



BK 0832 PG 168



MISC 1987 19740

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GEORGE J. BUBLEWICZ
REGISTER OF DEEDS
DOUGLAS COUNTY, NEBR.

AGREEMENT

WHEREAS, Paul Gelbart and Elisabet E. Gelbart, Husband and Wife, are the owners of property described as Tax Lot 16 in the Northwest One-quarter of the Southeast One-quarter of Section 34, Township 16 North, Range 12 East of the 6th P.M., Douglas County, Nebraska, and

WHEREAS, Keenan's Rental Service, Inc., a Nebraska corporation, is the owner of: Part of the Northwest One-quarter of the Southeast One-quarter of Section 34, Township 16 North, Range 12 East of the 6th P.M., Douglas County, Nebraska, adjoining said Lot 16 on the West, and more particularly described on the attached surveyor's certificate marked as Exhibit "A", and

WHEREAS, the above two properties adjoin for approximately 144.53 feet, i.e., the West line of property owned by Gelbarts and the East line of property owned by Keenans, and

WHEREAS, there is a disagreement concerning the exact boundary line between the properties, and

WHEREAS, the parties desire to settle their differences and avoid litigation.

NOW, THEREFORE, the parties agree as follows:

1. It is agreed by Keenan's Rental Service, Inc., that it will remove the existing fence in the area of the East boundary line of their property, to include removal of the trees and stumps located in the area of the fence line. The said Gelbarts consent to entry upon their property adjacent to the existing fence area as is necessary to effect removal of the above materials and to properly slope the area to blend with their property; and to further erect a new fence as hereinafter described. That the removal of the existing fence, trees and debris, and the installation of the new fence, shall be at the sole expense of Keenan's Rental Service, Inc., and at no cost to the Gelbarts.

19740 PMS/CS

BK 832 N 34-16-12 ^{max} C/O FEE 40.50
 PG 168-175 N 34-16-12 DEL. MO
 OF COMP F/B

2. That attached hereto is a survey of the boundary between the properties. The survey reflects the true survey boundary line between the properties.

Further, said survey as attached hereto reflects a diagonal line which runs generally North and South in direction and which is somewhat parallel to the West boundary of Gelbarts property and the East boundary of Keenans property, hereinafter called the new boundary line as shown on the attached Exhibit "B".

The new line, as shown on the attached Exhibit "B", is drawn to provide three feet of additional land to the Gelbarts property until it passes the Northwest corner of the house located on the westerly-most portion of the Gelbarts land, and then angles to blend into the true property line between the two properties to provide as nearly as is feasible a straight boundary line between the properties.

3. Keenan's Rental Service, Inc., agrees to issue a Quitclaim Deed to the property described as Tax Lot 16 and the described area as set forth in the attached Exhibit "B".

4. The Gelbarts will execute a Quitclaim Deed to Keenan's Rental Service, Inc., a Nebraska corporation, as to the following described real estate: Part of the Northwest One-quarter of the Southeast One-quarter of Section 34, Township 16 North, Range 12 East of the 6th P.M., Douglas County, Nebraska, adjoining said Tax Lot 16 on the West and more particularly described on the attached surveyor's certificate Marked Exhibit "A", except that part described on the attached

Exhibit "B".

5. Keenan's Rental Service, Inc., further agrees that a cyclone fence with steel post will be erected. The fence will start and tie in at the junction part of the fence erected by the V.F.W. along the Northern boundary of the Gelbarts property and the fence coming from the North dividing the Keenan Rental Service, Inc. - V.F.W. properties.

The fence will then commence to angle at a blend so that once the blend is completed it will be one foot outside of the new boundary line and then continue parallel to the new property line until reaching the Keenan's Rental Service, Inc., South property line.

It is agreed that the obligation to have a fence in this position is not perpetual.

The Gelbarts further agree that as long as the above-described fence is in place, that the Keenans or their successors may have access to the westerly edge of their property for the sole purpose of cutting grass or vegetation that may grow in the area between the fence and the new property line.

That the attached Exhibit "B" also sets forth the location of the proposed fence.

