

Inst # 2013036381 Mon Jul 15 12:31:01 CDT 2013

Filing Fee \$40.00  
Lancaster County NE Assessor/Register of Deeds Office EASE  
Pages 6



This instrument was prepared by and upon recordation should be returned to

Walter Boldys  
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.  
One Financial Center  
Boston, MA 02111

## GRANT OF EASEMENT

This Easement Agreement ("Agreement") is entered into by NEBRASKA CVS PHARMACY, L.L.C., a Nebraska limited liability company ("Grantor").

WHEREAS, Grantor is the owner of the real estate described on Exhibit "A" attached hereto (the "Grantor Property"); and

WHEREAS, Grantor intends to construct certain improvements on the Grantor Property (the "CVS Improvements"); and

WHEREAS, the City of Lincoln has required, as a condition to issuing a certificate of occupancy for the CVS Improvements, that an access easement be granted over the Grantor Property for the benefit of two (2) adjacent properties legally described as (i) Lot 73, irregular tracts in the Southwest Quarter of Section 22, Township 10 North, Range 7 East of the 6<sup>th</sup> P.M., Lincoln, Lancaster County, Nebraska, and (ii) Lot 58, irregular tracts in the Southwest Quarter of Section 22, Township 10 North, Range 7 East of the 6<sup>th</sup> P.M., Lincoln, Lancaster County, Nebraska, except 192.77 square feet in the northwest corner taken for road purposes (collectively the "Adjacent Property").

NOW THEREFORE, for good and valuable consideration, Grantor agrees as follows:

1. Grant of Access Easement. Grantor grants to the owners of the Adjacent Property, and their respective successors and assigns, a non-exclusive, perpetual easement over those portions of the Grantor Property depicted and described on Exhibits "B-1" and "B-2" attached hereto (the "Access Easement") solely for purpose of vehicular and pedestrian ingress and egress between the Adjacent Property and "O" Street and between the Adjacent Property and 70<sup>th</sup> Street. Grantor, and its successors and assigns, reserves the right to relocate the Access Easement at any time as long as the relocated Access Easement provides vehicular and pedestrian access to and from the Adjacent Property and "O" Street and to and from the Adjacent Property and 70<sup>th</sup> Street. Nothing contained herein shall permit the owner of the Adjacent Property or its successors, assigns, tenants or occupants the right or license to park on the Grantor Property.

*Noodle Companies*  
*TED Zeteman*  
*7785 S 67<sup>th</sup> St. Ste 250*  
*Omaha, NE 68106*

2. Binding Effect. This Agreement shall run with the land and shall be binding upon Grantor and its successors and assigns, and inure to the benefit of the owners of the Adjacent Property, and their respective successors and assigns.

DATED: June 20, 2013

NEBRASKA CVS PHARMACY, L.L.C.



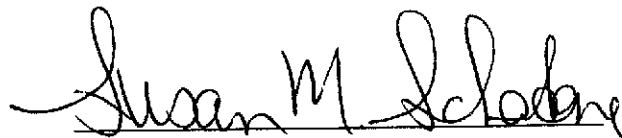
Name: Kristine L. Donabedian  
Title: Assistant Secretary

STATE OF RHODE ISLAND       )  
  ) ss.  
COUNTY OF PROVIDENCE       )

On this 20<sup>th</sup> day of June, 2013, before me, a notary public in and for said county and state, personally came Kristine L. Donabedian, Assistant Secretary of NEBRASKA CVS PHARMACY, L.L.C., known to me to be the identical person who signed the forgoing instrument and acknowledged the execution thereof to be her voluntary act and deed and the voluntary act and deed of said limited liability company.

WITNESS my hand and notarial seal at Woonsocket, Rhode Island, in said county and state, the day and year last above written.

[SEAL]



Notary Public

Susan M. Schadone  
Notary Public  
State of Rhode Island  
My Commission Expires 03/09/2016

**Exhibit "A"**

Lot 55, irregular tracts in the Southwest Quarter of Section 22, Township 10 North, Range 7 East of the 6<sup>th</sup> P.M., Lincoln, Lancaster County, Nebraska.

AND

Lot Seventy (70), Irregular Tract in the Southwest Quarter of Section 22, Township 10 North, Range 7 East of the 6<sup>th</sup> P.M., Lincoln, Lancaster County, Nebraska, except that portion more particularly described as follows: Commencing at the Southwest corner of the Southwest Quarter of Section 22; thence East along the South line of said Southwest Quarter a distance of 250.86 feet; thence North along a line which deflects 90 degrees 00 minutes 07 seconds left from the last described course, a distance of 55.00 feet to the Southwest corner of Lot 70, Irregular Tract at the point of beginning; thence continuing North along the last described course, said course being the West line of Lot 70, Irregular Tract, a distance of 0.66 feet; thence East along a line which deflects 89 degrees 58 minutes 00 seconds right from the last described course, a distance of 134.94 feet to a point on the East line of said Lot 70, Irregular Tract; thence South along said East line, a distance of 0.75 feet to the Southeast corner of said Lot 70, Irregular Tract; thence West along the South line of said Lot 70, Irregular Tract, said line lying 55.0 feet North of and parallel to the South line of said Section 22, a distance of 134.93 feet to the point of beginning.

