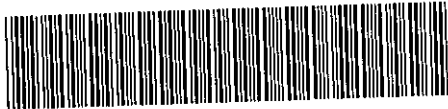




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Date

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By

RICHARD N. TAKECHI  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NE

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EXP \_\_\_\_\_ C/O \_\_\_\_\_ COMP BW  
REG \_\_\_\_\_ SCM Y \_\_\_\_\_

12  
Record and Return to:

Dechert, Rice + Rhoads  
Francis Fedoroff  
1717 Arch St → 4000  
Philadelphia PA 19103-2793

### EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT ("Agreement"), made this 8<sup>TH</sup> day of December, 1999, between RODNEY RICK JOONS and DIANE MARIE JOONS, husband and wife (together, "Grantor"), and PENN SPECIALTY CHEMICALS, INC. ("Grantee").

#### BACKGROUND

A. Grantee is the owner of that certain parcel of real estate located in the City of Omaha, County of Douglas, State of Nebraska more particularly described on Exhibit A attached hereto (the "Benefited Parcel").

B. Grantor and Grantee are parties to an agreement for sale and purchase of real estate dated December 8<sup>TH</sup>, 1999 (the "Agreement of Sale") whereby Grantee agreed to convey to Grantor a parcel of real estate, adjoining the Benefited Parcel, which is more particularly described on Exhibit B attached hereto (the "Burdened Parcel").

C. Grantee desires access across a portion of the Burdened Parcel on the terms and conditions set forth herein.

D. As a condition precedent to Grantee's agreement to convey to Grantor the Burdened Parcel pursuant to the Agreement of Sale, Grantor has agreed to grant an easement over a portion of the Burdened Parcel as Shown on Exhibit C attached hereto, and more fully described in Exhibit D attached hereto (the "Easement Area").

NOW, THEREFORE, in consideration of TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration in hand paid by the Grantee to the Grantor, the receipt of which is hereby acknowledged, and intending to be legally bound, the parties hereto agree as follows:

1. Grantor hereby grants and conveys to the Grantee a non-exclusive easement and right of use appurtenant to and for the benefit of the Benefited Parcel, in and over the Easement Area for the purpose of pedestrian and vehicular passage, delivery, ingress, egress and regress. Said Easement Area is hereby dedicated and reserved for such use for the term of this Agreement.

2. Grantor shall not materially alter the location of parking, curb cuts or roadways in the Easement Area without the consent of Grantee, which consent shall not be unreasonably withheld. No sign, fence, wall or other structure which would prohibit the free flow of pedestrian or vehicular traffic as intended by this Agreement, shall be erected by Grantor

on the Easement Area. Grantor shall not impede, or cause to be impeded, the flow of pedestrian and vehicular traffic in or around the Easement Area. No buildings or other structures, other than those existing as of the date hereof shall be constructed in the Easement Area without the consent of the Grantee, which consent shall not be unreasonably withheld.

3. It is agreed that the easement granted hereby shall be for the benefit of, but not restricted solely to, Grantee, and Grantee may grant the benefit of such easement to its tenants or other occupants of the Benefited Parcel for the duration of such occupancy and to the customers, employees and business invitees of Grantee, its tenants or other occupants; but the same is not intended nor shall it be construed as creating any rights in or for the benefit of the general public.


4. The term of this Agreement shall expire upon the earlier to occur of: (i) the twentieth (20<sup>th</sup>) anniversary of the date hereof; or (ii) the date upon which the improvements located on the Benefited Parcel are completely destroyed by fire or other casualty, or demolished by the Grantee or its successors or assigns.

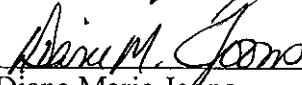
5. This Agreement may be signed in one or more counterparts, all of which together shall be deemed one and the same instrument.

6. This Agreement together with all amendments thereto, shall run with the land described in Exhibit B, and all dominant and servant parcels and shall bind and inure to the benefit of the parties and their respective successors and assigns.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.