It is further agreed that the Gelbarts or their successors in interest may, as an alternative to allowing access to their property, proceed to cut grass and/or growing vegetation on the one foot strip between the fence and the property line. However, it is specifically understood and agreed by the parties hereto that the act of cutting grass and/or removal of

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

Before me, a notary public qualified for said county, personally came PAUL GELBART and ELISABET E. GELBART, Husband and Wife, known to me to be the identical person who signed the foregoing Affidavit, and acknowledged the execution thereof to be their voluntary act and deed.

Witness my hand and notarial seal on the 12th day of November, 1987.



RALPH K. BROWN, JR.
GENERAL NOTARY-State of Nebr.
My Comm. Exp. Feb. 16, 1989

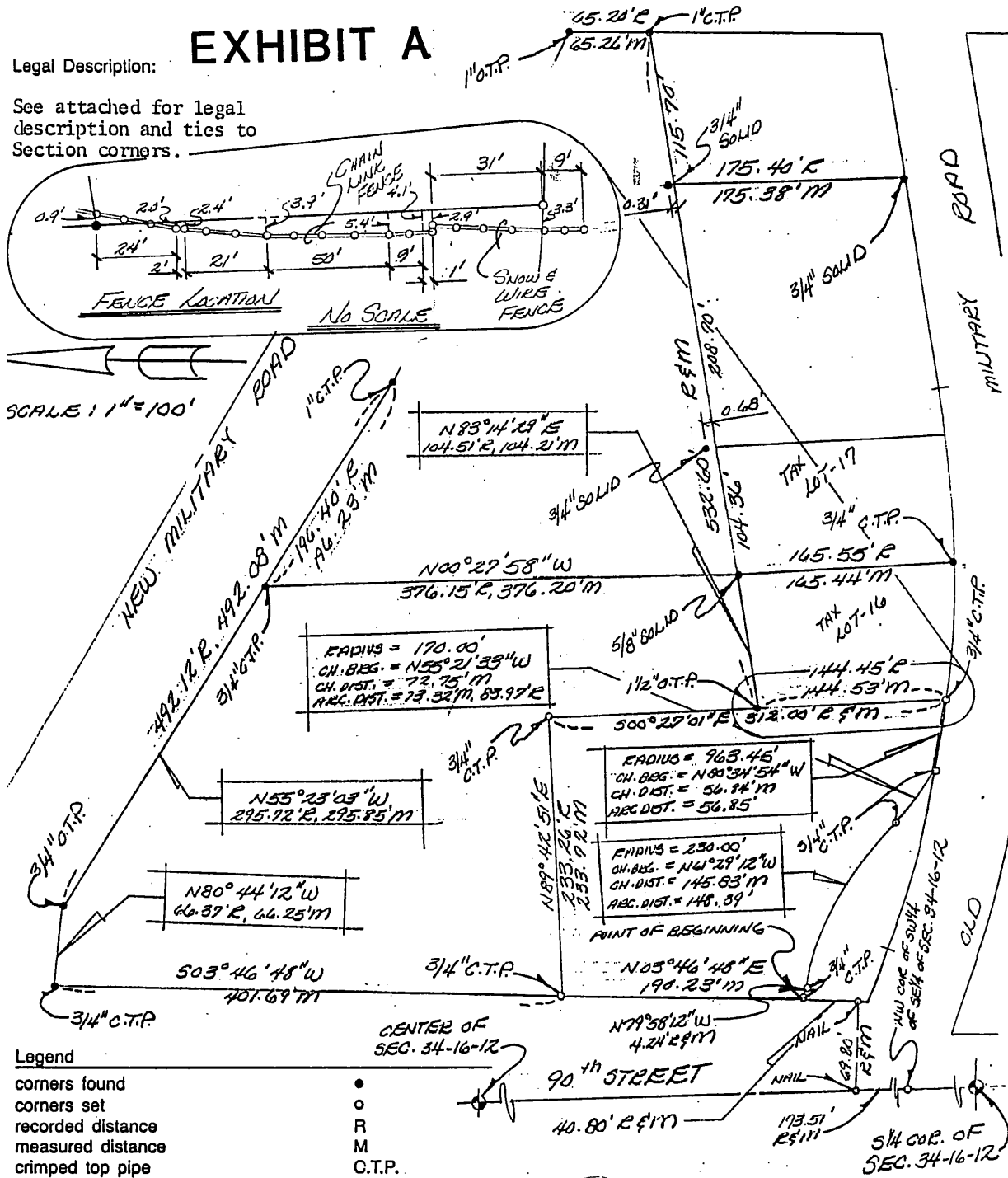
