

## EASEMENT AGREEMENT

WHEREAS, IRVIN GENDLER, NATALIE GENDLER, H. LEE GENDLER, and CAROL GENDLER, hereinafter referred to as "Gendler", are owners of Tract B, Tract C, and Tract D, more particularly described on "Exhibit A" attached hereto and incorporated herein by reference, and

WHEREAS, FRANK B. CERNIK, hereinafter referred to as "Cernik" is the owner of Tract A, more particularly described on "Exhibit A" attached hereto and incorporated herein by reference, and

WHEREAS, Cernik has requested an easement upon Tract D and desires to make improvements thereon which will be of benefit to Tract B and Tract C.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, it is agreed:

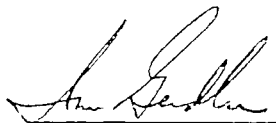
1. Gendler grants unto Cernik an easement over and upon Tract D for ingress and egress purposes from and to Ida Street extended (immediately abutting Tract D), to and from Tract A. Cernik is also granted an easement over, upon and through Tract D for the purpose of installation of utilities to serve Tract A.

2. Cernik shall, at his expense, construct an access road on Tract D in order to connect Ida Street extended and Tract A; Cernik shall not undertake construction of said access road until plans for same have been approved by Gendler. Upon completion of said access road, Gendler shall reimburse Cernik in an amount equal to the lesser of \$1,000 or 50 percent of the actual cost of construction of such access road, as shall be evidenced by receipted statements therefor presented by Cernik to Gendler. Cernik shall, at his expense, maintain and repair such access road, and further, shall pay real estate taxes assessed against said Tract D. Should Cernik fail to adequately maintain said access road and/or fail to pay real estate taxes levied on Tract D, Gendler may, upon 90 days written notice, terminate this easement agreement.

3. It is acknowledged that Tract B and Tract C abut Tract D. At such time as <sup>the owner of</sup> either Tract B or Tract C makes substantial use of the access road, the then owner of Tract B or Tract C shall reimburse Cernik for an amount equal to one-third of the cost of repairs, upkeep, and maintenance of said road (including snow removal and paint striping), and real estate taxes assessed against Tract D, arising or occurred on and after the date that such use shall commence.

4. This easement is superior and paramount to any of the rights of the parties hereto in the respective servient estates so created. This easement agreement is a covenant running with the land.

5. This easement shall be binding upon the heirs, successors and assigns of the parties hereto.

  
Irvin Gendler

  
Natalie Gendler

H. Lee Gendler  
H. Lee Gendler

Carol Gendler  
Carol Gendler

Frank B. Cernik  
Frank B. Cernik

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF DOUGLAS )

Before me, a notary public qualified for said county, personally came Irvin Gendler, Natalie Gendler, H. Lee Gendler, and Carol Gendler, known to me to be the identical persons who signed the foregoing instrument and acknowledged the execution thereof to be their voluntary act and deed.

Witness my hand and notarial seal on Sept 16, 1970.

My Comm. Exp. April 26, 1972

Irving B. Epstein  
Notary Public

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF DOUGLAS )

Before me, a notary public qualified for said county, personally came Frank B. Cernik, known to me to be the identical person who signed the foregoing instrument and acknowledged the execution thereof to be his voluntary act and deed.

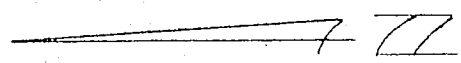
Witness my hand and notarial seal on Sept 21, 1970.

