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MISC 2003 02494

RICHARD N. TAKECHI REGISTER OF DEEDS ROUGLAS COUNTY, NE

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SIGN EASEMENT	DEJ BKP	C/0	COMP
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THIS INDENTURE AND GRANT OF EASEMENT made this \_\_\_\_\_\_\_ day of January 2003, between WATERFORD DEVELOPMENT, L.L.C., a Nebraska limited liability company (hereinafter referred to as "Grantor" whether one or more), in favor of WATERFORD HOMEOWNERS ASSOCIATION (hereinafter referred to as "Grantee").

#### RECITALS:

WHEREAS, Grantor is the owner of the real property legally described as Lots 14, 32, 36, 55, 63, 84, 96, 99, 123, and 130, all in WATERFORD, a Subdivision as surveyed, platted and recorded in Douglas County, Nebraska, and Lots 1, 9, 21, 31, all in WATERFORD REPLAT 2, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska, hereinafter collectively referred to as the "Real Property";

WHEREAS, Grantor desires to grant to Grantee, for the benefit of Grantee and the residents of the Waterford development, a permanent sign and maintenance easement over and upon the Real Property for the sole purpose of erecting and maintaining a subdivision sign on the Real Property at the locations set forth in <u>Exhibit A</u> attached hereto and incorporated herein by this reference.

NOW THEREFORE, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the Grantor does hereby GRANT, SELL and CONVEY unto Grantee permanent sign and maintenance easements for the benefit of Grantee to erect and maintain subdivision signs on the Real Property at the location set forth in Exhibit A attached hereto; said permanent sign and maintenance easements shall continue in perpetuity.

TO HAVE AND TO HOLD for the non-exclusive uses, benefits, purposes and burdens hereinafter set forth;

- 1. The foreclosure of any mortgage covering all or a portion of the Real Property shall in no way affect or diminish any easement granted herein, for all such easements shall remain in full force and effect for the benefit of the grantees described herein.
- 2. The obligations, benefits and burdens imposed by this document are those of the then owners of the Real Property, or any part thereof, and shall run with the land and shall be binding upon said owners and mortgagees and its respective successors and assigns.
- 3. The Grantor shall not be responsible to the Grantee for any injury to person or damage to property on or about the easement granted herein, unless caused by the negligence or willful misconduct of the Grantor, its agents, servants or employees. The Grantee, on behalf of itself and its successors and assigns, WAIVES and RELEASES any and all claims, causes of action, loss, expense, and damages

FULLENKAMP, DOYLE & JOBEUN 11440 WEST CENTER ROAD OMAHA, NEBRASKA 68144-4482 assigns, WAIVES and RELEASES any and all claims, causes of action, loss, expense, and damages (including attorneys' fees) against the Grantor arising out of such damage to property or injury to persons other than those caused by the negligence or willful misconduct of the Grantor, its agents, servants or employees.

- 4. The easements hereby created are not a public easements, but are permanent, private easements for the use and benefit of the Grantee referred to herein above. The parties hereto further expressly disclaim the creation of any rights in or for the benefit of the public.
- 5. The Grantee agrees to erect and maintain the signs, at its sole cost and expense. Grantee shall keep the signs in good condition.
- 6. Grantee shall have the right of reasonable access over, across and through the Real Property for the purposes of erecting, maintaining and removing the signs.
- 7. This instrument shall be construed and governed in accordance with the laws of the State of Nebraska.
- 8. The merger of any fire district, corporation, association or legal entity shall in no way affect or diminish any easement granted herein, for all such easements shall remain in full force and effect for the benefit of the grantees described herein.

EXECUTED this 13 day of January 2003.

**GRANTOR:** 

WATERFORD DEVELOPMENT, L.L.C.,

By: Berbara Udes Shaw Manager

STATE OF NEBRASKA ) ss.
COUNTY OF DOUGLAS )

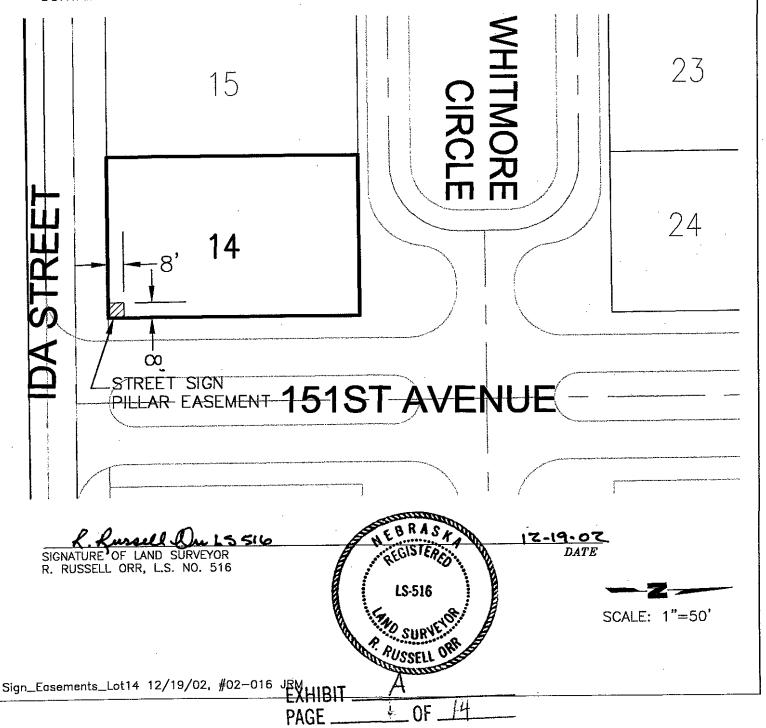
Before me, a Notary Public qualified for said County and State, personally came Barbara Udes Shaw, as Manager of Waterford Development, L.L.C., known to me to be the identical person who signed the foregoing instrument and acknowledged the execution thereof to be her voluntary act and deed on behalf of said limited liability company.