Ralph K Brown, Jr.
Notary Public

I hereby certify that this plat, map, survey or report was made by me or under my direct personal supervision and that I am a duly Registered Land Surveyor under the laws of the State of Nebraska.

EXHIBIT A

Legal Description:

See attached for legal description and ties to Section corners.



Legend

- corners found ●
- corners set ○
- recorded distance R
- measured distance M
- crimped top pipe C.T.P.
- open top pipe O.T.P.
- chord C.H.
- bearing BRG.

James A. Warner
 Signature of Land Surveyor

DATE RECEIVED _____ Date: October 25, 1984 Reg. No. 308

REVISED June 30, 1987 to show fence location

OFFICIAL ADDRESS _____

BLDG. PERMIT NO. _____

JOB NO. 200-124-174
 SHEET NO. _____
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SEAL



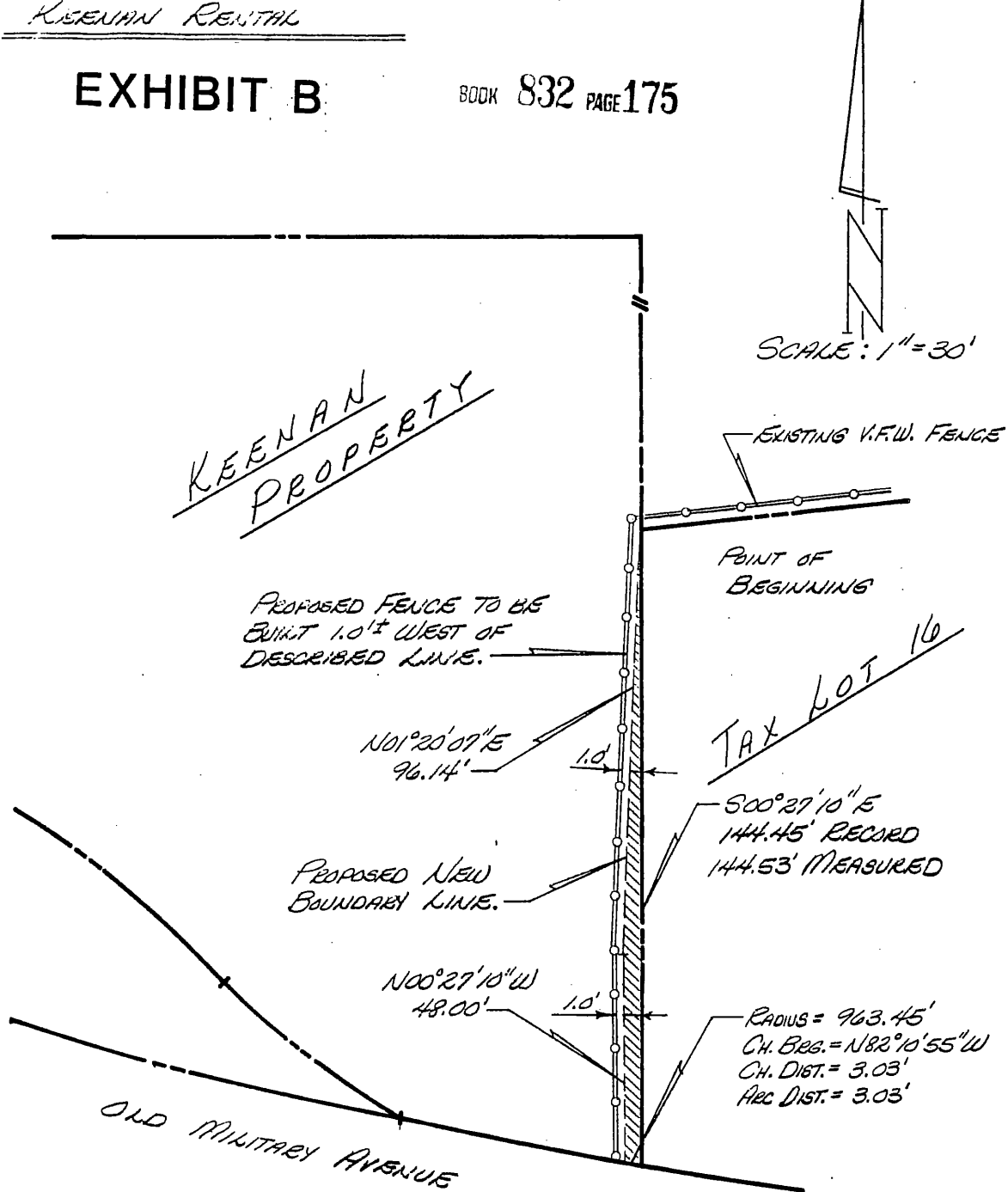
Legal Description:

That part of the N.W.¼ of the S.E.¼ of Section 34, T16N, R12E of the 6th P.M., Douglas County, Nebraska, described as follows: Beginning at the point of intersection of the East R.O.W. line of 90th Street and the Northerly R.O.W. line of relocated Old Military Avenue as described in Deed Book 1655 at Page 542 of the Douglas County Records; thence N03°46'48"E (assuming the West line of said N.W.¼ to bear North and South) on the East R.O.W. line of 90th Street, 190.23 feet; thence N89°42'51"E, 233.26 feet to a point on the Northerly extension of the West line of Tax Lot 16, said point also being 312.00 feet North of the North R.O.W. line of Old Military Avenue; thence S00°27'01"E on the West line of said Tax Lot 16 and its Northerly extension, 312.00 feet to the North line of Old Military Avenue; thence Northwesterly on the North line of Old Military Avenue on a 963.45 foot radius curve to the right, chord bearing N80°34'54"W, chord distance 56.84 feet, an arc distance of 56.85 feet to a point of intersection of a 170.00 foot radius curve as described in said Deed Book 1655 at Page 542 of the Douglas County records; thence Northwesterly on the North line of relocated Old Military Avenue on a 170.00 foot radius curve to the right, chord bearing N55°21'33"W, chord distance 72.75 feet, an arc distance of 73.32 feet (measured) 83.97 feet (recorded) to a point of reverse curve; thence Northwesterly on the North line of relocated Old Military Avenue on a 230.00 foot radius curve to the left, chord bearing N61°29'12"W, chord distance 145.83 feet, an arc distance of 148.39 feet to a point of tangency; thence N79°58'12"W on the North line of relocated Old Military Avenue, 4.24 feet to the point of beginning.

Containing 62,217 Square Feet

Keenan
200-124-174

EXHIBIT B



LEGAL DESCRIPTION:

That part of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 34, T16N, R12E of the 6th P.M., Douglas County, Nebraska, described as follows: Beginning at the NW corner of Tax Lot 16 in said SE $\frac{1}{4}$; thence $S00^{\circ}27'10''E$ (assumed bearing) 144.45 feet (record) 144.53 feet (measured) on the West line of said Tax Lot 16 to the North line of Old Military Avenue; thence Northwesterly on the North line of Old Military Avenue on a 963.45 foot radius curve to the right, chord bearing $N82^{\circ}10'55''W$, chord distance 3.03 feet, an arc distance of 3.03 feet; thence $N00^{\circ}27'10''W$ 48.00 feet on a line 3.00 feet West of and parallel to the West line of said Tax Lot 16; thence $N01^{\circ}20'07''E$ 96.14 feet to the point of beginning. (Containing 289 square feet more or less)

JOB NO. 200-141-144
 SHEET NO.
 BOOK PAGE