

28726

MAINTENANCE AGREEMENT FOR PRIVATE ROAD WAY AND
OTHER PRIVATE IMPROVEMENTS

WHEREAS, Crawford Pierce and Gloria Pierce, husband and wife, are the owners of the real estate described in Exhibit "A" which is attached hereto with the exception of Outlot C of South Glenn Addition, Lincoln, Lancaster County, Nebraska, which is owned by Austin Realty Co., a corporation, but upon which Crawford Pierce and Gloria Pierce hold an option to Buy; and

WHEREAS, aforesaid owners are presently obtaining a subdivision permit authorizing the administrative subdivision of the real estate described in Exhibit A into two separate lots known as Parcels 1 and 2 under said subdivision permit as legally described in Exhibits B and C which are attached hereto; and

WHEREAS, aforesaid subdivision permit, when approved, is subject to the terms, conditions and requirements of the "development plan" referred to in Ordinance #13979 adopted by the City Council of Lincoln, Nebraska, on October 29, 1984, by change of Zone #2131 or amendments thereto and will in no way relieve Crawford Pierce and Gloria Pierce as owners and developers thereof of any of said terms and conditions, and requirements; and

WHEREAS, the owners, Crawford Pierce and Gloria Pierce, husband and wife, have created a private road easement in conformity with said "development plan" which easement is recorded as instrument #85-27178 in the office of the Register of Deed's of Lancaster County, Nebraska and that attached hereto and marked Exhibit D is a drawing showing the location of said private road in relation to Parcels 1 and 2 as shown on Exhibits B and C respectively. The center line of said private road is the dividing line between said Parcels 1 and 2; and

WHEREAS, the owners, Crawford Pierce and Gloria Pierce, husband and wife, have created a pedestrian access easement in conformity with said "development plan" which easement is recorded as Instrument #85-27179 in the office of the Register of Deed's of Lancaster County, Nebraska and that attached hereto and marked Exhibits E and F are a drawing showing the location of said pedestrian access easement in relation to aforesaid Parcels 1 and 2 and the legal description of such pedestrian access easement, respectively. Said pedestrian access easement shall hereinafter be referred to as the "pedestrian way"; and

28726

WHEREAS, the owners, Crawford Pierce and Gloria Pierce, husband and wife, are to install a private storm sewer in accordance with the "development plan" in said Parcels 1 and 2; and that a portion of said storm sewer shall be installed within the area that is included in the aforesaid private road easement Instrument #85-27178; and

WHEREAS, the owners of aforesaid parcels are desirous of establishing a maintenance agreement for said private road, pedestrian way, storm sewer and other private installations which are to be installed in accordance with aforesaid "development plan" or amendments thereto approved by the City of Lincoln.

NOW THEREFORE, in consideration of the foregoing, the owners do hereby agree to the following maintenance agreement;

1. That the cost of maintenance, replacement and snow removal for the private road, after the same is installed, as evidenced by the easement of record, Instrument #85-27178 and shown on aforesaid Exhibit D shall be paid as follows:

- a. Parcel 1 as described on Exhibit B shall be responsible for Forty (40) percent of the cost thereof.
- b. Parcel 2 as described in Exhibit C shall be responsible for Sixty (60) percent of the cost thereof.

2. That the cost of maintenance, replacement and snow removal for the pedestrian way, after the same is installed, as evidenced by the easement of record, Instrument #84-27179 and shown on aforesaid Exhibit E shall be paid as follows:

- a. Parcel 1 as described in Exhibit B shall be responsible for One Hundred (100) percent of the cost thereof for such pedestrian way as is located on said Parcel 1.
- b. Parcel 2 as described in Exhibit C shall be responsible for One Hundred (100) percent of the cost thereof for such pedestrian way as is located on said Parcel 2.

3. The cost of maintenance and replacement of the private storm sewer, after the same is installed, shall be paid as follows:

- a. Parcel 1 as described in Exhibit B shall be responsible for One Hundred (100) percent of the cost thereof for all of said private storm sewer located on Parcel 1, except for those portions of said storm sewer located in the easement for the private road, Instrument #85-27178 and the maintenance and replacement cost thereof shall be Thirty Four (34) percent the responsibility of the owner of Parcel 1.
- b. Parcel 2 as described in Exhibit B shall be responsible for One Hundred (100) percent of the cost thereof for all of said private storm sewer located on Parcel 2, except for those portions of said storm sewer located in the easement for the private road, Instrument #85-27178 and the maintenance and replacement cost thereof shall be Sixty Six (66) percent the responsibility of the owner of Parcel 2.