My Comm. Exp. April 26, 1972

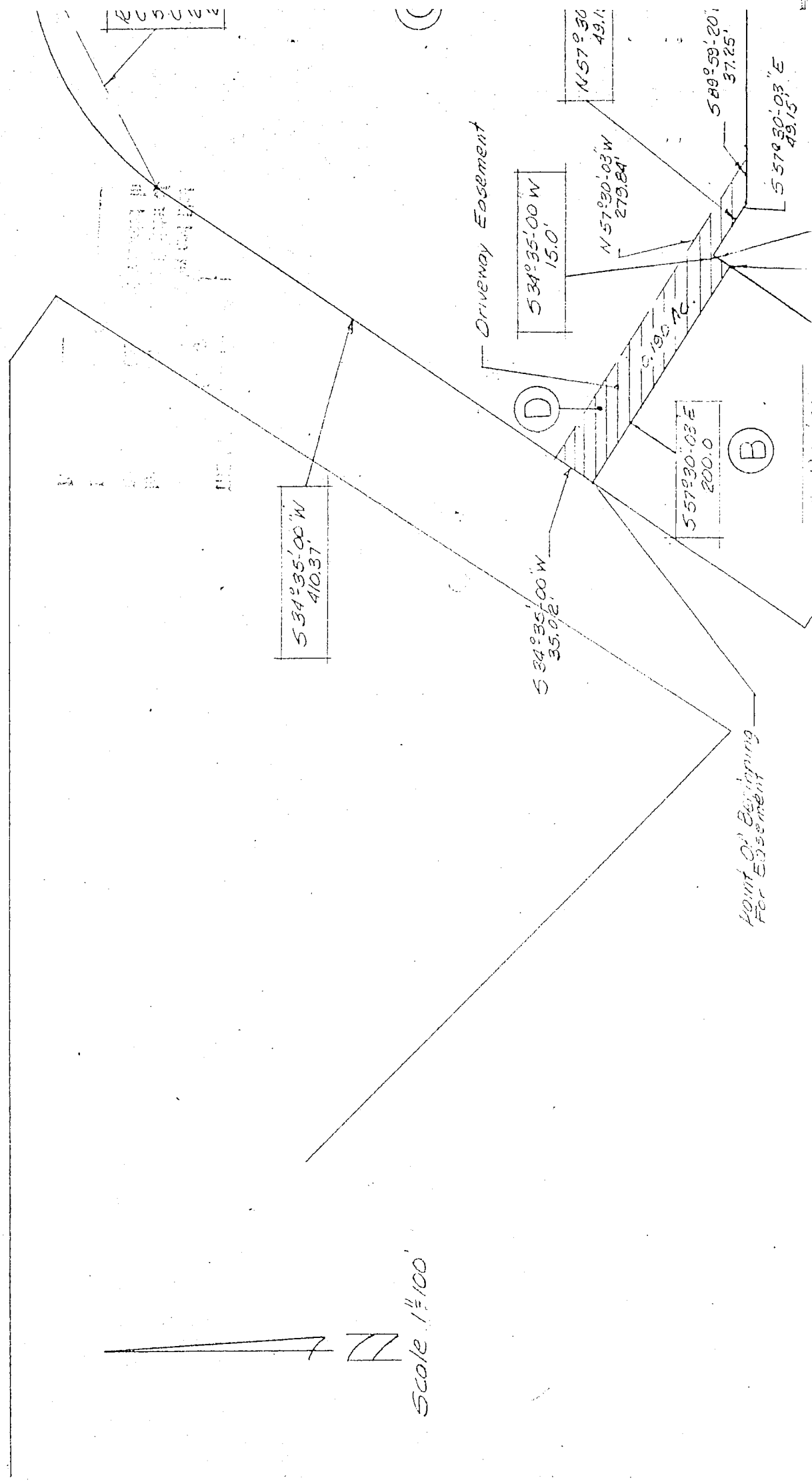
