



BK 1389 PG 282-287



MISC 2001 10222

REGISTER OF DEEDS  
DOUGLAS COUNTY, NE

2001 JUL 11 PM 3:23

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C/O  
SCAN CR FV

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**AGREEMENT REGARDING CO-EXISTING ACCESS EASEMENTS**

This Agreement is entered into by and between HD Investments, L.L.C., an Oklahoma limited liability company ("HD"), and Commercial Federal Bank, a federal savings bank ("CFB").

**RECITALS:**

WHEREAS, CFB is the owner of Lot 12, Commercial Federal Business Park Replat 1, Douglas County, Nebraska ("Lot 12");

WHEREAS, HD is the owner of Lots 1 and 2, Commercial Federal Business Park Replat 2, Douglas County, Nebraska (hereinafter referred individually as "Lot 1" or "Lot 2");

WHEREAS, the plat of the Commercial Federal Business Park recorded at Book 2165, Page 488 of the Register of Deeds of Douglas County, Nebraska, provides for a Reciprocal Access Easement for the benefit of Lot 12 over the portion of Lot 1 shown on Exhibit "A" (the "Reciprocal Easement").

WHEREAS, HD has executed a Declaration of Permanent Access Easement recorded on July 10, 2001, at Book 389, Page 275, to provide ingress and egress to Lot 2 over Lot 1 over the portion of Lot 1 shown on Exhibit "B" ("Lot 2 Easement").

WHEREAS, the Lot 2 Easement includes all of the Reciprocal Easement area.

NOW, THEREFORE, upon mutual consideration, the parties agree as follows.

1. CFB consents to the granting of the Lot 2 Easement over the Reciprocal Easement area.
2. CFB and HD, on behalf of themselves and their respective successors and assigns, hereby agree that notwithstanding the creation and recording of the Reciprocal Easement prior to the recording of the Lot 2 Easement, the Reciprocal Easement shall not be deemed to have any priority over the Lot 2 Easement and the holders of any and all rights in either instrument shall exercise such rights in a manner so as not to interfere with the use and enjoyment of the rights set

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forth in the other instrument.

3. This Agreement will run with the land and be binding upon the parties and their successors and assigns.

4. This Declaration shall be construed and governed in accordance with the laws of the State of Nebraska.

EXECUTED this 15<sup>th</sup> day of JUNE, 2001.

HD INVESTMENTS, L.L.C.,  
an Oklahoma limited liability company

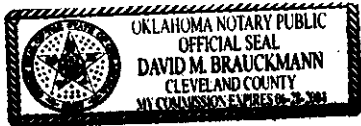
By: [Signature]  
Manager

COMMERCIAL FEDERAL BANK, a  
federal savings bank

By: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF OKLAHOMA )  
 ) ss.  
COUNTY OF CLEVELAND )

On this 15<sup>th</sup> day of JUNE, 2001, before me, the undersigned, a Notary Public duly commissioned and qualified for in said county, personally came Harold W. Suckoff, Manager of HD Investments, L.L.C., an Oklahoma limited liability company, to me personally known to be the person whose name is affixed to the foregoing instrument in that capacity and who acknowledged the same to be his voluntary act and deed on behalf of HD Investments, L.L.C.



6/28/2004

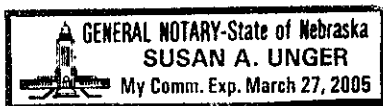
[Signature]  
Notary Public



STATE OF NEBRASKA )  
COUNTY OF Douglas ) ss.

On this 14<sup>th</sup> day of June, 2001, before me, the undersigned, a Notary Public duly commissioned and qualified for in said county, personally came George R. Quittner, Vice President of Commercial Federal Bank, a federal savings bank, to me personally known to be the person whose name is affixed to the foregoing instrument in that capacity and who acknowledged the same to be his voluntary act and deed on behalf of Commercial Federal Bank.

