

Box 35

This instrument after recording  
to be returned to:

Daniel B. Kinnamon  
Erickson & Sederstrom, P.C.  
Regency Westpointe  
10330 Regency Parkway Drive  
Omaha, NE 68114

JUN 6 12 05 PM '97

RICHARD N. TAKESHI  
REGISTRY OF DEEDS  
DOUGLAS COUNTY, NE



(Space Above This Line for Recording Data)

**DECLARATION OF LANDSCAPING EASEMENT**

5th This Declaration of Landscaping Easement is made as of the  
day of June, 1997, by THC, INC., a Nebraska nonprofit  
corporation (herein "Declarant").

**PRELIMINARY STATEMENT**

Declarant is the owner of real property legally described as  
Lots 3 through 20, inclusive, Lakeside Hills, a subdivision, as  
surveyed, platted and recorded in Douglas County, Nebraska (herein  
"Affected Parcels") and Declarant desires to establish a permanent  
easement for the purpose of creating, constructing, installing,  
maintaining, repairing, replacing, preserving and renewing  
landscaping buffers and elements hereinafter more particularly  
described over, upon, along, in, and across the Affected Parcels  
more particularly described as follows, to-wit (the "Easement  
Areas"):

See attached Exhibits "A" through "N", inclusive, wherein  
the Easement Areas on the Affected Parcels is both  
legally and pictorially described.

NOW, THEREFORE, the Declarant hereby declares that the  
Affected Parcels on which the Easement Areas are situated shall be  
held, sold, and conveyed subject to the following easements and  
covenants which shall run with the Affected Parcels and shall be  
binding upon all parties having or acquiring any right, title or  
interest to such Affected Parcels:

1. Declarant hereby reserves and grants to itself and its  
transferees, successors and assigns a perpetual easement for the  
purpose of creating, constructing, and installing, in its sole and  
absolute discretion, any landscaping, plant materials, trees,  
signs, or markers over, upon, along, in and across the Easement  
Areas.

2. Declarant hereby grants, conveys and confirms to Lakeside  
Hills Association, Inc. (the "Association") and to its transferees,  
successors and assigns, a perpetual easement for the purpose of  
maintaining, repairing, replacing, renewing and preserving any such  
landscaping, plant materials, trees, signs or markers over, upon,  
along, in and across the Easement Areas.

3. The owner(s) of the Affected Parcels shall allow the  
Declarant and the Association, and their respective employees,  
contractors, agents, licensees, transferees, successors and  
assigns, reasonable access to and from the Easement Areas for the  
purposes of creating, constructing, installing, maintaining,  
repairing, replacing, renewing and preserving any such  
landscaping, plant materials, trees, signs or markers installed  
within the Easement Areas.

4. Notwithstanding anything contained herein to the  
contrary, it shall be the sole obligation of the owner(s) of the

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DEL. C/O COMP ML  
LEGAL PG SCAN dc PV

Affected Parcels to perpetually mow, fertilize, prune and water the Easement Areas as reasonably necessary so as to maintain such landscaping, plant materials and trees in good condition and appearance. The owner(s) of the Affected Parcels shall install and at all times maintain an irrigation system within the Easement Areas to serve the landscaping, plant materials and trees installed by Declarant and/or the Association.

5. The easements and covenants granted herein shall each run with the land perpetually, and shall inure to the benefit of and be binding upon, the Declarant, the Association, the owner(s) of the Affected Parcels and each of their respective heirs, personal representatives, successors, transferees and assigns.

6. No waiver of any breach of any of the easements, covenants or agreements contained in this Declaration of Landscaping Easement shall be construed as to constitute a waiver of any other breach or a waiver, acquiescence or consent to any further or succeeding breach of the same or any other easement, covenant or agreement.

7. The acceptance and agreement to each of the terms and provisions of this Declaration by the Declarant, the Association, the owner(s) of the Affected Parcels and each of their respective heirs, personal representatives, transferees, successors and assigns shall be conclusively evidenced by the recording of this document with the Office of the Douglas County Register of Deeds.

IN WITNESS WHEREOF, the Declarant has executed this Declaration of Landscaping Easement as of the date and year first above written.

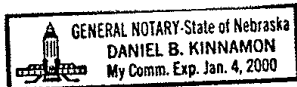
THC, INC., a Nebraska nonprofit corporation

By: Joseph P. Laferla  
Joseph P. Laferla Its President

STATE OF NEBRASKA     )  
                                  ) SS.  
COUNTY OF DOUGLAS    )

On this 5<sup>th</sup> day of June, 1997, before me a Notary Public duly commissioned and qualified in and for said county and state, personally came Joseph P. Laferla, President of THC, Inc., a Nebraska nonprofit corporation, who is personally known to me to be the identical person whose name is affixed to the above instrument in the capacity stated, and he acknowledged the said instrument to be his free and voluntary act and deed and the free and voluntary act and deed of said corporation.

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



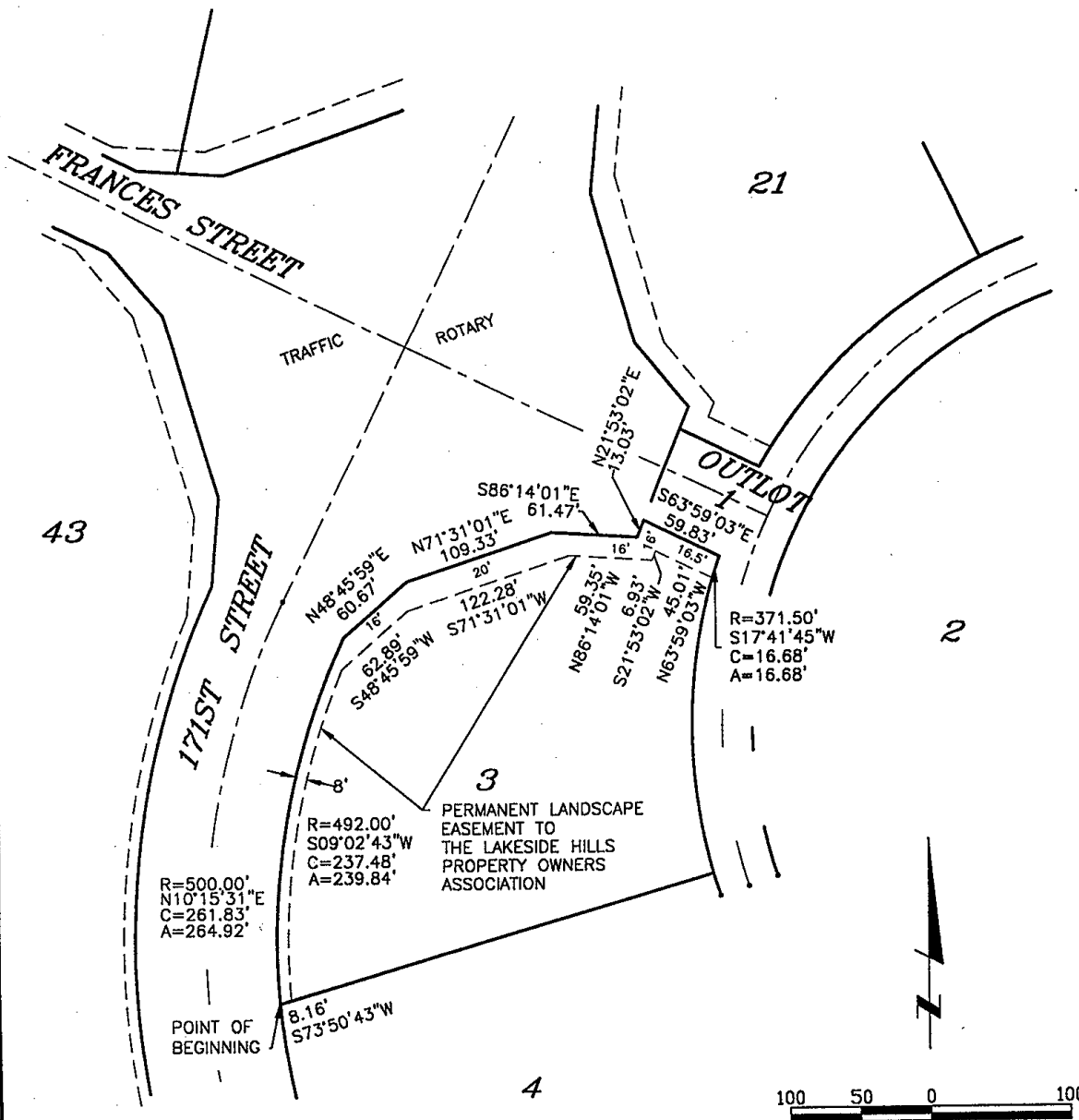
Daniel B. Kinnamon  
Notary Public

NOTARIAL SEAL AFFIXED  
REGISTER OF DEEDS

# EXHIBIT "A"

## LEGAL DESCRIPTION

A permanent easement for the construction and maintenance of landscaping over that part of Lot 3, LAKESIDE HILLS, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska described as follows: SEE ATTACHED SHEET FOR COMPLETE LEGAL DESCRIPTION



