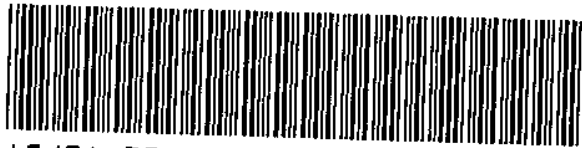




1347 121 MISC



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Nebr Doc Stamp Tax
Date
\$
By

RICHARD N TAKECHI  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NE

00 AUG -7 PM 2:27

RECEIVED

AFTER RECORDING RETURN TO:

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

*Misc 8*  
*A B*

FEE 46.00 FB \_\_\_\_\_  
BKP \_\_\_\_\_ C/O \_\_\_\_\_ COMP \_\_\_\_\_  
DEL \_\_\_\_\_ SCAN dc FV \_\_\_\_\_

**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. 414 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 sanitary sewer pipeline and storm sewer pipeline, including all necessary manholes and other related appurtenances, and the transmission through said storm 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 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 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. 414 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 July, 2000.

PACESETTER HOMES, INC.

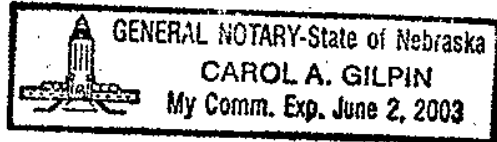
By: *Dennis Van Moorleghem*  
Dennis Van Moorleghem  
Vice President

STATE OF NEBRASKA     )  
                                          ) ss.  
COUNTY OF Douglas    )

The foregoing instrument was acknowledged before me this 12 day of July, 2000, by Dennis Van Moorleghem, Vice President of Pacesetter Homes, Inc., a Nebraska corporation, on behalf of the corporation.

*Carol A. Gilpin*  
Notary Public

75164.1



## LEGAL DESCRIPTION

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THAT PART OF LOTS 26, 27, 28 AND 29, WALNUT LAKE, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: BEGINNING AT THE NE CORNER OF SAID LOT 26;

THENCE S89°07'22"W 465.00 FEET ON THE NORTHERLY LINES OF SAID LOTS 26, 27, 28 AND 29 TO THE NW CORNER OF SAID LOT 29;

THENCE S25°16'17"W 22.28 FEET ON THE WESTERLY LINE OF SAID LOT 29;

THENCE N89°07'22"E 307.32 FEET ON A LINE 20.00 FEET SOUTHERLY OF AND PARALLEL WITH THE NORTHERLY LINES OF SAID LOTS 29, 28 AND 27;

THENCE S00°52'38"E 104.28 FEET ON A LINE 12.50 FEET WESTERLY OF AND PARALLEL WITH THE EASTERLY LINE OF SAID LOT 27 TO THE SOUTHERLY LINE THEREOF;

THENCE SOUTHEASTERLY ON THE SOUTHERLY LINES OF SAID LOTS 27 AND 26 ON A NON-TANGENT 45.00 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING S82°50'22"E, CHORD DISTANCE 20.20 FEET, AN ARC DISTANCE OF 20.37 FEET;

THENCE N00°52'38"W 107.11 FEET ON A LINE 7.50 FEET EASTERLY OF AND PARALLEL WITH THE WESTERLY LINE OF SAID LOT 26;

