

PUBLIC ROAD AND UTILITY EASEMENT AGREEMENT

THIS AGREEMENT made and entered into this 29th day of June, 1965, by and between JAY F. GILMORE and ERMA B. GILMORE, husband and wife, hereinafter referred to as Gilmores and DONALD G. LAMP and MARJORIE M. LAMP, husband and wife, hereinafter referred to as Lamps.

WITNESSETH:

WHEREAS Gilmores own the following described parcel of real estate, to-wit

That portion of vacated "D" Street, of vacated 41st Street, and of Blocks 2, 3 and 4, and the vacated alleys in said blocks, in Thomas & Sears Addition; all in the West 1/2 of the SW 1/4 of Section 32, T 15 N, R 13 East of the 6th P. M., in the City of Omaha, Douglas County, Nebraska, together bounded and described as follows: Beginning at a point on the West line of Block 3, said Thomas & Sears Addition, located 50.0 feet distant Southeasterly, measured at right angles from the centerline between double main tracks of said Union Pacific Railroad Company, as now constructed and operating; thence South, 176.02 feet along the West line of Blocks 3 and 4, in said Thomas & Sears Addition; thence N 78° 18' E along a line parallel with the centerline between two main line tracks of the Chicago & North Western Railway Co., as now located and established, 399.75 feet; thence N 22° 10' W, a distance of 234.29 feet; thence S 67° 50' W parallel with and 50 feet from the centerline of the double main track of said Union Pacific Railroad Co., 327.21 feet to the point of beginning,

and,

WHEREAS Lamps own a parcel of real estate abutting the above described tract owned by Gilmores, said parcel being described as follows:

That portion of Tax Lot 11, vacated "C" Street, vacated 40th Street, & Blocks 1 & 2, & the vacated alleys in said blocks, in Thomas & Sears Addition, all in the West 1/2 of the SE 1/4 of Sec. 32, T15N, R13E of the 6th P. M., in the City of Omaha, Douglas County, Nebraska, bounded and described as follows: Beginning at a point which is located 50.00 feet distant, Southeasterly, measured at right angles from the centerline between the double main tracks of the Union Pacific Railroad Company, as now constructed and operated, and 327.21 feet N 67° 50' E of the West line of Block 3, said Thomas & Sears Addition; thence S 22° 10' E, 234.29 feet; thence N 78° 18' E along a line parallel with the centerline between two main line tracks

of the Chicago & Northwestern Railway Co., as now located and established, 159.86 feet to a point on a curve; thence Northeasterly on a curve to the right (radius being 135.0 feet), chord bearing N 33° 26' E for a chord distance of 160.67 feet; thence N 20° 03' W, 173.14 feet; thence S 67° 50' W, parallel with and 50 ft. Southerly from the centerline of the double main track of said Union Pacific Railroad Co., 296.00 feet to the point of beginning.

and,

WHEREAS, the parties hereto wish to construct and maintain a private roadway across the above described parcel of land owned by Gilmores to provide access from 42nd Street to the above described parcel owned by Lamps and for use in common by the owners and occupiers of both of the above described parcels, together with their business guests and invitees, and

WHEREAS, the parties wish to accord one another an easement across their respective parcels for the construction, maintenance, and operation of sewer, water and other utility lines, poles and wires,

NOW, THEREFORE, in consideration of the mutual terms, covenants and conditions, IT IS HEREBY MUTUALLY UNDERSTOOD AND AGREED:

1. The parties hereto will construct a roadway 25 feet in width from 42nd Street across Gilmores' above described parcel of land to the Westerly boundary of Lamps' above described parcel of land.
2. The cost of initial construction and subsequent maintenance costs shall be borne by Lamps and Gilmores equally.
3. The private road thus constructed shall serve the needs for ingress and egress to both of the above described parcels of ground in common. The Gilmores hereby grant a perpetual easement to Lamps for said purpose.
4. Gilmores grant to Lamps, a perpetual easement for sewer, water, and such other utility lines, poles and wires as may be necessary to serve the owners or occupiers of Lamps' above described parcel of land; Lamps likewise grant to Gilmores a perpetual easement for sewer, water, and such other utility lines, poles and wires as may be necessary to serve the owners or occupiers of Gilmores' above described parcel of land.

5. The covenants herein contained shall be deemed to run with the parcels of land hereinbefore described and shall be binding upon the parties hereto, their heirs, administrators, successors and assigns. The duties imposed by this contract shall not be deemed to remain binding upon the parties hereto personally after they have conveyed their interest in the land affected thereby, it being the intention of the parties that the obligations imposed upon either party hereto shall terminate upon conveyance of their parcel, remaining nonetheless binding upon their successor in interest.

Jay F. Gilmore

JAY F. GILMORE

Erma B. Gilmore

ERMA B. GILMORE

Donald G. Lamp

DONALD G. LAMP

Marjorie M. Lamp

MARJORIE M. LAMP

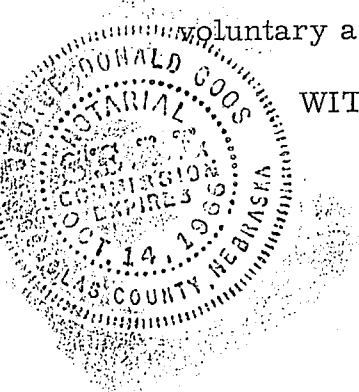
STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On this 25th day of June, 1965, before me, the undersigned a Notary Public, duly commissioned and qualified for said County, personally came JAY F. GILMORE and ERMA B. GILMORE, husband and wife; and DONALD G. LAMP and MARJORIE M. LAMP, husband and wife, to me known to be the identical persons whose names are subscribed to the foregoing instrument, and acknowledged the execution thereof to be their voluntary act and deed.

WITNESS my hand and Notarial Seal the day and year last above written.

[Signature]

Notary Public



THOMAS J. O'CONNOR
REGISTER OF DEEDS
DOUGLAS COUNTY, NEBR.

1965 JUN 29 PM 1 37

RECEIVED

THE STATE OF NEBRASKA

Power of Attorney
for record in and notice of the Register of
Deeds of said County and recorded in
Book 427 of miscel

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Clayton

Register of Deeds

By Don Xamp
W.M. 4220, Pg 17 of 160

N 48-289 C.P.N. P. 5-50

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