Irving B. Epstein  
Notary Public

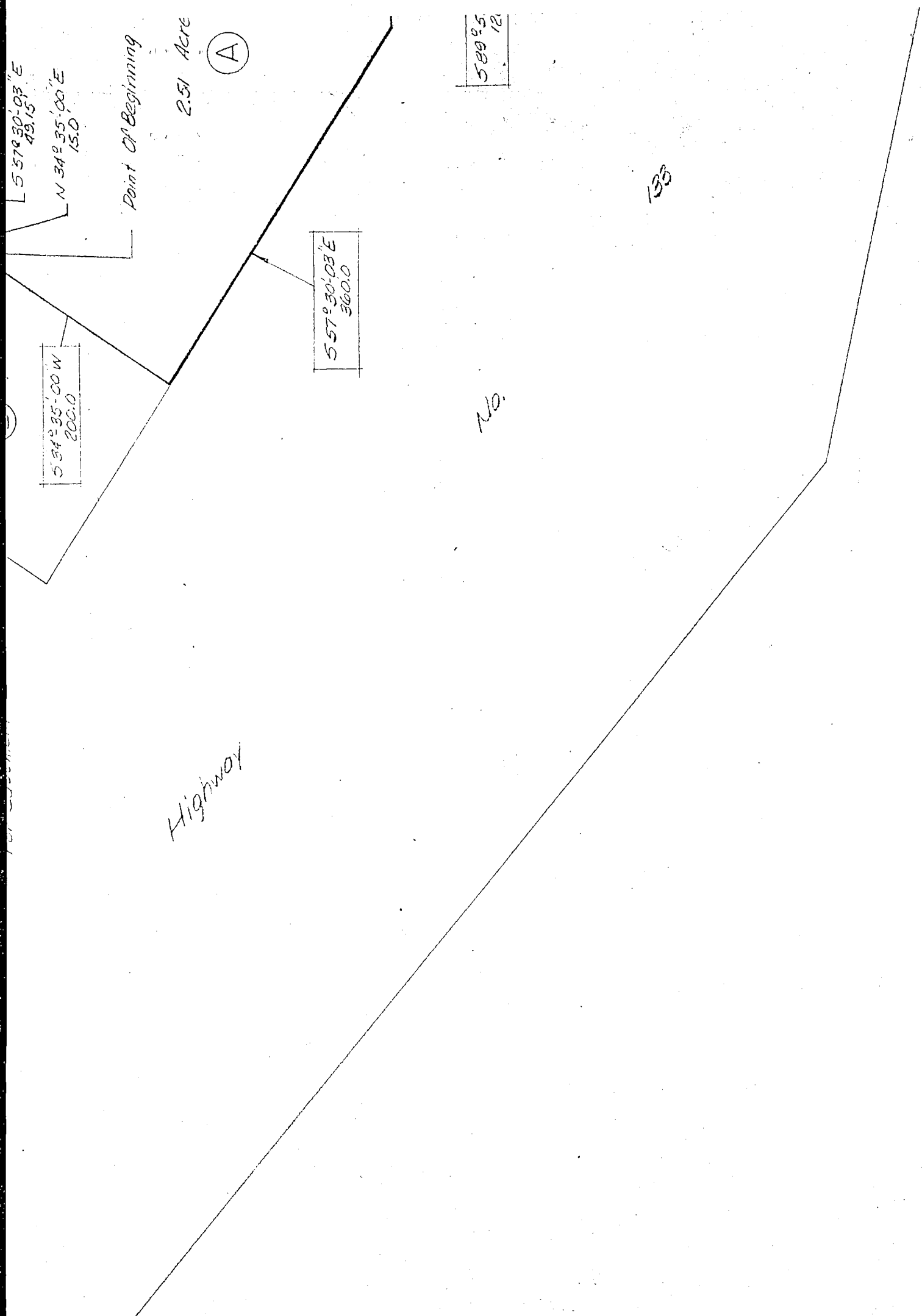
S 81° 2'