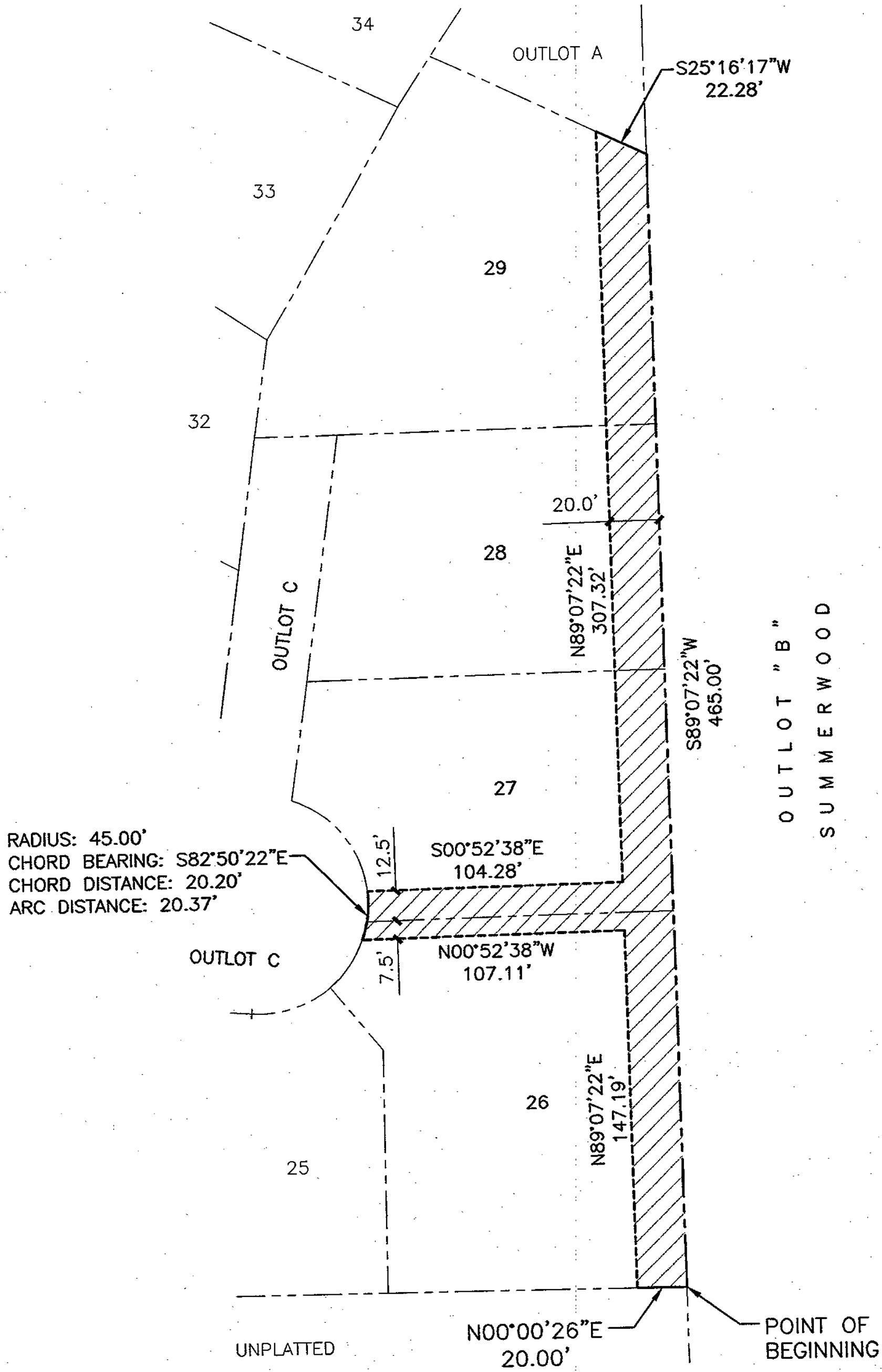
THENCE N89°07'22"E 147.19 FEET ON A LINE 20.00 FEET SOUTHERLY OF AND PARALLEL WITH THE NORTHERLY LINE OF SAID LOT 26 TO THE EASTERLY LINE THEREOF;

THENCE N00°00'26"E 20.00 FEET ON THE EASTERLY LINE OF SAID LOT 26 TO THE POINT OF BEGINNING.

