

## PERPETUAL EASEMENT

Indenture made this 3<sup>rd</sup> day of September, 1981 between Philip Moss & Co., an Iowa Corporation, First Party, and T.B.I. Partnership, a Nebraska Partnership, Second Party:

WHEREAS First Party is seized of certain real estate situated in the County of Douglas and State of Nebraska, to-wit:

A tract of land lying in the Northeast Quarter of Section 2, Township 14 North, Range 12 East of the 6th P.M., Douglas County, Nebraska, being more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter of said Section 2; thence South 0°17'00" East along the West line of said Northeast Quarter a distance of 1155 feet; thence South 90°00'00" East a distance of 608.83 feet to the point of beginning; thence South 0°10'00" East a distance of 199.92 feet; thence North 89°59'00" East a distance of 400.0 feet to the West right of way of 76th Street; thence North 0°10'00" West along right of way a distance of 199.88 feet; thence North 90°00'00" West a distance of 400.0 feet to the point of beginning. Containing 79,960 sq. ft.

AND WHEREAS, Second Party is seized of certain real estate situated in the County of Douglas and State of Nebraska, to-wit:

A tract of land lying in the Northeast Quarter of Section 2, Township 14, North, Range 12 East of the 6th P.M., Douglas County, Nebraska, being more particularly described as follows: Commencing at the Northwest Corner of the Northeast Quarter of said Section 2; thence South 00°17'00" East along the West line of said Northeast Quarter a distance of 1155.0' to the point of beginning; thence continuing South 00°17'00" East a distance of 200.29'; thence North 89°59'00" East a distance of 608.42'; thence North 0°10'00" East a distance of 199.92 feet; thence North 90°00'00" West a distance of 608.83 feet to the point of beginning.  
Containing: 121,787.9 sq. ft.,

which real estate is appurtenant to the above-described real estate of which First Party is seized;

AND WHEREAS First Party has agreed, in consideration of the sum of \$1.00 to be paid to First Party by Second Party, to grant to Second Party an easement or right-of-way over a portion of the above-described real estate owned by First Party for the purpose and in the manner hereinafter expressed:

NOW, this Indenture witnesseth that, in pursuance of the said agreement and in consideration of the sum of \$1.00 paid by Second Party to First Party, the receipt of which is hereby acknowledged, First Party hereby grants unto Second Party, its successors and assigns, full and free right and liberty for Second Party and it's tenants, servants, visitors and licensees, in common with all others having the like right, at all times hereafter, to pass and repass upon the following described real estate, to-wit:

A 30 FOOT ACCESS EASEMENT LYING IN THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 14 NORTH, RANGE 12 EAST OF 6th P.M., DOUGLAS COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 2: THENCE SOUTH 00°17'00" EAST ALONG THE WEST LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 1155 FEET; THENCE SOUTH 90°00'00" EAST A DISTANCE OF 608.83 FEET; THENCE SOUTH 00°10'00" EAST A DISTANCE OF 169.92 FEET TO THE POINT OF BEGINNING: THENCE NORTH 89°59'00" EAST A DISTANCE

OF 400.0 FEET TO THE WEST RIGHT OF WAY OF 76TH STREET; THENCE SOUTH 00°10'00" EAST ALONG SAID RIGHT OF WAY A DISTANCE OF 30.0 FEET; THENCE SOUTH 89°59'00" WEST A DISTANCE OF 400.0 FEET; THENCE NORTH 00°10'00" WEST A DISTANCE OF 30.0 FEET TO THE POINT OF BEGINNING.

for the purpose of going from the said 76th Street to Second Party's above-described real estate, or vice versa,

TO HAVE AND TO HOLD the said easement or right-of-way hereby granted unto Second Party, it's successors and assigns, as appurtenant to the said land of Second Party and every part thereof.

IN WITNESS WHEREOF First Party has executed this Perpetual Easement on the day and year first above written.

PHILIP MOSS & CO., an Iowa Corporation,

By: A Terry Moss  
A. Terry Moss, President

STATE OF IOWA )  
                  : ss.  
COUNTY OF POLK)

Before me, a notary public qualified for said county, personally came A. Terry Moss, 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 9-3- 1981.

Dorothy L. Crane  
Notary Public

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1981 SEP 15 AM 9:44  
C HAROLD DODDIP  
REGISTER OF DEEDS  
DOUGLAS COUNTY IOWA

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Paul LaRocca  
6910 Pacific