Belmont

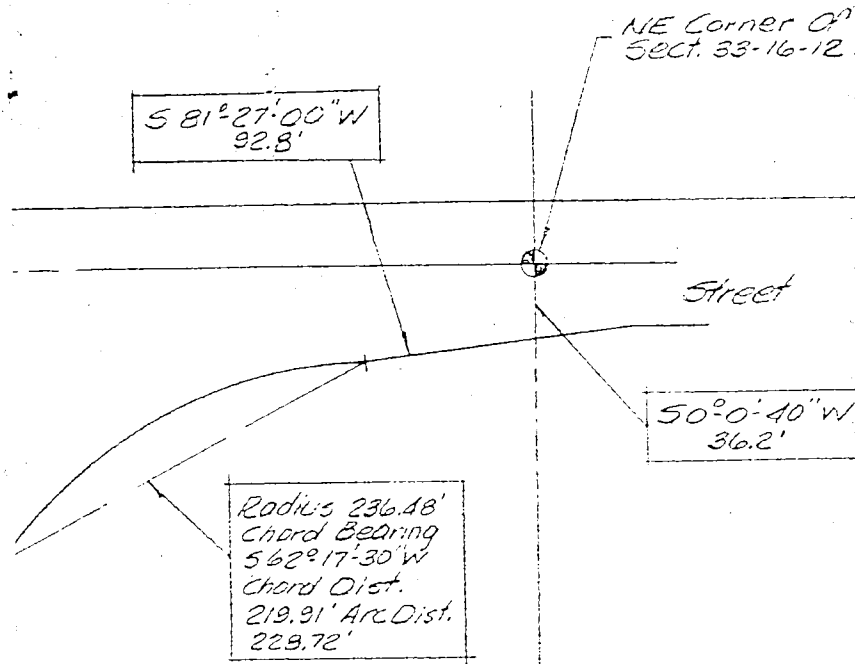


Scale 1"=100'





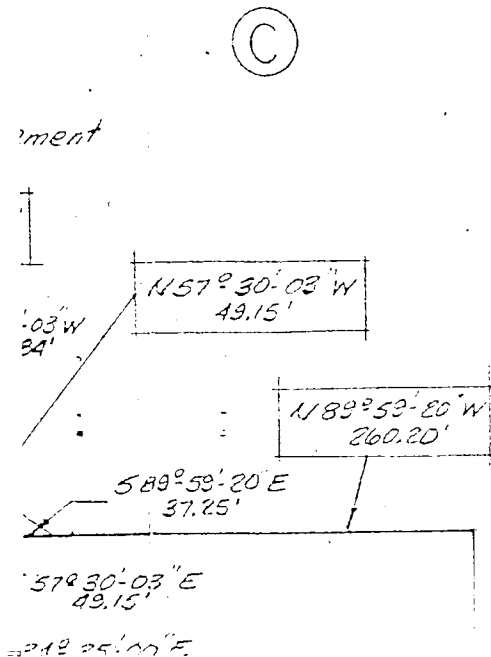
I, THE UNDERSIGNED REGISTERED LAND SURVEYOR DO HEREBY CERTIFY THAT I HAVE ACCURATELY SURVEYED AND STAKED WITH IRON PIPE THE FOLLOWING DESCRIBED TRACT OF LAND:



- A. That part of the Northeast Quarter of Section 33, Township 16 North, Range 12 East of the 6th P.M., Douglas County, Nebraska, described as follows: Commencing at the Northeast corner of said Section 33; thence S  $0^{\circ} 0' 40''$  W on the East line of said Northeast Quarter, 36.2 feet; (the North line of said Northeast Quarter assumed East-West in direction); thence S  $81^{\circ} 27' 0''$  W, 92.80 feet to a point of curve; thence Southwesterly on a curve to the left, (radius being 236.48 feet, chord bearing S  $62^{\circ} 17' 30''$  W, chord distance 219.91 feet) an arc distance of 228.72 feet; thence S  $34^{\circ} 35' 0''$  W, 410.37 feet; thence S  $57^{\circ} 30' 3''$  E, 200.00 feet to the point of beginning; thence S  $34^{\circ} 35' 0''$  W, 200.00 feet to a point on the Northerly right of way line of Highway 133; thence S  $57^{\circ} 30' 3''$  E on the Northerly right of way line of Highway 133, 360.00 feet; thence S  $89^{\circ} 59' 20''$  E, 120.00 feet; thence N  $0^{\circ} 0' 40''$  E on a line 40.46 feet West of and parallel to the East line of said Northeast Quarter, 344.00 feet; thence N  $89^{\circ} 59' 20''$  W, 260.20 feet; thence N  $57^{\circ} 30' 3''$  W, 49.15 feet; thence S  $34^{\circ} 35' 0''$  W, 15.00 feet to the point of beginning. Containing 2.51 acres.

