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By

RICHARD H. TAKECHI
REGISTER OF DEEDS
DOUGLAS COUNTY, NE

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

18872P

FEE 65.00 FB _____

BKP _____ C/O _____ COMP _____

DEL _____ SCAN J FV _____

PERPETUAL EASEMENT

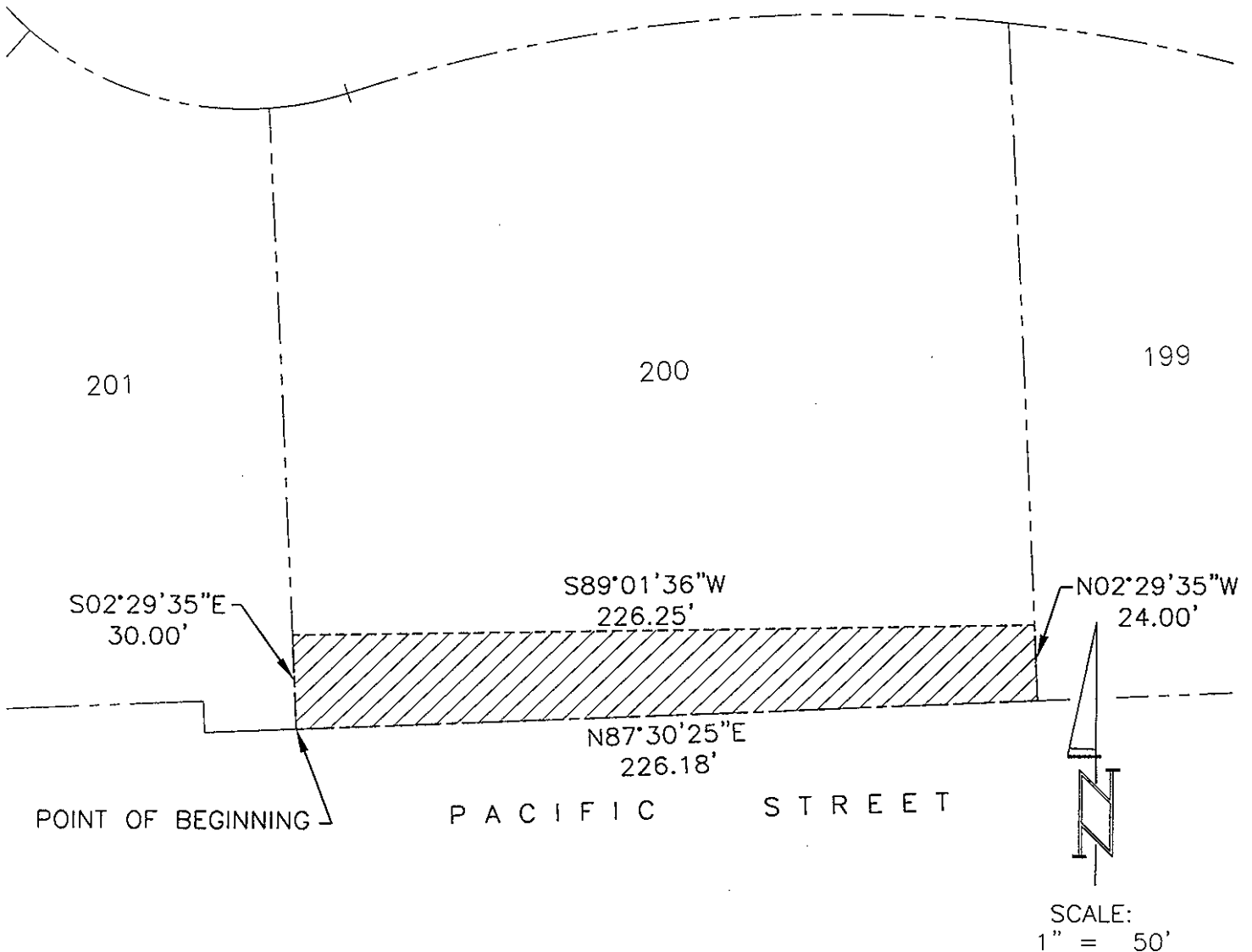
KNOW ALL MEN BY THESE PRESENTS:

THAT **ONE NINETY-TWO, LLC**, a Nebraska limited liability company, (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. 438 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 those parcels of real estate in Douglas County, Nebraska, more particularly described on **Exhibits "A" through "J"** attached hereto and incorporated herein by this reference.

The scope and purpose of said easements is for the use, construction, repair, maintenance, replacement and renewal of storm sewer pipe line, including all necessary manholes and other related appurtenances, and the transmission through said sewer of storm water runoff. 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; 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 storm sewer pipeline, manholes and other related appurtenances are constructed shall be 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. 438 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 storm sewer easements; and Grantor further hereby covenants to warrant and defend said easementways against the lawful claims of all persons whomsoever.



LEGAL DESCRIPTION

THAT PART OF LOT 200, THE GROVE, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SW CORNER OF SAID LOT 200;

THENCE N87°30'25"E (ASSUMED BEARING) 226.18 FEET ON THE SOUTHERLY LINE OF SAID LOT 200 TO THE SE CORNER THEREOF;

THENCE N02°29'35"W 24.00 FEET ON THE EASTERLY LINE OF SAID LOT 200;

THENCE S89°01'36"W 226.25 FEET TO THE WESTERLY LINE OF SAID LOT 200;

THENCE S02°29'35"E 30.00 FEET ON THE WESTERLY LINE OF SAID LOT 200 TO THE POINT OF BEGINNING.