WITNESS my hand and Notary Seal on this 13 day of January 2003.

I, R. RUSSELL ORR, A REGISTERED SURVEYOR IN THE STATE OF NEBRASKA, DUE HEREBY CERTIFY THAT THIS SURVEY WAS DONE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

LEGAL DESCRIPTION: LOT 14 WATERFORD
A LEGAL DESCRIPTION OF A SIGNAGE EASEMENT LOCATED IN LOT 14, WATERFORD,
DOUGLAS COUNTY, NEBRASKA IN THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 16
NORTH, RANGE 11 EAST OF THE 6TH P.M. AND MORE FULLY DESCRIBED AS FOLLOWS:

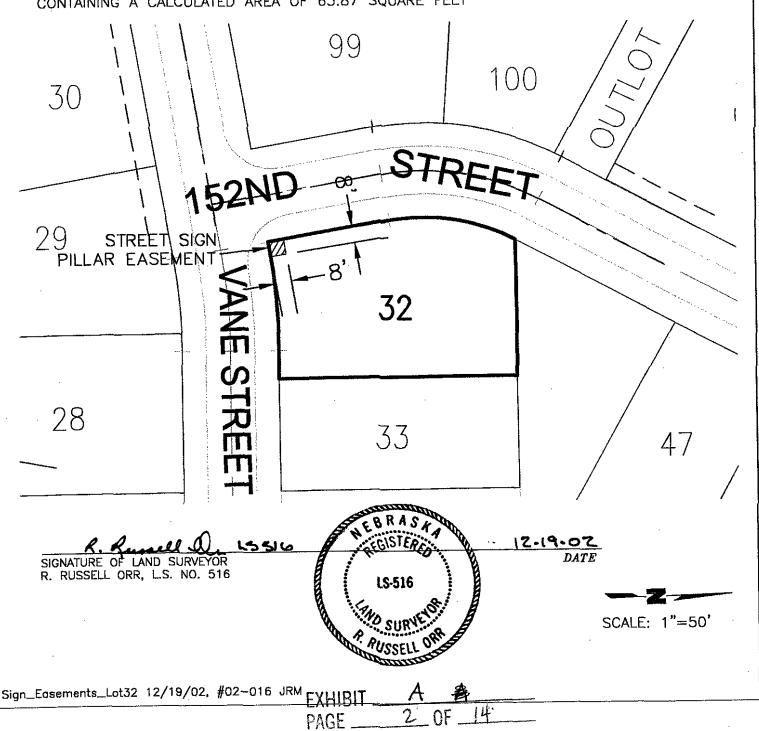
THE MOST SOUTHERLY 8.00 FEET OF THE MOST EASTERLY 8.00 FEET OF LOT 14, BOUNDED BY THE RIGHT-OF-WAY LINES OF 151ST AVENUE AND IDA STREET AND CONTAINING A CALCULATED AREA OF 64.00 SQUARE FEET.



I, R. RUSSELL ORR, A REGISTERED SURVEYOR IN THE STATE OF NEBRASKA, DUE HEREBY CERTIFY THAT THIS SURVEY WAS DONE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

LEGAL DESCRIPTION: LOT 32 WATERFORD A LEGAL DESCRIPTION OF A SIGNAGE EASEMENT LOCATED IN LOT 32, WATERFORD, DOUGŁAS COUNTY, NEBRASKA IN THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 16 NORTH, RANGE 11 EAST OF THE 6TH P.M. AND MORE FULLY DESCRIBED AS FOLLOWS:

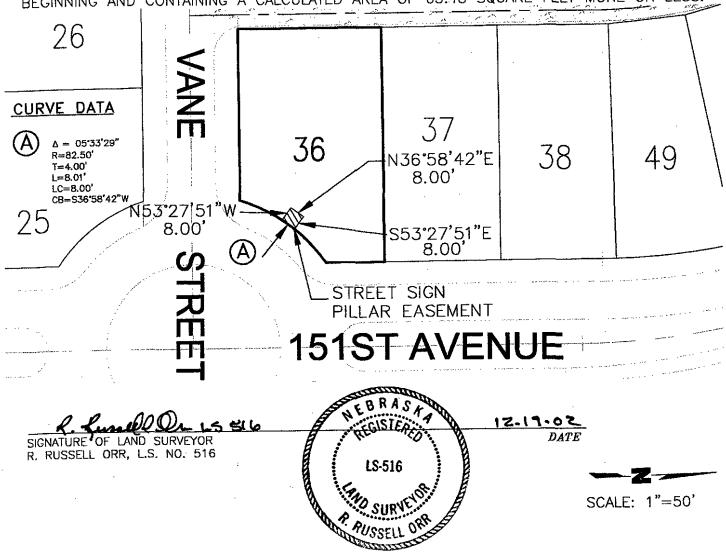
THE MOST SOUTHERLY 8.00 FEET OF THE MOST WESTERLY 8.00 FEET OF LOT 32, BOUNDED BY THE RIGHT-OF-WAY LINES OF 152ND STREET AND VANE STREET AND CONTAINING A CALCULATED AREA OF 63.87 SQUARE FEET