GRANTOR:

  
\_\_\_\_\_  
Rodney Rick Joons

  
\_\_\_\_\_  
Diane Marie Joons

[Signatures Continued on Next Page]

GRANTEE:

PENN SPECIALTY CHEMICALS, INC.

By: 

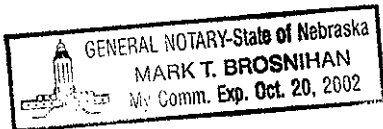
Name: BRIAN F. McNAMARA

Title: VICE PRESIDENT

State of Nebraska  
County of Douglas

The foregoing instrument was acknowledged before me this 10<sup>th</sup> day of December, 1999 by  
RODNEY RICK JOONS and DIANE MARIE JOONS

(Seal)



Mark T. Brosnihan

(Signature of person taking acknowledgment)

(Title or rank)

(Serial number, if any)

STATE OF PENNSYLVANIA

COUNTY OF DELAWARE

:  
: ss. RADNOR  
:

On this the 8<sup>TH</sup> day of December, 1999 before me, the undersigned officer, personally appeared BRIAN F. McNAMARA who acknowledged himself/herself to be the (Vice) President of PENN SPECIALTY CHEMICALS INC a DELAWARE corporation, and that he/she, as such officer, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself/herself as such officer.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

[Notarial Seal]

  
\_\_\_\_\_  
Notary Public

My commission expires: August 25, 2003

NOTARIAL SEAL AFFIXED  
REGISTER OF DEEDS

NOTARIAL SEAL  
GAIL RICKS, Notary Public  
Radnor Twp., Delaware County  
My Commission Expires Aug. 25, 2003

EXHIBIT A  
BENEFITED PARCEL  
(Legal Description)

604218.2.01 12/03/99

(MON) 12: 6: 99 15: 54: ST. 15: 50/NO. 4863047505 P 11

FROM DECHERT PRICE & AHOADS

PARCEL A-1: Part of Lots 1 and 2, Block 267, original City of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska, including part of vacated 4<sup>th</sup> Street, all more particularly described as follows:

Beginning at a point 15 feet east of the southeast corner of Lot 1, said Block 267, thence South  $89^{\circ}08'26''$  west, along the south line of Lot 1, said Block 267 and its easterly extension, a distance of 50.0 feet; thence North  $32^{\circ}39'28''$  west a distance of 155.3 feet to a point on the north line of said Block 267; thence North  $89^{\circ}08'26''$  east, along the north line of said Block 267 and its easterly extension, a distance of 134.0 feet; thence South  $00^{\circ}05'02''$  west, along a line 15 feet east of and parallel with the east line of said Block 267, a distance of 132.00 feet to the point of beginning. Containing 12,142 square feet (0.278+/- acres) more or less.

PARCEL A-2: Part of Blocks 1 and 18, Credit Foncier, an addition to the City of Omaha, Block 243 and part of Blocks 242, 244, 268 and 269, original City of Omaha, all as surveyed, platted and recorded in Douglas County, Nebraska, part of Government Lot 4, located in the southwest quarter of Section 23, Township 15 North, Range 13 East of the 6<sup>th</sup> P.M., as surveyed and recorded in Douglas County, Nebraska, including parts of vacated Pierce Street, Poppleton Avenue, William Street, 3<sup>rd</sup> Street and 4<sup>th</sup> Street and parts of vacated alleys adjoining, a portion of which has been platted as Quaker Place, all more particularly described as follows:

Beginning at a point 10 feet south of the southwest corner of Lot 2, said Block 18, thence North  $00^{\circ}09'42''$  east, along the West line of Lot 2, said Block 18 and its northerly and southerly extensions, a distance of 226.95 feet; thence North  $89^{\circ}59'18''$  west, along a line 15 feet South of and parallel with the south line of said Block 1, a distance of 81.98 feet; thence North  $00^{\circ}09'42''$  east, along a line 16 feet west of and parallel with the west line of Lots 3 and 6, said Block 1, a distance of 341.42 feet; thence South  $89^{\circ}57'46''$  west a distance of 64.99 feet; thence North  $00^{\circ}06'46''$  east a distance of 42.49 feet; thence North  $88^{\circ}52'57''$  west a distance of 5.00 feet to a point 20 feet west of and 15 feet south of the southwest corner of said Block 269; thence North  $00^{\circ}09'52''$  east, along a line 20 feet west of and parallel with the west line of said block 269, a distance of 14.98 feet; thence North  $89^{\circ}45'02''$  west, along the south line of said Block 268 and its easterly extension, a distance of 308.47 feet; thence North  $27^{\circ}44'09''$  west a distance of 74.79 feet to a point on the west line of said Block 268; thence south  $89^{\circ}44'18''$  east a distance of 65.98 feet to a point on the west line of Lot 6, said Block 268, thence North  $00^{\circ}05'02''$  east, along the west line of Lots 3 and 6, said Block 268 and their northerly extension, a distance of 302.77 feet; thence North  $88^{\circ}11'08''$  west a distance of 85.48 feet; thence North  $00^{\circ}18'08''$  west a distance of 146.00 feet; thence North  $89^{\circ}50'37''$  west a distance of 25.03 feet; thence North  $00^{\circ}09'23''$  east a distance of 16.02 feet; thence North  $89^{\circ}50'37''$  west a distance of 55.07 feet to a point 4 feet south of and parallel with the east line of Lot 1, said Block 244; thence South  $00^{\circ}09'23''$  west, along a line parallel to the southerly extension of the east line of Lot 1, said Block 244, a distance of 6.01 feet; thence South  $89^{\circ}50'37''$  east a distance of 15.02 feet; thence South  $00^{\circ}18'08''$  east, along a line 15 feet (record distance) east of and parallel with the east line of said Block 244, a distance of 157.00 feet; thence South  $89^{\circ}08'26''$  west, along a line 15 feet south of and parallel with the south line of said Block 244, a distance of 147.00 feet; thence North  $00^{\circ}18'08''$  west a distance of 15.00 feet to the southeast corner of Lot 6, said Block 244; thence South  $89^{\circ}08'26''$  west, along the south line of Lot 6, said Block 244, a distance of 53.1 feet; thence



North 39°39'51" west a distance of 122.5 feet to the west line of Lot 5, said Block 244; thence North 00°11'15" east, along the west line of Lot 5, said Block 244 and its northerly extension, a distance of 48.80 feet; thence South 89°37'41" east a distance of 34.00 feet; thence North 00°11'15" east, along a line 32 feet west of and parallel with the west line of Lot 4, said Block 244, a distance of 82.86 feet to the north line of said Block 244; thence North 89°24'21" east, along the north line of said Block 244, a distance of 110.00 feet; thence North 00°27'00" west a distance of 130.40 feet; thence North 89°18'24" east a distance of 5.03 feet; thence North 00°35'57" west a distance of 128.13 feet to a point on the south line of Union Pacific Railroad right of way; thence North 89°24'03" east, along the south line of said Union Pacific Railroad right of way, a distance of 173.67 feet; thence South 00°35'57" east, along the west line of said Union Pacific Railroad right of way, a distance of 62.06 feet; thence North 89°23'52" east, along the south line of said Union Pacific Railroad right of way, a distance of 477.34 feet; thence South 09°47'58" east, a distance of 362.40 feet; thence South 06°10'23" east, a distance of 477.49 feet; thence South 05°31'23" east a distance of 85.38 feet; thence South 06°16'33" east a distance of 529.05 feet to a point 10 feet south of the south line of Lot 1, said Block 18, thence North 89°59'18" west, along a line 10 feet south of the south line of Lots 1 and 2, said Block 18, a distance of 125.30 feet to the point of beginning. Containing 601,787 square feet (13.815 +/- acres) more or less.

