

97-598

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EASEMENT AGREEMENT

THIS AGREEMENT, made this 27 day of April, 1974, by and between ROGER L. HANEY and MAE BETH HANEY, husband and wife, parties of the first part, and Peter L. Davis, party of the second part:

WHEREAS, the above named first parties are the owners of the following described real estate, to-wit:

Lot 6, Roanoke Estates, a subdivision in Douglas County, Nebraska; and

WHEREAS, the above named second party is the owner of the following described real estate, to-wit:

Lot 5, Roanoke Estates, a subdivision in Douglas County, Nebraska; and

WHEREAS, the parties hereto desire to create for themselves, their heirs, successors and assigns, joint driveway easements as the same are now situated on the two parcels of land referred to above.

NOW, THEREFORE, in consideration of the mutual promises, obligations and rights herein created, the parties grant unto themselves, their heirs, successors and assigns, a right-of-way or easement over, along and across:

(1) An eight (8) foot easement lying on part of Lots 5 and 6, Roanoke Estates, a subdivision located in the North half of Section 5, Township 15 North, Range 12 East of the 6th P.M., Douglas County, Nebraska, being more particularly described as follows:

Beginning at the Southeast property corner of Lot 5, Roanoke Estates (said point also being the Southwest property corner of Lot 6) thence West along the South property line of said Lot 5, a distance of seven (7) feet; thence North along a line of seven (7) feet West of and parallel to the East property line of said Lot 5, a distance of eight (8) feet; thence East along a line eight (8) feet North of and parallel to the South property line of said Lots 5 and 6, a distance of nineteen (19) feet; thence South along a line twelve (12) feet East of and parallel to the West property line of said Lot 6, a distance of eight (8) feet to a point on the South property line of said Lot 6; thence West along the said South property line of Lot 6, a distance of twelve (12) feet to the point of beginning.

(2) A thirty (30) foot easement lying on part of Lots 5 and 6, Roanoke Estates, a subdivision located in the North half of Section 5, Township 15 North, Range 12 East of the 6th P.M., Douglas County, Nebraska, being more particularly described as follows:

Beginning at the Northwest property corner of Lot 5, Roanoke Estates; thence East along the North property lines of said Lots 5 and 6, a distance of 167.6 feet to the Northeast property corner of said Lot 6; thence South along the East property line of said Lot 6, a distance of 1.21 feet to a point of curvature; thence Southeasterly along a 895.4 foot radius curve to the left, and arc distance of 23.8 feet (said point lying on the East property line of Lot 6); thence West along a line thirty (30) feet South of and parallel to the said North property lines of Lots 5 and 6, a distance of 168.1 feet to a point lying on the West property line of said Lot 5; thence North along the said West property line of Lot 5, a distance of thirty (30) feet to the point of beginning.

The joint driveway or easement thus created shall be for the joint use of the parties hereto and for their heirs, successors and assigns, for joint driveway purposes for pleasure vehicles and trucks of not over one-ton capacity. Neither party hereto, their heirs, successors or assigns, shall so use or leave any vehicle, or anything else on said driveway so as to prevent the free and uninterrupted use of said driveway by the other party for the purpose for which this driveway easement was created.

Each of the parties hereto, their heirs, successors or assigns, shall bear one-half of the cost of maintaining said driveway in a reasonably good condition, and such costs of maintenance shall include reconstruction when reasonably necessary. Notwithstanding the above provisions, either party causing damage to said driveway through negligence on the part of the party themselves or others for them or on their behalf shall be wholly responsible for any such damage resulting from any such negligence.

Either of the parties hereto, their heirs, successors or assigns, shall have the right to do such work on said driveway and make such repairs thereon as are reasonably necessary to maintain said driveway in a reasonably good condition, and upon the completion of such repairs, the parties making such repairs shall be entitled to recover from the other party one-half of the cost thereof.

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, so long as either of said above described lots is used for private residence purposes and provided, however, that this easement may be released at any time by appropriate agreement for that purpose entered into between the owners of said lots, duly executed and acknowledged and filed for record in the Office of the Register of Deeds of Douglas County, Nebraska.

IN WITNESS WHEREOF, the parties have hereunto set their hands this 24th day of April, 1974.


Roger L Haney

Mae Beth Haney

Peter L Davis

STATE OF NEBRASKA)
) SS.
COUNTY OF DOUGLAS)

On the 24 day of April, 1974, appeared before me the aforesaid ROGER L. HANEY and MAE BETH HANEY, husband and wife, personally known to me to be the identical persons who have executed the foregoing document, and acknowledges their execution thereof to be their voluntary act and deed.

 BONNIE CHASTAIN
General Notary - State of Nebr.
My Commission Expires
June 2, 1977

Bonnie Chastain
NOTARY PUBLIC

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STATE OF NEBRASKA)
) SS.
COUNTY OF DOUGLAS)

On the 24 day of April, 1974, appeared before me the aforesaid Peter L. Davis personally known to me to be the identical person who has executed the foregoing document, and acknowledges his execution thereof to be his voluntary act and deed.



ROBERT W. WEHNER
GENERAL NOTARY - State of Nebr.
My Commission Expires
October 31, 1976

Robert W. Wehner
NOTARY PUBLIC

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ENTERED IN NUMERICAL INDEX AND RECORDED IN THE REGISTER OF DEEDS OFFICE IN DOUGLAS COUNTY, NEBRASKA
30 DAY OF April 1974 AT 10:47 AM G. HAROLD OSTLER, REGISTER OF DEEDS

12.50