28726

4. The owner of Parcel 1 as described in Exhibit B and the owner of Parcel 2 as described in Exhibit C, will maintain all other private improvements, including landscaping, on a permanent and continuous basis within their respective ownerships.

5. Other arrangements to meet this maintenance agreement may be approved upon creating in writing, a permanent and continuous association or associations of property owners who would be responsible for such maintenance. Any such document is to first receive the approval of the City Attorney of Lincoln, Nebraska and then be recorded with the Register of Deed's office of Lancaster County, Nebraska.

6. The agreements contained herein shall run with the land described above and shall be binding and obligatory upon the heirs, successors and assigns of the owners to all or any part of the real estate described above as their interests may appear.

Dated this 14th day of October, 1985.

Crawford Pierce
Crawford Pierce

Gloria Pierce
Gloria Pierce

Austin Realty Co., A Corporation

BY: Gerald L. Schleich
Its President

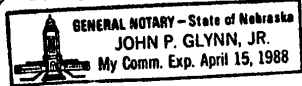


STATE OF NEBRASKA)
COUNTY OF LANCASTER) SS.

The foregoing instrument was acknowledged before me on October 14, 1985, by Crawford Pierce and Gloria Pierce, husband and wife.

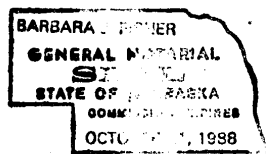
John A. Glynn, Jr.
Notary Public

STATE OF NEBRASKA)
COUNTY OF LANCASTER) SS.



The foregoing instrument was acknowledged before me on October 15, 1985, by Gerald L. Schleich, President of Austin Realty Co., a Nebraska Corporation, on behalf of the Corporation.

Barbara J. Fisher
Notary Public



28726

ITEM 1, ENTIRE TRACT

Part of Lots 2, 3, 4, 5, and 6, City Real Estate Company's Subdivision of Lot 11, I.T. and Outlot C of South Glenn Addition, all in the NE 1/4 of Section 5, T. 9 N., R. 7 E. of the 6th P.M., Lincoln, Lancaster County, Nebraska described as follows:

Beginning at the northeast corner of said Outlot C, and extending thence S. 0°-12'-56" E. along the east line of said Outlot C, 674.56 feet to the southeast corner of said Outlot C;

thence N. 89°-51'-30" W., 74.67 feet to the southwest corner of said Outlot C;

thence S. 0°-05'-35" E., 123.05 feet;

thence S. 89°-58'-19" W., 582.99 feet;

thence N. 0°-18'-02" W., 223.99 feet;

thence N. 89°-56'-02" W., 130.00 feet;

thence N. 0°-18'-02" W., 20.32 feet;

thence S. 89°-55'-58" E., 130.00 feet;

thence N. 0°-18'-02" W., 104.00 feet;

thence S. 89°-55'-38" E., 227.33 feet;

thence N. 0°-18'-29" W., 255.39 feet;

thence N. 90°-00'-00" E., 304.33 feet to the point of curvature of a circular curve to the left having a central angle of 3°-38'-32", a radius of 307.52 feet, and whose chord bears N. 10°-25'-44" W.;

thence along the arc of said circular curve, 19.55 feet to the point of tangency;

thence N. 12°-15'-00" W., 61.25 feet to the point of curvature of a circular curve to the right having a central angle of 12°-15'-00", a radius of 307.52 feet, and whose chord bears N. 6°-07'-30" W.;

thence along the arc of said circular curve, 65.75 feet to the point of tangency;

thence N. 90°-00'-00" E., 40.00 feet;

thence N. 0°-00'-00" E., 50.00 feet;

thence N. 90°-00'-00" E., 110.00 feet to the point of beginning, containing an area of 8.23 acres, more or less.

28726

ITEM 2, PARCEL NO. 1

Part of Lots 2, 3, 4, 5, and 6, City Real Estate Company's subdivision of Lot 11, I.T., and Outlot C of South Glenn Addition, all in the NE 1/4 of Section 5, T. 9 N., R. 7 E., of the 6th P.M., Lincoln, Lancaster County, Nebraska described as follows:

Beginning at the northeast corner of said Outlot C, and extending S. 0°-12'-56" E. along the east line of said Outlot C, 674.56 feet to the southeast corner of said Outlot C;

thence N.89°-51'-30" W., 74.67 feet to the southwest corner of said Outlot C;

thence S. 0°-05'-35" E., 123.05 feet;

thence S.89°-58'-19" W., 220.00 feet;

thence N.10°-12'-40" W., 129.68 feet to the point of curvature of a circular curve to the right having a central angle of 4°-49'-26", a radius of 600.00 feet, and whose chord bears N.72°-35'-17" E.;

thence along the arc of said circular curve, 50.51 feet to the point of tangency;

thence N.75°-00'-00" E., 52.89 feet to the point of curvature of a circular curve to the left having a central angle of 75°-00'-00", a radius of 125.00 feet, and whose chord bears N.37°-30'-00" E.;

thence along the arc of said circular curve, 163.62 feet to the point of tangency;

thence N. 0°-00'-00" E., 280.00 feet to the point of curvature of a circular curve to the left having a central angle of 12°-15'-00", a radius of 307.52 feet, and whose chord bears N. 6°-07'-30" W.;

thence along the arc of said circular curve, 65.75 feet to the point of tangency;

thence N.12°-15'-00" W., 61.25 feet to the point of curvature of a circular curve to the right having a central angle of 12°-15'-00", a radius of 307.52 feet, and whose chord bears N. 6°-07'-30" W.;

thence along the arc of said circular curve, 65.75 feet to the point of tangency;

thence N.90°-00'-00" E., 40.00 feet;

thence N. 0°-00'-00" E., 50.00 feet;

thence N.90°-00'-00" E., 110.00 feet to the point of beginning, containing 2.80 acres, more or less.

28726

ITEM 2, PARCEL NO. 2

Part of Lots 2, 3, 4, 5, and 6, City Real Estate Company's subdivision of Lot 11, I.T., in the NE 1/4 of Section 5, T. 9 N., R. 7 E., of the 6th P.M., Lincoln, Lancaster County, Nebraska, described as follows:

Commencing at the northeast corner of Outlot C of South Glenn Addition and extending thence N.90°-00'-00" W., 110.00 feet;

thence S. 0°-00'-00" E., 50.00 feet;

thence N.90°-00'-00" W., 40.00 feet to the point of curvature of a circular curve to the left having a central angle of 12°-15'-00", a radius of 307.52 feet, and whose chord bears S. 6°-07'-30" E.;

thence along the arc of said circular curve, 65.75 feet to the point of tangency;

thence S.12°-15'-00" E., 61.25 feet to the point of curvature of a circular curve to the right having a central angle of 12°-15'-00", a radius of 307.52 feet, and whose chord bears S. 6°-07'-30" E.;

thence along the arc of said circular curve, 19.55 feet to the point of beginning;

thence continuing along the arc of said circular curve, 46.20 feet to the point of tangency;

thence S. 0°-00'-00" E., 280.00 feet to the point of curvature of a circular curve to the right having a central angle of 75°-00'-00", a radius of 125.00 feet, and whose chord bears S.37°-30'-00" W.;

thence along the arc of said circular curve 163.62 feet to the point of tangency;

thence S.75°-00'-00" W., 52.89 feet to the point of curvature of a circular curve to the left having a central angle of 4°-49'-26", a radius of 600.00 feet, and whose chord bears S.72°-35'-17" W.;

thence along the arc of said circular curve, 50.51 feet to the point of tangency;

thence S.10°-12'-40" E., 129.68 feet;

thence S.89°-58'-19" W., 362.99 feet;

thence N. 0°-18'-02" W., 223.99 feet;

thence N.89°-56'-02" W., 130.00 feet;

thence N. 0°-18'-02" W., 20.32 feet;

thence S.89°-55'-58" E., 130.00 feet;

thence N. 0°-18'-02" W., 104.00 feet;

thence S.89°-55'-38" E., 227.33 feet;

thence N. 0°-18'-29" W., 255.39 feet;

thence N.90°-00'-00" E., 304.33 feet to the point of beginning, containing an area of 5.43 acres, more or less.

