

9.1975

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BOOK 555 PAGE 635

## EASEMENT FOR DRIVEWAY PURPOSES

THIS AGREEMENT, executed this <sup>13<sup>th</sup></sup> day of September, 1975, among BRONCO'S HOLDING COMPANY, a Nebraska corporation (hereinafter "Bronco's"), HARLAND L. MOSSMAN, JR. and MARION W. MOSSMAN, husband and wife, (hereinafter "Mossmans") and REALBANC, INC., a Nebraska corporation (hereinafter "Realbanc").

WHEREAS, Bronco's is the owner of a part of Lots One (1), Two (2) and Three (3), PACIFIC PLAZA REPLAT, a replat of part of Lot Ten (10), Pacific Plaza Addition, an Addition to the City of Omaha, Douglas County, Nebraska, more particularly described in Exhibit "I" attached hereto and by this reference incorporated herein (hereinafter called "Parcel I"); and

WHEREAS, Mossmans are the owners of the property contiguous to Parcel I located to the south thereof, more particularly described on Exhibit "II" attached hereto and by this reference incorporated herein (hereinafter called "Parcel II"); and

WHEREAS, under date of June 6, 1974, Interstate Properties, Inc. secured a loan from Realbanc in the sum of \$315,000.00 secured by a Mortgage upon Parcel II, dated of even date with said loan, which Mortgage was recorded on the 11th day of June, 1974 in Mortgage Record Book 2022 at Page 687 in the Office of the Register of Deeds of Douglas County, Nebraska; and

WHEREAS, the parties hereto desire to create a 25.00 foot wide easement for ingress and egress, to and from 120th Street along the Westerly 73.00 feet of the common boundary line between Parcel I and Parcel II, being located 12.50 feet on either side of said common boundary line upon the property more particularly described on Exhibit "III" (hereinafter called the "Easement Property"), as a burden upon and a benefit to Parcel I and Parcel II.

NOW, THEREFORE, in consideration of the foregoing premises and of the easements hereinafter granted by each of the parties to the other:

1. Bronco's does hereby grant and convey unto Mossmans, their heirs and assigns, a nonexclusive easement for driveway purposes for ingress and egress, to and from 120th Street, over, through and across the South 12.50 feet of the West 73.00 feet of Parcel I, to have and to hold the same unto the said grantees, their heirs and assigns forever, as appurtenant to Parcel II.

2. Mossmans do hereby grant and convey unto Bronco's, its successors and assigns, a nonexclusive easement for driveway purposes for ingress and egress, to and from 120th Street, over, through and across the North 12.50 feet of the West 73.00 feet of Parcel II, to have and to hold the same unto the said grantee, its successors and assigns, as appurtenant to the aforesaid Parcel I.

3. Realbanc, being the owner and holder of the Mortgage aforesaid upon Parcel II, hereby joins in the execution of this agreement for the purpose of subordinating the lien of its aforesaid Mortgage appearing Mortgage Record Book 2022 at Page 687, to the rights of Bronco's, as grantee, under the within easement agreement.

4. The Easement Property is now paved and, as additional consideration for the easements herein granted, Mossmans and Bronco's each covenant

LAW OFFICES  
MORSMAN, FIKE, DAVIS & POLACK  
OMAHA, NEBRASKA 68102

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Corrected 9.2575

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EXHIBIT "I"

Phase I :-

A part of Lots One (1), Two (2) and Three (3), PACIFIC PLAZA REPLAT, a Replat of part of Lot Ten (10), Pacific Plaza Addition, an Addition to the City of Omaha, Douglas County, Nebraska, more particularly described as follows:

Commencing at the Northwest corner of said Lot One (1), PACIFIC PLAZA REPLAT; thence South 00°33'23" West (assumed bearing), along the East right-of-way line of 120th Street, a distance of 28.50 feet, to the Point of Beginning; thence South 89°59'44" East, a distance of 208.01 feet; thence South 00°33'23" West, a distance of 182.00 feet; thence North 89°26'37" West, a distance of 208.00 feet to a point on said East right-of-way line of 120th Street; thence North 00°33'23" East, along said East right-of-way line of 120th Street, a distance of 180.00 feet to the Point of Beginning.

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EXHIBIT "II"

Phase II -

A part of Lots One (1) and Three (3), PACIFIC PLAZA REPLAT, a Replat of Lot Ten (10), Pacific Plaza Addition, an Addition to the City of Omaha, Douglas County, Nebraska, more particularly described as follows:

Commencing at the Northwest corner of said Lot One (1), PACIFIC PLAZA REPLAT; thence South  $00^{\circ}33'23''$  West (assumed bearing), along the East right-of-way line of 120th Street, a distance of 208.50 feet, to the Point of Beginning; thence South  $89^{\circ}26'37''$  East, a distance of 208.00 feet; thence South  $00^{\circ}33'23''$  West, a distance of 78.27 feet; thence South  $89^{\circ}29'49''$  East, a distance of 243.87 feet to a point on the West right-of-way line of 119th Street; thence South  $00^{\circ}30'11''$  West, along said West right-of-way line of 119th Street, a distance of 67.57 feet; thence North  $89^{\circ}29'49''$  West, a distance of 268.88 feet to a point on the West line of said Lot Three (3), Pacific Plaza Replat; thence South  $00^{\circ}35'17''$  West, along said West line of Lot Three (3), Pacific Plaza Replat, a distance of 63.97 feet; thence South  $89^{\circ}55'58''$  West, a distance of 183.03 feet to a point on said East right-of-way line of 120th Street; thence North  $00^{\circ}33'23''$  East along said East right-of-way line of 120th Street, a distance of 211.83 feet to the Point of Beginning.

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EXHIBIT "III"  
(Easement Property)

Phase III -

A part of Lot One (1), PACIFIC PLAZA REPLAT, a Replat of Part of Lot Ten (10), Pacific Plaza Addition, an Addition to the City of Omaha, Douglas County, Nebraska, more particularly described as follows:

Commencing at the Northwest corner of said Lot One (1), PACIFIC PLAZA REPLAT; thence South 00°33'23" West (assumed bearing) along the East right-of-way line of 120th Street, a distance of 196.00 feet; thence South 89°26'37" East, a distance of 73.00 feet; thence South 00°33'23" West, a distance of 25.00 feet; thence North 89°26'37" East, a distance of 73.00 feet to a point on the East right-of-way line of 120th Street, 25.00 feet from the point of beginning; thence North 00°33'23" East along the East right-of-way line of 120th Street, a distance of 25.00 feet to the point of beginning.

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*Mac*

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1975 SEP 30 PH 12: 05

C. HAROLD OSTLER  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NEBR.

THE STATE OF NEBRASKA }  
Douglas County } ss.  
Entered in Numerical Index and filed  
for Record in the office of the Register of  
Deeds of said County and recorded in  
Book 555 of Phase III  
Page 635

*C. Harold Ostler*

Register of Deeds

By 396

Deputy 73-397

MAIL

N G.P.M.P.G.

Compared 73 Fee 18.75

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