89014\8914B101 LOT3

Book

Page

Date MAR-4-1997

Dwn.By AET

Job Number 89014-6573



**lamp, ryneason & associates, inc.**  
engineers surveyors planners

14747 california street

omaha, nebraska 68154-1079

402-496-2498

FAX 402-496-2730

EXHIBIT "A"

### LEGAL DESCRIPTION

A permanent easement for the construction and maintenance of landscaping over that part of Lot 3, LAKESIDE HILLS, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska described as follows:

Beginning at the southwest corner of said Lot 3;

Thence along a curve to the right (having a radius of 500.00 feet and a long chord bearing North 10°15'31" East (bearings referenced to the Final Plat of LAKESIDE HILLS) for 261.83 feet) for an arc length of 264.92 feet along the east right of way line 171st Street;

Thence North 48°45'59" East for 60.67 feet along the right of way line of the traffic rotary;

Thence North 71°31'01" East for 109.33 feet along said right of way line;

Thence South 86°14'01" East for 61.47 feet along said right of way line;

Thence North 21°53'02" East for 13.03 feet along said right of way line;

Thence South 63°59'03" East for 59.83 feet along the north line of said Lot 3 to the east line thereof;

Thence along a curve to the left (having a radius of 371.50 feet and a long chord bearing South 17°41'45" West for 16.68 feet) for an arc length of 16.68 feet along the east line of said Lot 3;

Thence North 63°59'03" West for 45.01 feet parallel with and 16.50 feet south of the north line of said Lot 3;

Thence South 21°53'02" West for 6.93 feet parallel with and 16.00 feet east of the right of way line of the traffic rotary;

Thence North 86°14'01" West for 59.35 feet parallel with and 16.00 feet south of said right of way line;

Thence South 71°31'01" West for 122.28 feet parallel with and 20.00 feet southeast of said right of way line;

Thence South 48°45'59" West for 62.89 feet parallel with and 16.00 feet southeast of said right of way line;

Thence along a curve to the left (having a radius of 492.00 feet and a long chord bearing South 09°02'43" West for 237.48 feet) for an arc length of 239.84 feet concentric with and eight foot (8') east of the said east right of way line of 171st Street to the south line of said Lot 3;

Thence South 73°50'43" West for 8.16 feet to the Point of Beginning.

Contains 7309 square feet.

March 4, 1997

LAMP, RYNEARSON & ASSOCIATES, INC.

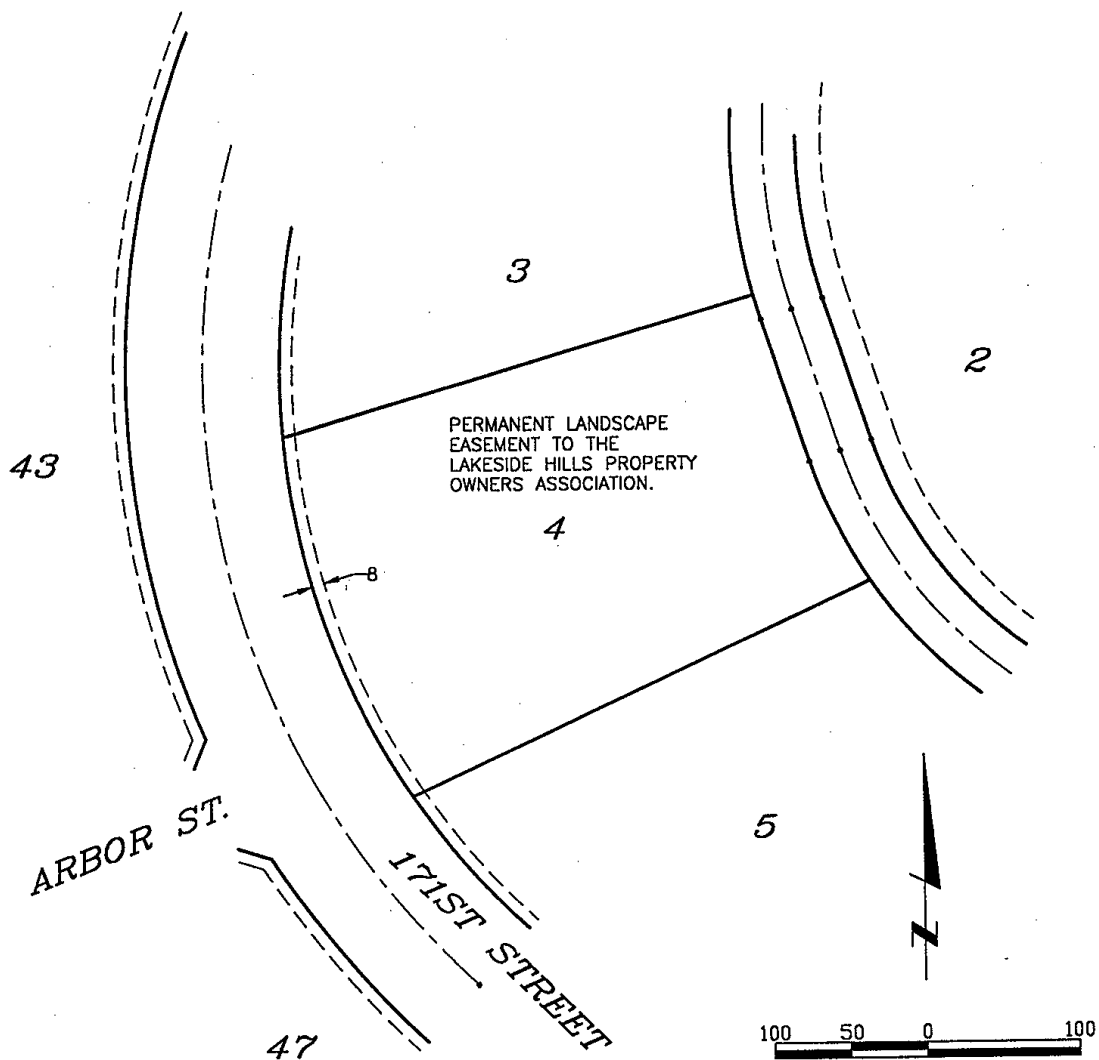
89014-6573 (Landscape Easement over L3)

Exhibit "A" Page 2

EXHIBIT "B"

LEGAL DESCRIPTION

A permanent easement for the construction and maintenance of landscaping over the West eight foot (8') of Lot 4, LAKESIDE HILLS, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska.



