

Send To:
James E. Lang
11306 Davenport Street
Omaha, NE 68154

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GEORGE J. ...
REGISTERED ...
DOUGLAS COUNTY, NE



12071
2609 Conf MC-05449
DEL R C/O COMPANY
LEGAL PG SCANNED FV

RECIPROCAL ACCESS EASEMENT

WHEREAS, Pacific Lots, Inc., a Nebraska corporation ("Grantor"), is the owner of the following described real property:

Lots 1 and 2, Cambridge Estates Replat II, being a replatting of Lot 64, Cambridge Estates Replat, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska (hereinafter referred to individually as Lot 1 and Lot 2 and collectively as Lots 1 and 2), and

WHEREAS, the Grantor is desirous of granting a reciprocal access easement for the purposes of ingress and egress from Lots 1 and 2 to 168th Street abutting such lots on the west pursuant to the terms hereof, and

NOW, THEREFORE, in consideration of the Covenants contained herein, and for other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor agrees as follows:

1. Grant of Easement. Grantor does hereby grant and convey to itself and to any and all future owners of Lots 1 and 2, or any part thereof, and their respective heirs, successors, assigns, invitees, lessees and employees (the "Grantees"), a nonexclusive reciprocal access easement within, over and through the area shown and legally described on Exhibit "A" attached hereto (the "Easement Area"), for the purpose of ingress from the existing 168th Street to Lots 1 and 2 and egress to the existing 168th Street from Lots 1 and 2, said street abutting such lots on the west side of such lots. The Easement Area is also shown on the Cambridge Estates Replat II plat recorded with the Register of Deeds, Douglas County, Nebraska.

2. Construction, Repair and Maintenance of Roadway. Upon the construction of a structure upon Lot 2, the then owner of Lot 2 shall construct a hard surfaced roadway of not less than 25 feet in width within the Easement Area from the south lot line of Lot 2 south so as to provide access on to the existing 168th Street at a point at least 600 feet south of the center line of West Dodge Road, all as shown on the site plan attached hereto as Exhibit "B". The plans, specifications, and location of the roadway shall be approved in writing by the Grantor prior to its construction. The hard surfaced roadway shall also be designed to provide ingress and egress from Lot 1 to and from the existing 168th Street. The owner of Lot 2 shall properly maintain and repair the roadway during the term of this easement. In consideration of

the grant of this easement, the owner of Lot 1 and its successors, assigns, invitees, lessees and employees shall have the right to use the hard surface roadway within the Easement Area for ingress from the existing 168th Street to Lot 1 and egress to the existing 168th Street from Lot 1.

3. Term. It is anticipated that the intersection of 168th and West Dodge Road may be reconstructed and as a result relocated, which would result in the placement of a cul-de-sac at the termination of the existing 168th Street just south of West Dodge Road. In the event of such relocation so as to permit direct egress from Lot 2 onto the existing 168th Street and direct ingress from the existing 168th Street to Lot 2, or in any other event whereby Lot 2 would have direct ingress and egress to and from the existing 168th Street, this easement shall then terminate and Lot 2 shall then be permitted to access directly onto the existing 168th Street.

4. Modification of Easement. In the event the Owner of Lot 1 improves Lot 1, and as a result of such improvements, it becomes necessary to modify or relocate the location of the hard surface roadway, and/or the Easement Area, then the Owner of Lot 1 shall have the right to modify or relocate the Easement Area and the roadway thereon conditioned on the following:

(a) That the relocated roadway shall provide substantially the same access which existed at the time of such relocation (Grantor acknowledges that the Public Highway Authorities have advised that the access point of the private road to the public street cannot be relocated if the public street continues to intersect with West Dodge Road);

(b) That at all times the relocated roadway shall be a hard surface road of substantially the same size and quality of the initial roadway;

(c) That the access shall at all times remain open and free of obstructions; and

(d) That all costs for relocating the roadway shall be paid by the then owner of Lot 1. Prior to the proposed relocation of the roadway under this paragraph, the owner of Lot 1 shall notify the owner of Lot 2 of such relocation plans and submit a copy of such relocation plans to the owner of Lot 2.

5. Covenants Running with Land. All of the covenants, agreements, conditions, and restrictions set forth in this easement are intended to be and shall be construed as covenants running with the land, inuring to the benefit of and be binding upon and enforceable by the Grantor and the Grantees.

6. The Grantor hereby represents that it is the owner of the property described herein and has the right to convey this Easement in the manner set forth herein. This Easement shall be binding upon and inure to the benefit of all present and future owners of Lots 1 and 2, and to their respective heirs, successors, representatives, assigns, invitees, lessees and employees. The provisions of this Easement shall be construed pursuant to the laws of the State of Nebraska.

DATED this 27 day of July, 1995.

