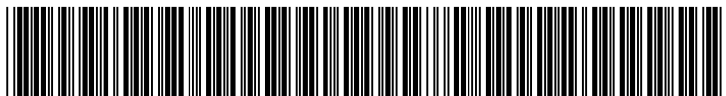




MISC 2015018009



MAR 13 2015 14:49 P 4

Fee amount: 28.00  
FB: 47-18334  
COMP: SB

Received - DIANE L. BATTIATO  
Register of Deeds, Douglas County, NE  
03/13/2015 14:49:03.00



2015018009

### ACCESS EASEMENT

WHEREAS, Western JDB Realty, LLC, an Iowa limited liability company, ("Grantor") is the owner of the following described real property:

Lots 1 ("Lot 1") and 2 ("Lot 2"), Intransit Addition Replat 3, being a Replat of Lots 1 and 2, Intransit Addition Replat 2, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska. A portion of Lot 1 and Lot 2 is shown on Exhibit "A" attached hereto.

Grantor's real property includes the following:

See Exhibit "A" attached hereto for the legal description of the real property which is hereinafter referred to as the "Easement Area".

WHEREAS, Grantor intends to convey Lot 2 to Tincher Investments Co., Inc., a Nebraska corporation. Grantor is desirous of granting a nonexclusive easement for the purposes of pedestrian and vehicular ingress and egress over and through the Easement Area in favor of both Lots 1 and 2 and the owners, grantees, successors and assigns of Lot 1 and Lot 2, pursuant to the terms hereof, and

NOW, THEREFORE, in consideration of the covenants contained herein, and for other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor agrees as follows:

1. Grant of Easement. Grantor does hereby grant and convey to Lot 1 and Lot 2, and the owners of Lot 1 and Lot 2, and their respective heirs, successors, grantees, assigns, invitees and lessees a nonexclusive perpetual easement within, over and through the Easement

Record and Return To: James E. Lang, Laughlin, Peterson & Lang, 11718 Nicholas Street, Suite 101, Omaha, NE 68154

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Area for the purposes of pedestrian and vehicular ingress and egress to and from Lot 1 and Lot 2, which easement shall become effective upon the date hereof.

2. No Obstruction. No fence, barrier or other obstruction of any nature or kind shall be constructed, erected or maintained within the Easement Area, which would in any way obstruct, impede or interfere with the reasonable use of the Easement Area for the purposes of pedestrian and vehicular ingress and egress as set forth herein.

3. Repair and Maintenance. The owners of Lot 1 and Lot 2 shall keep the Easement Areas in good condition, and perform on a continuous basis as necessary and reasonable maintenance and repairs, and if necessary, reconstruction of the access road within the Easement Area. The repair and maintenance shall include all ordinary repairs and maintenance which shall include but not be limited to, snow removal and maintenance of the hard surface driveway and sidewalk areas within the Easement Area. The owners of Lot 1 and Lot 2 shall equally share the costs incurred to reasonably maintain the Easement Area.

4. Covenants Running with Land. All of the covenants, agreements, conditions, and restrictions set forth in this easement are intended to be and shall be construed as covenants running with the land, inuring to the benefit of and be binding upon and enforceable by the owners of Lot 1 and Lot 2.

5. Execution. The Grantor hereby represents that it is the owner of the Easement Area described herein and has the right to convey this easement in the manner set forth herein. The provisions of this easement shall be construed pursuant to the laws of the state of Nebraska. This easement is binding upon and inures to the benefit of all present and future owners of Lot 1, Lot 2 and the Easement Area, and to their respective heirs, successors, representatives, assigns, invitees, lessees and grantees.

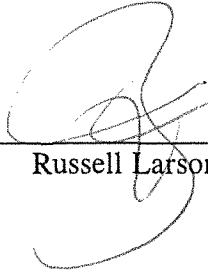
6. Replacement of Existing Access Easement. The Access Easement corrects and replaces in its entirety the Access Easement recorded as Instrument No. 2015009191 in the Miscellaneous Records of the Register of Deeds, Douglas County, Nebraska.

[Signature pages to follow]

DATED this 9 day of March, 2015.

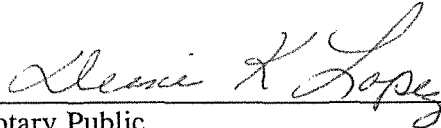
GRANTOR:

Western JDB Realty, LLC, an Iowa limited liability company

By:   
Russell Larson, Managing Member

STATE OF IOWA                    ]  
COUNTY OF SCOTT            ] SS.

The foregoing instrument was acknowledged before me this 9 day of March, 2015, by Russell Larson, Member/Manager of Western JDB Realty, LLC, an Iowa limited liability company.