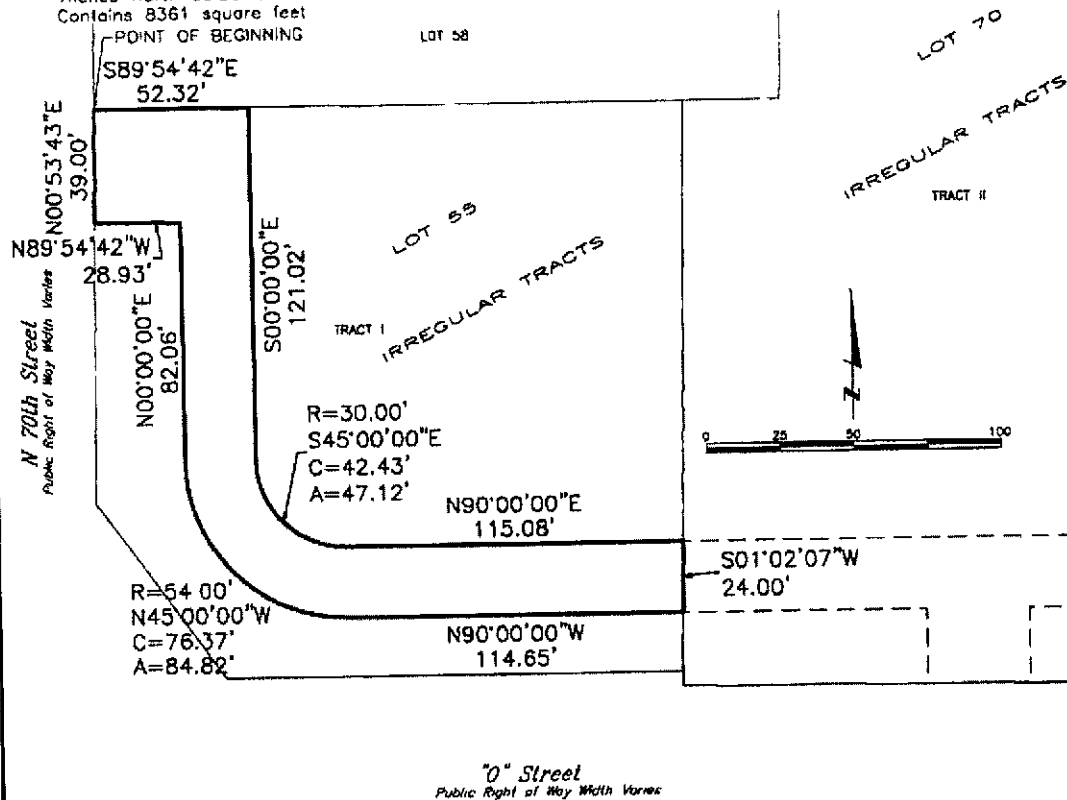
# Exhibit "B-1"

Cross access easement across this property to be recorded with the Register of Deeds prior to the issuance of building permits.

## LEGAL DESCRIPTION

A permanent cross access easement over that part of Lot 55, Irregular Tracts in the Southwest Quarter of Section 22, Township 10 North, Range 7 East of the 6th P.M. Lincoln, Lancaster County, Nebraska, described as follows:

Beginning at the northwest corner of said Lot 55,  
Thence North 89°54'42" east (assumed bearings) for 52.32 feet along the north line of said Lot 55,  
Thence South 00°00'00" East for 121.02 feet,  
Thence along a curve to the left (having a radius of 30.00 feet and a long chord bearing South 45°00'00" East for 42.43 feet) for an arc length of 47.12 feet;  
Thence North 90°00'00" East for 115.08 feet to the east line of said Lot 55,  
Thence South 01°02'07" West for 24.00 feet along said Lot 55,  
Thence North 90°00'00" West for 114.65 feet,  
Thence along a curve to the right (having a radius of 54.00 feet and a long chord bearing North 45°00'00" West for 76.37 feet) for an arc length of 84.82 feet;  
Thence North 00°00'00" East for 82.06 feet,  
Thence North 89°54'42" West for 28.93 feet to the east right of way line of 70th Street;  
Thence North 00°53'43" East for 39.00 feet to the Point of Beginning;  
Contains 8361 square feet



Lamp, Rynearson & Associates, Inc.

