



MISC 2009077307

Handwritten notes: *31.00*, *59-21330*, *Q (sb)*, *6/2*



JUL 17 2009 13:19 P 6

Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
7/17/2009 13:19:06.15



2009077307

Space Above Reserved for Recording Information

Return to:

SGD-LM2 L.L.C.
c/o Trayce Wohlers
6336 Pershing Drive
Omaha, NE 68110

Filed: AS RECEIVED

EASEMENT ** FILED: AS IS

THIS EASEMENT is made this 22 day of JUNE, 2009 by THE YARD CO., a Nebraska corporation ("Grantor") and SGD-LM2, L.L.C., a Nebraska LLC ("Grantee").

WITNESSETH:

WHEREAS, Grantor is the owner of that certain property located in Douglas County, Nebraska, more particularly described in the attached legal description Exhibit "A" (the "**Subject Parcel**");

WHEREAS, Grantee is the owner of the following described real property, and Grantor has agreed to grant an easement in relation thereto, more particularly described in the attached legal description Exhibit "B" (the "**Benefited Parcel**"), for the purpose of installing utility lines across the Subject Parcel to service the Benefited Parcel;

NOW THEREFORE, it is agreed as follows:

1. **Easement.** Grantor does hereby grant an easement and right-of-way along the east side of the driveway abutting the Subject Parcel, ten feet in width onto the Subject Parcel measured from the curb of such driveway, as shown on the attached exhibit more particularly described and shown on the attached Exhibit "C" (the "**Easement Tract**"), in favor of the owner of the Benefited Parcel, allowing such owner (including the right of its contractors, employees and agents), the right to install, maintain, operate, repair, and remove, at any time, utilities lines as may be necessary to service the Benefited Parcel, together with the right of ingress and egress (including vehicular access in relation to such installation, maintenance, repair or removal) on, over and under such Easement Tract. The cost of installation, maintenance, repair and replacement of all such utilities shall be the sole responsibility of the owner of the Benefited Parcel. 2. **Limitation of Improvements.** Grantor and its successors and assigns shall not at any time erect, construct or place on or below the surface of the Easement Tract any building or structure, except pavement and similar covering, and shall not permit anyone else to do so.

3. **Restoration.** Grantee shall restore the surface of any soil excavated for any

Handwritten notes at bottom right: *Box #41*, *04739*, *09-110502*

purpose hereunder, as nearly as is reasonably possible to its original contour within a reasonable time after the work is performed and shall be responsible to repair any damage to landscaping and sprinkler systems arising from its utility installation on the Easement Tract.

4. **Termination.** In the event that the owner of the Benefited Parcel has not caused the installation of any utility lines across any portion of the easement tract on or before September 1, 2017, the easement granted hereunder shall terminate.

The foregoing easement rights hereunder shall run with the land and shall be binding upon and inure to the benefit of Grantor and Grantee, and their respective successors and assigns.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties have executed this Easement as of the day and year first above written.

GRANTOR:

GRANTEE:

THE YARD CO., a
Nebraska corporation

SGD - LM2, L.L.C., a
Nebraska limited liability company

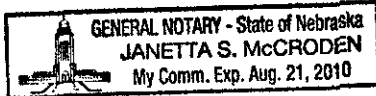
By: Ronald P. Jones
Name: Ronald P. Jones
Title: President

By: Jerry G. Banks
Name: Jerry G. Banks
Title: Secretary

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

**** FILED: AS IS**

On this 12th day of June, 2009 personally appeared before me Ronald P. Jones, the PRESIDENT of THE YARD CO. a Nebraska corporation GRANTOR, who acknowledged that he, being duly authorized did execute the foregoing instrument on behalf of such company.

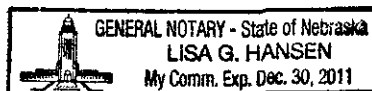


Janetta S. McCroden
Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On this 22 day of June, 2009, personally appeared before me Jerry G. Banks, the Secretary of SGD-LM2 L.L.C. a Nebraska limited liability company, GRANTEE, who acknowledged that he, being duly authorized did execute the foregoing instrument on behalf of such company.

