

\$35.50

Dan Jolte
REGISTER OF DEEDS

2000 APR 28 P 4: 19

INST. NO 2000

017744

BLOCK
CODE
CHECKED
ENTERED
EDITED

ACCESS EASEMENT

South Industrial Park LLC and The Security Mutual Life Insurance Company of Lincoln, Nebraska, collectively "Grantor", in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, does hereby create, establish and grant to the **City of Lincoln, Nebraska**, "Grantee", for its mutual benefit and the benefit of its successors and assigns, a permanent easement in, over and through the real property legally described as:

See Exhibit "A" which is attached hereto and incorporated herein by this reference ("Easement Premises")

permitting the full and free use of the Easement Premises for the purpose of permitting the Parks and Recreation Department of the City of Lincoln, and its agents and assigns, ingress and egress from South 14th Street to and from the real property owned by the Grantee and described as:

See Exhibit "B" which is attached hereto and incorporated herein by this reference ("Benefited Property").

This easement shall be subject to the following terms and conditions:

- (1) Such easement shall be only for the most direct route or smallest space reasonably feasible to provide access from South 14th Street to the location shown on Exhibit "C", which is attached hereto and incorporated herein by this reference, where the City has a permit to cross the Burlington Railroad tracks to access the Benefited Property.
- (2) Responsibility for the maintenance, or repair of the Easement Premises shall rest with the Grantor and no responsibility thereof shall accrue to the Grantee by reason of the Grantee's benefits from this easement. The services to be provided by the Grantor shall include, but not be limited to, snow removal and road repair on areas within the Easement Premises where Grantor has constructed parking lots and/or private roadways.
- (3) This easement shall be permanent and shall be appurtenant to and run with the Grantee's above described real property.
- (4) Grantor shall have the right to the full use and enjoyment of the Easement Premises except for such use as may unreasonably interfere with the exercise of the easement rights granted herein.
- (5) The sole rights granted herein are the rights to use the Easement Premises for the purpose of gaining access from South 14th Street in a reasonable manner, and the Grantee shall be liable to the Grantor for any damage due to the use of the Easement Premises by it or its employees, invitees, agents, successors, or assigns.
- (6) Grantee hereby recognizes on behalf of Grantee and its assigns and successors, that this easement is for the purpose of providing the City of Lincoln Parks and Recreation Department, and its agents and assigns, reasonable access to the Grantee's above described real property, and that additional access may be denied by Grantor.

CITY TREASURER
LINCOLN

- (7) This easement shall be released at the time Grantor final plats the Easement Premises and provides the Grantee with an access easement over a defined route from South 14th Street to the Grantee's permitted railroad crossing.
- (8) Grantor covenants that it is the owner of the Easement Premises and has legal right, title and capacity to grant the ingress and egress easement granted herein.

IN WITNESS WHEREOF this easement has been executed on this 23rd day of August, 1999.

SOUTH INDUSTRIAL PARK LLC,
a Nebraska limited liability company

By: Lin-Keo Investment Co., L.L.C., a Nebraska limited liability company, Manager

By: Donald W. Linscott
Donald W. Linscott, Member

By: Michelle E. Keogh
Michelle E. Keogh, Member

**THE SECURITY MUTUAL LIFE
INSURANCE COMPANY OF LINCOLN,
NEBRASKA,** a Nebraska corporation

By: Kevin W. Hammond
Kevin W. Hammond
Vice President

By: William R. Schmeeckle
William R. Schmeeckle, Second
Vice President

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

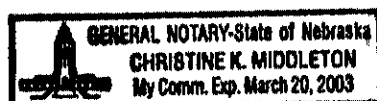
The foregoing instrument was acknowledged before me on this 23rd day of August, 1999, by Donald W. Linscott, Member of Lin-Keo Investment Co., L.L.C., a Nebraska limited liability company, manager of **South Industrial Park LLC**, a Nebraska limited liability company, on behalf of the limited liability company.



Christine K. Middleton
Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

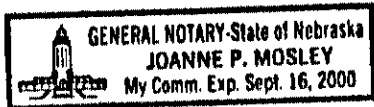
The foregoing instrument was acknowledged before me on this 23rd day of August, 1999, by Michelle E. Keogh, Member of Lin-Keo Investment Co., L.L.C., a Nebraska limited liability company, manager of **South Industrial Park LLC**, a Nebraska limited liability company, on behalf of the limited liability company.