89014\8914BEAS LOT4

Book

Page

Date MAR-4-1997

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Job Number 89014-6573



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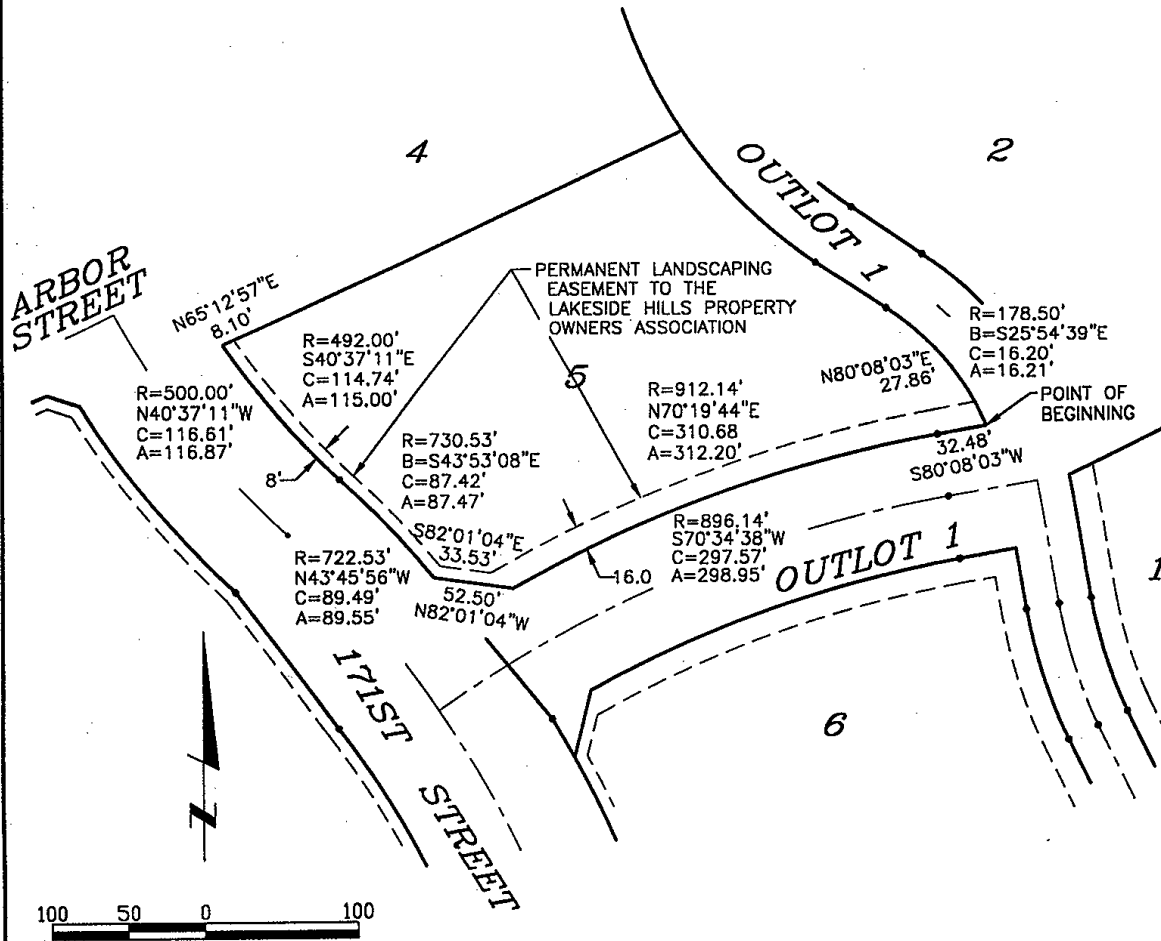
FAX 402-498-2730

EXHIBIT "B"

# EXHIBIT "C"

## LEGAL DESCRIPTION

A permanent easement for the construction and maintenance of landscaping over that part of Lot 5, LAKESIDE HILLS, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, described as follows:  
SEE ATTACHED SHEET FOR COMPLETE LEGAL DESCRIPTION



89014\8914101 LOT 5

Book \_\_\_\_\_ Page \_\_\_\_\_ Date MAR-4-1997 Dwn.By AET Job Number 89014-6573



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EXHIBIT "C"

### LEGAL DESCRIPTION

A permanent easement for the construction and maintenance of landscaping over that part of Lot 5, LAKESIDE HILLS, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, described as follows:

Beginning at the east corner of said Lot 5;

Thence South 80°08'03" West (bearings referenced to the Final Plat of LAKESIDE HILLS) for 32.48 feet along the southeast line of said Lot 5;

Thence along a curve to the left (having a radius of 896.14 feet and a long chord bearing South 70°34'38" West for 297.57 feet) for an arc length of 298.95 feet along the southeast line of said Lot 5;

Thence North 82°01'04" West for 52.50 feet along the south line of said Lot 5;

Thence along a curve to the left (having a radius of 722.53 feet and a long chord bearing North 43°45'56" West for 89.49 feet) for an arc length of 89.55 feet along the southwest line of said Lot 5;

Thence along a curve to the right (having a radius of 500.00 feet and a long chord bearing North 40°37'11" West for 116.61 feet) for an arc length of 116.87 feet along the southwest line of said Lot 5 to the west corner of said Lot 5;

Thence North 65°12'57" East for 8.10 feet along the northwest line of said Lot 5;

Thence along a curve to the left (having a radius of 492.00 feet and a long chord bearing South 40°37'11" East for 114.74 feet) for an arc length of 115.00 feet concentric with and eight foot (8') northeast of the southwest line of said Lot 5;

Thence along a curve to the right (having a radius of 730.53 feet and a long chord bearing South 43°53'08" East for 87.42 feet) for an arc length of 87.47 feet concentric with and eight foot (8') northeast of the southwest line of said Lot 5;

Thence South 82°01'04" East for 33.53 feet parallel with and eight foot (8') north of the south line of said Lot 5;

Thence along a curve to the right (having a radius of 912.14 feet and a long chord bearing North 70°19'44" East for 310.68 feet) for an arc length of 312.20 feet concentric with and sixteen foot (16') northwest of the southeast line of said Lot 5;

Thence North 80°08'03" East for 27.86 feet parallel with and sixteen foot (16') northwest of the southeast line of said Lot 5 to the northeast line thereof;

Thence along a curve to the right (having a radius of 178.50 feet and a long chord bearing South 25°54'39" East for 16.20 feet) for an arc length of 16.21 feet along the said east line of Lot 5 to the Point of Beginning.

Contains 7349 square feet.

March 4, 1997

LAMP, RYNEARSON & ASSOCIATES, INC.

89014-6573 (Landscape Easement over L5)

Exhibit "C" Page 2

### LEGAL DESCRIPTION

171ST STREET

OUTLOT 1

OUTLOT 2

PERMANENT LANDSCAPE EASEMENT TO THE LAKESIDE HILLS PROPERTY OWNERS ASSOCIATION.

POINT OF BEGINNING

44

7

5

1

6

8.51'

S64°11'05"W

8.0

R=732.53'  
N17°05'33"W  
C=288.26'  
A=290.16'

R=740.53'  
S17°05'08"E  
C=285.51'  
A=287.30'

R=797.14'  
S70°53'07"W  
C=256.24'  
A=257.35'

R=813.14'  
N71°00'56"E  
C=257.73'  
A=258.82'

N13°49'20"E  
45.00'

S13°49'20"W  
27.59'

N80°08'03"E  
37.37'

S09°51'57"E  
40.37'

S80°08'03"W  
20.87'

N09°51'57"W  
24.37'

R=338.00'  
N17°50'26"W  
C=93.79'  
A=94.09'

R=321.50'  
S17°50'26"E  
C=89.21'  
A=89.50'

N25°48'55"W  
15.150'

S25°48'55"E  
15.150'

S64°11'05"W  
16.50'

16.5'

15.150'

16.0

Book \_\_\_\_\_ Page \_\_\_\_\_ Date MAR-4-1997 Dwn.By AET Job Number 89014



**lamp, rynearson & associates, inc.**

14747 california street

omaha, nebraska 68154-1979

**402-496-2498**  
**FAX 402-496-2730**

EXHIBIT "D"



### LEGAL DESCRIPTION

A permanent easement for the construction and maintenance of landscaping over that part of Lot 6, LAKESIDE HILLS, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, described as follows:

Beginning at the southwest corner of said Lot 6;

Thence along a curve to the left (having a radius of 732.53 feet and a long chord bearing North 17°05'33" West (bearing referenced to the Final Plat of LAKESIDE HILLS) for 288.26 feet) for an arc length of 290.16 feet along the west line of said Lot 6;

Thence North 13°49'20" East for 45.00 feet along the northwest line of said Lot 6;

Thence along a curve to the right (having a radius of 813.14 feet and a long chord bearing North 71°00'56" East for 257.73 feet) for an arc length of 258.82 feet along the north line of said Lot 6;

Thence North 80°08'03" East for 37.37 feet along the north line of said Lot 6;

Thence South 09°51'57" East for 40.37 feet along the east line of said Lot 6;

Thence along a curve to the left (having a radius of 321.50 feet and a long chord bearing South 17°50'26" East for 89.21 feet) for an arc length of 89.50 feet along the east line of said Lot 6;

Thence South 25°48'55" East for 151.50 feet to the southeast corner of said Lot 6;

Thence South 64°11'05" West for 16.50 feet along the south line of said Lot 6;

Thence North 25°48'55" West for 151.50 feet parallel with and 16.50 feet west of the east line of said Lot 6;

Thence along a curve to the right (having a radius of 338.00 feet and a long chord bearing North 17°50'26" West for 93.79 feet) for an arc length of 94.09 feet concentric with and 16.50 feet west of the east line of said Lot 6;

Thence North 09°51'57" West for 24.37 feet parallel with and 16.50 feet west of the east line of said Lot 6;

Thence South 80°08'03" West for 20.87 feet parallel with and sixteen foot (16') south of the north line of said Lot 6;

Thence along a curve to the left (having a radius of 797.14 feet and a long chord bearing South 70°53'07" West for 256.24 feet) for an arc length of 257.35 feet concentric with and 16.00 feet south of the north line of said Lot 6;

Thence South 13°49'20" West for 27.59 feet parallel with and 8.00 feet southeast of the northwest line of said Lot 6;

Thence along a curve to the right (having a radius of 740.53 feet and a long chord bearing South 17°05'08" East for 285.51 feet) for an arc length of 287.30 feet concentric with and eight foot (8') east of the west line of said Lot 6 to the south line thereof;

Thence South 64°11'05" West for 8.51 feet to the Point of Beginning.