I, R. RUSSELL ORR, A REGISTERED SURVEYOR IN THE STATE OF NEBRASKA, DUE HEREBY CERTIFY THAT THIS SURVEY WAS DONE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

LEGAL DESCRIPTION: LOT 36 WATERFORD A LEGAL DESCRIPTION OF A SIGNAGE EASEMENT LOCATED IN LOT 36, WATERFORD, DOUGLAS COUNTY, NEBRASKA IN THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 16 NORTH, RANGE 11 EAST OF THE 6TH P.M. AND MORE FULLY DESCRIBED AS FOLLOWS:

REFERRING TO THE MIDPOINT OF AN 82.50 FOOT RADIUS IN THE NORTHWEST RIGHT-OF-WAY CORNER OF THE INTERSECTION OF VANE STREET AND 151ST AVENUE; THENCE: \$35°35'19"W, (AN ASSUMED BEARING), A DISTANCE OF 4.00 FEET TO THE POINT OF BEGINNING; THENCE: \$53°27'51"W, A DISTANCE OF 8.00 FEET; THENCE: \$36°58'42"E, A DISTANCE OF 8.00 FEET; THENCE: \$53°27'51"E, A DISTANCE OF 8.00 FEET TO A POINT ON SAID NORTHWESTERLY RIGHT-OF-WAY AND THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE 05°33'29" WITH A RADIUS OF 82.50 FEET, AN ARC LENGTH OF 8.01 FEET, A CHORD LENGTH OF 8.00 FEET AND A CHORD BEARING \$36°58'43"W; THENCE; ON SAID CURVE, A DISTANCE OF 8.00 FEET TO THE POINT OF BEGINNING AND CONTAINING A CALCULATED AREA OF 63.48 SQUARE FEET MORE OR LESS.



<del>EXHIBIT</del>

PAGE

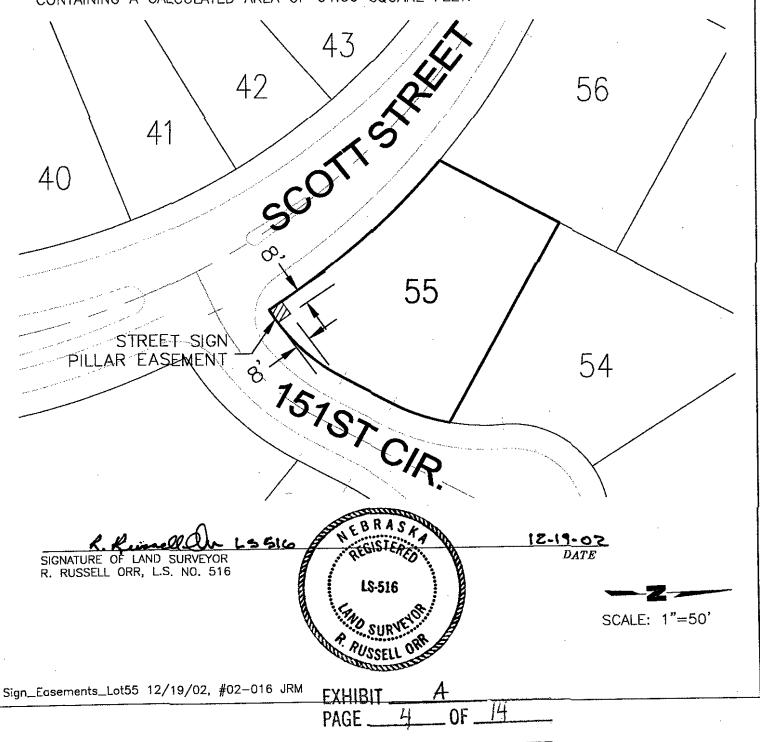
3

Sign\_Easements\_Lot36 12/19/02, #02-016 JRM

I, R. RUSSELL ORR, A REGISTERED SURVEYOR IN THE STATE OF NEBRASKA, DUE HEREBY CERTIFY THAT THIS SURVEY WAS DONE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

LEGAL DESCRIPTION: LOT 55 WATERFORD A LEGAL DESCRIPTION OF A SIGNAGE EASEMENT LOCATED IN LOT 55, WATERFORD, DOUGLAS COUNTY, NEBRASKA IN THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 16 NORTH, RANGE 11 EAST OF THE 6TH P.M. AND MORE FULLY DESCRIBED AS FOLLOWS:

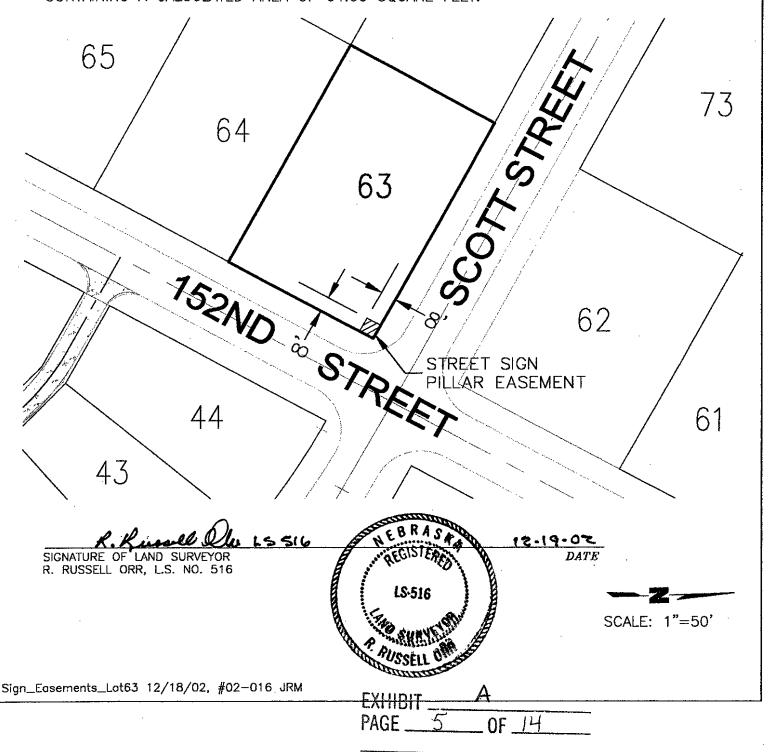
THE MOST SOUTHERLY 8.00 FEET OF THE MOST EASTERLY 8.00 FEET OF LOT 55, BOUNDED BY THE RIGHT-OF-WAY LINES OF SCOTT STREET AND 151ST CIRCLE AND CONTAINING A CALCULATED AREA OF 64.00 SQUARE FEET.



I, R. RUSSELL ORR, A REGISTERED SURVEYOR IN THE STATE OF NEBRASKA, DUE HEREBY CERTIFY THAT THIS SURVEY WAS DONE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

LEGAL DESCRIPTION: LOT 63 WATERFORD
A LEGAL DESCRIPTION OF A SIGNAGE EASEMENT LOCATED IN LOT 63, WATERFORD,
DOUGLAS COUNTY, NEBRASKA IN THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 16
NORTH, RANGE 11 EAST OF THE 6TH P.M. AND MORE FULLY DESCRIBED AS FOLLOWS:

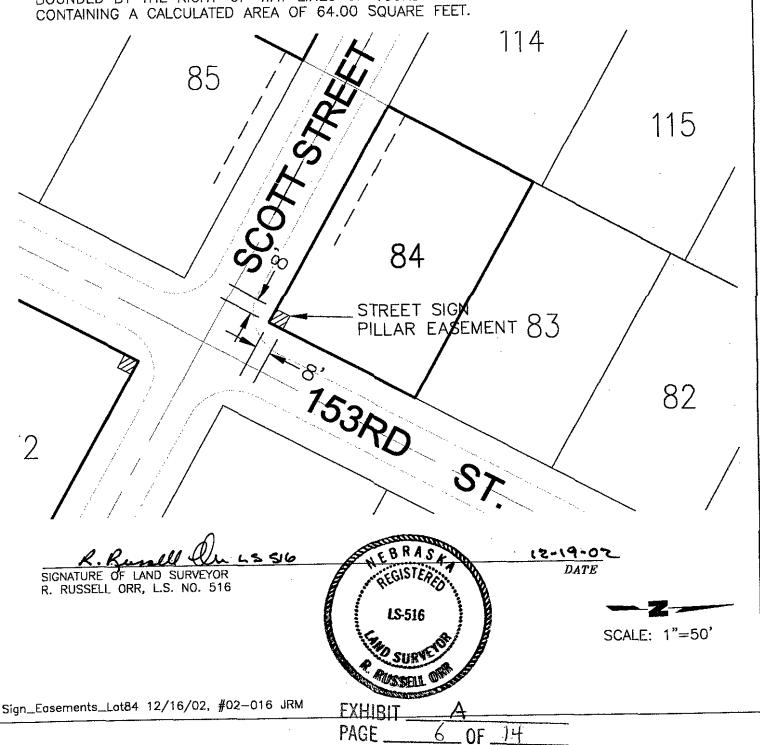
THE MOST NORTHERLY 8.00 FEET OF THE MOST EASTERLY 8.00 FEET OF LOT 63, BOUNDED BY THE RIGHT-OF-WAY LINES OF 152ND STREET AND SCOTT STREET AND CONTAINING A CALCULATED AREA OF 64.00 SQUARE FEET.



I, R. RUSSELL ORR, A REGISTERED SURVEYOR IN THE STATE OF NEBRASKA, DUE HEREBY CERTIFY THAT THIS SURVEY WAS DONE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

LEGAL DESCRIPTION: LOT 84 WATERFORD A LEGAL DESCRIPTION OF A SIGNAGE EASEMENT LOCATED IN LOT 84, WATERFORD, DOUGLAS COUNTY, NEBRASKA IN THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 16 NORTH, RANGE 11 EAST OF THE 6TH P.M. AND MORE FULLY DESCRIBED AS FOLLOWS:

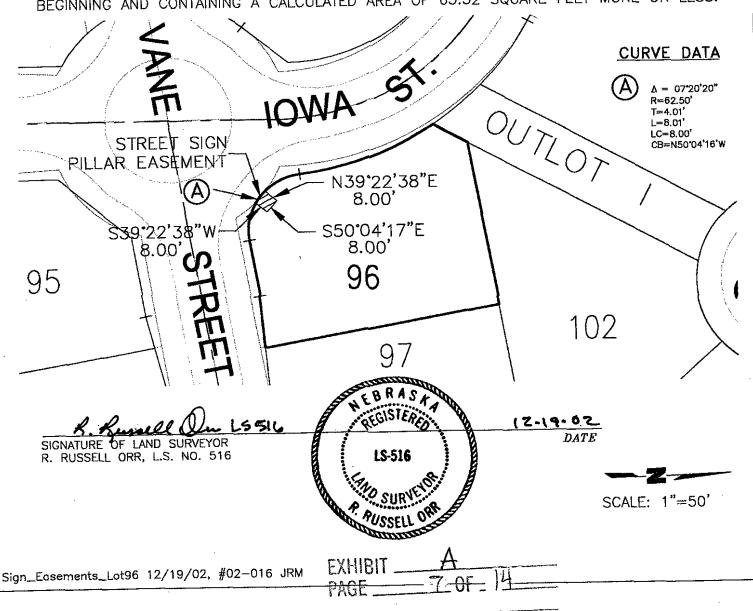
THE MOST SOUTHERLY 8.00 FEET OF THE MOST EASTERLY 8.00 FEET OF LOT 84, BOUNDED BY THE RIGHT-OF-WAY LINES OF 153RD STREET AND SCOTT STREET AND CONTAINING A CALCULATED AREA OF 64.00 SQUARE FEET.



I, R. RUSSELL ORR, A REGISTERED SURVEYOR IN THE STATE OF NEBRASKA, DUE HEREBY CERTIFY THAT THIS SURVEY WAS DONE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

LEGAL DESCRIPTION: LOT 96 WATERFORD A LEGAL DESCRIPTION OF A SIGNAGE EASEMENT LOCATED IN LOT 96, WATERFORD, DOUGLAS COUNTY, NEBRASKA IN THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 16 NORTH, RANGE 11 EAST OF THE 6TH P.M. AND MORE FULLY DESCRIBED AS FOLLOWS:

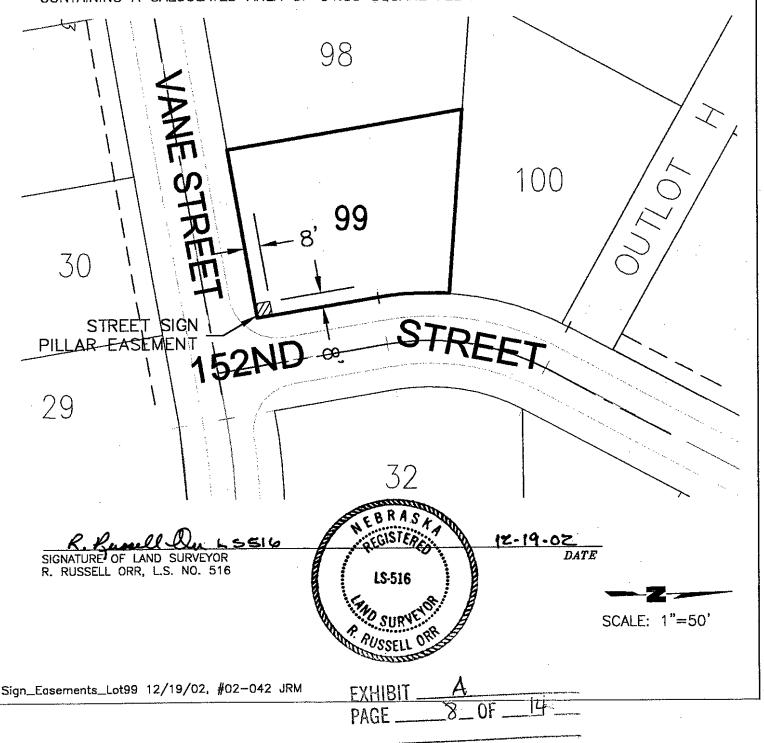
REFERRING TO THE MIDPOINT OF A 62.50 FOOT RADIUS IN THE NORTHEAST RIGHT-OF-WAY CORNER OF THE INTERSECTION OF VANE STREET AND IOWA STREET; THENCE: N51°54'21"W, (AN ASSUMED BEARING), A DISTANCE OF 4.00 FEET TO THE POINT OF BEGINNING; THENCE: N39°22'38"E, A DISTANCE OF 8.00 FEET; THENCE: S50°04'17"E, A DISTANCE OF 8.00 FEET; THENCE: S39°22'38"W, A DISTANCE OF 8.00 FEET TO A POINT ON SAID NORTHEASTERLY RIGHT-OF-WAY AND THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 07°20'20" WITH A RADIUS OF 62.50 FEET, AN ARC LENGTH OF 8.01 FEET, A CHORD LENGTH OF 8.00 FEET AND A CHORD BEARING N50°04'16"W; THENCE; ON SAID CURVE, A DISTANCE OF 8.01 FEET TO THE POINT OF BEGINNING AND CONTAINING A CALCULATED AREA OF 63.32 SQUARE FEET MORE OR LESS.