28726

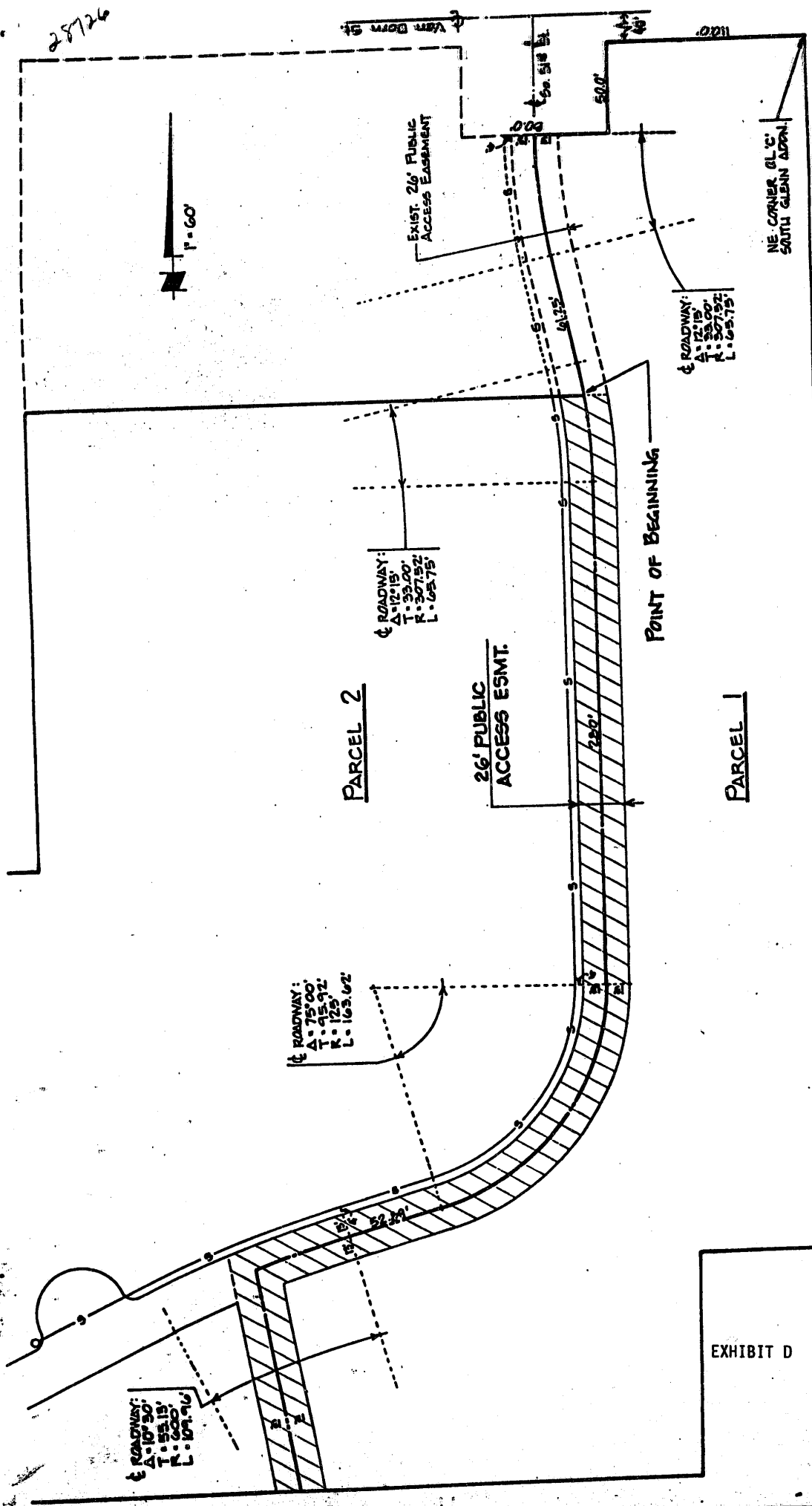
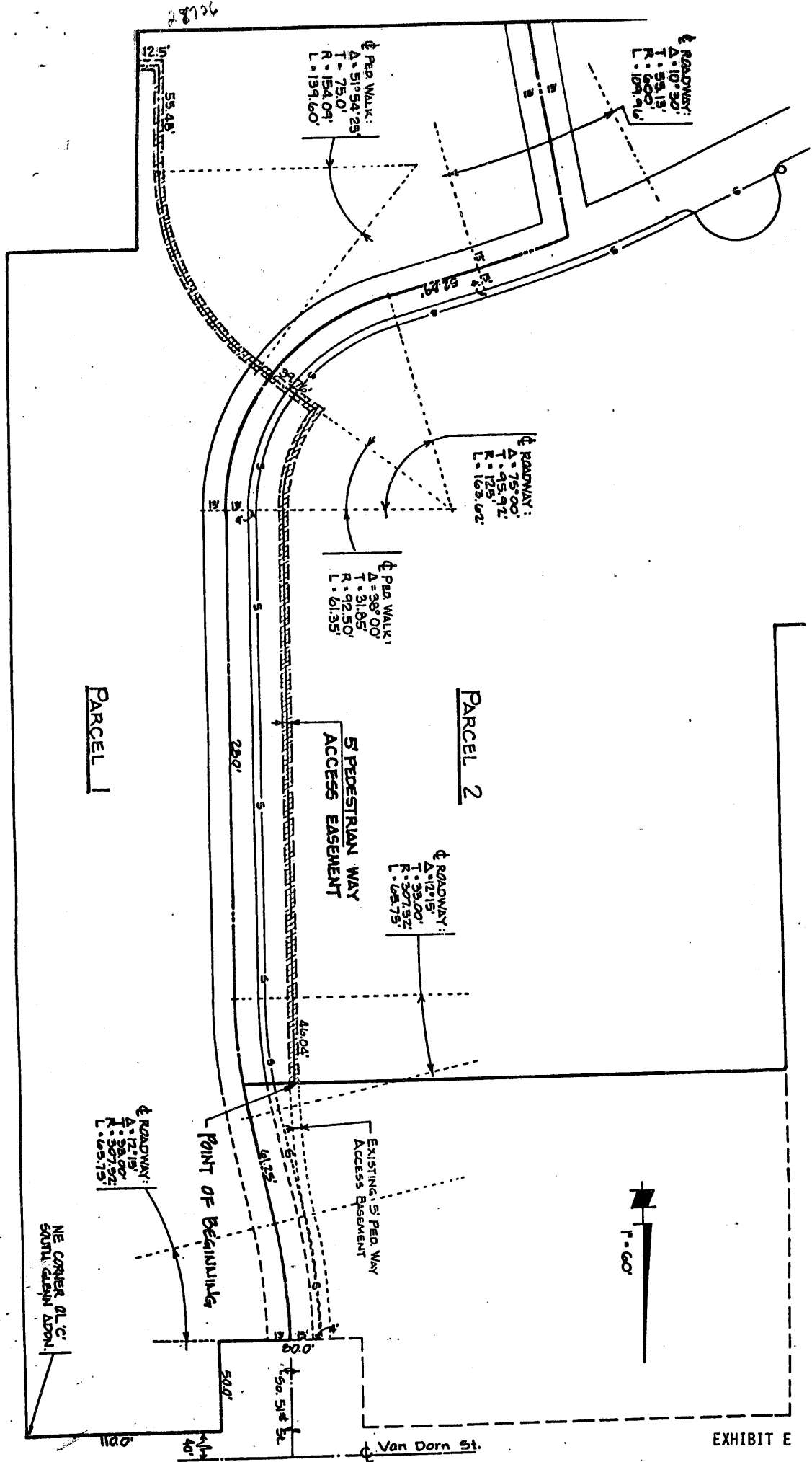