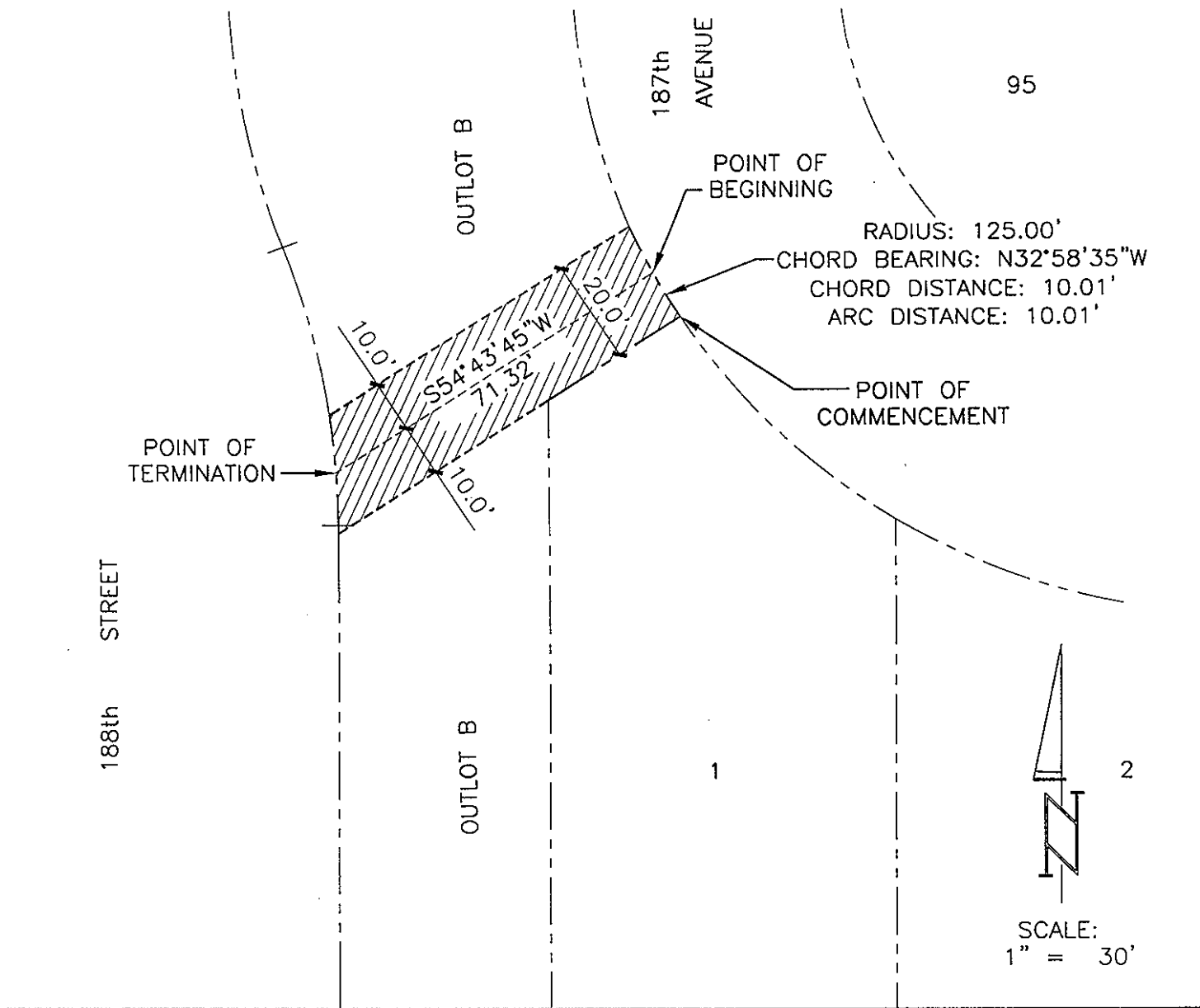
BENCHMARK HOMES, INC.

TD2 FILE NO. 122-187-E7

DATE: MAR. 18, 1999

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

EXHIBIT "A"



LEGAL DESCRIPTION

A 20.00 FOOT WIDE STRIP OF LAND LYING WITHIN OUTLOT B, THE GROVE, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA, THE CENTERLINE OF SAID 20.00 FOOT WIDE STRIP OF LAND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NW CORNER OF LOT 1, SAID THE GROVE;

THENCE NORTHWESTERLY ON THE EASTERLY LINE OF SAID OUTLOT B ON A 125.00 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING N32°58'35"W (ASSUMED BEARING), CHORD DISTANCE 10.01 FEET, AN ARC DISTANCE OF 10.01 FEET TO THE POINT OF BEGINNING;

THENCE S54°43'45"W 71.32 FEET ON A LINE 10.00 FEET NORTHERLY OF AND PARALLEL WITH THE NORTHERLY LINE OF SAID LOT 1 AND ITS SOUTHWESTERLY EXTENSION TO THE WESTERLY LINE OF SAID OUTLOT B AND THE POINT OF TERMINATION, WITH THE OUTER LIMITS OF SAID 20.00 FOOT WIDE STRIP OF LAND BEING EXTENDED TO MEET THE EASTERLY AND WESTERLY LINES OF SAID OUTLOT B.