EXHIBIT "A"

**SHEET 1 OF 2**

RALPH HEAVRIN TD2 JOB NO.: 245-115-B.DWG DATE: OCTOBER 25, 1999  
THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860



SCALE 1" = 50'

**SHEET 2 OF 2**

## LEGAL DESCRIPTION

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6 THAT PART OF LOTS 5 THRU 10, INCLUSIVE, WALNUT LAKE, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: BEGINNING AT THE SW CORNER OF SAID LOT 10;

THENCE N00°00'26"E (ASSUMED BEARING) 448.16 FEET ON THE WESTERLY LINES OF SAID LOTS 10, 9, 8 AND 7 TO THE NW CORNER OF SAID LOT 7;

THENCE S68°58'43"E 50.00 FEET ON THE NORTHERLY LINE OF SAID LOT 7 TO THE SW CORNER OF SAID LOT 6;

THENCE N25°08'07"E 179.63 FEET ON THE WESTERLY LINES OF LOTS 6 AND 5 TO THE NW CORNER OF SAID LOT 5;

THENCE S89°58'43"E 45.00 FEET ON THE NORTHERLY LINE OF SAID LOT 5;

THENCE S54°23'35"W 42.45 FEET;

THENCE S25°08'07"W 284.39 FEET ON A LINE 20.00 FEET SOUTHEASTERLY OF AND PARALLEL WITH THE WESTERLY LINES OF SAID LOTS 5 AND 6 AND THEIR SOUTHERLY EXTENSION;

THENCE S89°59'34"E 134.83 FEET ON A LINE 7.50 FEET NORTHERLY OF AND PARALLEL WITH THE SOUTHERLY LINE OF SAID LOT 7 TO THE EASTERLY LINE THEREOF;

THENCE SOUTHWESTERLY ON THE EASTERLY LINES OF SAID LOTS 7 AND 8 ON A NON-TANGENT 355.85 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING S16°39'54"W, CHORD DISTANCE 15.66 FEET, AN ARC DISTANCE OF 15.66 FEET;

THENCE N89°59'34"W 133.02 FEET ON A LINE 7.50 FEET SOUTHERLY OF AND PARALLEL WITH THE NORTHERLY LINE OF SAID LOT 8;

THENCE S00°00'26"W 295.51 FEET ON A LINE 10.00 FEET EASTERLY OF AND PARALLEL WITH THE WESTERLY LINES OF SAID LOTS 8, 9 AND 10 TO THE SOUTHERLY LINE OF SAID LOT 10;

THENCE S89°07'22"W 10.00 FEET ON THE SOUTHERLY LINE OF SAID LOT 10 TO THE POINT OF BEGINNING.