EXHIBIT D



PARCEL 1

PARCEL 2

S. PEDESTRIAN WAY
ACCESS EASEMENT

POINT OF BEGINNING

EXISTING S. PED. WAY
ACCESS EASEMENT

NE CORNER DL 'C'
SOUTH GLENN APT.

Van Dorn St.



EXHIBIT E

A pedestrian way easement 5.0 feet in width with 2.5 feet lying either side of the following described centerline:

Commencing at the northeast corner of Outlot C of South Glenn Addition and extending thence N. 90°-00'-00" W., 110.00 feet;

thence S. 0°-00'-00" E., 50.00 feet;

thence N. 90°-00'-00" W., 40.00 feet to the point of curvature of a circular curve to the left having a central angle of 12°-15'-00", a radius of 307.52 feet, and whose chord bears S. 6°-07'-30" E.;

thence along the arc of said circular curve, 65.75 feet to the point of tangency;

thence S. 12°-15'-00" E., 61.25 feet to the point of curvature of a circular curve to the right having a central angle of 12°-15'-00", a radius of 307.52 feet, and whose chord bears S. 6°-07'-30" E.;

thence along the arc of said circular curve, 19.55 feet;

thence S. 90°-00'-00" W., 28.04 feet to the point of beginning;

thence S. 1°-14'-40" W., 46.04 feet;

thence S. 0°-00'-00" E., 280.00 feet to the point of curvature of a circular curve to the right having a central angle of 38°-00'-00", a radius of 92.50 feet, and whose chord bears S. 19°-00'-00" W.;

thence along the arc of said circular curve, 61.35 feet to the point of tangency;

thence S. 52°-00'-00" E., 39.76 feet to the point of curvature of a circular curve to the right having a central angle of 51°-54'-25", a radius of 154.09 feet, and whose chord bears S. 26°-02'-48" E.;

thence along the arc of said circular curve, 139.60 feet to the point of tangency;

thence S. 0°-05'-35" E., 55.48 feet;

thence N. 89°-54'-25" E., 12.5 feet to the point of terminus on the west line of South Glenn Addition.

WISC

18-661-33-273

INDEXED
MICRO-FILED
GENERAL

LANCASTER COUNTY, PENN.

Dan J. Galt
REGISTER OF DEEDS

1985 OCT 24 AM 8:12

ENTERED IN
NUMERICAL INDEX
FILED FOR RECORD AS:

EXHIBIT F

12/6/85

Clarence P. ...

INST. NO. 85 28726