

FILED SARPY CO. NE.
INSTRUMENT NUMBER
2002-04770
2002 FEB -6 A 10:13 B

Glenn J. [Signature]
REGISTER OF DEEDS

Counter SM
Verify [Signature]
D.E. [Signature]
Proof [Signature]
Fee \$ 43.00
Ck ☐ Cash ☐ Chg ☒ SUB

JOINT EASEMENT AND ROADWAY AGREEMENT

This agreement made this 16 day of January, 2002, by and between Kris Funk, a single person, hereafter referred to as "party of the first part" and Kevin R. Hopp and Merrell A. Magelli, husband and wife, hereafter referred to as "party of the second part". The parties hereto as well as any subsequent owner or assign of any portion of the parties property hereafter described, may be referred to as "Owner":

WHEREAS, the party of the first part is the owner of the following described real property:

Lots 1, 2, 3 and 4, Castel's First Addition, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska

and

WHEREAS, the party of the second part is the owner of the following described real property:

"See attached Exhibit "A""

and

WHEREAS, the parties hereto desire to create for themselves, their heirs, successors and assigns, a joint roadway easement for ingress and egress over each of their properties, hereafter referred to as "Roadway Easement".

NOW THEREFORE, in consideration of the mutual promises, obligations and rights herein created, the party of the first part does hereby give, grant and convey unto said party of the second part and to their heirs, successors and assigns a right of way or easement over, along and across "INGRESS/EGRESS/UTILITY EASEMENT NOS 2, 3, 4, 5, 6 and 7" as legally described in the attached Exhibit "B".

NOW THEREFORE, in consideration of the mutual promises, obligations and rights herein created, the party of the first part does hereby give, grant and convey unto all future owners

*Return To:
SUBURBAN
TITLE & ESCROW
1119 S. 119th St.
Omaha, NE 68144

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of Lots 1, 2, 3 and 4, Castel's First Addition, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska and to their heirs, successors and assigns a right of way or easement over, along and across "INGRESS/EGRESS/UTILITY EASEMENT NOS 2, 3, 4, 5, and 6 " as legally described in the attached Exhibit "B".

NOW THEREFORE, in consideration of the mutual promises, obligations and rights herein created, the party of the second part does hereby give, grant and convey unto said party of the first part as well as all future owners of Lots 1, 2, 3 and 4, Castel's First Addition, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska and to their heirs, successors and assigns a right of way or easement over, along and across "INGRESS/EGRESS/UTILITY EASEMENT NO 1" as legally described in the attached Exhibit "B".

The Roadway Easement thus created shall be for the joint use of the parties, any subsequent owner of the above described property or any portion thereof, for the owners other property as may be hereafter described, their heirs, successors and assigns, for joint roadway purposes for vehicles of any type. No party who has right to use this Roadway Easement shall so use or leave any vehicle, or anything else on said roadway, other than a permanent gate or gate opening mechanism to which all Owners have the ability to open, so as to prevent the free and uninterrupted use of said Roadway Easement by any other party for the purpose for which this Roadway Easement was created.

Each property using the Roadway Easement as more specifically set forth hereafter shall bear their proportionate share of the cost of maintaining said Roadway Easement in a reasonably good condition, including the cost to construct, replace and/or repair any road base, road surface, grass, bridge, piling, retaining wall, culvert, sign, gate, gate opening mechanism, phone system, irrigation system, utility or electrical system or use charge or any other item reasonably necessary for the maintenance, repair or improvement of such Roadway Easement as a majority of such owners of the subject property shall agree to from time to time in writing.

The proportion by which said expenses shall be shared, as well as the proportion of ownership for determination of majority, shall be the same. Each lot which has a dwelling constructed upon it shall be obligated to pay its proportionate share of the expenses and is entitled to its proportionate vote. For example, if only three lots have dwellings constructed, each shall pay 33% of any assessment and each shall have 33% of the ownership interest to determine majority. If any lot does not have a dwelling constructed, it will not have any obligation to pay any assessment unless such assessment is for damage caused by such owner. Likewise, it will not have any vote.