Contains 11739 square feet.

March 4, 1997

LAMP, RYNEARSON & ASSOCIATES, INC.

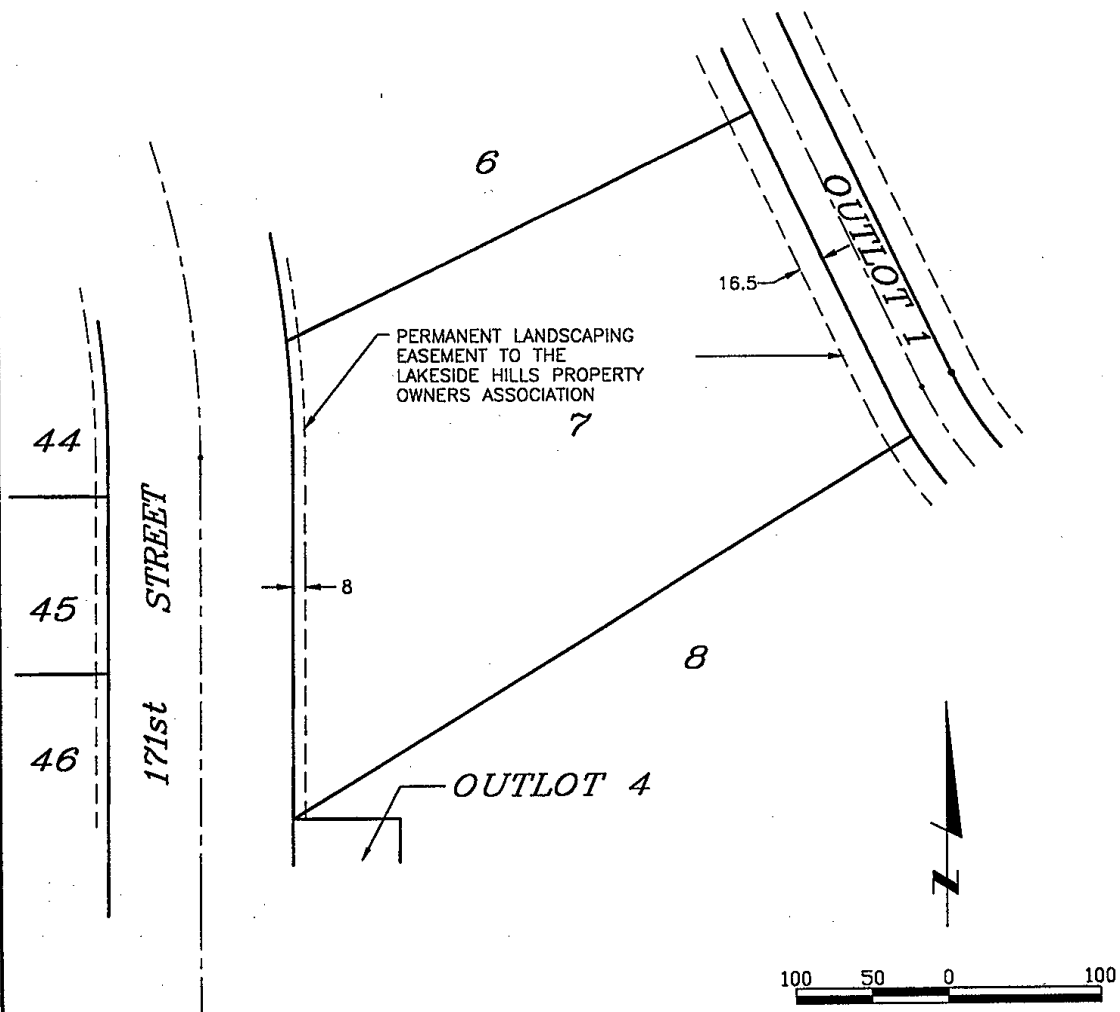
89014-6573 (Landscape Easement over L6)

Exhibit "D" Page 2

# EXHIBIT "E"

## LEGAL DESCRIPTION

A permanent easement for the construction and maintenance of landscaping over the West eight foot (8') AND the East sixteen and a half (16.5') of Lot 7, LAKESIDE HILLS, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska.



89014\8914B101 LOT4

Book

Page

Date MAR-4-1997

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Job Number 89014-6573



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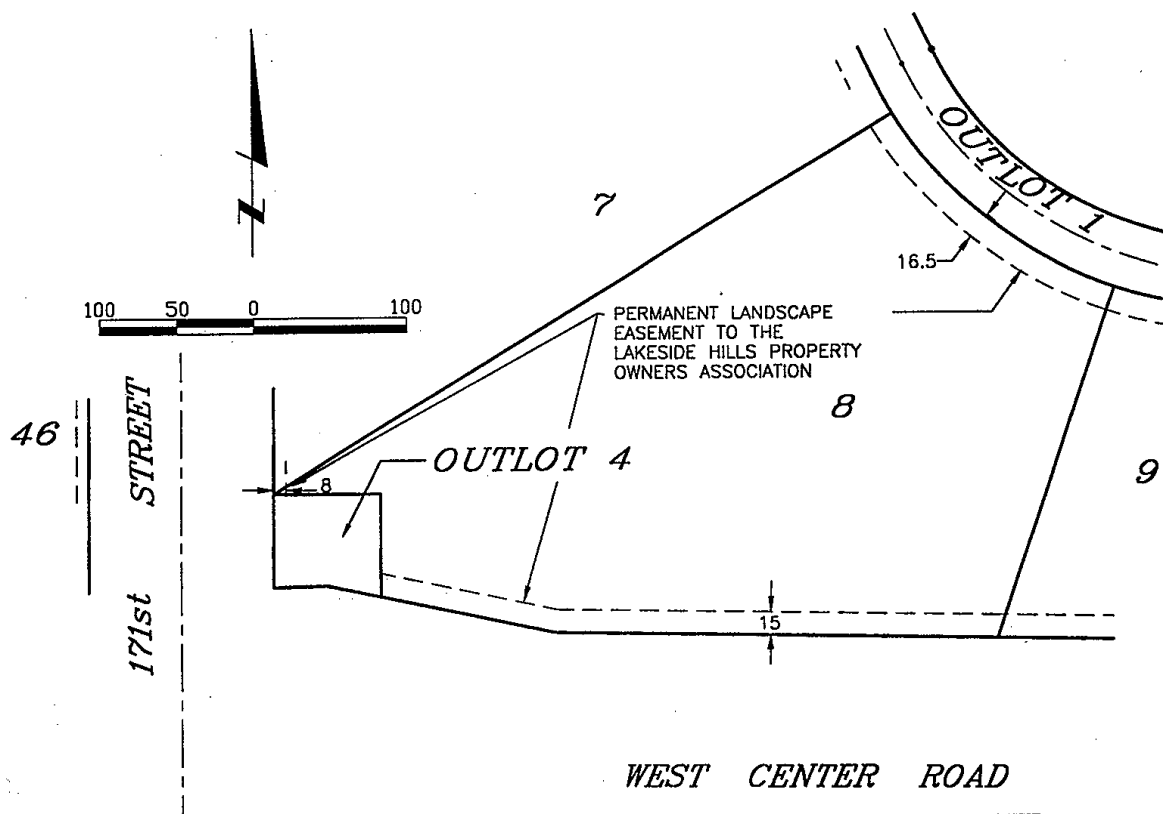
FAX 402-496-2730

EXHIBIT "E"

# EXHIBIT "F"

## LEGAL DESCRIPTION

A permanent easement for the construction and maintenance of landscaping over the West eight foot (8') abutting 171 Street, AND over the South fifteen foot (15') abutting West Center Road, AND ALSO over the Northeast sixteen and a half feet (16.5') of Lot 8, LAKESIDE HILLS, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska.