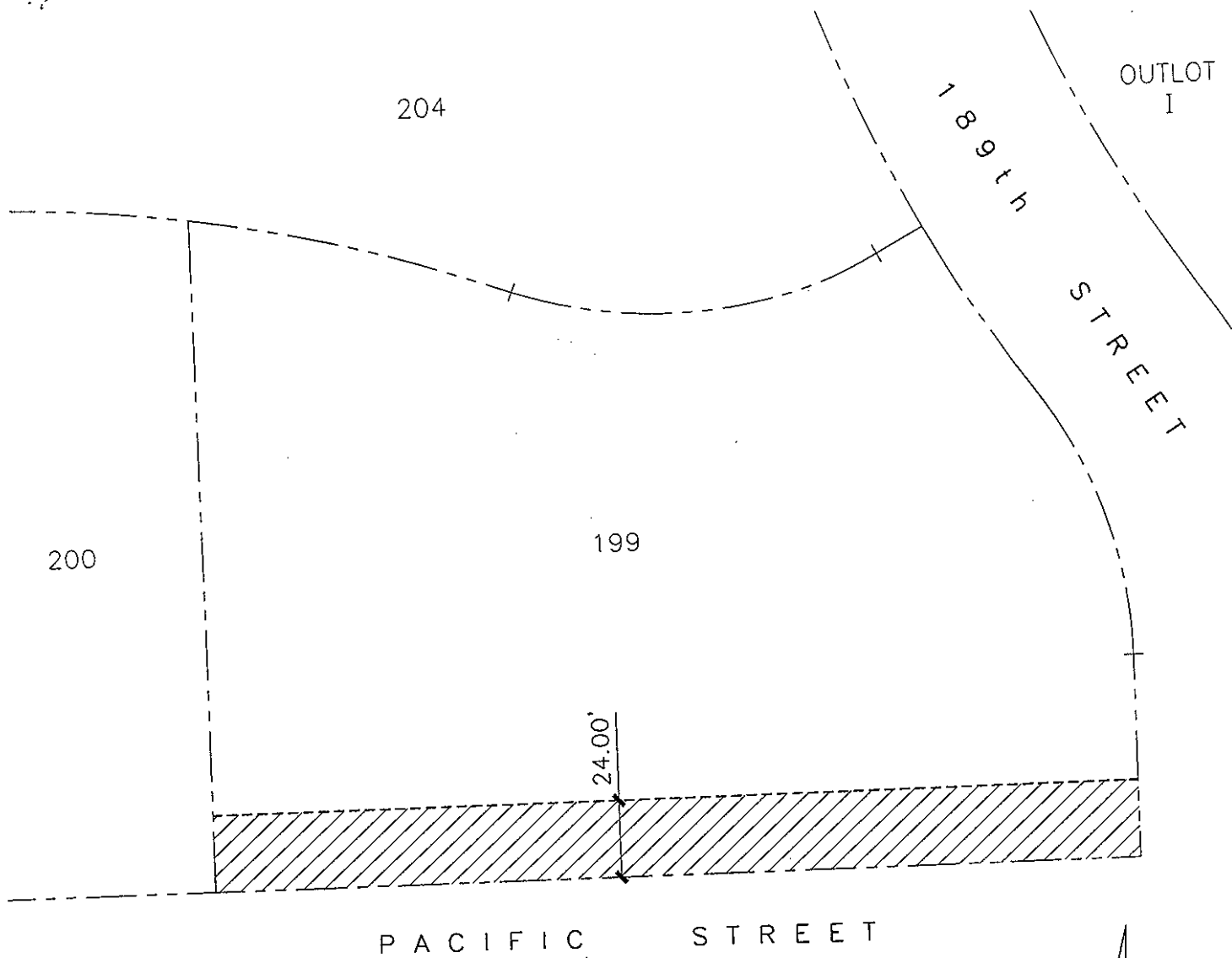
BENCHMARK HOMES, INC.

TD2 FILE NO. A122-187-EXH

DATE: JAN. 5, 1998

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

EXHIBIT "B"



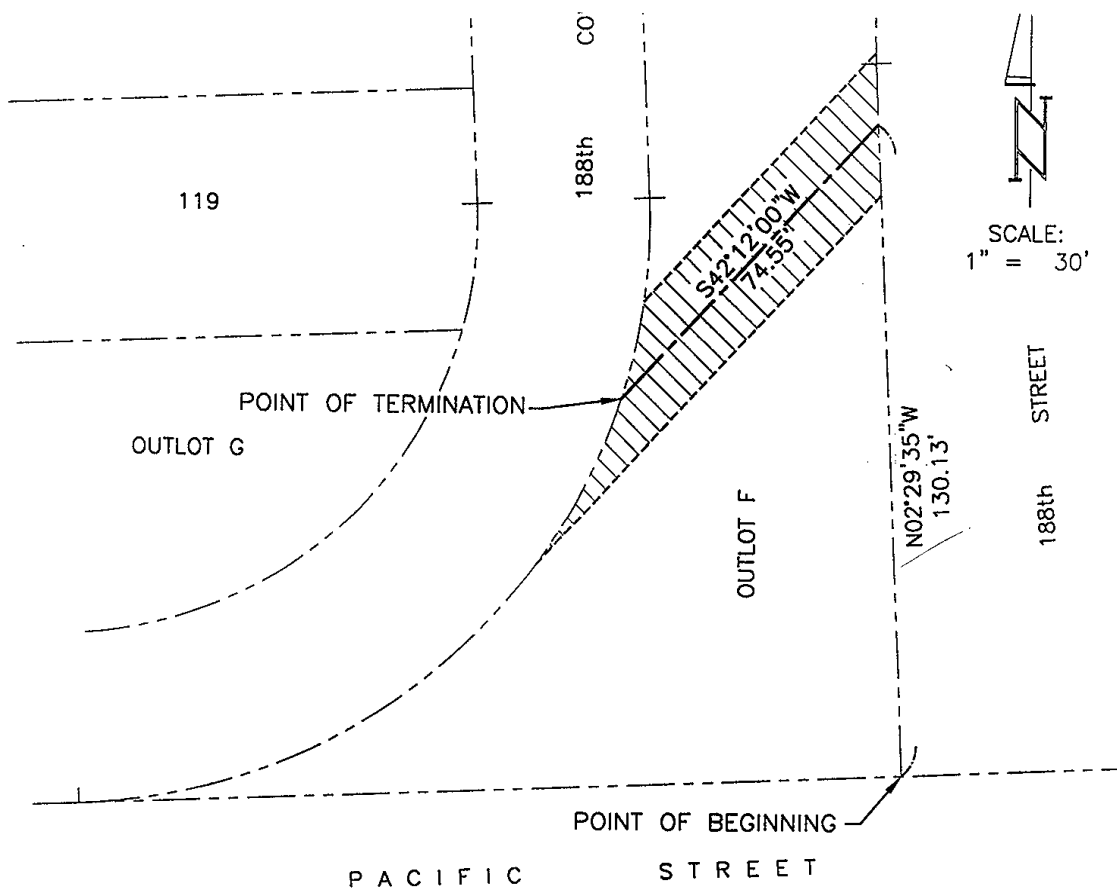
SCALE:
1" = 50'

LEGAL DESCRIPTION

THE SOUTHERLY 24.00 FEET IN WIDTH OF LOT 199, THE GROVE, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA.