Any unpaid share of such expense as agreed to by a majority of the owners of the subject property or as hereafter provided shall become a lien upon the property of the Owner of the unpaid portion upon the filing of a Notice of Lien by the remaining Owners. Notwithstanding the above provisions, any Owner, which shall include any person using the Roadway Easement under the rights of such Owner, causing damage to said Roadway Easement or any improvement thereon whether intentionally, or through recklessness or negligence, shall be wholly responsible for any such damage resulting therefrom and shall be obligated to pay the entire cost of repair of such damage.

2002-04770 B

Any party hereto, their heirs, successors or assigns, shall have the right to enter upon the Roadway Easement to conduct any maintenance, repair or improvement provided for herein and upon completion of such maintenance, repairs or improvements shall be entitled to recover from the other parties their share of such cost.

The party of the second part is specifically granted the right to assign, in whole or in part, its right and interest in and to the Roadway Easement to any future owner of any portion of the party of the second part's property described above or of any property or part thereof which may be hereafter acquired by the party of the second part. If such assignment is made, said assignees shall be obligated to contribute their proportionate share of the maintenance and improvement costs provided for above.


This agreement shall be deemed to be a covenant running with the title to the land and shall be binding upon the parties hereto, and upon their heirs, successors and assigns and upon each subsequent owner of any part or parcel of the property described above by their acceptance of a deed therefor, whether or not it shall be so expressed in such deed.

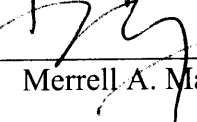
In witness whereof, the parties herein have set their hands this 16th day of January, 2002.

KRIS FUNK, Party of the First Part,

By: 
Kris Funk

KEVIN R. HOPP AND MERRELL A. MAGELLI,
Party of the Second Part,

By: 
Kevin R. Hopp

By: 
Merrell A. Magelli

2002-04-170C

STATE OF NEBRASKA

)

)

ss.

COUNTY OF SARPY

)

The foregoing was acknowledged before me this 16th day of JANUARY, 2002, by Kris Funk, Kevin R. Hopp and Merrell A. Magelli.



Notary Public

A handwritten signature in cursive script, appearing to read "Tami J. Vraspir", written over a horizontal line.

2002-04770D

Exhibit "B"

INGRESS/EGRESS/UTILITY EASEMENT NO. 1

AN INGRESS/EGRESS/UTILITY EASEMENT LYING IN THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 13 NORTH, RANGE 13 EAST OF THE SIXTH P.M., SARPY COUNTY, NEBRASKA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 4, CASTEL'S FIRST ADDITION, AS PLATTED IN SARPY COUNTY; THENCE N34°11'16"W, ON THE EAST LINE OF SAID LOT 4, A DISTANCE OF 583.31 FEET TO THE NORTHEAST CORNER OF SAID LOT 4; THENCE N21°23'06"W, ON THE EAST LINE OF LOT 2, CASTEL'S FIRST ADDITION, A DISTANCE OF 22.09 FEET TO THE TRUE POINT OF BEGINNING; THENCE N21°23'06"W, ON THE EAST LINE OF SAID LOT 2, A DISTANCE OF 66.22 FEET; THENCE N63°53'46"E, A DISTANCE OF 87.75 FEET; THENCE N46°45'53"E, A DISTANCE OF 79.71 FEET; THENCE N70°22'35"E PERPENDICULAR TO THE EAST LINE OF PARCEL NO. 1 AS SHOWN ON JEO SURVEY, DATED AUGUST 22, 2001, A DISTANCE 34.77 FEET TO A POINT ON SAID EAST LINE; THENCE S19°37'25"E ON SAID EAST LINE, A DISTANCE OF 66.00 FEET; THENCE S70°22'35"W PERPENDICULAR TO SAID EAST LINE, A DISTANCE 20.98 FEET; THENCE S46°45'53"W, A DISTANCE OF 75.86 FEET; THENCE S63°53'46"W, A DISTANCE OF 103.14 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 0.30 ACRES, MORE OR LESS.