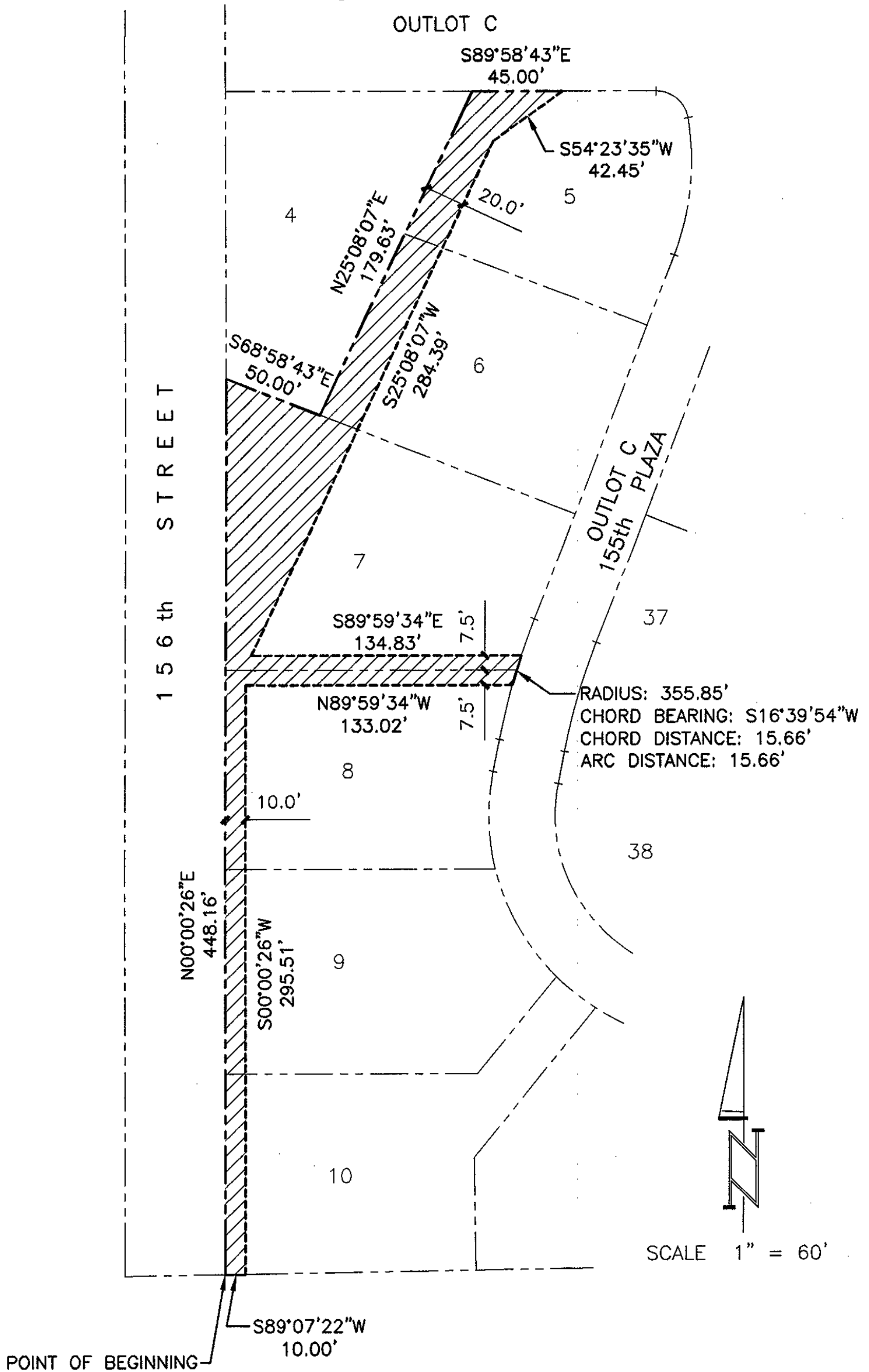
EXHIBIT "B"

SHEET 1 OF 2

RALPH HEAVRIN TD2 JOB NO.: 245-115-A.DWG DATE: OCTOBER 25, 1999  
THOMPSON, DRESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860

LAKESIDE PLAZA

OUTLOT C



**SHEET 2 OF 2**

## LEGAL DESCRIPTION

3 THAT PART OF OUTLOTS A AND C, WALNUT LAKE, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: BEGINNING AT THE NW CORNER OF LOT 29, SAID WALNUT LAKE;

THENCE S89°07'22"W (ASSUMED BEARING) 347.18 FEET ON THE NORTHERLY LINE OF SAID OUTLOT A TO THE NE CORNER OF LOT 3, SAID WALNUT LAKE;

THENCE S00°01'17"W 85.00 FEET ON THE EASTERLY LINE OF SAID LOT 3;

THENCE S40°20'10"W 93.00 FEET ON THE EASTERLY LINE OF SAID LOT 3 TO THE SE CORNER THEREOF;

THENCE S55°47'03"W 107.47 FEET TO THE NW CORNER OF LOT 5, SAID WALNUT LAKE;

THENCE S89°58'43"E 91.92 FEET ON THE NORTHERLY LINE OF SAID LOT 5;

THENCE SOUTHEASTERLY ON THE NORTHEASTERLY LINE OF SAID LOT 5 ON A 16.00 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING S49°39'48"E, CHORD DISTANCE 20.70 FEET, AN ARC DISTANCE OF 22.52 FEET;

