



MISC 2007137273



DEC 13 2007 12:38 P 2

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Received - DIANE L. BATTIATO  
 Register of Deeds, Douglas County, NE  
 12/13/2007 12:38:47.62



2007137273

# RELOCATION OF EASEMENT AGREEMENT

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, RECREATION 101, L.L.C., a Nebraska limited liability company ("Recreation"), and their successors in interest as owners of LOT 1, MEADOWLANDS REPLAT 2, a subdivision in Douglas County, NE ("Lot 1"), and THE VENTEICHER LIMITED LIABILITY COMPANY, a Nebraska limited liability company ("Venteicher"), and its successors in interest as the owner of LOT 2, MEADOWLANDS REPLAT 2, a subdivision in Douglas County, NE ("Lot 2"), ("Property"), have entered into an Agreement for the relocation and modification of that certain access easement granted to the owners of Lot 1 by the Plat and Dedication of The Meadowlands Replat 2, recorded in Douglas County, Nebraska as Instrument No. 2005141473. The Agreement between the parties is as set forth herein:

1. The parties acknowledge the existence of good, sufficient and adequate consideration exchanged between the parties for this Agreement.
2. The parties agree that the 24 foot wide access easement granted to the owners of Lot 1 by the Plat and Dedication of The Meadowlands Replat 2, recorded in Douglas County, Nebraska as Instrument No. 2005141473 is hereby vacated in exchange for the easement to be located on Lot 2 for the benefit of the owners of Lot 1 as hereinafter set forth in Section 3 of this Instrument.
3. Venteicher hereby agrees to provide Recreation and subsequent owners of Lot 1 with a 24 foot wide access easement over a portion of Lot 2 connecting Lot 1 with a roadway being constructed by Venteicher connecting to 118<sup>th</sup> Circle the precise location of which shall be agreed to between Recreation and Venteicher and reflected in an Easement Agreement to be executed and recorded upon completion of plans for the construction and paving of the drive to be located in the Easement Area.
4. Upon completion of plans for the construction and paving of the drive to be located in the Easement Area as herein agreed, Recreation agrees to install paving in the Easement Area on or prior to July 1, 2008. In the event that Recreation fails to install such paving on or prior to July 1, 2008, the easement as provided herein shall be vacated and shall be of no further force and effect.
5. This Agreement shall run with Lot 1 and Lot 2, and the subsequent owners of such property shall have the benefit of and be bound by the provisions of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Relocation of Easement this 10<sup>th</sup> day of DECEMBER 2007.

RECREATION 101, L.L.C., a Nebraska limited liability company

BY:

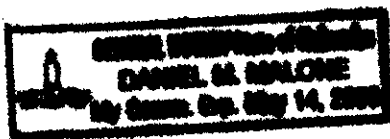
[Signature]  
 its MANAGER

16

TA-54692<sup>sc</sup>

STATE OF NEBRASKA )  
COUNTY OF DOUGLAS ) SS.

The foregoing instrument was acknowledged before me on the 10<sup>th</sup> day of December 2007, by ROBERT BRAU, the MANAGER of Recreation 101, L.L.C., a Nebraska limited liability company, on behalf of the company.



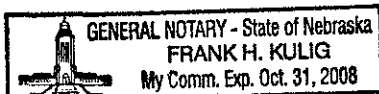
Daniel M. Malone  
Notary Public  
Exp. May 14, 2008

THE VENTEICHER LIMITED LIABILITY COMPANY, a Nebraska limited liability company,

BY: George W. Venteicher  
its Manager

STATE OF NEBRASKA )  
COUNTY OF DOUGLAS ) SS.

The foregoing instrument was acknowledged before me on the 11 day of December 2007, by George W. Venteicher, the Manager of The Venteicher Limited Liability Company, a Nebraska limited liability company, on behalf of the company.



Frank H. Kulig  
Notary Public

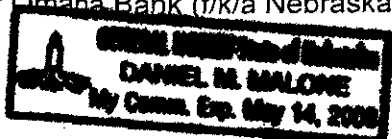
#### CONSENT TO RELOCATION OF EASEMENT AGREEMENT

Mutual of Omaha Bank (f/k/a Nebraska State Bank), the holder of a first Deed of Trust on Lot 1, Meadowlands Replat 2, a subdivision in Douglas County, NE, does hereby consent to the above and foregoing Relocation of Easement Agreement.

By: Bruce Cramer SVP  
its SENIOR VICE PRESIDENT

STATE OF NEBRASKA )  
COUNTY OF DOUGLAS ) SS.

The foregoing instrument was acknowledged before me on the 10 day of December 2007, by BRUCE CRAMER the SENIOR VICE PRESIDENT of Mutual of Omaha Bank (f/k/a Nebraska State Bank).



Daniel M. Malone  
Notary Public  
Exp. May 14, 2008