INGRESS/EGRESS/UTILITY EASEMENT NO. 2

AN INGRESS/EGRESS/UTILITY EASEMENT LYING IN THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 13 NORTH, RANGE 13 EAST OF THE SIXTH P.M., SARPY COUNTY, NEBRASKA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 4, CASTEL'S FIRST ADDITION, AS PLATTED IN SARPY COUNTY; THENCE N34°11'16"W, ON THE EAST LINE OF SAID LOT 4, A DISTANCE OF 583.31 FEET TO THE NORTHEAST CORNER OF SAID LOT 4; THENCE N21°23'06"W, ON THE EAST LINE OF LOT 2, CASTEL'S FIRST ADDITION, A DISTANCE OF 22.09 FEET TO THE TRUE POINT OF BEGINNING; THENCE S68°35'18"W PARALLEL WITH THE SOUTHERLY LINE OF SAID LOT 2, A DISTANCE OF 147.54 FEET; THENCE S22°38'49"W, A DISTANCE OF 30.74 FEET TO A POINT ON SAID SOUTHERLY LINE; THENCE S68°35'18"W ON SAID SOUTHERLY LINE, A DISTANCE OF 289.21 FEET TO THE SOUTHERLY POINT OF SAID LOT 2; THENCE N53°18'08"W ON THE WESTERLY LINE OF SAID LOT 2, A DISTANCE OF 148.81 FEET TO THE SOUTHWESTERLY POINT OF SAID LOT 2; THENCE N01°36'17"W CONTINUING ON SAID WESTERLY LINE, A DISTANCE OF 74.04 FEET TO THE WESTERLY POINT OF SAID LOT 2; THENCE N10°24'39"W CONTINUING ON SAID WESTERLY LINE, A DISTANCE OF 206.10 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ON A 55.00 FOOT RADIUS CURVE TO THE RIGHT, A DISTANCE OF 137.40 FEET, THE CHORD OF SAID CURVE BEARS S28°50'45"E, A DISTANCE OF 104.36 FEET; THENCE S10°24'39"E PARALLEL WITH SAID WESTERLY LINE, A DISTANCE OF 109.64 FEET; THENCE S01°36'17"E PARALLEL WITH SAID WESTERLY LINE, A DISTANCE OF 89.90 FEET; THENCE S53°18'08"E PARALLEL WITH SAID WESTERLY LINE, A DISTANCE OF 109.09 FEET; THENCE N68°35'18"E PARALLEL WITH SAID SOUTHERLY LINE, A DISTANCE OF 201.50 FEET; THENCE N22°38'49"E, A DISTANCE OF 108.35 FEET; THENCE N68°35'18"E PARALLEL WITH SAID SOUTHERLY LINE, A DISTANCE OF 170.34 FEET; THENCE N63°53'46"E, A DISTANCE OF 5.45 FEET TO A POINT ON SAID EAST LINE; THENCE S21°23'06"E ON SAID EAST LINE, A DISTANCE OF 66.22 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 0.68 ACRES, MORE OR LESS.

INGRESS/EGRESS/UTILITY EASEMENT NO. 3

AN INGRESS/EGRESS/UTILITY EASEMENT LYING IN THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 13 NORTH, RANGE 13 EAST OF THE SIXTH P.M., SARPY COUNTY, NEBRASKA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

2002-04773E

COMMENCING AT THE SOUTHEAST CORNER OF LOT 4, CASTEL'S FIRST ADDITION, AS PLATTED IN SARPY COUNTY; THENCE N34°11'16"W, ON THE EAST LINE OF SAID LOT 4, A DISTANCE OF 583.31 FEET TO THE NORTHEAST CORNER OF SAID LOT 4; THENCE S68°35'18"W ON THE NORTH LINE OF SAID LOT 4, A DISTANCE OF 168.90 FEET TO THE TRUE POINT OF BEGINNING; THENCE S22°38'49"W, A DISTANCE OF 77.91 FEET; THENCE S68°35'18"W PARALLEL WITH SAID NORTH LINE, A DISTANCE OF 256.64 FEET TO A POINT ON THE WEST LINE OF SAID LOT 4; THENCE N00°18'48"W ON SAID WEST LINE, A DISTANCE OF 60.01 FEET TO THE NORTHWEST CORNER OF SAID LOT 4; THENCE N68°35'18"E ON SAID NORTH LINE, A DISTANCE OF 289.21 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 0.35 ACRES, MORE OR LESS.

