

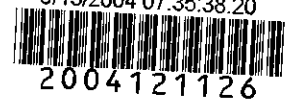


MISC 2004121126



SEP 13 2004 07:35 P 5

Received - RICHARD TAKECHI
Register of Deeds, Douglas County, NE
9/13/2004 07:35:38.20



2004121126

INGRESS, EGRESS AND ACCESS EASEMENT AGREEMENT

This Easement Agreement is made and entered into this 30 day of August, 2004, by and between EMPIRE GROUP, a Nebraska general partnership ("EMPIRE"), and POSPISAL FAMILY LIMITED PARTNERSHIP, a Nebraska limited partnership ("POSPISAL").

Preliminary Statement

Empire is the owner of real property in Douglas County, Nebraska, legally described as follows (the "Empire Property"):

Lots 25 & 26, in Empire Park Replat II, a subdivision as surveyed, platted and Recorded in Douglas County, Nebraska.

Pospisal is the owner of real property in Douglas County, Nebraska, legally described as follows (the "Pospisal Property"):

Lot 27, in Empire Park Replat II, a subdivision as surveyed, platted and Recorded in Douglas County, Nebraska.

The Empire Property and the Pospisal Property have a common boundary extending along the easterly boundary of Lot 26 of the Empire Property and the westerly boundary of the Pospisal Property. The Empire Property and the Pospisal Property are presently improved with an office-type buildings and paved parking lots and drive areas. An access driveway has been constructed on the Empire Property and the Pospisal Property which mutually benefits the Empire Property and the Pospisal Property as more particularly shown on Exhibits "A" and "B" attached hereto and incorporated herein by this reference ("Driveway Area").

Each party believes it is in their best interest to create reciprocal nonexclusive ingress, egress and access easements to allow each of the other parties the right to come upon and travel across the Driveway Area.

In consideration of the foregoing, and for other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Empire and the Pospisal do hereby agree as follows:

misc		
FEE	2650	FB 61-11239
BKP		C/O
DEL		SCAN
		FV

Handwritten mark resembling a stylized 'F' or '7'.

109115

T0476891

41

ARTICLE I
INGRESS AND EGRESS EASEMENTS

A. Empire grants to Pospisal, its employees, contractors, agents, licensees, invitees and lessees, and to Pospisal successors and assigns to the Pospisal Property, a nonexclusive right, privilege and easement (the "Pospisal Easement") to come upon and travel across the Driveway Area located on the Empire Property as shown on Exhibit "A" for ingress, egress and access to the Pospisal Property (the "Pospisal Easement Area").

B. Pospisal grants to Empire, its employees, contractors, agents, licensees, invitees and lessees, and to the Empire's successors and assigns to the Empire Property, a nonexclusive right, privilege and easement (the "Empire Easement") to come upon and travel across the Easement Area located on the Pospisal Property as shown on Exhibit "B" attached for ingress and egress and access to the Pospisal Property (the "Empire Easement Area").

C. Together the paved Driveway Areas located within the Empire Easement Area and the Pospisal Easement Area form the Driveway Area.

D. The owner of the Empire Property and the owner of the Pospisal Property, and their respective employees, contractors, agents, licensees, invitees, and lessees shall have free and unimpeded use of the Pospisal Easement Area and Empire Easement Area for vehicular and pedestrian ingress, egress and access across the Pospisal Easement Area and Empire Easement Area. The owner of the Empire Property and the owner of the Pospisal Property shall each prohibit and take reasonable action to prevent parking on and along those parts of the Pospisal Easement Area and Empire Easement Area which may unreasonably interfere with or block travel along the Driveway Areas. The owner of the Empire Property agrees to repair and maintain the Empire Easement Area in a reasonable manner, and the owner of the Pospisal Property agrees to repair and maintain the Pospisal Easement Area in a reasonable manner.

E. The ingress, egress and access easements created pursuant to this Article I, as such relate to vehicular ingress, egress and access, shall be limited to, and shall be used only for, pedestrian, automobile and light truck purposes.

ARTICLE II
MISCELLANEOUS

A. The easements provided for in Article I of this Easement Agreement shall run with the land, inure to the benefit of, and be binding upon the parties, and their respective heirs, personal representatives, successors and assigns.

B. All notices and other communications hereunder shall be in writing, shall be sent by first class certified United States mail, postage prepaid, return receipt requested, or by recognized overnight courier (such as Federal Express, UPS, etc.) and shall be deemed to be given on the day of mailing addressed to Empire or Company at their respective principal business office address, or at such other address as shall have been furnished to the other in writing.