EXCEPTING THEREFROM that portion of the above described Parcel A-2 described as follows: Lots 7 and 8, Block 244, Original City of Omaha, together with the South 1/2 (10') of vacated alley adjacent on the North and the North 15 feet of Pierce Street adjacent on the South and the West 15 feet of 4th Street, adjacent on the East of said Lots, all in Douglas County, Nebraska.

PARCEL B: The South 82 feet of Lot 1, Block 2, in Credit Foncier Addition, an addition to the City of Omaha, in Douglas County, Nebraska, and Lot 8, except that part taken for Railroad Right of Way, in Block 2, in Credit Foncier Addition to the City of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska; and the West 15 feet of vacated 3<sup>rd</sup> Street adjoining on the East, and the North 15 feet of vacated William Street adjoining on the South.

PARCEL C: So much of and that portion of Lots 4 and 6, Block 2, Credit Foncier Addition to the City of Omaha, Nebraska, as is located North and East of the Burlington Northern Inc.'s right of way in, over and across said Block 2.

PARCEL E: That part of Lot 3, Block 2, Credit Foncier Addition to the City of Omaha, Douglas County, Nebraska, lying North and East of the Chicago, Burlington & Quincy Railroad Right of Way.

PARCEL F: That part of Lot 7, Block 2, Credit Foncier, an addition to the City of Omaha, in Douglas County, Nebraska, lying North and East of the Chicago Burlington & Quincy Railroad.

PARCEL G: The North 50 feet of Lot 1, Block 2, in Credit Foncier Addition to the City of Omaha, together with a strip of ground 15 feet wide adjoining on the East, in Douglas County, Nebraska.

PARCEL K: Except railroad right of way, Northeast part Lot 8, Block 267, Original Omaha City Lots, as surveyed, lithographed, Douglas County, Nebraska.

PARCEL L: A Tract of land consisting of the North 15 feet of Lots 7, 6 and 5 and the North 15 feet of part of Lots 4 & 3 of Block 438, part of vacated Bridge Street; Lots 8, 9, 10 and part of 11, part of vacated alley, Lots 7 and 6 and part of Lot 5 and 4 of Block 433, part of vacated Oak Street; Lot 8, part of Lot 9 and 10, part of vacated alley, and Lot 7 and part of Lot 6 of Block 430 part of vacated

Ash Street; part of Lot 8, part of the vacated alley, part of Lot 7 of Block 429; all the foregoing being in Grandview Addition to the City of Omaha as surveyed, platted and recorded; Also part of Lot 5 part of the alley, and part of Lot 4 Block 270, part of a 6.5 foot alley between Block 270 of the Original City of Omaha and Tax Lot 1, all in the Original City of Omaha.

Also part of Tax Lot 1

All of the foregoing situated in and being a part of Section 26, Township 15 North, Range 13 East of the Sixth Principal Meridian, West of the Westerly line of existing easement of the East Omaha Drainage District for levee purposes, more particularly described and bounded as follows, to wit: To locate the point of beginning commence on a line drawn parallel with and 100 feet, measured at right angles, Southerly from the center line of Pierce Street in the City of Omaha at a point 761.52 feet Easterly (As measured on said parallel line) of the center of the Intersection of Fourth and Pierce Streets, said point of beginning being 75 feet Westerly, measured at right angles, from the center line of the Original Missouri River Levee of the East Omaha Drainage District and on the original Westerly line of the easement of East Omaha Drainage District;

From said point of beginning proceed South  $18^{\circ}33'53''$  East a distance of 164.6 feet 179.0 feet measured along a line making an angle of  $106.43'$  from West to the Southeast with the centerline of Pierce Street (said line being parallel with and 75 feet Westerly, measured at right angles, from said Levee centerline) to a point of curve, which is 75 feet Westerly, measured at right angles, from said Levee centerline, at Station 489-88.62 of the original survey for the East Omaha Drainage District; Thence along a curve to the right having a radius of 3,744.72 feet through a central angle of  $2^{\circ}09'29.5''$  for a distance of 141.05 feet as measured along a line concentric with and 75 feet Westerly, measured at right angles, from said Levee centerline.