I, R. RUSSELL ORR, A REGISTERED SURVEYOR IN THE STATE OF NEBRASKA, DUE HEREBY CERTIFY THAT THIS SURVEY WAS DONE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

LEGAL DESCRIPTION: LOT 99 WATERFORD
A LEGAL DESCRIPTION OF A SIGNAGE EASEMENT LOCATED IN LOT 99, WATERFORD,
DOUGLAS COUNTY, NEBRASKA IN THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 16
NORTH, RANGE 11 EAST OF THE 6TH P.M. AND MORE FULLY DESCRIBED AS FOLLOWS:

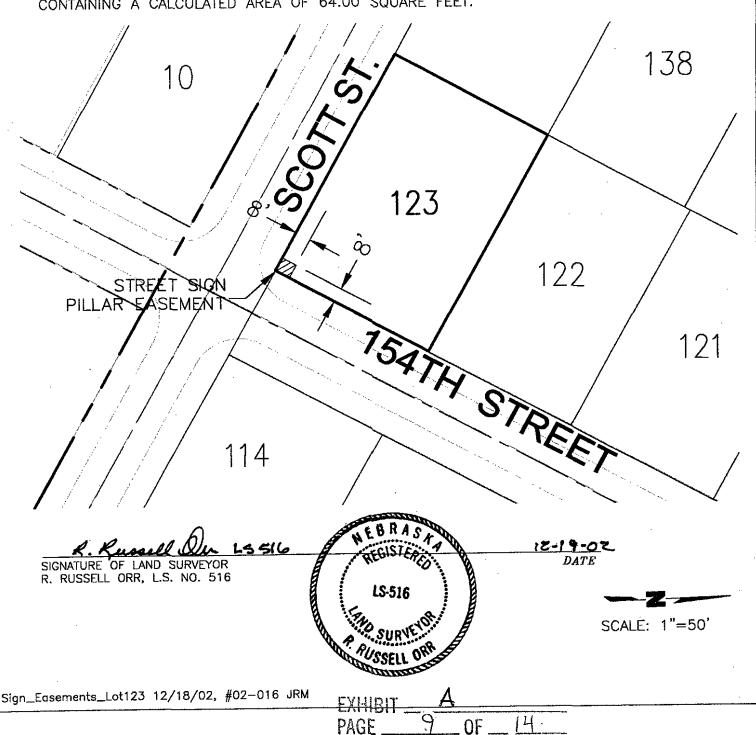
THE MOST SOUTHERLY 8.00 FEET OF THE MOST EASTERLY 8.00 FEET OF LOT 99, BOUNDED BY THE RIGHT-OF-WAY LINES OF 152ND STREET AND VANE STREET AND CONTAINING A CALCULATED AREA OF 64.00 SQUARE FEET.



I, R. RUSSELL ORR, A REGISTERED SURVEYOR IN THE STATE OF NEBRASKA, DUE HEREBY CERTIFY THAT THIS SURVEY WAS DONE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

LEGAL DESCRIPTION: LOT 123 WATERFORD
A LEGAL DESCRIPTION OF A SIGNAGE EASEMENT LOCATED IN LOT 123, WATERFORD,
DOUGLAS COUNTY, NEBRASKA IN THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 16
NORTH, RANGE 11 EAST OF THE 6TH P.M. AND MORE FULLY DESCRIBED AS FOLLOWS:

THE MOST SOUTHERLY 8.00 FEET OF THE MOST EASTERLY 8.00 FEET OF LOT 123, BOUNDED BY THE RIGHT-OF-WAY LINES OF 154TH STREET AND SCOTT STREET AND CONTAINING A CALCULATED AREA OF 64.00 SQUARE FEET.

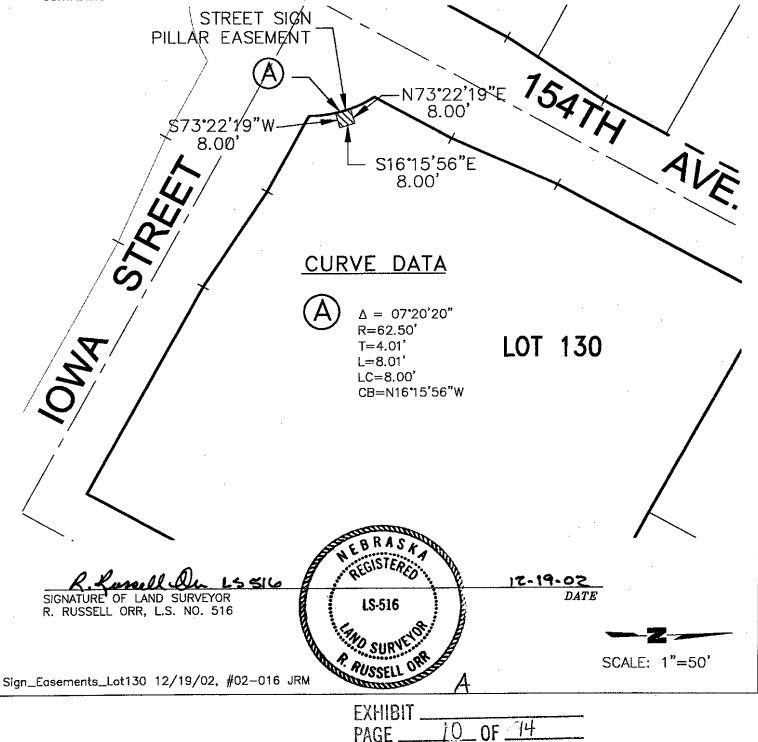


I, R. RUSSELL ORR, A REGISTERED SURVEYOR IN THE STATE OF NEBRASKA, DUE HEREBY CERTIFY THAT THIS SURVEY WAS DONE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

