

EASEMENT

THIS EASEMENT AGREEMENT made this 18th day of October, 1971, by and between Vacanti & Randazzo Construction Company, a Nebraska corporation, hereinafter referred to as "Vacanti", and Western Securities Company, a Nebraska corporation, Omaha, Nebraska, hereinafter referred to as "Western", and Nebraska Savings and Loan Association of Omaha, Nebraska, hereinafter referred to as "Nebraska";

WITNESSETH:

WHEREAS, Vacanti is the owner of Lots 209 and 210, Benson Gardens, an Addition to the City of Omaha, as surveyed, platted and recorded, Douglas County, Nebraska, upon which Western has a mortgage; and,

WHEREAS, Vacanti is also the owner of contiguous property known as Lot 211, Benson Gardens, an Addition to the City of Omaha, as surveyed, platted and recorded, Douglas County, Nebraska; and,

WHEREAS, there has been constructed on Lots 211, 212 and 213, Benson Gardens, an apartment project upon which Nebraska has a first mortgage; and,

WHEREAS, Vacanti is constructing 46 apartment units on the said Lots 209 and 210, Benson Gardens, contiguous to the presently existing apartment complex known as the Florentine on Lots 211, 212 and 213, and Vacanti desires to burden part of Lot 211 with an easement for ingress and egress by vehicular and pedestrian traffic over a 30-foot strip along the southerly line of Lot 211 for the benefit of the proposed 46 apartment units to be constructed on Lots 209 and 210;

NOW THEREFORE, in consideration of the mutual promises and benefits and valuable consideration, receipt of which is acknowledged, it is agreed as follows:

1. That the 30-foot strip of land shown on Exhibit A, attached hereto and incorporated herein by reference, over Lot 211 shall be used as a common driveway and access area and the owner of Lots 209 and 210 is granted the privilege to permit vehicular and pedestrian traffic over the 30-foot strip shown in Exhibit A, it being the intention of grantor Vacanti herein to encumber the said Lot 211 with this easement and the intention of Nebraska to join in the granting of the easement.

2. That the easement so granted is described as follows:

Beginning at the Southwest corner of Lot 211 and thence in a generally southeasterly direction along the south property line of Lot 211 to the rear of said lot line a distance of 371 feet; thence at a right angle of 90° to the northeast a distance of 30 feet; thence at a right angle of 90° to the northwest a distance of 371 feet; thence at a right angle of 90° to the southwest a distance of 30 feet to the point of beginning.

3. This easement shall run with the land and inure to the benefit of successive owners and assigns of Lots 209 and 210, Benson Gardens, an Addition to the City of Omaha, as surveyed, platted and recorded, Douglas County, Nebraska.

4. It is further agreed that the maintenance for the said 30-foot strip of land shown on Exhibit A shall be shared 40% by the owner or owners of Lots 209 and 210, and 60% by the owner of Lots 211, 212 and 213, Benson Gardens, in the event there is not a common owner or owners of all five parcels. Maintenance shall include repair and replacement, striping, marking, taxes, and any other costs.

IN WITNESS WHEREOF, the parties have hereunto set their hands this 18 day of October, 1971, and their executors, administrators and assigns agree to be bound by the terms hereof and join in the granting of this easement.

VACANTI & RANDAZZO CONSTRUCTION COMPANY

By Joe Vacanti  
Joe Vacanti, President

CO Alfred J. Vacanti, Secretary



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WESTERN SECURITIES COMPANY

By C. A. Rasmussen  
Vice President



Attest: L. M. Ansoorge  
Assistant Secretary

NEBRASKA SAVINGS AND LOAN ASSOCIATION OF OMAHA, NEBRASKA

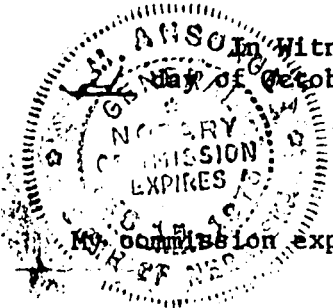
By John P. Long Vice President

Attest: Kathryn M. Duffy, Secy

STATE OF NEBRASKA,) )  
                                  ) SS  
COUNTY OF DOUGLAS,)

Before me, the undersigned notary public, on this 21 day of October, 1971, personally appeared Joe Vacanti and Alfred J. Vacanti, known to me to be the President and Secretary of Vacanti & Randazzo Construction Company, a Nebraska corporation, and known to me to be the identical persons who signed and acknowledged that they signed the foregoing Easement for and in behalf of Vacanti & Randazzo Construction Company as their free and voluntary act and deed.

In witness whereof I have hereunto set my hand and notarial seal this 21 day of October, 1971.

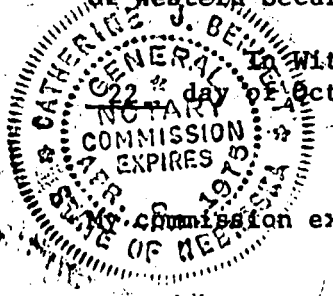


L. M. Ansoorge  
Notary Public

STATE OF NEBRASKA,) )  
                                  ) SS.  
COUNTY OF DOUGLAS,)

Before me, the undersigned notary public, on this 22 day of October, 1971, personally appeared C. A. Rasmussen and L. M. Ansoorge, known to me to be the Vice President and Assistant Secretary of WESTERN SECURITIES COMPANY, a Nebraska corporation, and known to me to be the identical persons who signed and acknowledged that they signed the foregoing Easement for and in behalf of Western Securities Company as their free and voluntary act and deed.

In witness whereof I have hereunto set my hand and notarial seal this 22 day of October, 1971.

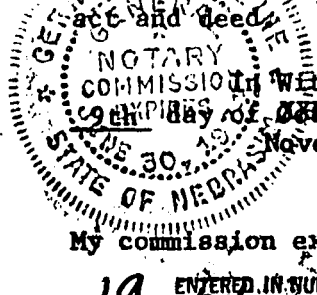


Catherine J. Bennett  
Notary Public

STATE OF NEBRASKA,) )  
                                  ) SS.  
COUNTY OF DOUGLAS,)

Before me, the undersigned notary public, on this 9th day of ~~October~~ <sup>November</sup>, 1971, personally appeared John P. Long and Kathryn M. Duffy, known to me to be the Vice-President and Secretary of Nebraska Savings and Loan Association of Omaha, Nebraska, and known to me to be the identical persons who signed and acknowledged that they signed the foregoing Easement for and in behalf of Nebraska Savings and Loan Association of Omaha, Nebraska as their free and voluntary act and deed.

In witness whereof I have hereunto set my hand and notarial seal this 9th day of ~~October~~ <sup>November</sup>, 1971.



Geraldine P. Hines  
Notary Public

My commission expires June 30, 1974.