BENCHMARK HOMES, INC. TD2 FILE NO. 122-187-E6 DATE: MAR. 18, 1999
 THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860

EXHIBIT "C"

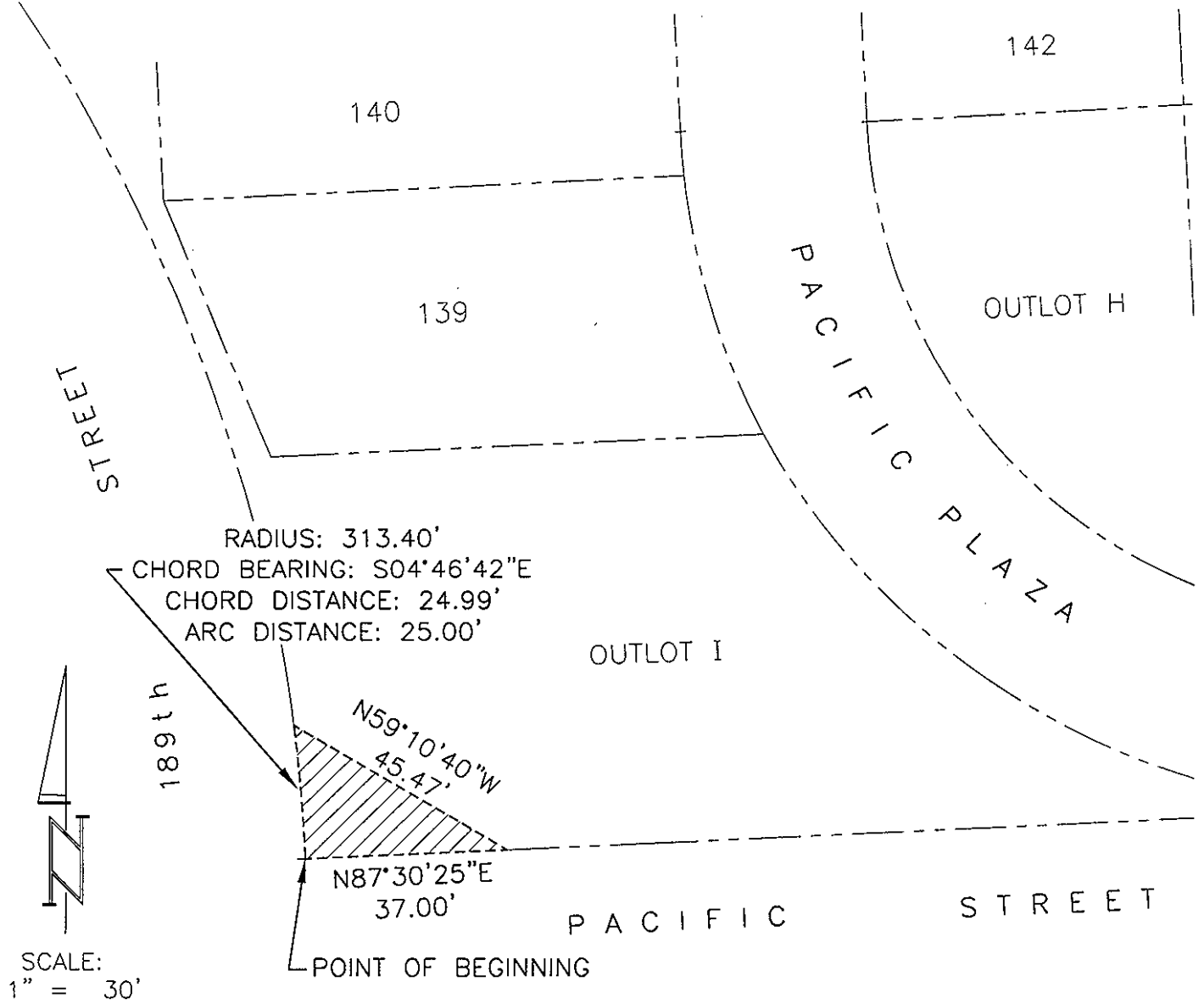


LEGAL DESCRIPTION

A 20.00 FOOT WIDE STRIP OF LAND LYING WITHIN OUTLOT F, THE GROVE, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA, THE CENTERLINE OF SAID 20.00 FOOT WIDE STRIP OF LAND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SE CORNER OF SAID OUTLOT F;

THENCE N02°29'35"W (ASSUMED BEARING) 130.13 FEET ON THE EASTERLY LINE OF SAID OUTLOT F TO THE POINT OF BEGINNING;

THENCE S42°12'00"W 74.55 FEET TO THE WESTERLY LINE OF SAID OUTLOT F AND THE POINT OF TERMINATION WITH THE OUTER LIMITS OF SAID 20.00 FOOT WIDE STRIP OF LAND BEING EXTENDED TO MEET THE EASTERLY AND WESTERLY LINES OF SAID OUTLOT F.



LEGAL DESCRIPTION

THAT PART OF OUT LOT "I", THE GROVE, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SW CORNER OF SAID OUT LOT "I";

THENCE N87°30'25"E (ASSUMED BEARING) 37.00 FEET ON THE SOUTHERLY LINE OF SAID OUT LOT "I";

THENCE N59°10'40"W 45.47 FEET TO THE WESTERLY LINE OF SAID OUT LOT "I";

THENCE SOUTHEASTERLY ON THE WESTERLY LINE OF SAID OUT LOT "I" ON A NON-TANGENT 313.40 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING S04°46'42"E, CHORD DISTANCE 24.99 FEET, AN ARC DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING.