- D. That part of the Northeast Quarter of Section 33, Township 16 North, Range 12 East of the 6th P.M., Douglas County, Nebraska, described as follows: Commencing at the Northeast corner of said Section 33; thence S  $0^{\circ} 0' 40''$  W on the East line of said Northeast Quarter, 36.2 feet; (the North line of said Northeast Quarter assumed East-West in direction); thence S  $81^{\circ} 27' 0''$  W, 92.80 feet to a point of curve; thence Southwesterly on a curve to the left, (radius being 236.48 feet) chord bearing S  $62^{\circ} 17' 30''$  W, chord distance 219.91 feet) an arc distance of 228.72 feet; thence S  $34^{\circ} 35' 0''$  W, 410.37 feet; to the point of beginning; thence S  $57^{\circ} 30' 3''$  E, 200.00 feet; thence N  $34^{\circ} 35' 0''$  E, 15.00 feet; thence S  $57^{\circ} 30' 3''$  E, 49.15 feet; thence S  $89^{\circ} 59' 20''$  E, 37.25 feet; thence N  $57^{\circ} 30' 3''$  W, 279.84 feet; thence S  $34^{\circ} 35' 0''$  W, 35.02 feet to the point of beginning. (Containing 0.190 acres)

- B. That part of the Northeast Quarter of Section 33, Township 16 North, Range 12 East of the 6th P.M., Douglas County, Nebraska, described as follows: Commencing at the Northeast corner of said Section 33; thence S  $0^{\circ} 0' 40''$  W on the East line of said Northeast Quarter, 36.2 feet; (the North line of said Northeast Quarter assumed East-West in direction); thence S  $81^{\circ} 27' 0''$  W, 92.80 feet to a point of curve; thence Southwesterly on a curve to the left, (radius being 236.48 feet) chord bearing S  $62^{\circ} 17' 30''$  W, chord distance 219.91 feet an arc distance of 228.72 feet; thence S  $34^{\circ} 35' 0''$  W, 410.37 feet to the point of beginning; thence continuing S  $34^{\circ} 35' 0''$  W, 199.23 feet to a point on the



34° 35' 00" E  
15.0'

+ of Beginning

2.51 Acres

(A)

N 0° 0' 40" E  
344.0'

S 89° 59' 20" E  
120.0'

beginning; thence continuing S 34° 35' 0" W, 199.23 feet to a point on the Northerly curved right of way line of Highway No. 133; thence Southeasterly on the Northerly curved right of way line of Highway No. 133, (Radius being 3,694.72 feet) an arc distance of 46.72 feet; thence S 57° 30' 3" E on said Northerly Highway right of way line, 153.26 feet; thence N 34° 35' 0" E, 200.00 feet; thence N 57° 30' 03" W, 200.00 feet to the point of beginning.

C. That part of the Northeast Quarter of Section 33, Township 16 North, Range 12 East of the 6th P.M., Douglas County, Nebraska, described as follows: Commencing at the Northeast corner of said Section 33; thence S 0° 0' 40" W on the East line of said Northeast Quarter, 36.2 feet to the point of beginning (the North line of said Northeast Quarter assumed East-West in direction; thence S 81° 27' 0" W, 92.80 feet to a point of curve; thence Southwesterly on a curve to the left, (radius being 236.48 feet) chord bearing S 62° 17' 30" W, chord distance 219.91 feet), an arc distance of 228.72 feet; thence S 34° 35' 0" W, 375.35 feet; thence South 57° 30' 03" E, 279.84 feet; thence S 89° 59' 20" E, 222.95 feet; thence S 0° 0' 40" W, 344.00 feet; thence N 89° 59' 20" W, 120.00 feet to a point on the Northerly right of way line of Highway No. 133; thence S 57° 30' 03" E on said Northerly Highway right of way line, 190.23 feet to a point on the East line of said Northeast Quarter; thence N 0° 0' 40" E on the East line of said Northeast Quarter, 1,021.66 feet to the point of beginning.

Date July 16, 1970

W. H. H. H.  
Registered Land Surveyor

217  
Registration No.

2. ENTERED IN NUMERICAL INDEX AND RECORDED IN THE REGISTER OF DEEDS OFFICE IN DOUGLAS COUNTY, NEBRASKA, ON July 16, 1970 AT 4:29 P.M. C. HAROLD OSTLER, REGISTRAR



**THOMPSON DREESSEN & DORNER**

Consulting Engineers & Land Surveyors  
5120 WALNUT ST., OMAHA, NEBRASKA 68106  
TELEPHONE 558-6660 AREA CODE 402

Skoteland		
SCALE: 1"=100'	APPROVED BY:	DRAWN BY JEB
DATE: 7/16/70		REVISED 7/27/70 9/1/70
Surveyors Certificate		DRAWING NUMBER