GRANTOR:

PACIFIC LOTS, INC., a Nebraska corporation

By: W. L. Morrison, Jr.
W. L. Morrison, Jr., President

STATE OF NEBRASKA)
COUNTY OF DOUGLAS) SS.

The foregoing instrument was acknowledged before me on the 27 day of July, 1995, by W. L. Morrison, Jr., the President of Pacific Lots, Inc., a Nebraska corporation.

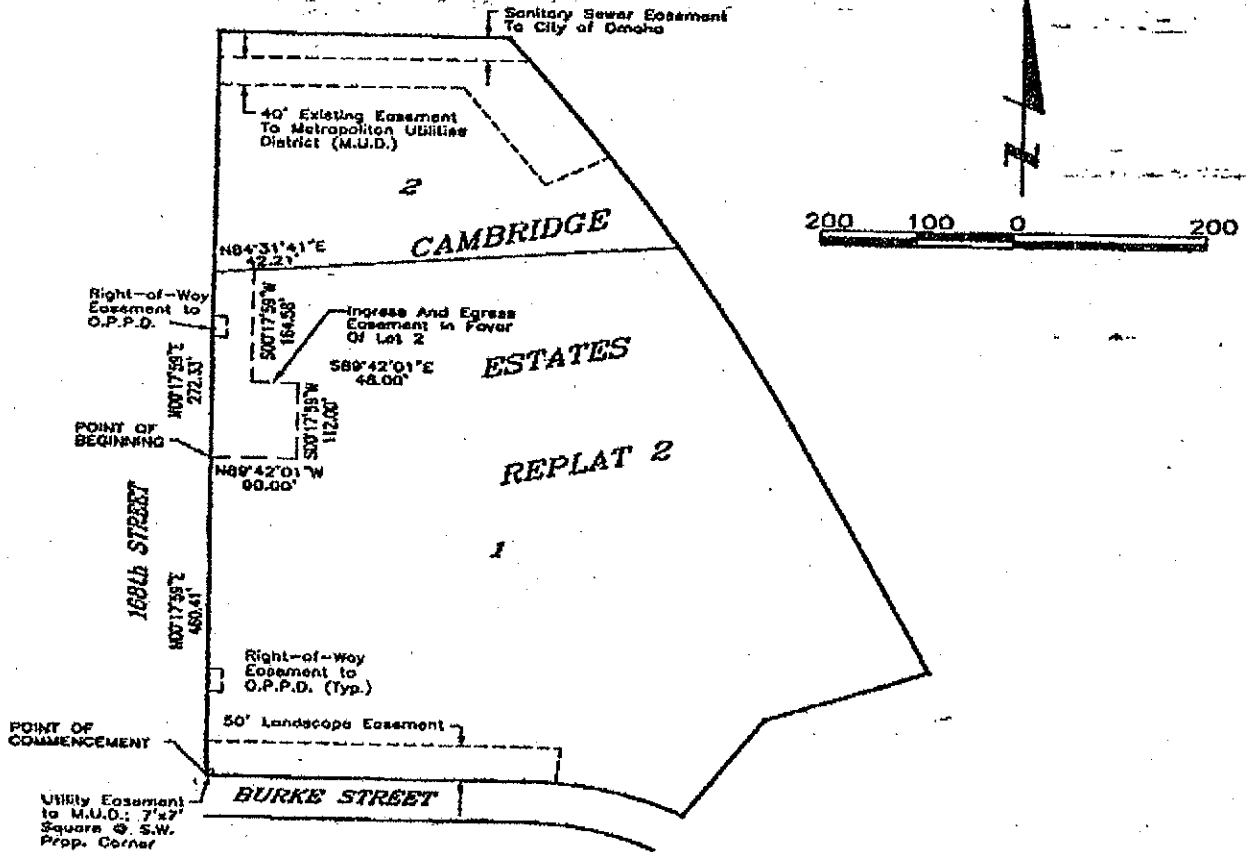


Donna E. Williamson
Notary Public

NOTARIAL SEAL AFFIXED
REGISTER OF DEEDS

LEGAL DESCRIPTION

A permanent easement for ingress and egress over that part of Lot 1, CAMBRIDGE ESTATES REPLAT 2, a subdivision, as surveyed, plotted and recorded in Douglas County, Nebraska, described as follows:
 Commencing the point of intersection of the north right of way line of Burke Street with the east right of way line of 168th Street;
 Thence North 00°17'59" East (bearings referenced to the CAMBRIDGE ESTATES REPLAT 2 Final Plat) for 460.41 feet along the east right of way line of 168th Street to the TRUE POINT OF BEGINNING;
 Thence North 00°17'59" East for 272.33 feet along the east right of way line of 168th Street to the north west corner of Lot 1, CAMBRIDGE ESTATES REPLAT 2;
 Thence North 84°31'41" East for 42.21 feet along the north line of Lot 1, CAMBRIDGE ESTATES REPLAT 2;
 Thence South 00°17'59" West for 164.58 feet parallel with and 42.00 feet east of the east right of way line of 168th Street;
 Thence South 89°42'01" East for 48.00 feet;
 Thence South 00°17'59" West for 112.00 feet parallel with and 90.00 feet east of the east right of way line of 168th Street;
 Thence North 89°42'01" West for 90.00 feet to the Point of Beginning.
 Contains 0.39 acre.



