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RICHARD N. TAKECHI  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NE

35  
Upon recording, please return  
file stamped original to:  
Marilyn Wynne Watson  
Seldin Company  
13057 W. Center Road  
Omaha, NE 68144

RECIPROCAL EASEMENT AGREEMENT

This agreement made and entered into as of this 31st day of December, 1984, by and between Seldin Properties, a Nebraska partnership, the owner of property described in Exhibit "A" attached hereto, and Montclair Investment II Co., formerly known as Montclair Investment Co., a Nebraska partnership, the owner of property described in Exhibit "B" attached hereto. Both parties to be jointly referred to as the "Parties" and separately referred to as "Party".

WITNESSETH:

The Parties to this agreement in consideration of the covenants set forth herein and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, do hereby grant to each other, their successors and assigns, to have and to hold a cross easement and right of way for access and joint parking over the parking lot and drive portions of the premises described in Exhibits "A" and "B" attached hereto. This use of this easement is subject to the reasonable rules and regulations established from time to time by the Party owning the respective property. Notwithstanding anything above to the contrary, each Party shall have the right to change the parking lots, entrances and exits located on their respective parcels; however, if any such change would substantially interfere with the access of the other Party to and from a public right of way, the Party making the alteration shall provide substantially equivalent substitute access to the other Party.

Further, Montclair Investment II Co. does hereby bargain, sell, grant and convey unto Seldin Properties, its successors and assigns, an exclusive easement for one freestanding Automatic Teller Machine ("ATM") and one pole sign on premises described in Exhibit "C" attached hereto, for its use and for the use of its guests, customers, suppliers, contractors, and their successors and assigns. It shall be the responsibility and obligation of Seldin Properties, its successors and assigns, to repair, maintain and/or replace said ATM and sign. This exclusive easement is reserved for purpose of allowing one freestanding ATM and one pole sign and to allow for the repair, maintenance and/or replacement of same.

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BKP \_\_\_\_\_ C/O \_\_\_\_\_ C. MB  
DEL \_\_\_\_\_ SCAN \_\_\_\_\_

Additionally, the Parties hereby grant to each other their successors and assigns, to have and to hold, an easement and right a way for access to underground utility lines. Each Party reserves unto itself, the right to relocate the utilities on its respective parcel; however, in the event such a relocation would substantially interfere with the utility service to the other Party hereto, the Party doing the relocation shall provide the affected Party with prior notice and, to the extent practicable, perform such work during nonbusiness hours, except in the event of an emergency in which case notice and performance restrictions will not apply. The purpose of this easement is to preserve both an easement for existing utility service and reasonable upgrades thereto for the benefit of the Parties as well as rights of the respective owning party to access such services. In the event excavation is necessary to reach any of said utilities, the excavating party shall restore the areas as near as may be reasonably possible to the original condition prior to such work as soon after such work is performed as may be reasonably possible to do so.

The easements set forth herein shall be used by the Parties in such a way as to minimize interruption and inconvenience to the other Party and its respective tenants, customers, suppliers and other invitees to the premises and are subject to the rights of tenants. Each Party shall provide maintenance of its own respective property so as not to interfere with the easement rights of the other Party granted herein.

The rights and easements created and granted hereby shall be solely for the use and benefit of the Parties hereto and shall not be construed to be a dedication to the public or for the benefit of ancillary third parties such as utility companies or other adjoining property owners.

The easements and covenants herein created shall be covenants and easements running with the land and shall inure to the benefit of and be binding upon all owners of the land described in Exhibits "A" and "B" and all persons claiming under them, including their respective heirs, successors, and assigns. Every person accepting a deed, mortgage, or any other instrument conveying or granting any interest in or to all or any part of the land described in Exhibits "A" and "B", whether as security or otherwise, shall take the same subject to all the provisions hereof and shall be bound by the covenants and easements herein provided as if they have been a party to this instrument.

IN WITNESS WHEREOF, the Parties have caused this easement to be signed on the day and year first above written.

**SELDIN PROPERTIES**

BY: Theodore M. Seldin  
Theodore M. Seldin, Partner

**MONTCLAIR INVESTMENT II CO., f/k/a  
MONTCLAIR INVESTMENT CO.**

BY: The Millard Seldin Children's Master Trust,  
Partner

Stanley C. Silverman  
Stanley C. Silverman, Trustee

**ACKNOWLEDGMENTS**

STATE OF NEBRASKA )  
  )  
COUNTY OF DOUGLAS )     ss.

On this 8<sup>th</sup> day of Sept., 1997, before me a Notary Public in and for said county and state, personally appeared Theodore M. Seldin, known to me to be the identical person who subscribed his name to the foregoing as partner of Seldin Properties, a Nebraska Partnership, and acknowledged the execution thereof to be his voluntary act and deed and the voluntary act and deed of said partnership.