LEGAL DESCRIPTION: LOT 130 WATERFORD

A LEGAL DESCRIPTION OF A SIGNAGE EASEMENT LOCATED IN LOT 130, WATERFORD, DOUGLAS COUNTY, NEBRASKA IN
THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 16 NORTH, RANGE 11 EAST OF THE 6TH P.M. AND MORE FULLY
DESCRIBED AS FOLLOWS:

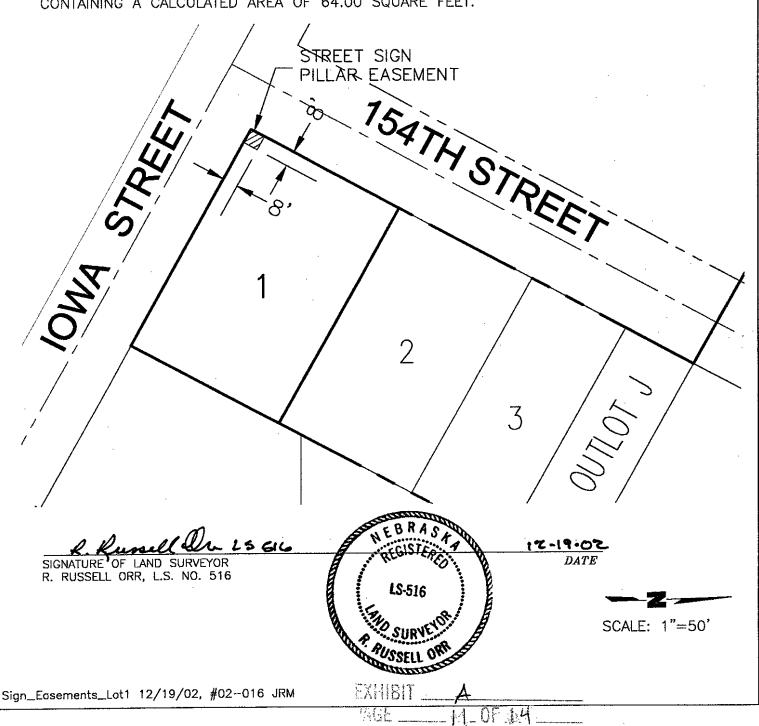
REFERRING TO THE MIDPOINT OF A 62.50 FOOT RADIUS IN THE NORTHEAST RIGHT-OF-WAY CORNER OF THE INTERSECTION OF IOWA STREET AND 154TH AVENUE; THENCE: N18'06'01"W, (AN ASSUMED BEARING), A DISTANCE OF 4.00 FEET TO THE POINT OF BEGINNING; THENCE: N73'22'19"E, A DISTANCE OF 8.00 FEET; THENCE: S16'15'56"E, A DISTANCE OF 8.00 FEET; THENCE: S73'22'19"W, A DISTANCE OF 8.00 FEET TO A POINT ON SAID NORTHEASTERLY RIGHT-OF-WAY AND THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 07'20'20" WITH A RADIUS OF 62.50 FEET, AN ARC LENGTH OF 8.01 FEET, A CHORD LENGTH OF 8.00 FEET AND A CHORD BEARING N16'15'56"W; THENCE; ON SAID CURVE, A DISTANCE OF 8.01 FEET TO THE POINT OF BEGINNING AND CONTAINING A CALCULATED AREA OF 63.52 SQUARE FEET MORE OR LESS.



I, R. RUSSELL ORR, A REGISTERED SURVEYOR IN THE STATE OF NEBRASKA, DUE HEREBY CERTIFY THAT THIS SURVEY WAS DONE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

LEGAL DESCRIPTION: LOT 1 WATERFORD REPLAT 2
A LEGAL DESCRIPTION OF A SIGNAGE EASEMENT LOCATED IN LOT 1, WATERFORD REPLAT
2, DOUGLAS COUNTY, NEBRASKA IN THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP
16 NORTH, RANGE 11 EAST OF THE 6TH P.M. AND MORE FULLY DESCRIBED AS FOLLOWS:

THE MOST SOUTHERLY 8.00 FEET OF THE MOST WESTERLY 8.00 FEET OF LOT 1, BOUNDED BY THE RIGHT-OF-WAY LINES OF 154TH STREET AND IOWA STREET AND CONTAINING A CALCULATED AREA OF 64.00 SQUARE FEET.