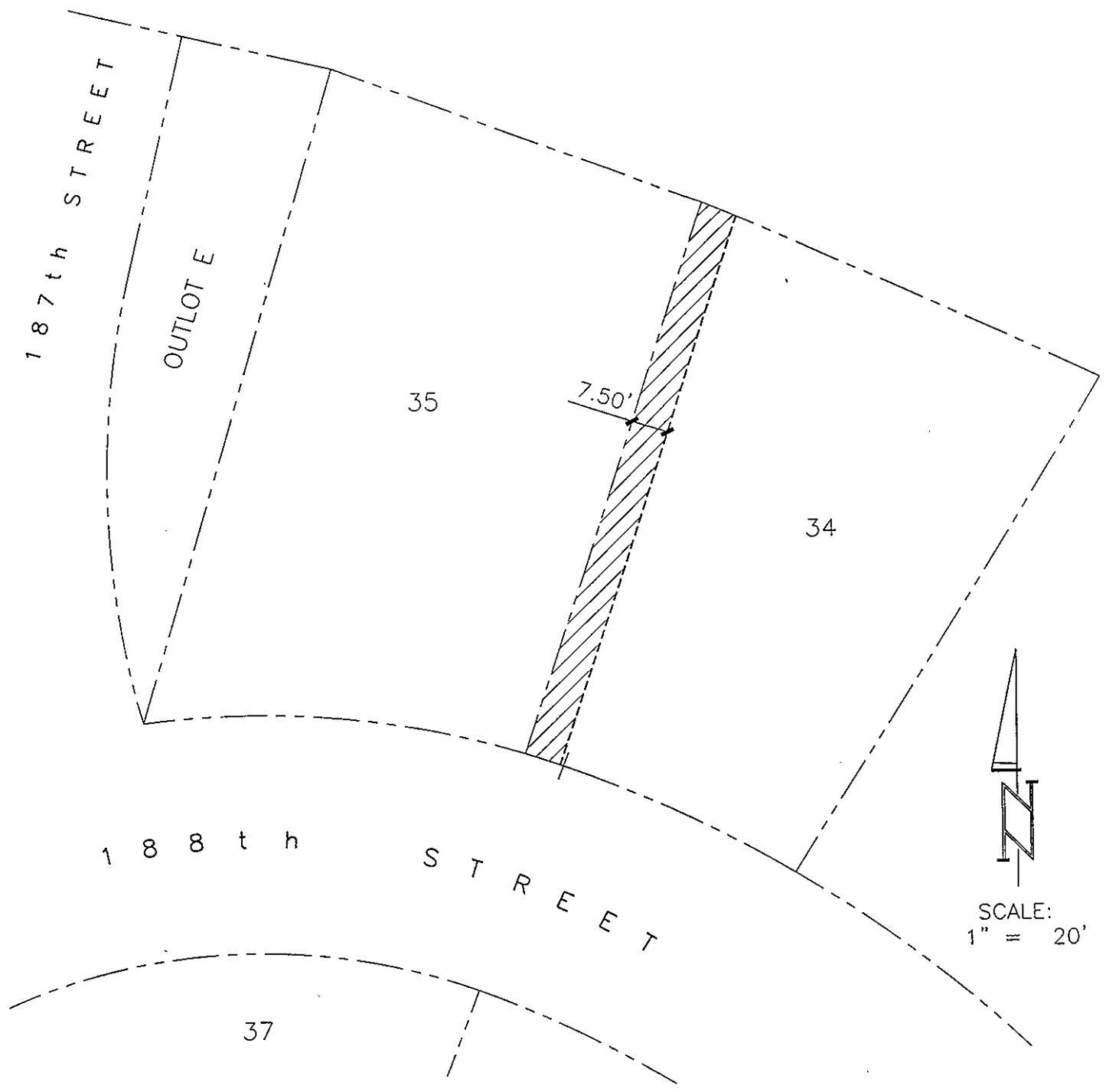
BENCHMARK HOMES, INC.

TD2 FILE NO. 122-187-E5

DATE: MAR. 18, 1999

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

EXHIBIT "E"