LEGAL DESCRIPTION:

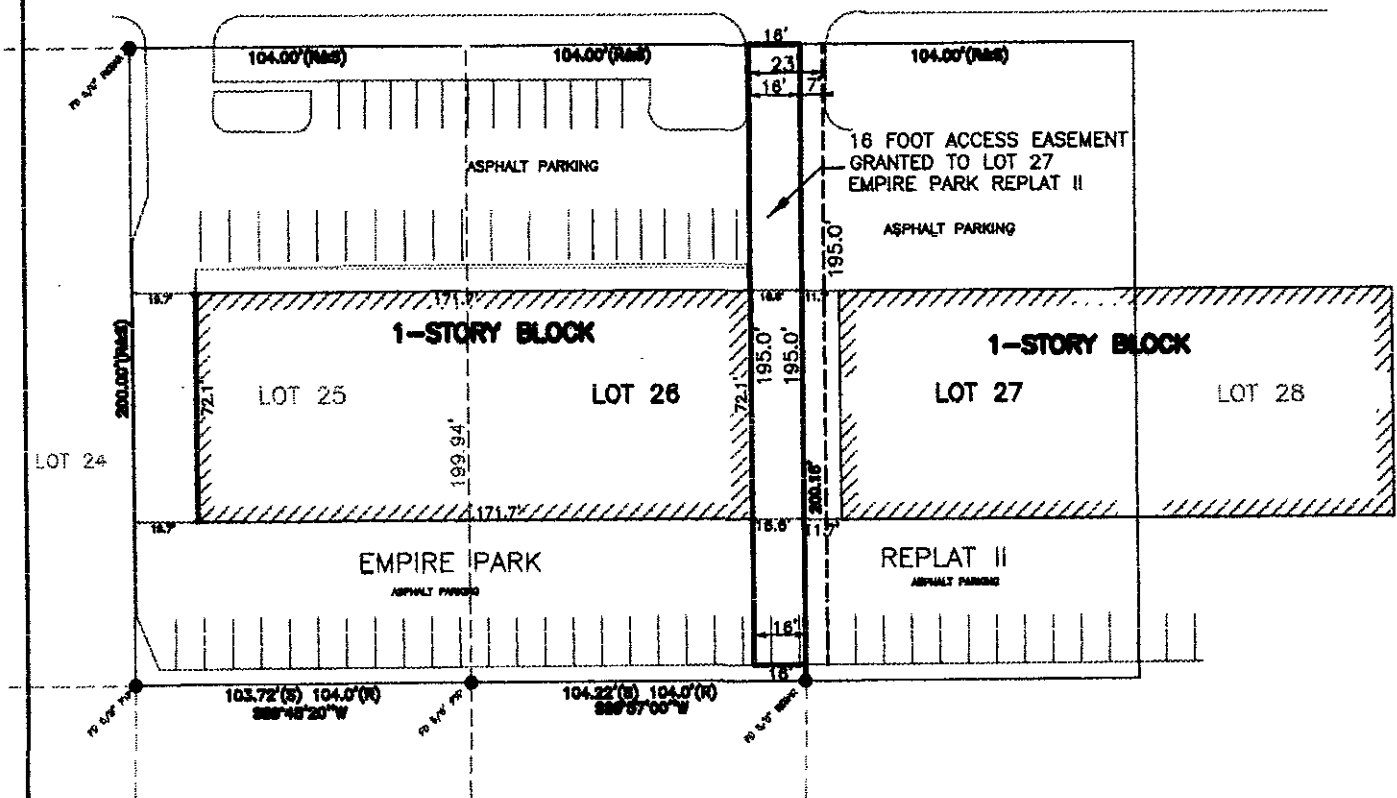
THE EAST 16.0 FEET OF THE NORTH 195 FEET OF LOT 26, EMPIRE PARK REPLAT II, A SUBDIVISION IN THE CITY OF OMAHA, DOUGLAS COUNTY, NEBRASKA.

FIELD NOTES AND PLAT TO SCALE SHOWING TRACT SURVEYED WITH ALL PERTINENT POINTS:



SCALE: 1" = 60'

INGRESS-EGRESS & ACCESS EASEMENT
"O" STREET



LAND SURVEYOR'S CERTIFICATE:

I hereby certify that this plat, map, survey or report was made by me or under my direct personal supervision and that I am a duly Registered Land Surveyor under the laws of the State of Nebraska.

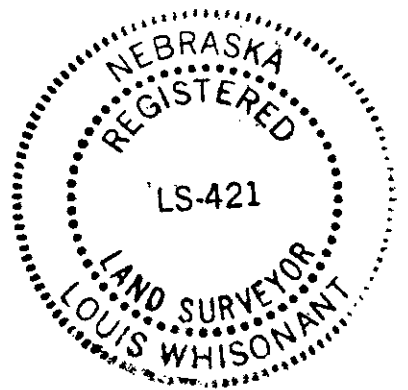
Signature *Louis Whisonant*

Date: JULY 13, 2004 Reg.No. 421

DATE RECEIVED: _____

OFFICIAL ADDRESS: _____

BLDG PERMIT NO: _____



Louis Surveying

12100 West Center Road Suite 523A
Omaha, NE. 68144 (402-334-7982)

RECORD OF SURVEY

PROJECT NO. 11115"0"

LOCATION EMPIRE PARK
REPLAT II

SURVEY NO. 421

PAGE 1 OF 1

EXHIBIT "A"

LEGAL DESCRIPTION:

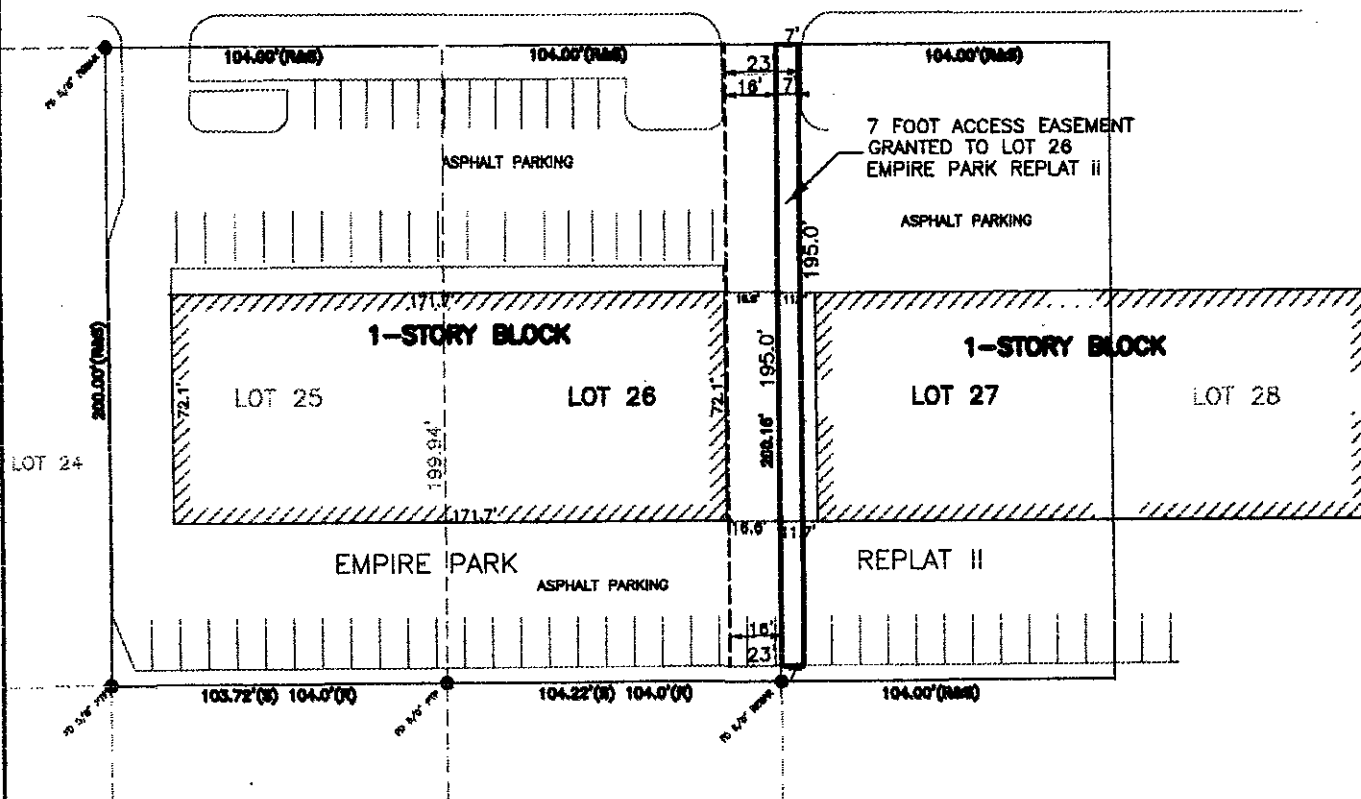
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FIELD NOTES AND PLAT TO SCALE SHOWING TRACT SURVEYED WITH ALL PERTINENT POINTS:



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INGRESS-EGRESS & ACCESS EASEMENT
"O" STREET



LAND SURVEYOR'S CERTIFICATE:

I hereby certify that this plat, map, survey or report was made by me or under my direct personal supervision and that I am a duly Registered Land Surveyor under the laws of the State of Nebraska.

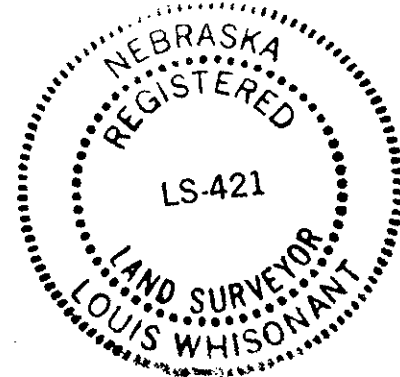
Signature: Louis Whisonant

Date: JULY 13, 2004 Reg.No. 421

DATE RECEIVED: _____

OFFICIAL ADDRESS: _____

BLDG PERMIT NO: _____



Louis Surveying 12100 West Center Road Suite 523A Omaha, NE. 68144 (402-334-7982)	RECORD OF SURVEY	
	PROJECT NO. 11115"O" SURVEY NO. 421-1	LOCATION EMPIRE PARK REPLAT II PAGE 1 OF 1

EXHIBIT "B"