Christine K. Middleton
Notary Public

STATE OF NEBRASKA)
)ss.
COUNTY OF LANCASTER)

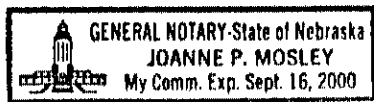
The foregoing instrument was acknowledged before me on this 20th day of August, 1999, by Mr. Kevin W. Hammond, Vice President of **The Security Mutual Life Insurance Company of Lincoln, Nebraska**, a Nebraska corporation, on behalf of the corporation.



Joanne P. Mosley
Notary Public

STATE OF NEBRASKA)
)ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me on this 20th day of August, 1999, by Mr. William R. Schmeeckle, Second Vice President of **The Security Mutual Life Insurance Company of Lincoln, Nebraska**, a Nebraska corporation, on behalf of the corporation.



Joanne P. Mosley
Notary Public

*Retven Michelle
Real Estate*

LEGAL DESCRIPTION
PARCEL 2
(REVISED DEC. 2ND 1999)

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF LOT 41 I.T., LOCATED IN THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 23, THENCE ON AN ASSUMED BEARING OF SOUTH 00 DEGREES 00 MINUTES 02 SECONDS EAST ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1456.95 FEET TO A POINT, THENCE SOUTH 89 DEGREES 59 MINUTES 58 SECONDS WEST, A DISTANCE OF 50.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 41 I.T., SAID POINT BEING **THE TRUE POINT OF BEGINNING**, THENCE SOUTH 00 DEGREES 00 MINUTES 02 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 41 I.T., A DISTANCE OF 1202.64 FEET TO THE SOUTHEAST CORNER OF SAID LOT 41 I.T., THENCE NORTH 89 DEGREES 44 MINUTES 30 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 41 I.T., SAID LINE BEING THE SOUTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1091.19 FEET TO A POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN RAIL ROAD, AND THE SOUTHWEST CORNER OF SAID LOT 41 I.T., THENCE NORTH 28 DEGREES 30 MINUTES 42 SECONDS WEST ALONG THE EAST LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING THE WEST LINE OF SAID LOT 41 I.T., A DISTANCE OF 351.69 FEET TO A POINT OF DEFLECTION, THENCE NORTH 47 DEGREES 51 MINUTES 05 SECONDS WEST ALONG THE EAST LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING THE WEST LINE OF SAID LOT 41 I.T., A DISTANCE OF 75.63 FEET TO A POINT OF DEFLECTION, THENCE NORTH 28 DEGREES 30 MINUTES 42 SECONDS WEST ALONG THE EAST LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING THE WEST LINE OF SAID LOT 41 I.T., A DISTANCE OF 953.56 FEET TO THE NORTHWEST CORNER OF SAID LOT 41 I.T., THENCE NORTH 89 DEGREES 59 MINUTES 58 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 41 I.T., A DISTANCE OF 1770.28 FEET TO THE TRUE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 39.57 ACRES, OR 1,723,831.45 SQUARE FEET MORE OR LESS.

December 2, 1999 (1:39PM)
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LEGAL DESCRIPTION