INGRESS/EGRESS/UTILITY EASEMENT NO. 4

AN INGRESS/EGRESS/UTILITY EASEMENT LYING IN THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 13 NORTH, RANGE 13 EAST OF THE SIXTH P.M., SARPY COUNTY, NEBRASKA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 4, CASTEL'S FIRST ADDITION, AS PLATTED IN SARPY COUNTY; THENCE N34°11'16"W, ON THE EAST LINE OF SAID LOT 4, A DISTANCE OF 583.31 FEET TO THE NORTHEAST CORNER OF SAID LOT 4; THENCE S68°35'18"W ON THE NORTH LINE OF SAID LOT 4, A DISTANCE OF 458.12 FEET TO THE NORTHEAST CORNER OF LOT 3 OF SAID CASTEL'S FIRST ADDITION, SAID POINT ALSO BEING TRUE POINT OF BEGINNING; THENCE S00°18'48"E ON THE EASTERLY LINE OF SAID LOT 3, A DISTANCE OF 60.01 FEET; THENCE S68°35'18"W PARALLEL WITH NORTH LINE OF SAID LOT 4, A DISTANCE OF 9.51 FEET; THENCE N53°18'08"W PARALLEL WITH THE EASTERLY LINE OF SAID LOT 3, A DISTANCE OF 177.73 FEET; THENCE N01°36'17"W PARALLEL WITH SAID EASTERLY LINE, A DISTANCE OF 116.79 FEET; THENCE N10°24'39"W PARALLEL WITH THE EAST LINE OF LOT 1 OF SAID CASTEL'S FIRST ADDITION, A DISTANCE OF 2.49 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 3; THENCE N88°15'35"E ON SAID NORTH LINE, A DISTANCE OF 33.38 FEET TO THE NORTHEAST CORNER OF SAID LOT 3; THENCE S01°36'17"E ON SAID EASTERLY LINE, A DISTANCE OF 74.04 FEET TO THE NORTHEASTERLY POINT OF SAID LOT 3; THENCE S53°18'08"E CONTINUING ON SAID EASTERLY LINE, A DISTANCE OF 148.81 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 0.29 ACRES, MORE OR LESS.

INGRESS/EGRESS/UTILITY EASEMENT NO. 5

AN INGRESS/EGRESS/UTILITY EASEMENT LYING IN THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 13 NORTH, RANGE 13 EAST OF THE SIXTH P.M., SARPY COUNTY, NEBRASKA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 1, CASTEL'S FIRST ADDITION, AS PLATTED IN SARPY COUNTY; THENCE S90°00'00"E, ON THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 570.50 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE S10°24'39"E ON THE EAST LINE OF SAID LOT 1, A DISTANCE OF 201.14 FEET TO A POINT OF CURVATURE, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING; THENCE SOUTHWESTERLY ON A 55.00 FOOT RADIUS CURVE TO THE RIGHT, A DISTANCE OF 137.40 FEET, THE CHORD OF SAID CURVE BEARS S08°01'27"W, A DISTANCE OF 104.36; THENCE S10°24'39"E PARALLEL WITH SAID EAST LINE, A DISTANCE OF 102.06 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 1; THENCE N88°15'35"E ON SAID SOUTH LINE, A DISTANCE OF 33.38 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1; THENCE N10°24'39"W ON SAID EAST LINE, A DISTANCE OF 206.10 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 0.18 ACRES, MORE OR LESS.