THENCE SOUTHWESTERLY ON THE EASTERLY LINE OF SAID LOT 5 ON A 133.03 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING S05°50'12"W, CHORD DISTANCE 69.69 FEET, AN ARC DISTANCE OF 70.51 FEET;

THENCE S21°01'17"W 194.24 FEET ON THE EASTERLY LINES OF LOTS 5, 6 AND 7, SAID WALNUT LAKE;

THENCE SOUTHWESTERLY ON THE EASTERLY LINES OF LOTS 7 AND 8, SAID WALNUT LAKE, ON A 355.85 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING S18°12'46"W, CHORD DISTANCE 34.87 FEET, AN ARC DISTANCE OF 34.89 FEET;

THENCE S89°59'34"E 34.36 FEET ON A NON-TANGENT LINE 7.50 FEET SOUTHERLY OF AND PARALLEL WITH THE EASTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID LOT 7 TO THE WESTERLY LINE OF LOT 37, SAID WALNUT LAKE;

THENCE NORTHEASTERLY ON THE WESTERLY LINE OF SAID LOT 37 ON A NON-TANGENT 322.85 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING N19°01'21"E, CHORD DISTANCE 22.52 FEET, AN ARC DISTANCE OF 22.53 FEET;

THENCE N21°01'17"E 194.24 FEET ON THE WESTERLY LINES OF LOTS 37, 36 AND OUTLOT B, SAID WALNUT LAKE;

THENCE NORTHEASTERLY ON THE WESTERLY LINE OF SAID OUTLOT B ON A 166.03 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING N02°16'17"E, CHORD DISTANCE 106.74 FEET, AN ARC DISTANCE OF 108.67 FEET;

THENCE N16°28'43"W 4.00 FEET ON THE WESTERLY LINE OF SAID OUTLOT B;

THENCE NORTHEASTERLY ON THE NORTHWESTERLY LINE OF SAID OUTLOT B ON A 16.00 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING N28°31'17"E, CHORD DISTANCE 22.63 FEET, AN ARC DISTANCE OF 25.13 FEET;

THENCE N31°36'24"E 49.40 FEET ON A NON-TANGENT LINE TO A SOUTHERLY CORNER OF SAID OUTLOT A;