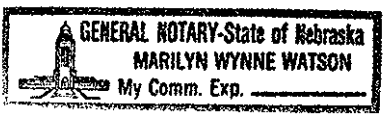
Carol A. Nicola  
Notary Public

My commission expires:  
3/8/98



STATE OF NEBRASKA )  
 )  
 ) ss.  
COUNTY OF DOUGLAS )

On this 10 day of Sept, 1997, before me a Notary Public in and for said county and state, personally appeared Stanley C. Silverman, known to me to be the identical person who subscribed his name to the foregoing as Trustee of The Millard Seldin Children's Master Trust, Partner of Montclair Investment II Co., f/k/a Montclair Investment Co., a Nebraska Partnership, and acknowledged the execution thereof to be his voluntary act and deed and the voluntary act and deed of said partnership.



*Marilyn Wynne Watson*  
\_\_\_\_\_  
Notary Public

My commission expires:  
6/30/99

## EXHIBIT "A"

Part of Lot 1, Block 1, Westwood Heights 15th Addition, an addition to the City of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska, more particularly described as follows: Commencing at the Southeast corner of said Lot 1, Block 1, said point being on the Northerly right of way line of Augusta Avenue; thence Northwesterly along the Northerly right of way line of said Augusta Avenue on a curve to the left (having a radius of 530.00 feet) for an arc distance of 160.34 feet; thence South 89°54'16" West on the Northerly right of way line of said Augusta Avenue for 675.54 feet; thence continuing on said Northerly right of way line of Augusta Avenue along a curve to the left (having a radius of 240.00 feet) for an arc distance of 107.98 feet to the True Point of Beginning; thence North 30°57'06" West for 46.77 feet; thence North 89°59'16" West for 166.18 feet to the East right of way line of the frontage road; thence South 00°00'44" West along said East right of way line for 15.30 feet; thence continuing on said East right of way line along a curve to the left (having a radius of 83.50 feet and long chord bearing South 16°48'55" East for 48.34 feet) an arc distance of 49.05 feet; thence continuing on said East right of way line along a curve to the right (having a radius of 116.50 feet and long chord bearing South 20°31'04" East for 52.91 feet) an arc distance of 53.37 feet; thence continuing on said East right of way line South 32°31'47" East for 20.09 feet to the Northerly right of way line of Augusta Avenue; thence Easterly on said Northerly right of way line along a curve to the left (having a radius of 190.00 feet and a long chord bearing North 61°45'39" East for 98.73 feet) an arc distance of 99.88 feet; thence continuing on said Northerly right of way line along a curve to the right (having a radius of 240.00 feet and long chord bearing North 55°24'50" East for 72.71 feet) an arc distance of 72.99 feet to the True Point of Beginning;

and,

That part of Lot 1, Block 1, Westwood Heights 15th Addition commencing at the Southeast corner of said Lot 1, Block 1, said point being on the northerly right of way line of Augusta Avenue; thence Northwesterly on the Northerly right of way line of said Augusta Avenue on a curve to the left (radius being 530.00 feet), 160.34 feet to a point of tangency; thence S 89°54'16" West on the Northerly right of way line of said Augusta Avenue, 675.54 feet to a point of curve; thence Southwesterly on the Northerly right of way line of said Augusta Avenue on a curve to the left (radius being 240.00 feet), 107.98 feet; thence North 30°57'06" West, 46.77 feet to the True Point of Beginning; thence continuing North 30°57'06" West, 4.64 feet; thence North 89°59'16" West, 163.76 feet to the East right of way line of the frontage road; thence South 00°00'44" West along said East right of way line for 3.98 feet; thence South 89°59'16" East for 166.18 feet to the Point of Beginning.

## EXHIBIT "B"

LOT 1, BLOCK 1, in WESTWOOD HEIGHTS 15th Addition, an Addition to the City of Omaha, Douglas County, Nebraska, except that part described in Plat and Dedication filed July 10, 1969 in Book 478 at Page 265 of the Miscellaneous Records of Douglas County, Nebraska, together with those parts of vacated 132nd Street frontage road and vacated West Center Road frontage road adjacent to said Lot 1, all except those parcels described as follows:

Commencing at the Southeast corner of said Lot 1, Block 1, said point being on the Northerly right of way line of Augusta Avenue; thence Northwesterly along the Northerly right of way line of said Augusta Avenue on a curve to the left (having a radius of 530.00 feet) for an arc distance of 160.34 feet; thence South 89°54'16" West on the Northerly right of way line of said Augusta Avenue for 675.54 feet; thence continuing on said Northerly right of way line of Augusta Avenue along a curve to the left (having a radius of 240.00 feet) for an arc distance of 107.98 feet to the True Point of Beginning; thence North 30°57'06" West for 46.77 feet; thence North 89°59'16" West for 166.18 feet to the East right of way line of the frontage road; thence South 00°00'44" West along said East right of way line for 15.30 feet; thence continuing on said East right of way line along a curve to the left (having a radius of 83.50 feet and long chord bearing South 16°48'55" East for 48.34 feet) an arc distance of 49.05 feet; thence continuing on said East right of way line along a curve to the right (having a radius of 116.50 feet and long chord bearing South 20°31'04" East for 52.91 feet) an arc distance of 53.37 feet; thence continuing on said East right of way line South 32°31'47" East for 20.09 feet to the Northerly right of way line of Augusta Avenue; thence Easterly on said Northerly right of way line along a curve to the left (having a radius of 190.00 feet and a long chord bearing North 61°45'39" East for 98.73 feet) an arc distance of 99.88 feet; thence continuing on said Northerly right of way line along a curve to the right (having a radius of 240.00 feet and long chord bearing North 55°24'50" East for 72.71 feet) an arc distance of 72.99 feet to the True Point of Beginning;

and except;

Commencing at the Southeast corner of said Lot 1, Block 1, said point being on the Northerly right-of-way line of Augusta Avenue; thence Northwesterly on the Northerly right-of-way line of Augusta Avenue on a curve to the left (radius being 530.00 feet), 160.34 feet to a point of tangency; thence South 89°54'16" West on the Northerly right-of-way line of said Augusta Avenue, 675.54 feet to a point of curve; thence Southwesterly on the Northerly right-of-way line of said Augusta Avenue on a curve to the left (radius being 240.00 feet), 107.98 feet; thence North 30°57'06" West, 46.77 feet to the True Point of Beginning; thence continuing North 30°57'06" West, 4.64 feet; thence North 89°59'16" West, 163.76 feet to the East right-of-way line of the frontage road; thence South 00°00'44" West along said East

right-of-way line for 3.98 feet; thence South 89°59'16" East for 166.18 feet to the Point of Beginning;

and further except;

Commencing at the Southeast corner of said Lot 1, Block 1, said point being on the Northerly right of way line of Augusta Avenue; thence Northwesterly on the Northerly right of way line of said Augusta Avenue on a curve to the left (radius being 530.00 feet), 160.34 feet to a point of tangency; thence South 89°54'16" West on the Northerly right of way line of said Augusta Avenue, 675.54 feet to a point of curve; thence Southwesterly on the Northerly right of way line of said Augusta Avenue on a curve to the left (radius being 240.00 feet), 107.98 feet; thence North 30°57'06" West, 54.36 feet to the point of beginning; thence continuing North 30°57'06" West, 82.05 feet; thence North 89°59'16" West, 120.00 feet; thence South 0°0'44" West, 70.36 feet; thence South 89°59'16" East, 162.22 feet to the Point of Beginning;

and further except;

Commencing at the Southeast corner of said Lot 1, Block 1, said point being on the Northerly R.O.W. line of Augusta Avenue; thence Northwesterly along said Northerly R.O.W. line of Augusta Avenue on a curve to the left (having a radius of 530.00 feet) for an arc distance of 160.34 feet; thence S 89°54'16" W on the Northerly R.O.W. line of said Augusta Avenue for 675.54 feet; thence continuing on said Northerly R.O.W. line of Augusta Avenue along a curve to the left (having a radius of 240.00 feet) for an arc distance of 107.98 feet; thence N 30°57'06" W for 51.41 feet to the true point of beginning; thence N 30°57'06" W for 2.95 feet; thence N 89°59'16" W for 162.22 feet to the East R.O.W. line of the frontage road; thence S 0°00'44" W along said East R.O.W. line for 2.25 feet; thence S 89°59'16" E for 163.76 feet to the True Point of Beginning.

## EXHIBIT "C"

A Parcel of Land located in LOT 1, BLOCK 1, WESTWOOD HEIGHTS 15th Addition, an Addition to the City of Omaha, Douglas County, Nebraska, described as follows:

Commencing at the Southwest corner of said Lot 1, Block 1, which is a point on the North right of way line of Augusta Avenue, which is also the Point of Beginning; thence N 89°59'16" E (assumed bearing using the same bearing as final recorded plat) along the North right of way line of said Augusta Avenue for 30.0 feet; thence Easterly along the Northerly right of way line of said Augusta Avenue on a curve to the left (radius of 190.0 feet) for 15.56 feet; thence N 22°10'47" W for 120.57 feet to a point on the West line of said Lot 1; thence S 00°00'44" W along the West line of said Lot 1 for 112.27 feet to the Point of Beginning;