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PAGE 124 Carl L. Hibel REGISTER OF DEEDS, SARPY COUNTY NEB. 935

EASEMENT

This easement granted this 9 day of March, 1973, by CHARLES G. SMITH and NELLIE M. SMITH, husband and wife, hereinafter referred to as "Grantors", to SOUTHERN PARK, INC., a Nebraska corporation, and to its successors and assigns, hereinafter referred to as "Grantee".

WHEREAS, Southern Park, Inc. is the present record owner and holder of legal title to the following described property situated in Sarpy County, Nebraska, to-wit:

A part of Lot 21, Alpine Village South, a platted and recorded subdivision in Sarpy County, Nebraska, being more particularly described as follows:

Commencing at the East Quarter corner of Section 15, Township 14 North, Range 12 East; thence North 89°55'00" West (assumed bearing) along the North line of the Southeast Quarter a distance of 235.60 feet to the point of beginning; thence South 00°27'50" West along a line 105 feet Westerly of and parallel to the Westerly right of way line of State Highway #85 a distance of 833.64 feet; thence South 59°04'58" West a distance of 329.13 feet to a point of intersection with a curve; said point being on the North right of way line of Alpine Drive; thence on a 1,036.63 foot radius curve to the left (chord bearing North 36°46'05" West, chord distance 335.08 feet) an arc distance of 336.56 feet to a point of tangency; thence North 46°04'11" West along said North right of way line of Alpine Drive a distance of 52.61 feet to a point of curvature; thence on an 888.67 foot radius curve to the left (chord bearing North 59°22'25" West, chord distance of 409.00 feet) an arc distance of 412.70 feet to an intersection of the right of way lines of 87th Street and Alpine Drive; thence on a 680 foot radius curve to the left along the East right of way line of 87th Street (chord bearing 01°04'16" East, chord distance 373.28 feet) an arc distance of 378.13 feet to a point of tangency; thence North 14°51'34" West along the East right of way line of 87th Street a distance of 42.70 feet to a point of curvature; thence on a 294.41 foot radius curve to the right (chord bearing 07°23'16" West, chord distance of 76.56 feet) an arc distance of 76.78 feet to a point on the South line of Park View Heights Addition, a platted and recorded subdivision in Sarpy County, Nebraska, thence South 89°55'00" East along the Southerly line of said Park View Heights Addition a distance of 893.53 feet to the point of beginning. Said tract containing 15.064 acres,

which property is hereinafter referred to as Parcel "A"; and

WHEREAS, Charles G. Smith and Nellie M. Smith are the present record owners and holders of legal title in fee simple to

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the property that adjoins the above described Parcel "A" to the East, including property described as:

Commencing at the East Quarter corner of Section 15, Township 14 North, Range 12 East of the 6th P.M.; thence North 89°55'00" West (assumed bearing) along the North line of the Southeast Quarter a distance of 235.60 feet; thence South 00°27'50" West along a line 105.00 feet Westerly of and parallel to the Westerly right of way line of State Highway #85 a distance of 319.10 feet to the point of beginning; thence South 89°32'10" East a distance of 13.00 feet; thence South 00°27'50" West along a line 92.00 feet Westerly of and parallel to the Westerly right of way line of State Highway #85 a distance of 448.40 feet; thence North 89°55'00" West a distance of 13.00 feet; thence North 00°27'50" East along a line 105.00 feet Westerly of and parallel to the Westerly right of way line of State Highway #85 a distance of 448.40 feet to the point of beginning,

which property is hereinafter referred to as Parcel "B"; and

WHEREAS, Grantee has recently completed the construction of an apartment complex on Parcel "A" and an integral part thereof consists of three separate garage buildings located and constructed along the East boundary line of Parcel "A", but extending to the East beyond the Eastern boundary line of Parcel "A" onto Parcel "B"; and

WHEREAS, the Grantors desire to grant and convey a permanent easement as hereinafter set forth for the location of said garage buildings upon Parcel "B" for the benefit of Parcel "A".

NOW, THEREFORE:

1. Grantors do hereby grant, bargain, sell and convey unto Grantee, and to its successors and assigns, an exclusive permanent easement appurtenant to and running with Parcel "A" over, upon and across all of Parcel "B" for the location, repair, maintenance, replacement, renewals and use of the garage buildings and parking facilities above described.

2. Grantors do hereby agree that Grantee, its successors and assigns, shall have the right to have the garage buildings overlap and extend beyond the East boundary line of Parcel "A" and to encroach and rest upon Parcel "B" to the same extent and in the same manner as the buildings now overlap and encroach on Parcel "B".

3. Grantors, their heirs, administrators, executors and assigns, shall not build, create, construct, or allow to be built, created or constructed any further buildings or improvements upon Parcel "B", or do or cause to permit anything to be done which would interfere with the use and enjoyment of the within easement by the Grantee, its successors or assigns.

4. Grantors do hereby warrant that they are the owners in fee simple of Parcel "B" and have good right and lawful authority

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to grant the within easement and will defend the title thereto against the claims of all persons whomsoever.

The provisions hereof shall operate as a covenant running with both parcels of land above described and shall bind both parties hereto and their respective heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF, the Grantors herein have executed this Easement the day and year first above written.

Charles G. Smith
Charles G. Smith

Nellie M. Smith
Nellie M. Smith

STATE OF NEBRASKA)
) ss
COUNTY OF DOUGLAS)

On this 9 day of March, 1973, before me, a Notary Public in and for said County, personally appeared the above named Charles G. Smith and Nellie M. Smith, husband and wife, who are personally known to me to be the identical persons whose names are affixed to the above instrument and acknowledged said instrument to be their voluntary act and deed.

WITNESS my hand and Notarial Seal the day and year first above written.

L. B. Ludwig
Notary Public

My Commission expires: Aug 12, 76