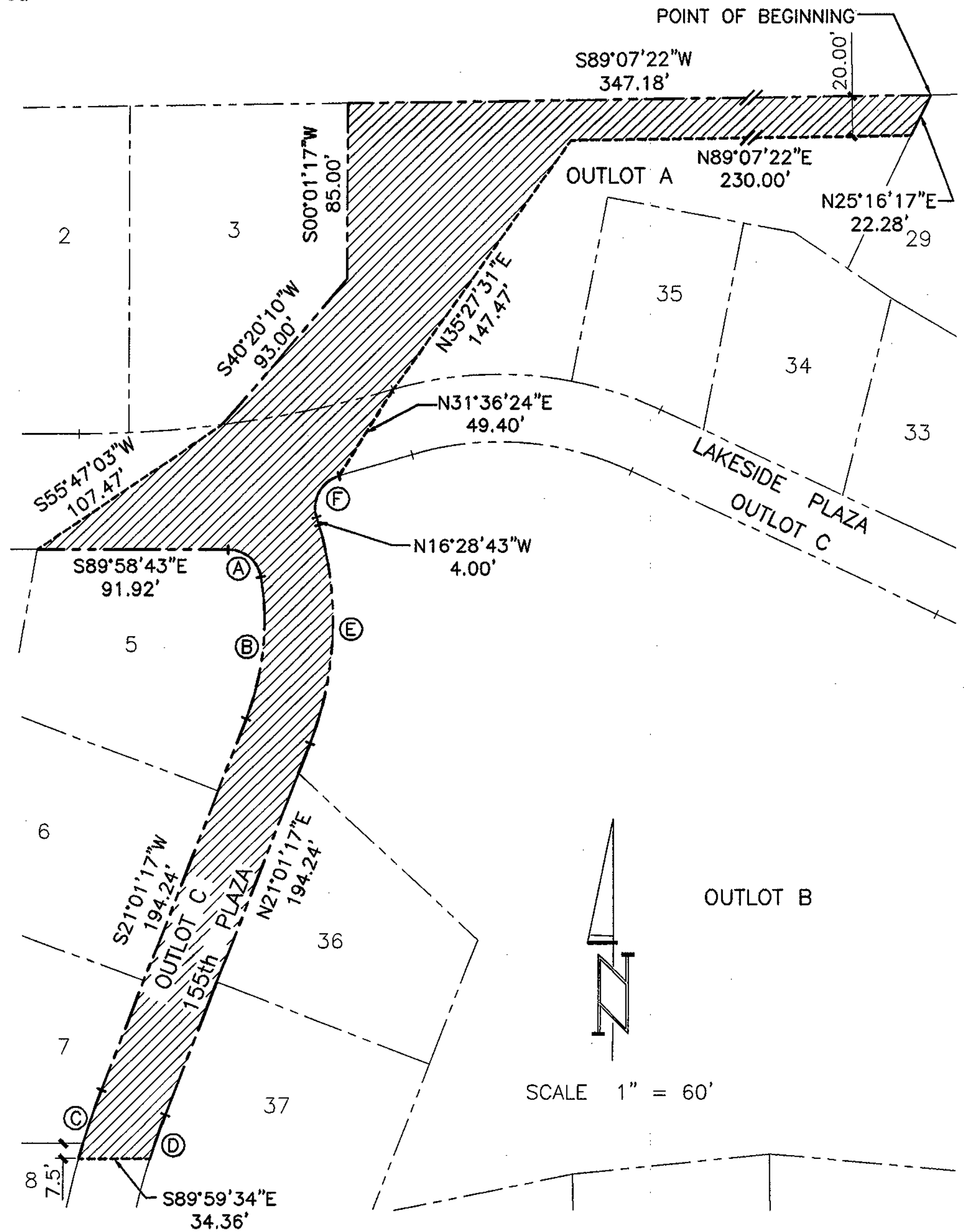
THENCE N35°27'31"E 147.47 FEET;

THENCE N89°07'22"E 230.00 FEET ON A LINE 20.00 FEET SOUTHERLY OF AND PARALLEL WITH THE NORTHERLY LINE OF SAID OUTLOT A TO THE WESTERLY LINE OF SAID LOT 29;

THENCE N25°16'17"E 22.28 FEET ON THE WESTERLY LINE OF SAID LOT 29 TO THE POINT OF BEGINNING.

**EXHIBIT "C"**

**SHEET 1 OF 2**



Ⓐ RADIUS: 16.00'  
CHORD BEARING:  
S49°39'48"E  
CHORD DISTANCE: 20.70'  
ARC DISTANCE: 22.52'

Ⓑ RADIUS: 133.03'  
CHORD BEARING:  
S05°50'12"W  
CHORD DISTANCE: 69.69'  
ARC DISTANCE: 70.51'

Ⓒ RADIUS: 355.85'  
CHORD BEARING:  
S18°12'46"W  
CHORD DISTANCE: 34.87'  
ARC DISTANCE: 34.89'

Ⓓ RADIUS: 322.85'  
CHORD BEARING:  
N19°01'21"E  
CHORD DISTANCE: 22.52'  
ARC DISTANCE: 22.53'

Ⓔ RADIUS: 166.03  
CHORD BEARING:  
N02°16'17"E  
CHORD DISTANCE: 106.74'  
ARC DISTANCE: 108.67'

Ⓕ RADIUS: 16.00'  
CHORD BEARING:  
N28°31'17"E  
CHORD DISTANCE: 22.63'  
ARC DISTANCE: 25.13'

**SHEET 2 OF 2**