Lisa G. Hansen
Notary Public



LAND SURVEYOR'S CERTIFICATE

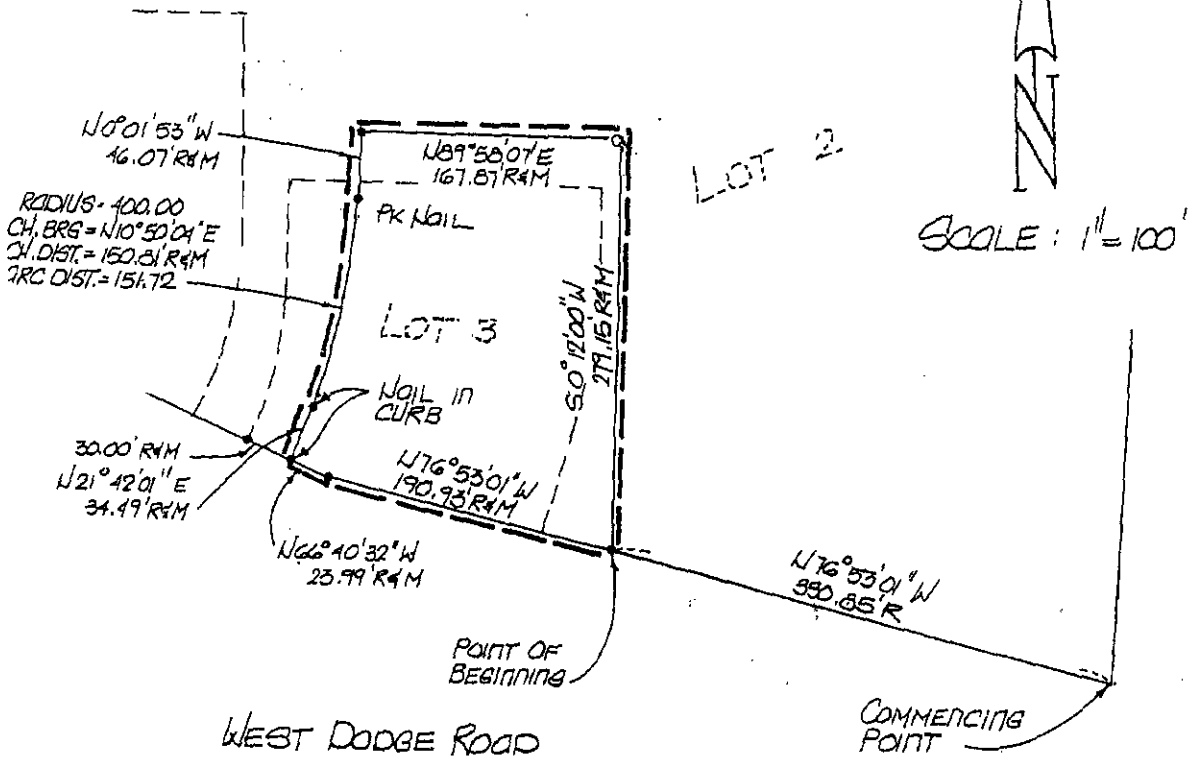
I hereby certify that this survey was made by me or under my direct personal supervision and that I am a duly Registered Land Surveyor under the laws of the State of Nebraska.