Book _____ Page _____ Date JULY 26, 1995 Job Number 88013-5301

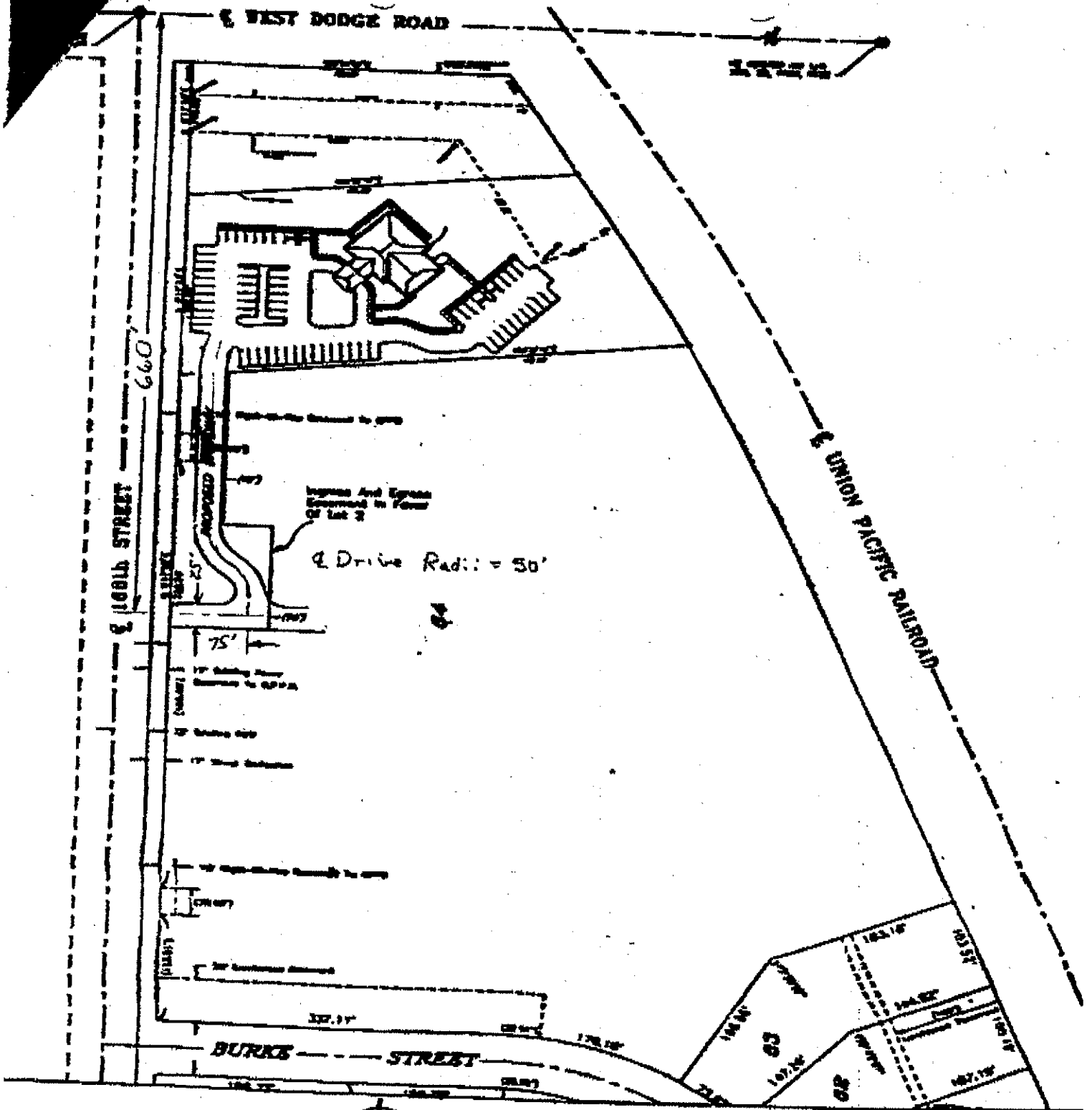


lamp, rynearson & associates, inc.
 engineers surveyors planners

14747 california street

omaha, nebraska 68134-1978

402-498-2498
 FAX 402-498-2735




PROPOSED SITE PLAN
 SCALE 1" = 50'


Exhibit #89