89014\8914B101 LOT4

Book

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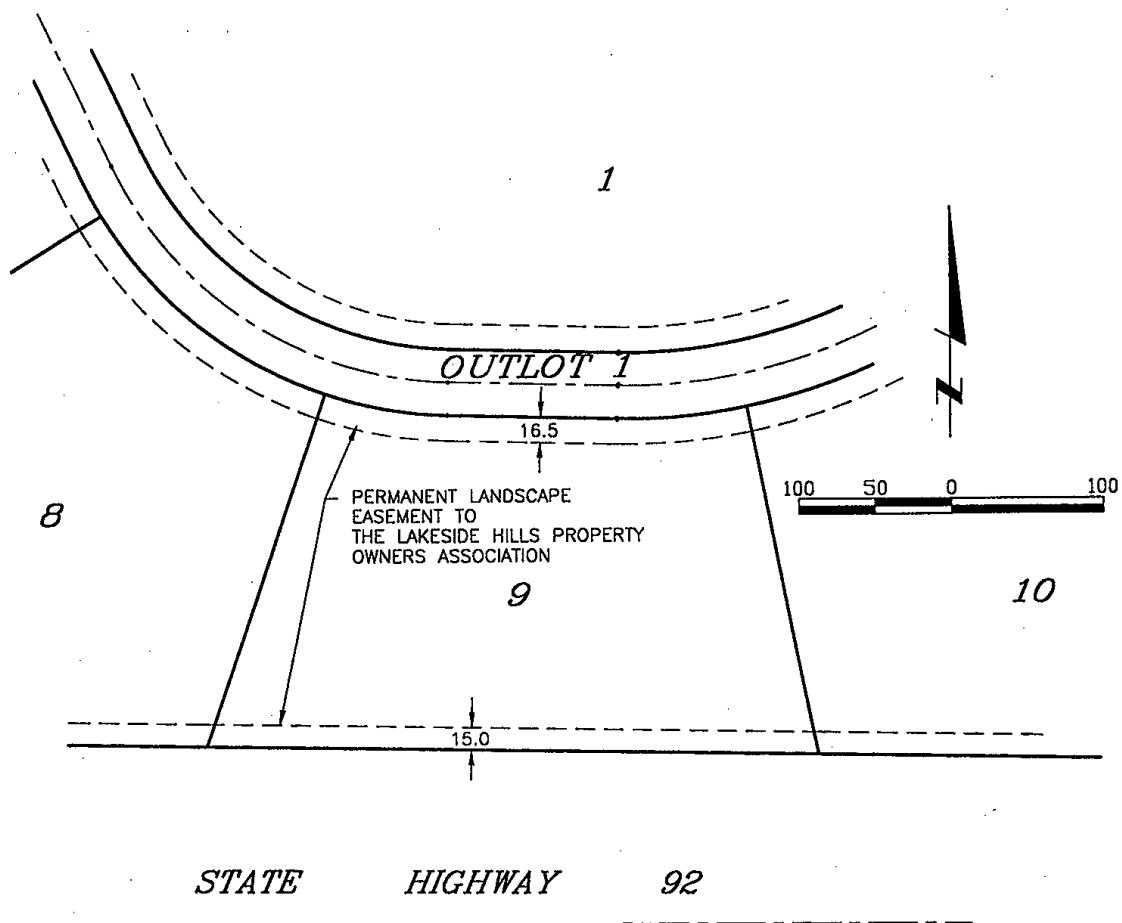
FAX 402-498-2730

EXHIBIT "F"

EXHIBIT "G"

LEGAL DESCRIPTION

A permanent easement for the construction and maintenance of landscaping over the South fifteen foot (15') AND over the North sixteen and a half feet (16.5') of Lot 9, LAKESIDE HILLS, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska.



89014\8914B101 LOT9

Book

Page

Date MAR-4-1997

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Job Number 89014-6573



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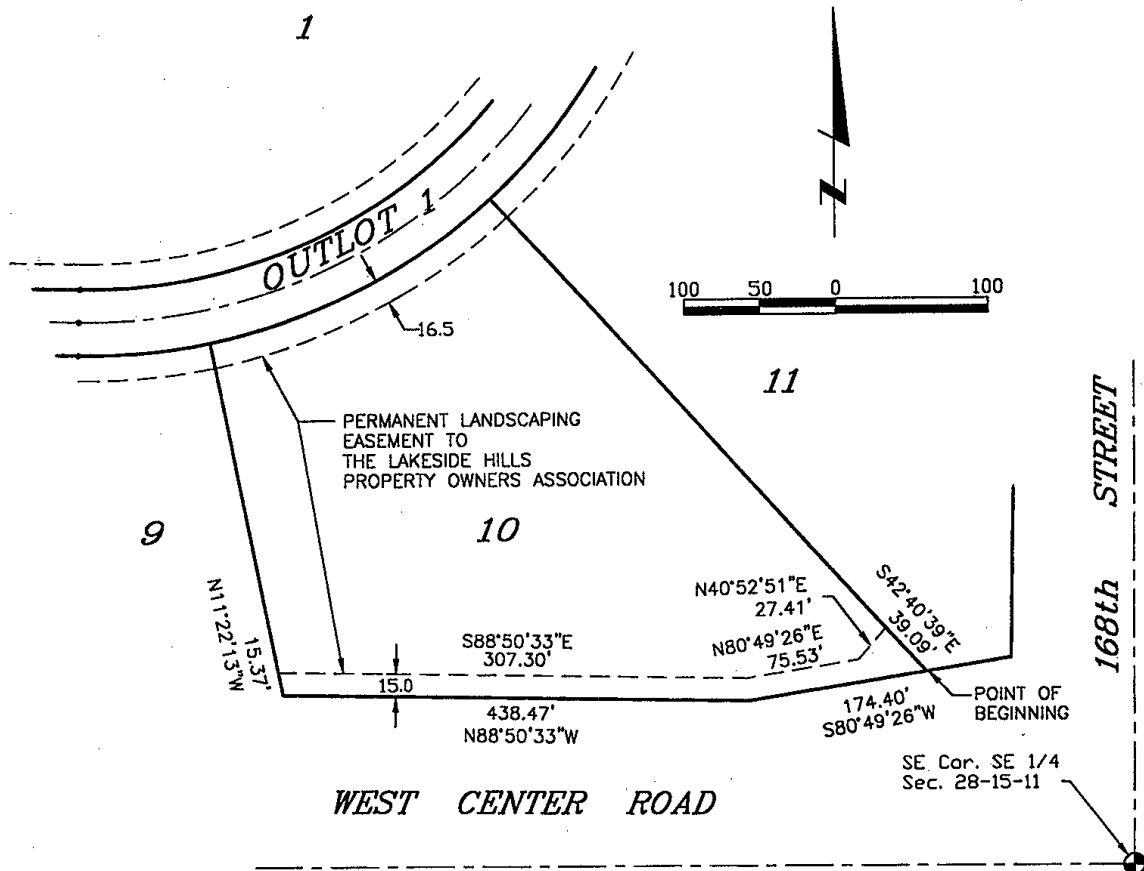
402-496-2498  
FAX 402-496-2730

EXHIBIT "G"

# EXHIBIT "H"

## LEGAL DESCRIPTION

A permanent easement for the construction and maintenance of landscaping over the North sixteen and a half feet (16.5') of Lot 10, TOGETHER WITH, that part of Lot 10, LAKESIDE HILLS, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, described as follows: SEE ATTACHED SHEET FOR THE COMPLETE LEGAL DESCRIPTION



89014\8914B110 LOT10

Book \_\_\_\_\_ Page \_\_\_\_\_ Date MAR-4-1997 Dwn.By AET Job Number 89014-6573

	<b>lamp, rynearson &amp; associates, inc.</b>		
	engineers	surveyors	
14747 california street	omaha, nebraska	88154-1979	402-496-2498
EXHIBIT "H"		FAX 402-496-2730	

### LEGAL DESCRIPTION

A permanent easement for the construction and maintenance of landscaping over the North sixteen and a half (16.5') of Lot 10, TOGETHER WITH, that part of Lot 10, LAKESIDE HILLS, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, described as follows:

Beginning at the southeast corner of said Lot 10

Thence South  $80^{\circ}49'26''$  West (bearings referenced to the Final Plat of LAKESIDE HILLS) for 174.40 feet along the south line of said Lot 10 to an angle point therein;

Thence North  $88^{\circ}50'33''$  West for 438.47 feet to the southwest corner thereof;

Thence North  $11^{\circ}22'13''$  West for 15.37 feet along the west line of said Lot 10;

Thence South  $88^{\circ}50'33''$  East for 307.30 feet parallel with and fifteen foot (15') north of the south line of said Lot 10;

Thence North  $80^{\circ}49'26''$  East for 75.53 feet parallel with and fifteen foot (15') north of the south line of said Lot 10;

Thence North  $40^{\circ}52'51''$  East for 27.41 feet to the east line of said Lot 10;

Thence South  $42^{\circ}40'39''$  East for 39.09 feet to the Point of Beginning.

