

s'1

E A S E M E N T

THIS EASEMENT AGREEMENT made this 29th day of November, 1972, 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 214 and 215, Benson Gardens, an Addition to the City of Omaha, as surveyed, platted and recorded, Douglas County, Nebraska, upon which Western is to place a mortgage; and

WHEREAS Vacanti is also the owner of contiguous property known as Lot 213, 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 60 apartment units on the said Lots 214 and 215, Benson Gardens, contiguous to the presently existing apartment complex known as the Florentine Phase I on Lots 211, 212 and 213, and Vacanti desires to burden part of Lot 213 with an easement for ingress and egress by vehicular and pedestrian traffic over a 25-foot strip along the northerly line of Lot 213 for the benefit of the proposed 60 apartment units to be constructed on Lots 214 and 215;

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 a 25-foot strip of land, legally described as

Beginning at the Northwesterly corner of Lot 213, Benson Gardens, an Addition to the City of Omaha, as surveyed, platted and recorded, Douglas County, Nebraska, thence Southeasterly along the lot line common to Lots 213 and 214, Benson Gardens, a distance of 260 feet, thence at an angle of 90° to the Southwest a distance of 25 feet, thence at an angle of 90° to the Northwest a distance of 260 feet, thence at an angle of 90° to the Northeast a distance of 25 feet to the point of beginning, all in Benson Gardens, an Addition to the City of Omaha, as surveyed, platted and recorded, Douglas County, Nebraska,

shall be used as a common driveway and access area and the owner of Lots 214 and 215 is granted the privilege to permit vehicular and pedestrian traffic over the 25-foot strip described above, it being the intention of grantor Vacanti herein to encumber said Lot 213 with this easement and the intention of Nebraska to join in the granting of the easement.

2. This easement shall run with the land and inure to the benefit of successive owners and assigns of Lots 214 and 215, Benson Gardens, an Addition to the City of Omaha, as surveyed, platted and recorded, Douglas County, Nebraska.

3. It is further agreed that the maintenance for the said 25-foot strip of land described above shall be shared 47% by the owner or owners of Lots 214 and 215, and 53% by the owner or owners 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, and any other costs, not, however, including taxes and insurance.

IN WITNESS WHEREOF, the parties have hereunto set their hands this 29th day of November, 1972, 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

Milo P. Vacanti
Milo P. Vacanti, President

Attest:

Alfred J. Vacanti
Alfred J. Vacanti, Secretary

WESTERN SECURITIES COMPANY

By C. A. Rasmussen
C. A. Rasmussen, Vice President

NEBRASKA SAVINGS AND LOAN ASSOCIATION OF OMAHA, NEBRASKA

By James P. Duff, President

Attest: [Signature]
Assistant Secretary

Attest: _____
Assistant Secretary

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

On this 27th day of December, 1972, before me, a Notary Public, duly commissioned and qualified in and for said County and State, personally came the above named Milo P. Vacanti, President, and Alfred J. Vacanti, Secretary of VACANTI & RANDAZZO CONSTRUCTION COMPANY, who are personally known to me to be the identical persons whose names are affixed to the above Easement as the President and Secretary of said Corporation, and they acknowledged the instrument to be their voluntary act and deed, and the voluntary act and deed of the said Corporation.

WITNESS my hand and official seal, at Omaha, in said County the date aforesaid.

[Signature]
Notary Public

My commission expires April 26, 1973.

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

On this 12th day of January, 1973, before me, a Notary Public duly commissioned and qualified in and for said County and State, personally came the above named C. A. Rasmussen, Vice President, and L. M. Ansorge, Assistant Secretary of WESTERN SECURITIES COMPANY, who are personally known to me to be the identical persons whose names are affixed to the above Easement as the Vice President and Assistant Secretary of said Corporation, and they acknowledged the instrument to be their voluntary act and deed, and the voluntary act and deed of the said Corporation.

WITNESS my hand and official seal, at Omaha, in said County, the date aforesaid.

[Signature]
Notary Public

My commission expires April 26, 1973.

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

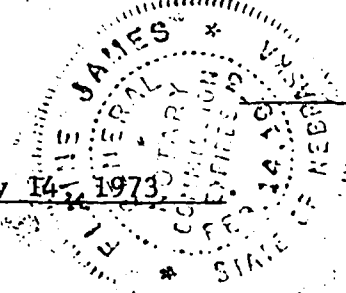
On this 12th day of January, 1973, before me, a Notary Public, duly commissioned and qualified in and for said County and State, personally came the above named James P. Duff, President, and William R. Schmid, Assistant Secretary of NEBRASKA SAVINGS AND LOAN ASSOCIATION OF OMAHA, NEBRASKA, who are personally known to me to be the identical persons whose names are affixed to the above Easement as the President and Assistant Secretary of said Corporation, and they acknowledged the instrument to be their voluntary act and deed, and the voluntary act and deed of the said Corporation.

WITNESS my hand and official seal, at Omaha, in said County, the date aforesaid.

[Signature]
Notary Public

My commission expires February 14, 1973.

625
ENTERED IN NUMERICAL INDEX AND RECORDED IN THE REGISTER OF DEEDS OFFICE IN DOUGLAS COUNTY, NEBRASKA
14 DAY OF January 1973 AT 2:54 P.M. G. HAROLD OSTLER, REGISTER OF DEEDS



51