LEGAL DESCRIPTION

A tract of land being part of Lot 3 and part of Lot 2, KVI - 132nd STREET PLAZA, a Subdivision located in the Southwest Quarter (SW 1/4) of Douglas County, Nebraska. Said tract of land being more particularly described as follows:

Commencing at the Southeast corner of Lot 2, KVI - 132nd STREET PLAZA; thence N 76°53'01" W (Platted Bearing) along the Southerly line of said Lot 2, a distance of 330.85 feet to the true Point of Beginning; thence N 76°53'01" W a distance of 190.93 feet to a point; thence N 66°40'32" W a distance of 23.99 feet to a point; thence N 21°42'01" E a distance of 34.49 feet to a point of curvature; thence Northerly along a curve to the left, said curve having a radius of 400.00 feet, a long chord of 150.81 feet bearing N 10°50'04" E, an arc length of 151.72 feet to a point of tangency; thence continuing N 0°01'53" W a distance of 46.07 feet to a point; thence N 89°58'07" E a distance of 167.87 feet to a point; thence S 0°12'00" W a distance of 279.15 feet to the point of beginning.

Exhibit "A" - SUBJECT PARCEL
LEGAL DESCRIPTION



ADDRESS: _____ BUILDING PERMIT NO. _____

Date: May 20, 1993 Reg. No. 308



- LEGEND**
- corners found (1" C.T.P. UNLESS NOTED) ●
 - corners set (1" C.T.P.) ○
 - recorded distance R
 - measured distance M
 - computed distance or angle COMP
 - crimped top pipe C.T.P.
 - open top pipe O.T.P.
 - set temporary point Δ

TD² FILE NO. 200-170 113
BOOK 93-3 PAGE 61

Exhibit "B" – BENEFITED PARCEL

LEGAL DESCRIPTION

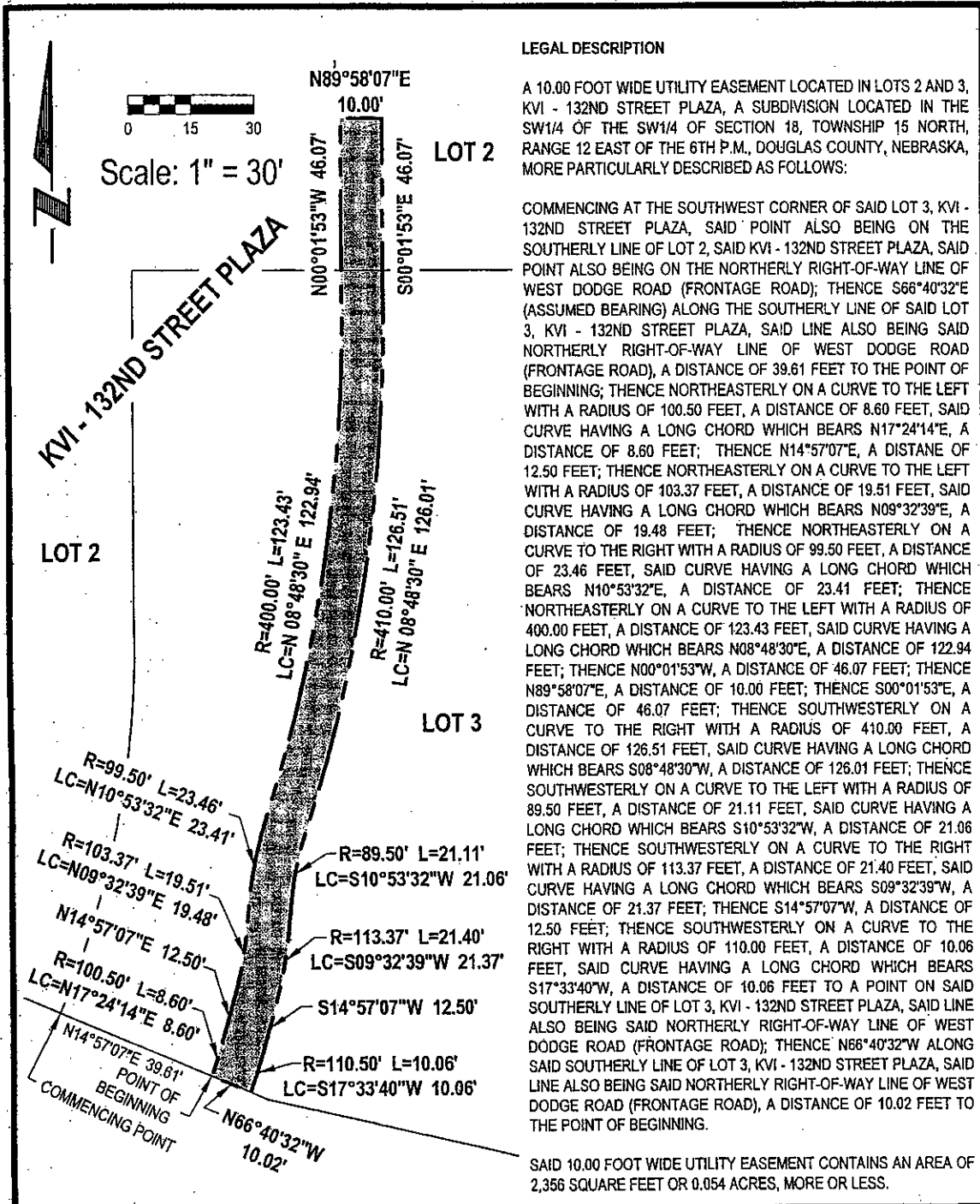
A tract of land being part of Lots 2 and 3, in KVI - 132nd Street Plaza, an Addition to the City of Omaha, in Douglas County, Nebraska, more particularly described as follows:

Commencing at the Southeast corner of Lot 2, KVI - 132nd Street Plaza; thence North 0°12'00" East (Platted Bearing) along the Easterly line of said Lot 2 a distance of 506.41 feet to a point; thence South 89°58'07" West, a distance of 82.40 feet to the true point of beginning; thence South 0°00'22" West a distance of 182.00 feet to a point; thence South 89°58'07" West a distance of 240.71 feet to a point; thence North 0°12'00" East a distance of 30.00 feet to a point; thence South 89°58'07" West a distance of 167.87 feet to a point; thence South 0°01'53" East a distance of 46.07 feet to a point of curvature; thence Southwest along a curve to the right, said curve having a radius of 400.00 feet, a long chord of 150.81 feet bearing South 10°50'04" West, an arc length of 151.72 feet to a point of tangency; thence continuing South 21°42'01" West a distance of 34.49 feet to the Southerly line of said addition; thence along said Southerly line North 66°40'32" West a distance of 30.00 feet to a point; thence North 21°42'01" East a distance of 33.64 feet to a point of curvature; thence Northeast along a curve to the left, said curve having a radius of 370.00 feet, a long chord of 139.50 feet bearing North 10°50'04" East, an arc length of 140.34 feet to a point of tangency; thence continuing North 0°01'53" West a distance of 198.07 feet to a point; thence North 89°58'07" East a distance of 438.58 feet to the Point of Beginning.

Said tract of land contains an area of 80,655 square feet or 1.852 acres, more or less.

Exhibit "C" – EASEMENT TRACT

LEGAL DESCRIPTION



e+a E&A CONSULTING GROUP, INC.
 ENGINEERING • PLANNING • FIELD SERVICES
 330 NORTH 117TH STREET, OMAHA, NE 68154 PHONE (402) 665-4700

10.00 FOOT WIDE UTILITY EASEMENT
 LOTS 2 AND 3, KVI - 132ND STREET PLAZA
 DOUGLAS COUNTY, NEBRASKA

Drawn by: DAS Chkd by: _____ Chkd by: _____
 Job No.: P2004.095.004 Date: 01/29/2008 SHEET 1 OF 1

K:\Project\2004095\04Srvy\Exhibit\ALTA-PART OF LOTS 2 AND 3, KVI-132ND STREET-000.dwg, 8.5x11 (14), Omaha, 1/29/2008 2:13:08 PM, DonaldS, Legal (8 1/2 x 14 in.)