Contains 6599 square feet.

March 4, 1997

LAMP, RYNEARSON & ASSOCIATES, INC.

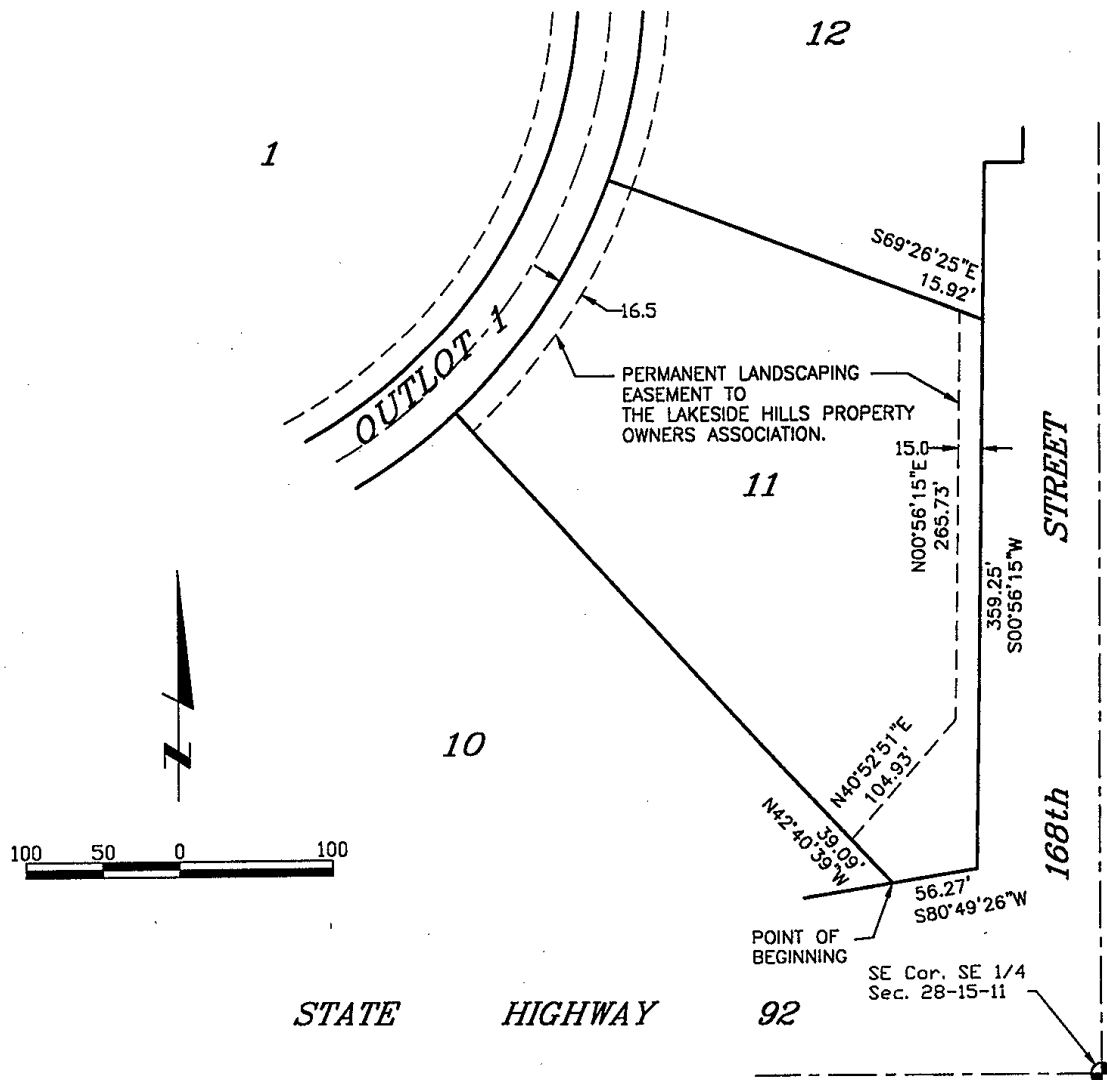
89014-6573 (Landscape Easement over L10)

Exhibit "H" Page 2

# EXHIBIT "I"

## LEGAL DESCRIPTION

A permanent easement for the construction and maintenance of landscaping over the Northwest sixteen and a half feet (16.5') of Lot 11, TOGETHER WITH, that part of Lot 11, LAKESIDE HILLS, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, described as follows:  
SEE ATTACHED SHEET FOR THE COMPLETE LEGAL DESCRIPTION



89014\8914B110 LOT11

Book \_\_\_\_\_ Page \_\_\_\_\_ Date MAR-4-1997 Dwn.By AET Job Number 89014-6573



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14747 california street

omaha, nebraska 68154-1979

402-498-2498  
FAX 402-498-2730

EXHIBIT "I"

### LEGAL DESCRIPTION

A permanent easement for the construction and maintenance of landscaping over the Northwest sixteen and a half feet (16.5') of Lot 11, TOGETHER WITH, that part of Lot 11, LAKESIDE HILLS, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, described as follows:

Beginning at the southwest corner of said Lot 11;  
Thence North 42°40'39" West (bearings referenced to the Final Plat of LAKESIDE HILLS) for 39.09 feet along the west line of said Lot 11;  
Thence North 40°52'51" East for 104.93 feet;  
Thence North 00°56'15" East for 265.73 feet parallel with and fifteen foot (15') west of the east line of said Lot 11 to the north line thereof;  
Thence South 69°26'25" East for 15.92 feet to the northeast corner of said Lot 11;  
Thence South 00°56'15" West for 359.25 feet along the east line of said Lot 11 to the southeast corner thereof;  
Thence South 80°49'26" West for 56.27 feet along the south line of said Lot 11 to the Point of Beginning.  
Contains 9538 square feet.

March 4, 1997  
LAMP, RYNEARSON & ASSOCIATES, INC.  
89014-6573 (Landscape Easement over L11)