INGRESS/EGRESS/UTILITY EASEMENT NO. 6

AN INGRESS/EGRESS/UTILITY EASEMENT LYING IN THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 13 NORTH, RANGE 13 EAST OF THE SIXTH P.M., SARPY COUNTY, NEBRASKA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

2002-04170F

COMMENCING AT THE NORTHWEST CORNER OF LOT 1, CASTEL'S FIRST ADDITION, AS PLATTED IN SARPY COUNTY; THENCE S90°00'00"E, ON THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 570.50 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE S10°24'39"E ON THE EAST LINE OF SAID LOT 1, A DISTANCE OF 118.25 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING S10°24'39"E ON SAID EAST LINE, A DISTANCE OF 82.89 FEET; THENCE EASTERLY ON A 55.00 FOOT RADIUS CURVE TO THE RIGHT, A DISTANCE OF 43.93 FEET; THE CHORD OF SAID CURVE BEARS S77°31'43"E, A DISTANCE OF 42.77 FEET; THENCE N32°00'41"W, A DISTANCE OF 107.04 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 0.03 ACRES, MORE OR LESS.

INGRESS/EGRESS/UTILITY EASEMENT NO. 7

AN INGRESS/EGRESS/UTILITY EASEMENT LYING IN THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 13 NORTH, RANGE 13 EAST OF THE SIXTH P.M., SARPY COUNTY, NEBRASKA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 1, CASTEL'S FIRST ADDITION, AS PLATTED IN SARPY COUNTY; THENCE S90°00'00"E, ON THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 179.43 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING S90°00'00"E ON SAID NORTH LINE, A DISTANCE OF 148.99 FEET; THENCE S74°07'44"E, A DISTANCE OF 164.57 FEET; THENCE S58°36'48"E, A DISTANCE OF 114.72 FEET; THENCE S32°00'41"E, A DISTANCE OF 13.62 FEET TO A POINT ON THE EAST LINE OF SAID LOT 1; THENCE S10°24'39"E ON SAID EAST LINE, A DISTANCE OF 82.89 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY ON A 55.00 FOOT RADIUS CURVE TO THE LEFT, A DISTANCE OF 36.17 FEET, THE CHORD OF SAID CURVE BEARS S60°44'51"W, A DISTANCE OF 35.52 FEET; THENCE N32°00'41"W, A DISTANCE OF 73.38 FEET; THENCE N58°36'48"W, A DISTANCE OF 90.12 FEET; THENCE N74°07'44"W, A DISTANCE OF 233.15 FEET; THENCE N53°06'47"W, A DISTANCE OF 70.42 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 0.63 ACRES, MORE OR LESS.

2022-04-1706

EXHIBIT "A"

A tract of land lying in the West Half of Section 19, Township 13 North, Range 13 East; and part of the Southeast Quarter of the Northeast Quarter of Section 24, Township 13 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska; being more particularly described as follows:

Commencing at the Northwest corner of said Section 19; thence South $00^{\circ}29'23''$ West along the West line of said Section 19 a distance of 1319.99 feet to the true point of beginning; thence South $89^{\circ}14'59''$ East on the South line of the Northwest Quarter of the Northwest Quarter of said Section 19, a distance of 1142.87 feet to the centerline of an existing County Road; thence South $19^{\circ}37'25''$ East on said centerline, a distance of 2314.28 feet; thence continuing along said centerline South $57^{\circ}36'15''$ East, a distance of 339.84 feet; thence continuing on said centerline South $09^{\circ}31'16''$ West, a distance of 303.10 feet to a point on the North line of Riverview Forest Subdivision, as platted in the Southwest Quarter of said Section 19; thence North $89^{\circ}20'58''$ West on said North line, a distance of 114.20 feet; thence North $34^{\circ}11'16''$ West, a distance of 583.31 feet; thence North $21^{\circ}23'06''$ West, a distance of 425.52 feet; thence North $90^{\circ}00'00''$ West, a distance of 1036.82 feet; thence South $83^{\circ}33'27''$ West, a distance of 264.58 feet; thence North $19^{\circ}54'10''$ West, a distance of 964.80 feet; thence North $07^{\circ}36'30''$ West, a distance of 923.58 feet, more or less, to a point on the North line of the Southeast Quarter of the Northeast Quarter of said Section 24; thence on said North line North $89^{\circ}08'38''$ East, a distance of 190.77 feet to the true point of beginning.