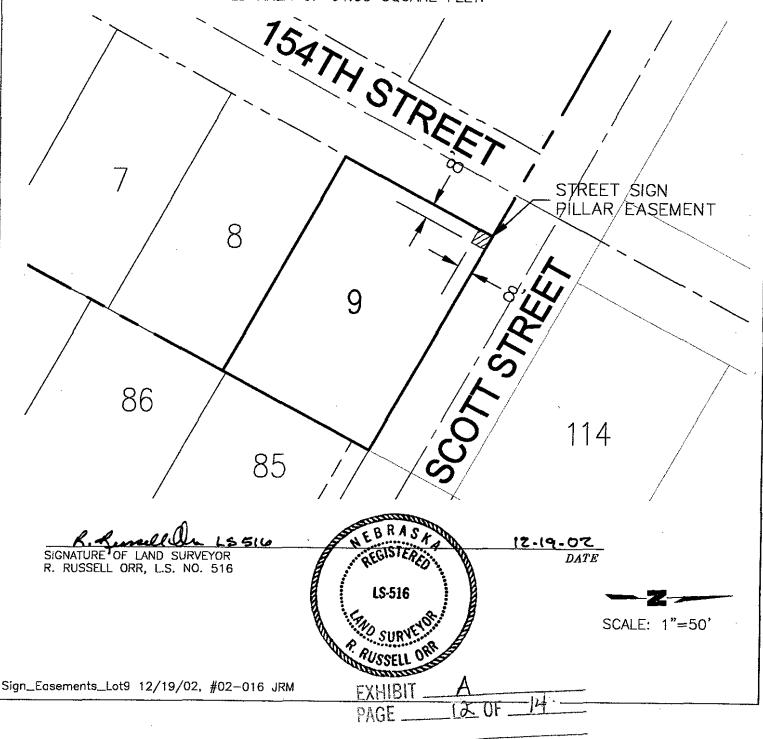


I, R. RUSSELL ORR, A REGISTERED SURVEYOR IN THE STATE OF NEBRASKA, DUE HEREBY CERTIFY THAT THIS SURVEY WAS DONE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

LEGAL DESCRIPTION: LOT 9 WATERFORD REPLAT 2

A LEGAL DESCRIPTION OF A SIGNAGE EASEMENT LOCATED IN LOT 9, WATERFORD REPLAT
2, DOUGLAS COUNTY, NEBRASKA IN THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP
16 NORTH, RANGE 11 EAST OF THE 6TH P.M. AND MORE FULLY DESCRIBED AS FOLLOWS:

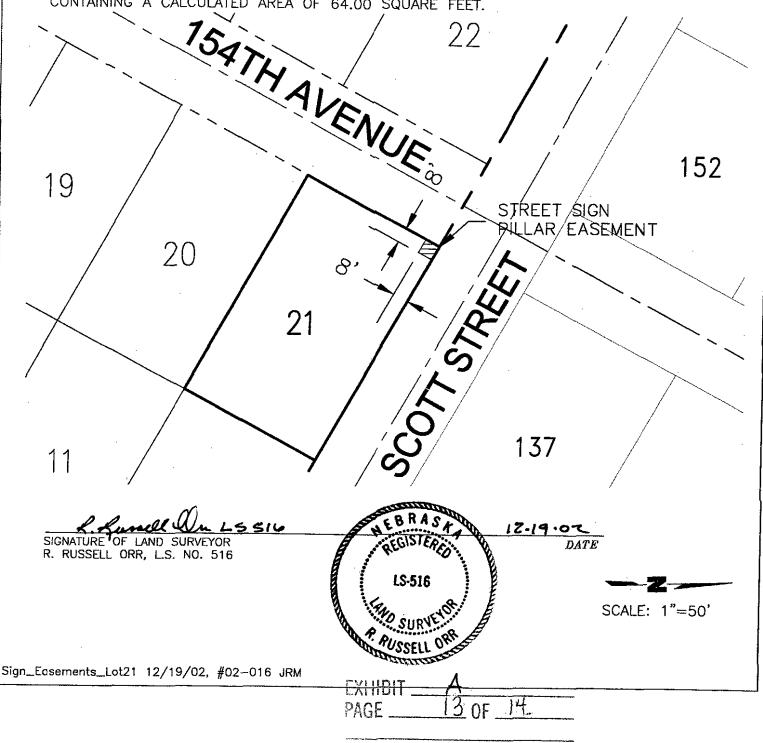
THE MOST NORTHERLY 8.00 FEET OF THE MOST WESTERLY 8.00 FEET OF LOT 9, BOUNDED BY THE RIGHT-OF-WAY LINES OF 154TH STREET AND SCOTT STREET AND CONTAINING A CALCULATED AREA OF 64.00 SQUARE FEET.



I, R. RUSSELL ORR, A REGISTERED SURVEYOR IN THE STATE OF NEBRASKA, DUE HEREBY CERTIFY THAT THIS SURVEY WAS DONE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

LEGAL DESCRIPTION: LOT 21 WATERFORD REPLAT 2
A LEGAL DESCRIPTION OF A SIGNAGE EASEMENT LOCATED IN LOT 21, WATERFORD REPLAT
2, DOUGLAS COUNTY, NEBRASKA IN THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP
16 NORTH, RANGE 11 EAST OF THE 6TH P.M. AND MORE FULLY DESCRIBED AS FOLLOWS:

THE MOST NORTHERLY 8.00 FEET OF THE MOST WESTERLY 8.00 FEET OF LOT 21, BOUNDED BY THE RIGHT-OF-WAY LINES OF 154TH AVENUE AND SCOTT STREET AND CONTAINING A CALCULATED AREA OF 64.00 SQUARE FEET.



I, R. RUSSELL ORR, A REGISTERED SURVEYOR IN THE STATE OF NEBRASKA, DUE HEREBY CERTIFY THAT THIS SURVEY WAS DONE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

LEGAL DESCRIPTION: LOT 31 WATERFORD REPLAT 2

A LEGAL DESCRIPTION OF A SIGNAGE EASEMENT LOCATED IN LOT 31, WATERFORD REPLAT 2, DOUGLAS COUNTY, NEBRASKA IN THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 16 NORTH, RANGE 11 EAST OF THE 6TH P.M. AND MORE FULLY DESCRIBED AS FOLLOWS:

THE MOST SOUTHERLY 8.00 FEET OF THE MOST WESTERLY 8.00 FEET OF LOT 31, BOUNDED BY THE RIGHT-OF-WAY LINES OF 155TH STREET AND IOWA STREET AND CONTAINING A CALCULATED AREA OF 64.00 SQUARE FEET.

