE NW CORNER OF SAID LOT 452; THENCE S34°36'01"E 68.01 FEET TO A POINT ON THE NORTHWEST LINE OF SAID LOT 453, SAID POINT BEING 130.00 FEET FROM THE NW CORNER OF SAID LOT 453; THENCE S24°43'14"E 72.94 FEET TO A POINT ON THE NORTHWEST LINE OF SAID LOT 454, SAID POINT BEING 160.00 FEET FROM THE NW CORNER OF SAID LOT 454; THENCE S86°06'05"E 113.53 FEET TO THE SOUTHEAST LINE OF SAID LOT 454; THENCE S32°26'17"W 30.39 FEET ON THE SOUTHEAST LINE OF SAID LOT 454; THENCE S37°26'17"W 60.00 FEET ON THE SOUTHEAST LINE OF SAID LOT 454; THENCE SOUTHWESTERLY ON THE EAST LINE OF SAID LOT 455 ON A 225.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING S19°27'07"W, CHORD DISTANCE 138.95 FEET, AN ARC DISTANCE OF 141.26 FEET; THENCE N83°02'36"W 232.57 FEET ON A NON-TANGENT LINE TO THE WEST LINE OF SAID 455; THENCE NORTHWESTERLY ON THE WEST LINE OF SAID THE GROVE, LOTS 447 THROUGH 668 AND OUTLOTS DD, EE AND FF ON THE FOLLOWING DESCRIBED 6 COURSES; THENCE N07°32'22"W 79.32 FEET; THENCE N54°04'00"E 34.00 FEET; THENCE N84°19'15"E 113.00 FEET; THENCE N10°38'24"W 133.00 FEET; THENCE N51°12'59"W 102.50 FEET; THENCE S60°25'15"W 186.23 FEET TO THE POINT OF BEGINNING.

SID 438, THE GROVE TD2 FILE NO.: 1139-124-EASE-N DATE: APRIL 30, 2003  
 THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860