Thence South  $19^{\circ}46'56''$  East for a distance of 74.33 feet to a point which is 70 feet Westerly, measured at right angle, from Levee centerline at Station 492-07.57;

Thence South  $15^{\circ}42'6''$  East on a line parallel with and 70 feet Westerly, measured at right angles, from said Levee centerline for a distance 792.71 feet to a point of a line drawn parallel with and 15 feet Southerly of the North line of Lots 3, 4, 5, 6 and 7 of Block 438 in Grandview Addition to the City of Omaha;

Thence South  $87^{\circ}38'54''$  West on said parallel line as last above previously described for a distance of 230.18 feet to a point 6 feet distant Westerly on the Southwesterly prolongation of said parallel line of the centerline of the now existing The Quaker Oats Company railroad spur track.

Thence North  $8^{\circ}00'06''$  West for a distance of 130.5 feet to a point that is 6 feet Westerly, measured at right angles, from said The Quaker Oats Company railroad spur track.

Thence North  $8^{\circ}11'06''$  West on a line parallel with and 6 feet Westerly, measured at right angles, from the said The Quaker Oats Company railroad spur track, and its Northwesterly prolongation in a straight line, for a distance of 1,013.5 feet more or less (1,012.32 feet calculated) to an intersection with a line drawn parallel with and 100 feet Southerly, measured at right angle, from the centerline of Pierce Street;

Thence North  $88^{\circ}09'07''$  East on said line drawn parallel with and 100 feet Southerly, measured at right angles, from the centerline of Pierce Street a distance of 57.05 feet, more or less, (57.84 feet calculated) to the point of beginning, all of the above being located in Douglas County, Nebraska.

EXCEPTING THEREFROM that portion of the premises within the bounds of 2<sup>nd</sup> Street.

PARCEL N: Lot 2, Block 2, Credit Foncier Addition to the City of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska.

EXHIBIT B  
BURDENED PARCEL

(Legal Description)

Lots 7 and 8, Block 244, Original City of Omaha, together with the South 1/2 (10') of vacated alley adjacent on the North and the North 15 feet of Pierce Street adjacent on the South and the West 15 feet of 4th Street, adjacent on the East of said Lots, all in Douglas County, Nebraska.

EXHIBIT C  
EASEMENT AREA  
(Plan)

604216.2.01 12/03/99

(MON) 12. 6' 99 15:56/ST. 15:50/NO. 4863047505 P 16

FROM DECHERT PRICE & EHCADS



EXHIBIT D  
EASEMENT AREA  
(Legal Description)

FROM DECEASED PRICE & EHCADS

(MON) 12. 6' 99 15:57/ST. 15:50/NO. 4863047505 P 18

## LEGAL DESCRIPTION

PART OF LOT 7, BLOCK 244, ORIGINAL CITY OF OMAHA, AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA, AND PART OF VACATED ALLEY ADJOINING ON THE NORTH, BEING ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 7, BLOCK 244, THENCE N 00° 18' 08" W, (ASSUMED BEARING) ALONG THE WEST LINE OF SAID LOT 7, A DISTANCE OF 73.96 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N 00° 18' 08" W, ALONG SAID THE WEST LINE OF SAID LOT 7 AND ITS NORTHERLY EXTENSION, A DISTANCE OF 68.04 FEET TO A POINT ON THE CENTERLINE OF THE VACATED 20 FOOT ALLEY IN SAID BLOCK 244; THENCE N 89° 08' 26" E, ALONG SAID CENTERLINE, A DISTANCE OF 27.21 FEET; THENCE S 00° 14' 32" E, A DISTANCE OF 41.14 FEET; THENCE S 44° 41' 52" W, A DISTANCE OF 38.42 FEET TO THE POINT OF BEGINNING, CONTAINING 1,484 SQUARE FEET MORE OR LESS.

MIKE KAUSS & ASSOCIATES, INC.  
4361SK - PENN CHEMICAL  
BK 177, PG. 97  
DECEMBER 1, 1999