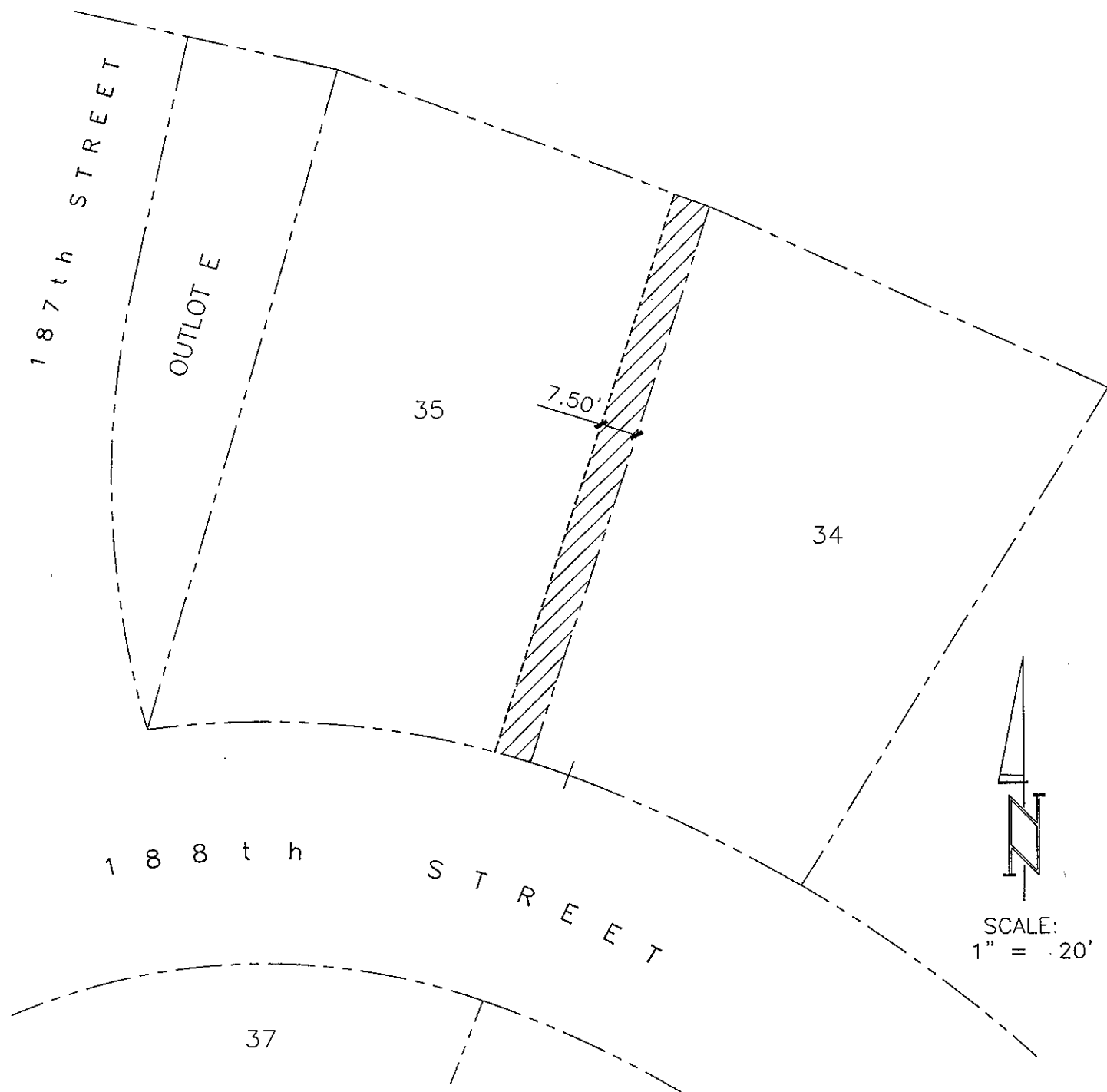


LEGAL DESCRIPTION

THE WESTERLY 7.50 FEET IN WIDTH OF LOT 34, THE GROVE, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA.

BENCHMARK HOMES, INC. TD2 FILE NO. 122-187-E2 DATE: MAR. 18, 1999
 THOMPSON, DRESSSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860

EXHIBIT "F"



LEGAL DESCRIPTION

THE EASTERLY 7.50 FEET IN WIDTH OF LOT 35, THE GROVE, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA.

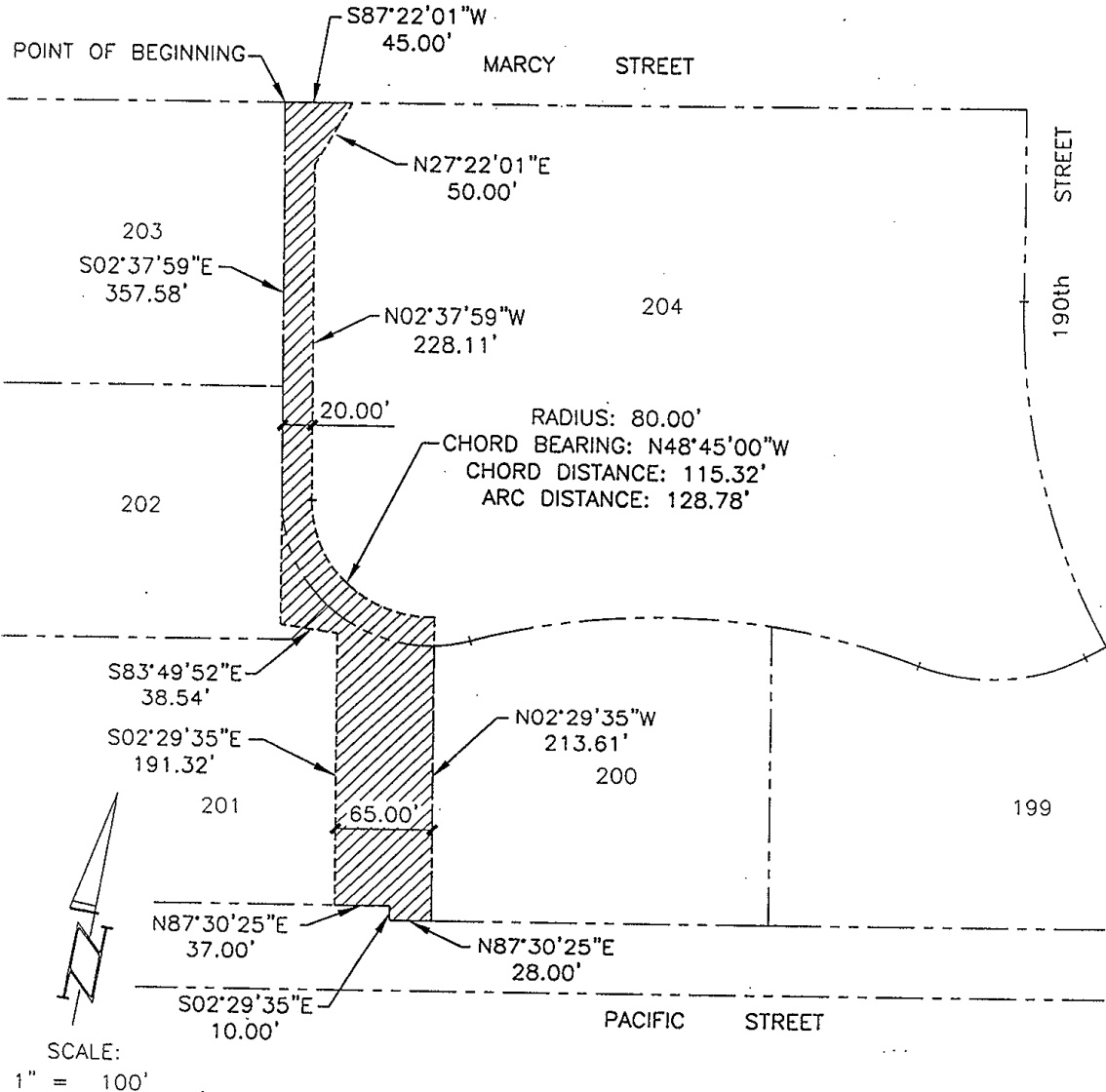
BENCHMARK HOMES, INC.