14710 West Dodge Road, Suite 100  
Omaha, Nebraska 68154-2027

WWW.LRA-INC.COM

(Ph) 402.496.2498  
(Fax) 402.496.2730

drawn by: EAM  
designer: WEK  
job number-task: 08054.05-024  
date: 3-5-09  
book: page:  
file name: 08054.05E101.dwg

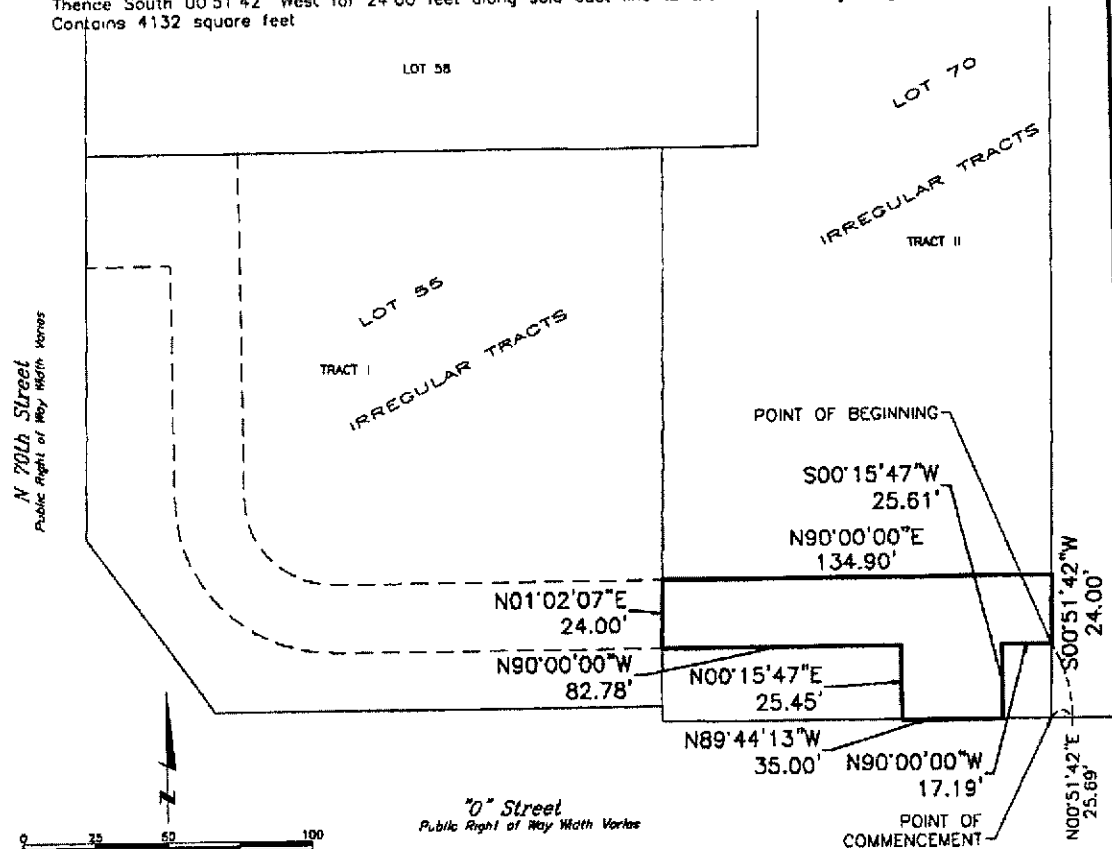
# Exhibit "B-2"

Cross access easement across this property to be recorded with the Register of Deeds prior to the issuance of building permits.

## LEGAL DESCRIPTION

A permanent cross access easement over that part of Lot 70, Irregular Tracts in the Southwest Quarter of Section 22, Township 10 North, Range 7 East of the 6th P.M. Lincoln, Lancaster County, Nebraska, described as follows:

Commencing at the southeast corner of said Lot 70,  
Thence North 00°51'42" East (assumed bearings) for 25.69 feet along the east line of said Lot 70, to the TRUE POINT OF BEGINNING;  
Thence North 90°00'00" West for 17.19 feet;  
Thence South 00°15'47" West for 25.61 feet to the north right of way line of "O" Street,  
Thence North 89°44'13" West for 35.00 feet along said north line,  
Thence North 00°15'47" East for 25.45 feet,  
Thence North 90°00'00" West for 82.78 feet to the west line of said Lot 70;  
Thence North 01°02'07" East for 24.00 feet along said west line,  
Thence North 90°00'00" East for 134.90 feet to the east line of said Lot 70,  
Thence South 00°51'42" West for 24.00 feet along said east line to the Point of Beginning.  
Contains 4132 square feet



Lamp, Rynearson & Associates, Inc.

14710 West Dodge Road, Suite 100  
Omaha, Nebraska 68134-2027

WWW.LRA-INC.COM

(Ph) 402.496.3498  
(Fax) 402.496.2730

drawn by: EAM  
designer: WEK  
job number-laska 08054 05-024  
date: 3-5-09  
book: page:  
file name: 08054.05E102.dwg