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF LOT 9 I.T. AND A PORTION OF LOT 39 I.T., ALL LOCATED IN THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 23, THENCE ON AN ASSUMED BEARING OF NORTH 89 DEGREES 44 MINUTES 30 SECONDS WEST ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 1312.37 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILROAD, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 89 DEGREES 44 MINUTES 30 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 39 I.T., SAID LINE ALSO BEING THE SOUTH LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 427.86 FEET TO THE SOUTHWEST CORNER OF SAID LOT 39 I.T.; THENCE NORTH 22 DEGREES 15 MINUTES 55 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 39 I.T., SAID LINE ALSO BEING THE EAST RIGHT-OF-WAY LINE OF UNION PACIFIC RAILROAD, A DISTANCE OF 1437.21 FEET TO A POINT OF INTERSECTION WITH THE SOUTHLINE OF THE NORTH HALF OF SAID NORTHEAST QUARTER, SAID POINT ALSO BEING THE NORTHWEST CORNER OF SAID LOT 39 I.T.; THENCE NORTH 89 DEGREES 47 MINUTES 57 SECONDS WEST ALONG THE SOUTH LINE OF THE NORTH HALF OF SAID NORTHEAST QUARTER, SAID LINE ALSO BEING THE SOUTH LINE SAID LOT 9 I.T. A DISTANCE OF 349.20 FEET TO THE SOUTHWEST CORNER OF SAID LOT 9 I.T.; THENCE NORTH 00 DEGREES 02 MINUTES 31 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 9 I.T., SAID LINE ALSO BEING THE WEST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1154.97 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILROAD; THENCE ALONG A SPIRAL CURVE IN A COUNTER CLOCKWISE DIRECTION, WITH A CHORD BEARING OF SOUTH 28 DEGREES 14 MINUTES 50 SECONDS EAST ALONG THE WEST RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILROAD, A CHORD DISTANCE OF 136.35 FEET TO A POINT, THENCE SOUTH 28 DEGREES 30 MINUTES 42 SECONDS EAST ALONG THE WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 1684.93 FEET TO A POINT OF DEFLECTION; THENCE SOUTH 61 DEGREES 29 MINUTES 18 SECONDS WEST ALONG THE NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 40.00 FEET TO A POINT OF DEFLECTION; THENCE SOUTH 28 DEGREES 30 MINUTES 42 SECONDS EAST ALONG THE WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 300.00 FEET TO A POINT OF DEFLECTION; THENCE NORTH 61 DEGREES 29 MINUTES 18 SECONDS EAST ALONG THE SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 40.00 FEET TO A POINT OF DEFLECTION; THENCE SOUTH 28 DEGREES 30 MINUTES 42 SECONDS EAST ALONG THE WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 440.00 FEET TO A POINT OF DEFLECTION; THENCE SOUTH 61 DEGREES 29 MINUTES 18 SECONDS WEST ALONG THE NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 25.00 FEET TO A POINT OF DEFLECTION; THENCE SOUTH 28 DEGREES 30 MINUTES 42 SECONDS EAST ALONG THE WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 256.39 FEET TO THE TRUE POINT OF BEGINNING.

Exhibit "B"

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EXCEPT FOR UNION PACIFIC RAILROAD RIGHT-OF-WAY:

COMMENCING AT A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID LOT 9 I.T. AND THE EAST RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD, SAID POINT BEING THE NORTHWEST CORNER OF SAID LOT 39 I.T., SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING; THENCE ON AN ASSUMED BEARING OF NORTH 89 DEGREES 47 MINUTES 57 SECONDS WEST ALONG THE SOUTH LINE OF THE NORTH HALF OF SAID NORTHEAST QUARTER A DISTANCE OF 108.21 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD; THENCE NORTH 22 DEGREES 15 MINUTES 55 SECONDS WEST ALONG THE WEST LINE OF SAID RIGHT-OF-WAY A DISTANCE OF 637.17 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 00 DEGREES 02 MINUTES 31 SECONDS WEST ALONG THE WEST LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 275.68 FEET TO A POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD; THENCE ALONG A CURVE IN A COUNTERCLOCKWISE DIRECTION, SAID CURVE BEING ALONG THE EAST RIGHT-OF-WAY LINE OF SAID UNION PACIFIC RAILROAD, HAVING A RADIUS OF 5679.67 FEET, AN ARC LENGTH OF 220.15 FEET, A DELTA ANGLE OF 02 DEGREES 13 MINUTES 15 SECONDS, A CHORD BEARING OF SOUTH 21 DEGREES 09 MINUTES 17 SECONDS EAST AND A CHORD LENGTH OF 220.14 FEET; THENCE SOUTH 22 DEGREES 15 MINUTES 55 SECONDS EAST ALONG SAID EAST RIGHT-OF-WAY LINE A DISTANCE OF 713.62 FEET TO THE TRUE POINT OF BEGINNING.

SAID TRACT CONTAINS A CALCULATED AREA OF 17.27 ACRES, MORE OR LESS.

13 July 1999

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