TD2 FILE NO. 122-187-E3

DATE: MAR. 18, 1999

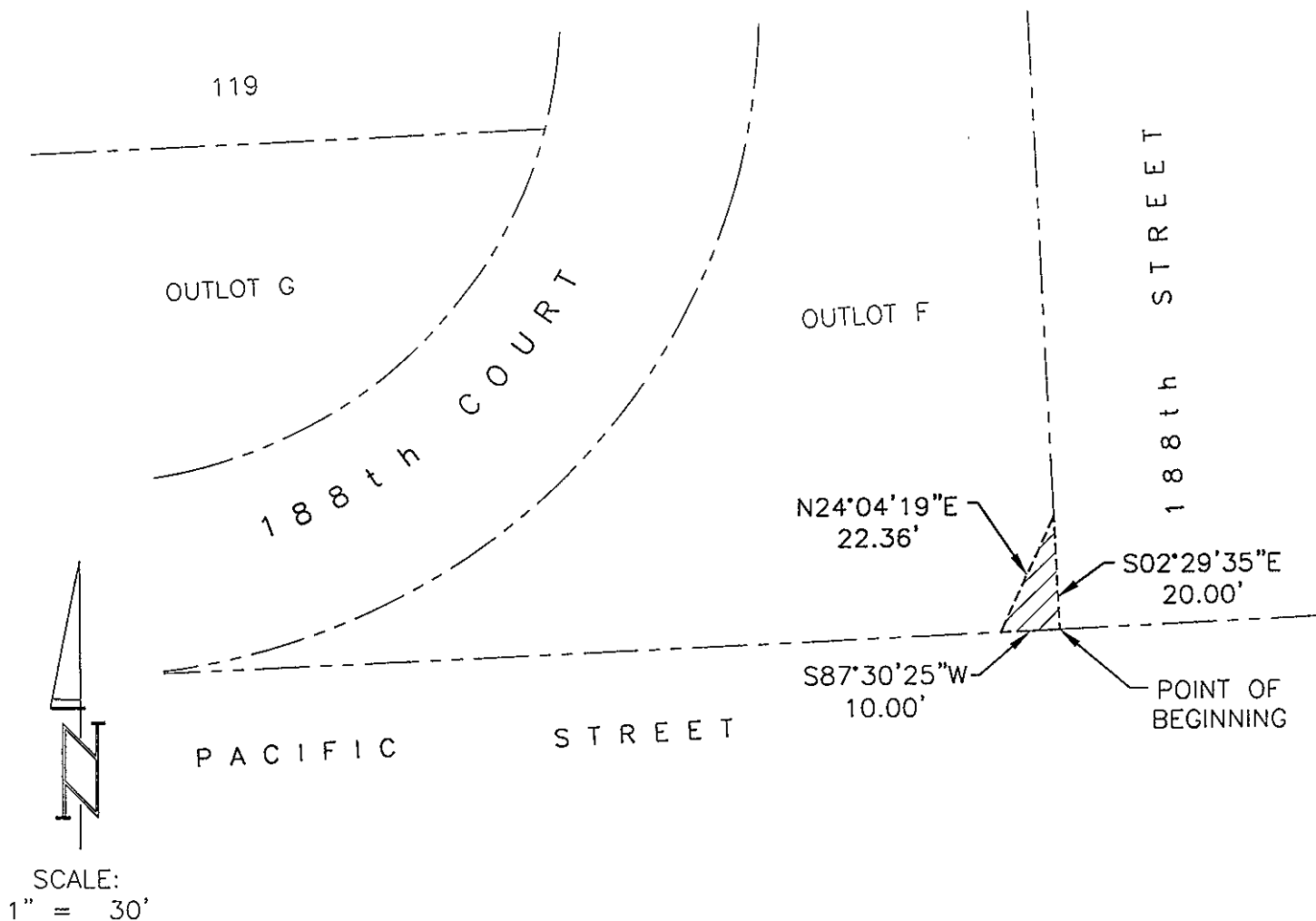
THOMPSON, DRESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860

EXHIBIT "G"



LEGAL DESCRIPTION

THAT PART OF LOTS 201, 202 AND 204, THE GROVE, 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 204; THENCE S02°37'59"E (ASSUMED BEARING) 357.58 FEET ON THE WESTERLY LINE OF SAID LOT 204 AND ITS SOUTHERLY EXTENSION; THENCE S83°49'52"E 38.54 FEET; THENCE S02°29'35"E 191.32 FEET ON A LINE 65.00 FEET WESTERLY OF AND PARALLEL WITH THE EASTERLY LINE OF SAID LOT 201 TO THE SOUTHERLY LINE THEREOF; THENCE N87°30'25"E 37.00 FEET ON THE SOUTHERLY LINE OF SAID LOT 201 TO A CORNER THEREOF; THENCE S02°29'35"E 10.00 FEET ON THE SOUTHERLY LINE OF SAID LOT 201 TO A CORNER THEREOF; THENCE N87°30'25"E 28.00 FEET ON THE SOUTHERLY LINE OF SAID LOT 201 TO THE SE CORNER THEREOF; THENCE N02°29'35"W 213.61 FEET ON THE EASTERLY LINE OF SAID LOT 201 AND ITS NORTHERLY EXTENSION; THENCE NORTHWESTERLY ON A LINE 20.00 FEET NORTHEASTERLY OF AND CONCENTRIC WITH THE SOUTHWESTERLY LINE OF SAID LOT 204 ON AN 80.00 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING N48°45'00"W CHORD DISTANCE 115.32 FEET, AN ARC DISTANCE OF 128.78 FEET; THENCE N02°37'59"W 228.11 FEET ON A LINE 20.00 FEET EASTERLY OF AND PARALLEL WITH THE WESTERLY LINE OF SAID LOT 204; THENCE N27°22'01"E 50.00 FEET TO THE NORTHERLY LINE OF SAID LOT 204; THENCE S87°22'01"W 45.00 FEET ON THE NORTHERLY LINE OF SAID LOT 204 TO THE POINT OF BEGINNING.