  
Notary Public



Project No. EGA141197

Date: 1-16-2015

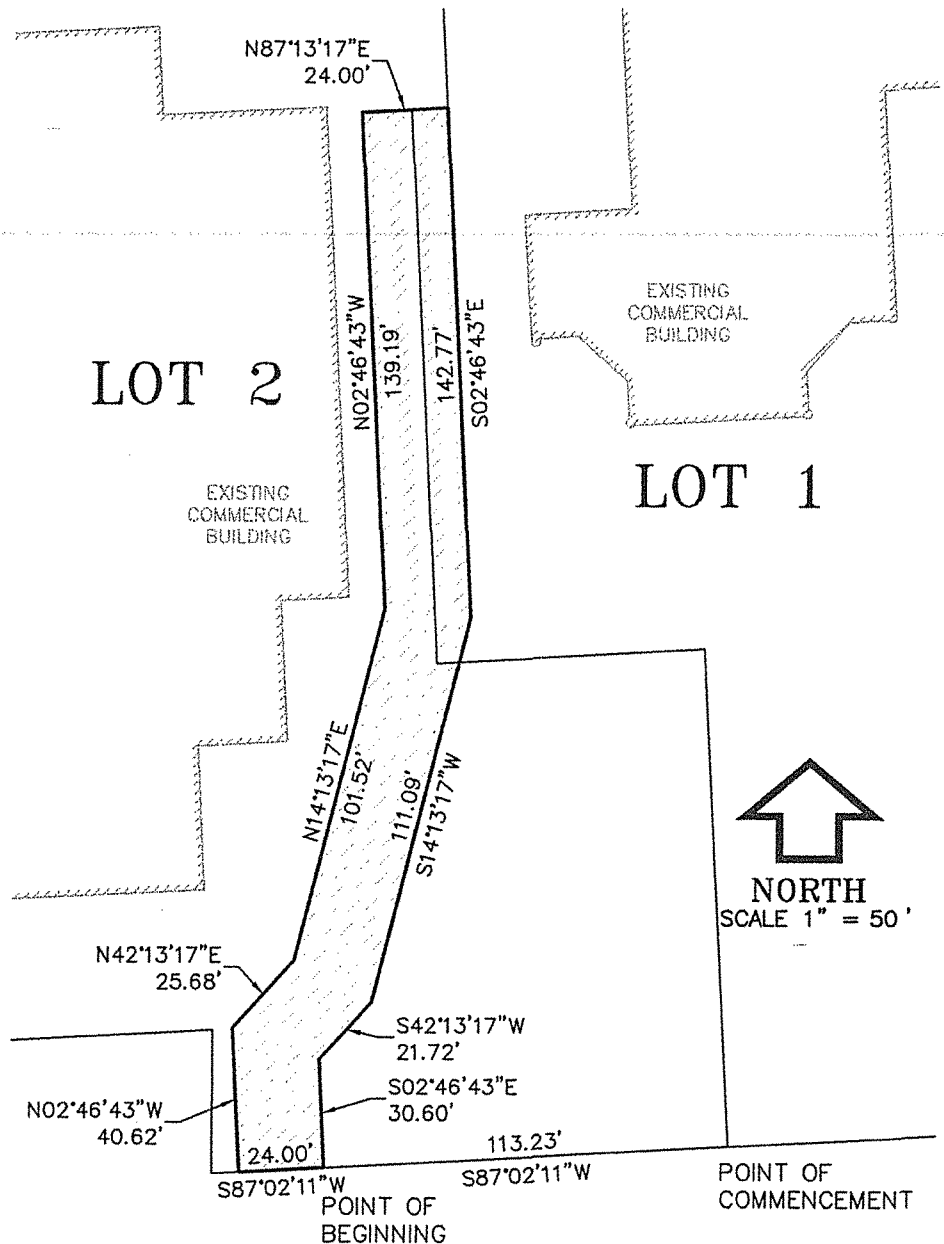
Exhibit "A"

## DESCRIPTION & SKETCH

### LEGAL DESCRIPTION:

A PORTION OF LOTS 1 AND 2, INTRANSIT ADDITION REPLAT 3, A SUBDIVISION, AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID LOT 2; THENCE SOUTH 87°02'11" WEST ALONG THE SOUTH LINE OF SAID LOT 2, A DISTANCE OF 113.23 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 87°02'11" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 24.00 FEET; THENCE NORTH 02°46'43" WEST, A DISTANCE OF 40.62 FEET; THENCE NORTH 42°13'17" EAST, A DISTANCE OF 25.68 FEET; THENCE NORTH 14°13'17" EAST, A DISTANCE OF 101.52 FEET; THENCE NORTH 02°46'43" WEST, A DISTANCE OF 139.19 FEET; THENCE NORTH 87°13'17" EAST, A DISTANCE OF 24.00 FEET; THENCE SOUTH 02°46'43" EAST, A DISTANCE OF 142.77 FEET; THENCE SOUTH 14°13'17" WEST, A DISTANCE OF 111.09 FEET; THENCE SOUTH 42°13'17" WEST, A DISTANCE OF 21.72 FEET; THENCE SOUTH 02°46'43" EAST, A DISTANCE OF 30.60 FEET TO THE POINT OF BEGINNING, CONTAINING 7358 SQUARE FEET, MORE OR LESS.



**EHRHART  
GRIFFIN &  
ASSOCIATES**

"L" STREET (FRONTAGE ROAD - R/W VARIES)

ENGINEERING

PLANNING

LAND SURVEYING

3552 Farnam Street • Omaha, Nebraska 68131 • 402 / 551-0631