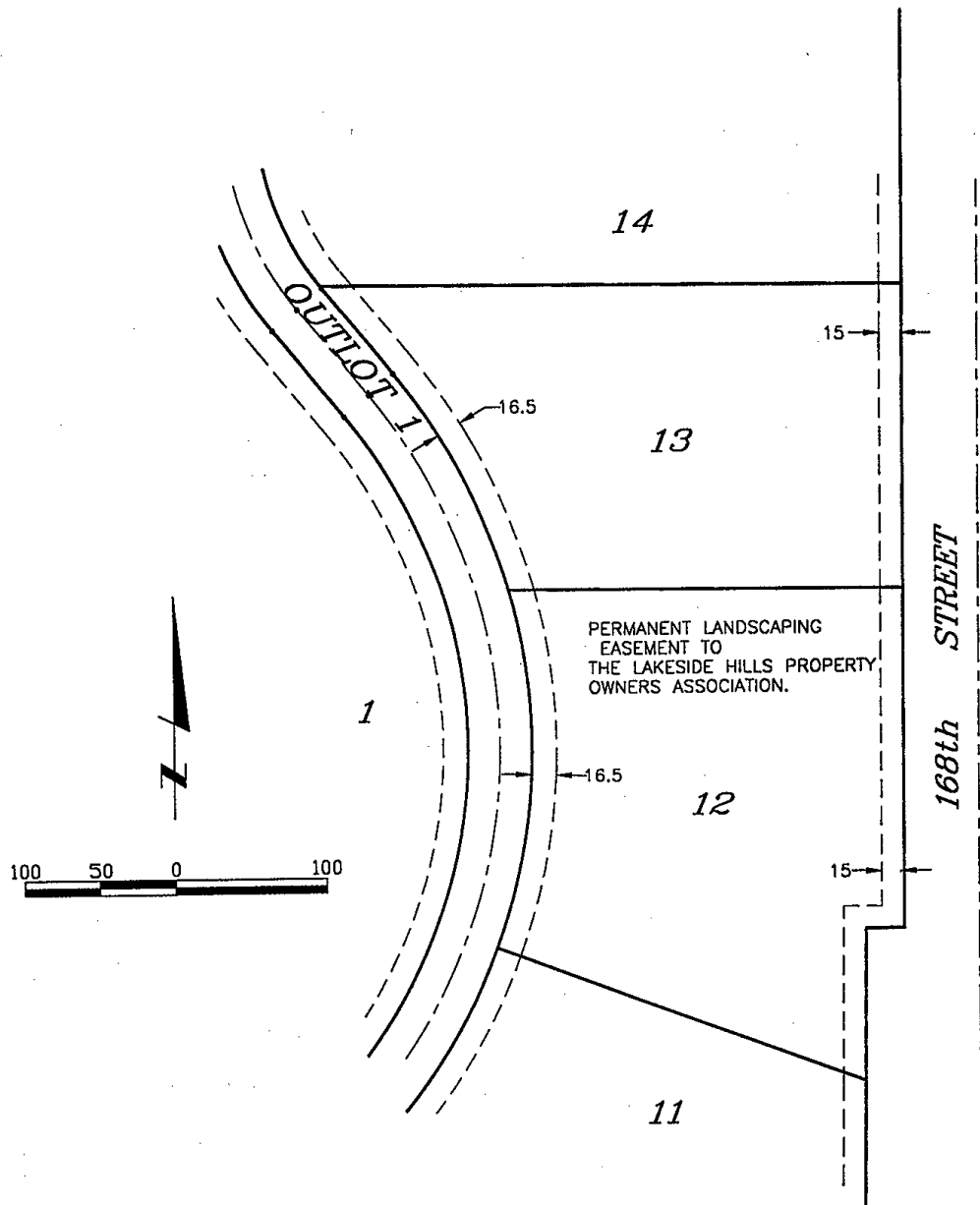
Exhibit "I" Page 2



# EXHIBIT "J"

## LEGAL DESCRIPTION

A permanent easement for the construction and maintenance of landscaping over the West sixteen and a half feet (16.5') AND over the East fifteen foot (15') of Lots 12 and 13, LAKESIDE HILLS, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska.



89014\8914B110 LOT12

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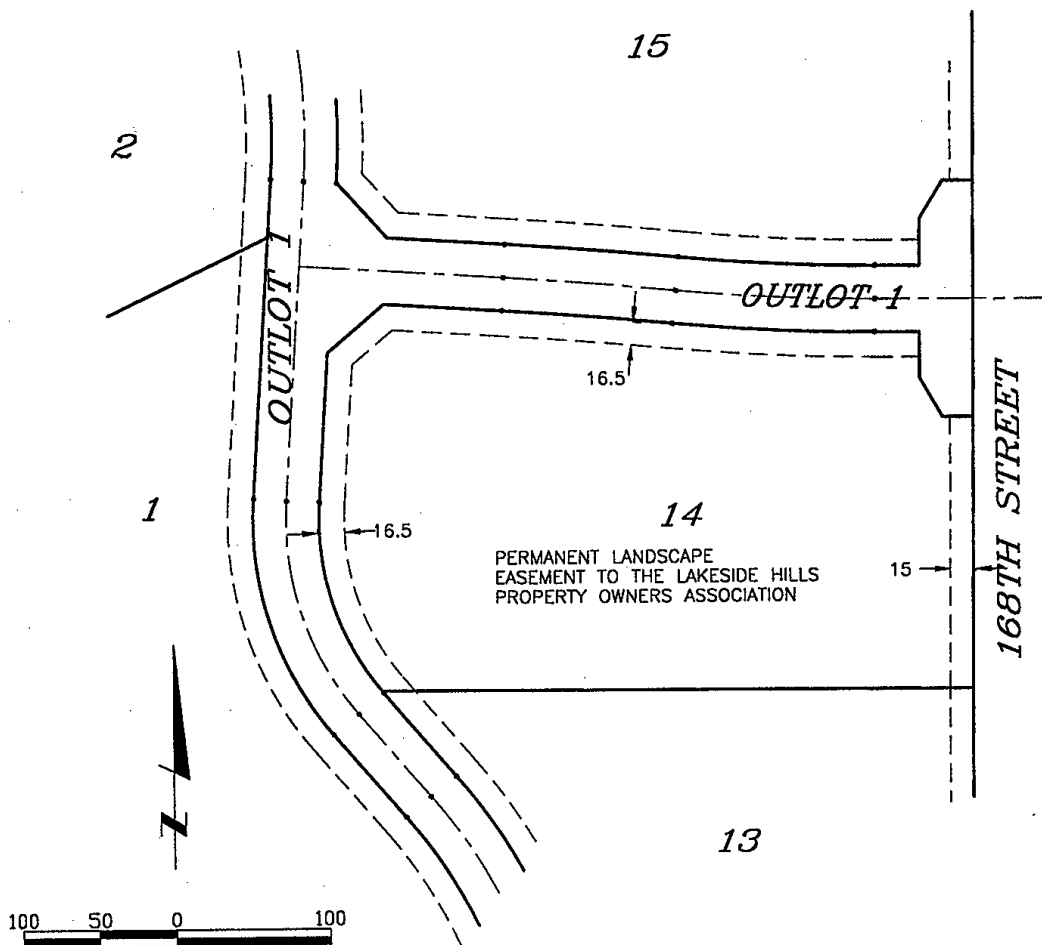
402-496-2488  
FAX 402-496-2730

EXHIBIT "J"

# EXHIBIT "K"

## LEGAL DESCRIPTION

A permanent easement for the construction and maintenance of landscaping over the West sixteen and a half feet (16.5') AND over the North sixteen and a half feet (16.5) abutting Outlot 1 AND ALSO over the East fifteen foot (15') abutting 168th Street of Lot 14, LAKESIDE HILLS, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska.



89014\89148110 LOT14

Book

Page

Date MAR-4-1997

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Job Number 89014-6573



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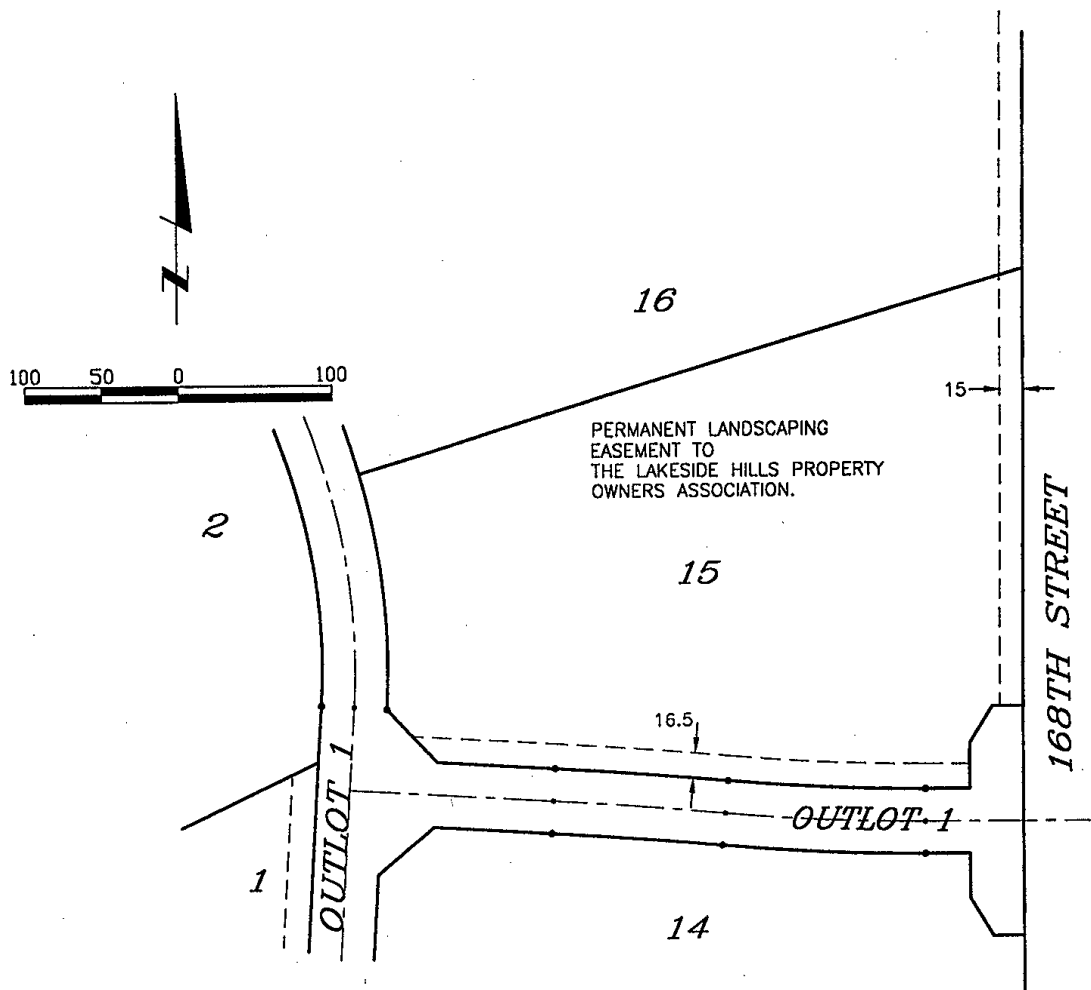
FAX 402-496-2730

EXHIBIT "K"

# EXHIBIT "L"

## LEGAL DESCRIPTION

A permanent easement for the construction and maintenance of landscaping over the South sixteen and a half feet (16.5') abutting Outlot 1 AND over the East fifteen foot (15') abutting 168th Street of Lot 15, LAKESIDE HILLS, a subdivision, as surveyed, plotted and recorded in Douglas County, Nebraska.