LEGAL DESCRIPTION

THAT PART OF OUT LOT "F", THE GROVE, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SE CORNER OF SAID OUT LOT "F";

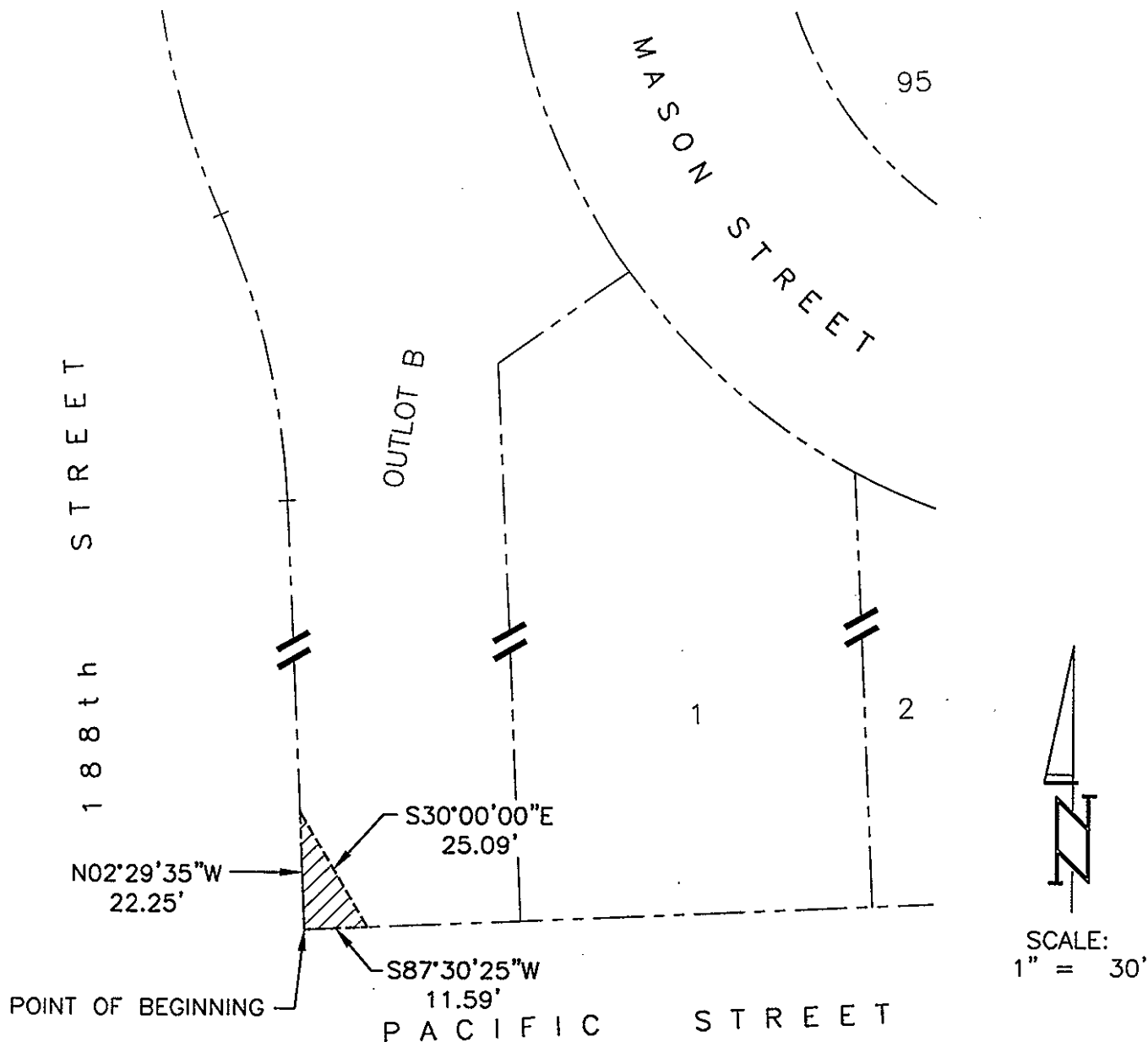
THENCE S87°30'25"W (ASSUMED BEARING) 10.00 FEET ON THE SOUTHERLY LINE OF SAID OUT LOT "F";

THENCE N24°04'19"E 22.36 FEET TO THE EASTERLY LINE OF SAID OUT LOT "F";

THENCE S02°29'35"E 20.00 FEET ON THE EASTERLY LINE OF SAID OUT LOT "F" TO THE POINT OF BEGINNING

BENCHMARK HOMES, INC. TD2 FILE NO. 122-187-E13 DATE: MAR. 18, 1999
 THOMPSON, DRESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860

EXHIBIT "I"



LEGAL DESCRIPTION

THAT PART OF OUTLOT B, THE GROVE, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: BEGINNING AT THE SW CORNER OF SAID OUTLOT B;

THENCE N02°29'35"W (ASSUMED BEARING) 22.25 FEET ON THE WESTERLY LINE OF SAID OUTLOT B;

THENCE S30°00'00"E 25.09 FEET TO THE SOUTHERLY LINE OF SAID OUTLOT B;

THENCE S87°30'25"W 11.59 FEET ON THE SOUTHERLY LINE OF SAID OUTLOT B TO THE POINT OF BEGINNING.

BENCHMARK HOMES, INC.

TD2 FILE NO. 122-187-E14

DATE: APRIL 26, 1999

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

EXHIBIT "J"