89014\8914B110 LOT15

Book \_\_\_\_\_ Page \_\_\_\_\_ Date MAR-4-1997 Dwn.By AET Job Number 89014-6573



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14747 california street

omaha, nebraska 68154-1079

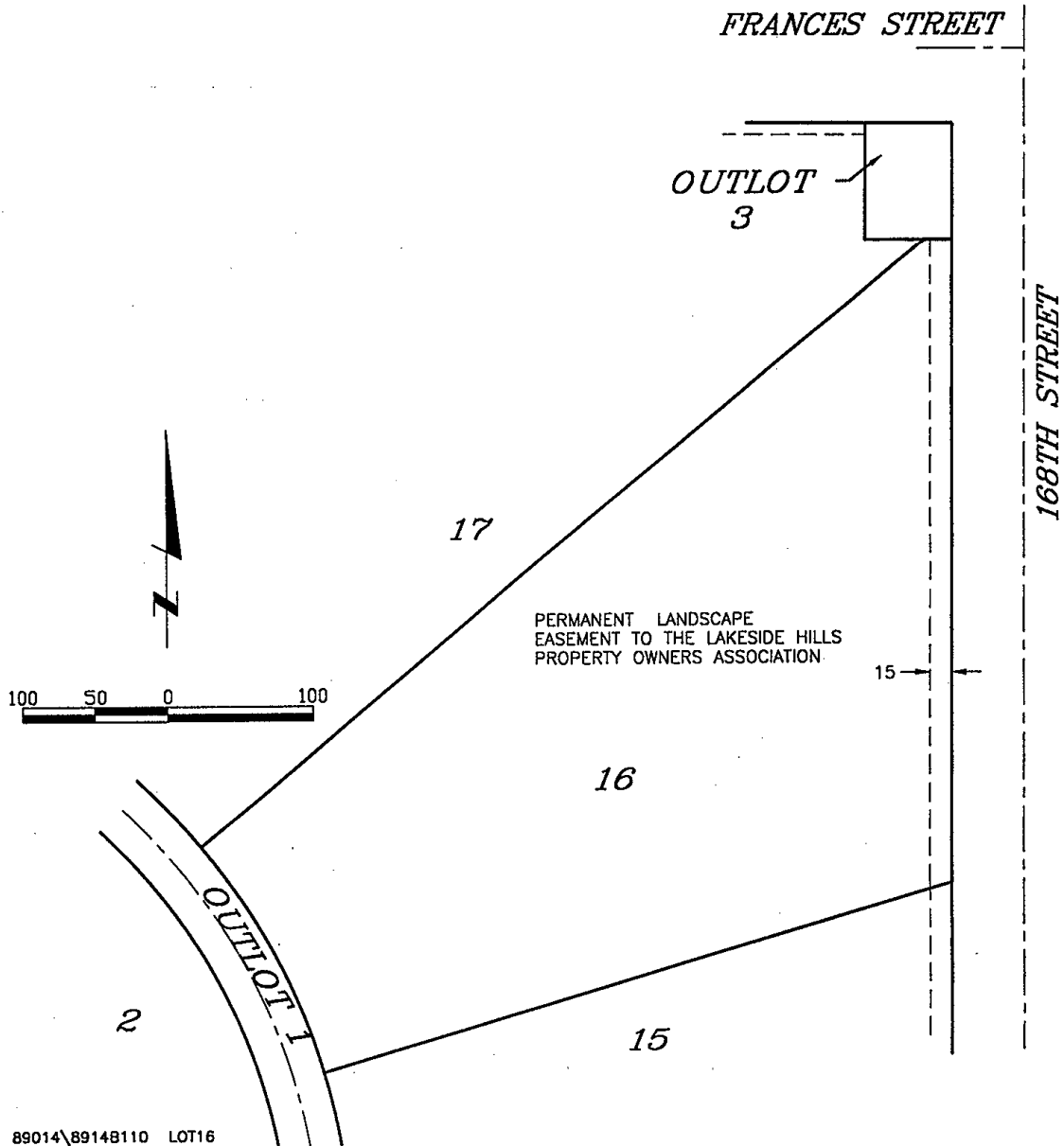
EXHIBIT "L"

402-498-2498  
FAX 402-498-2730

EXHIBIT "M"

LEGAL DESCRIPTION

A permanent easement for the construction and maintenance of landscaping over the East fifteen foot (15') of Lot 16, LAKESIDE HILLS, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska.



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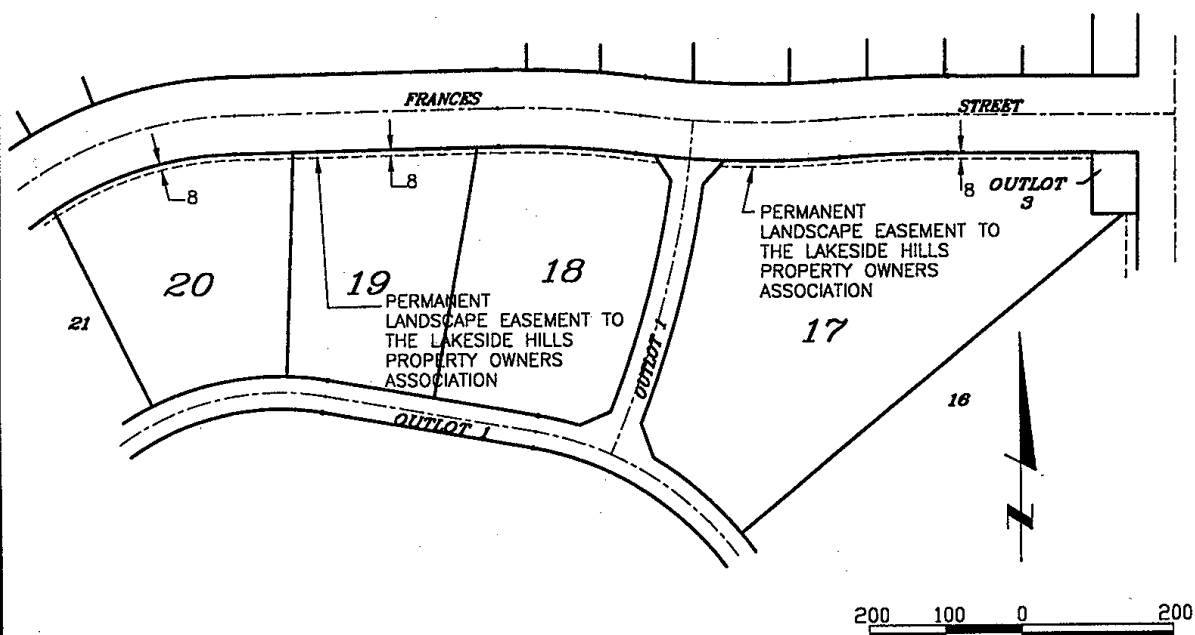
FAX 402-498-2730

EXHIBIT "M"

EXHIBIT "N"

LEGAL DESCRIPTION

A permanent easement for the construction and maintenance of landscaping over the North eight foot (8') abutting Frances Street of Lots 17 through 20, inclusive, LAKESIDE HILLS, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska.



89014\89148110 LOTS17-20

Book \_\_\_\_\_ Page \_\_\_\_\_ Date MAR-4-1997 Dwn.By AET Job Number 89014-6573



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EXHIBIT "N"