Susan A Unger  
Notary Public

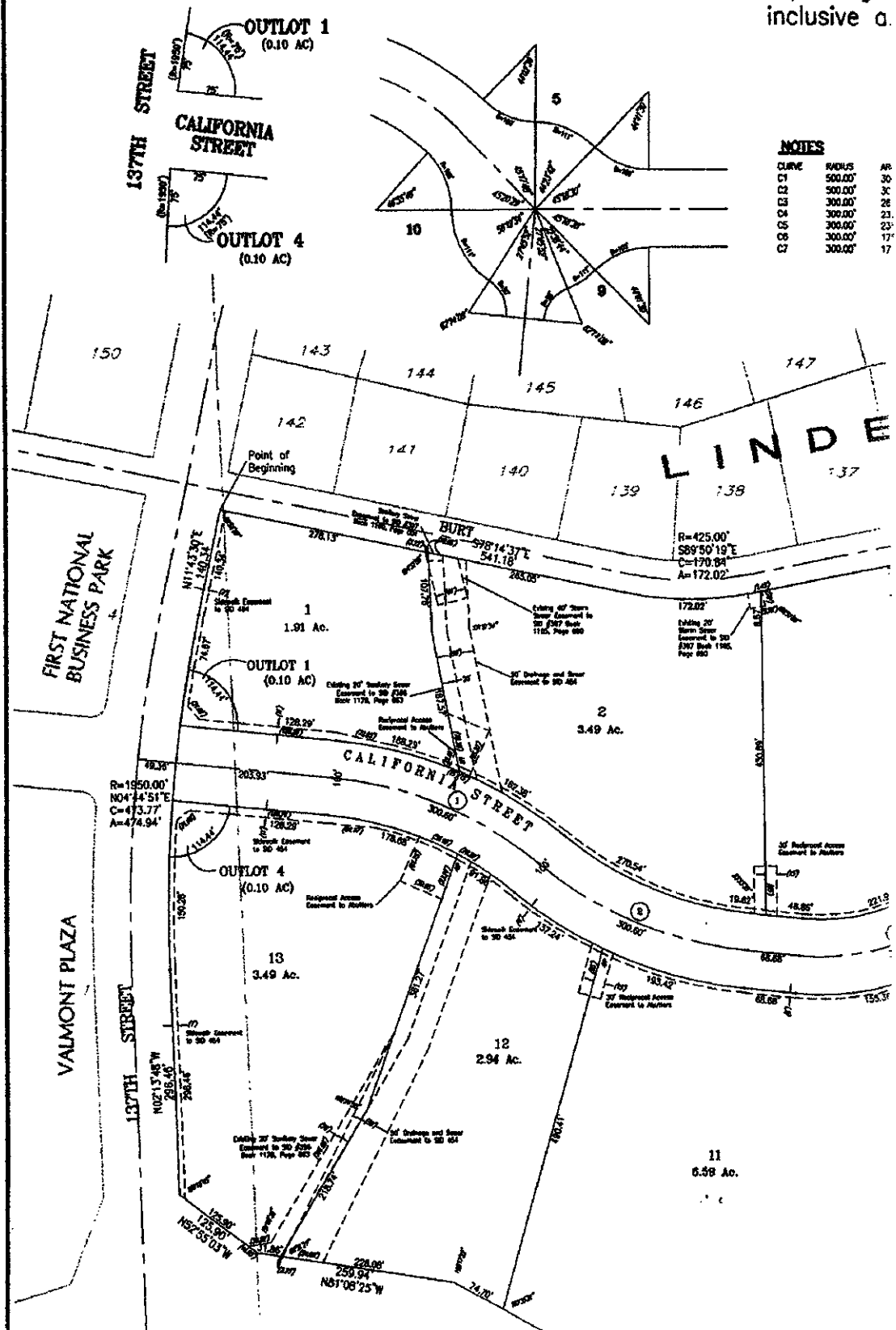


When recorded, return to:

Michael D. Matejka  
Fitzgerald, Schorr, Barmettler  
& Brennan, P.C., L.L.O.  
1100 Woodmen Tower  
Omaha, NE 68102-2002

# COMMERCIA

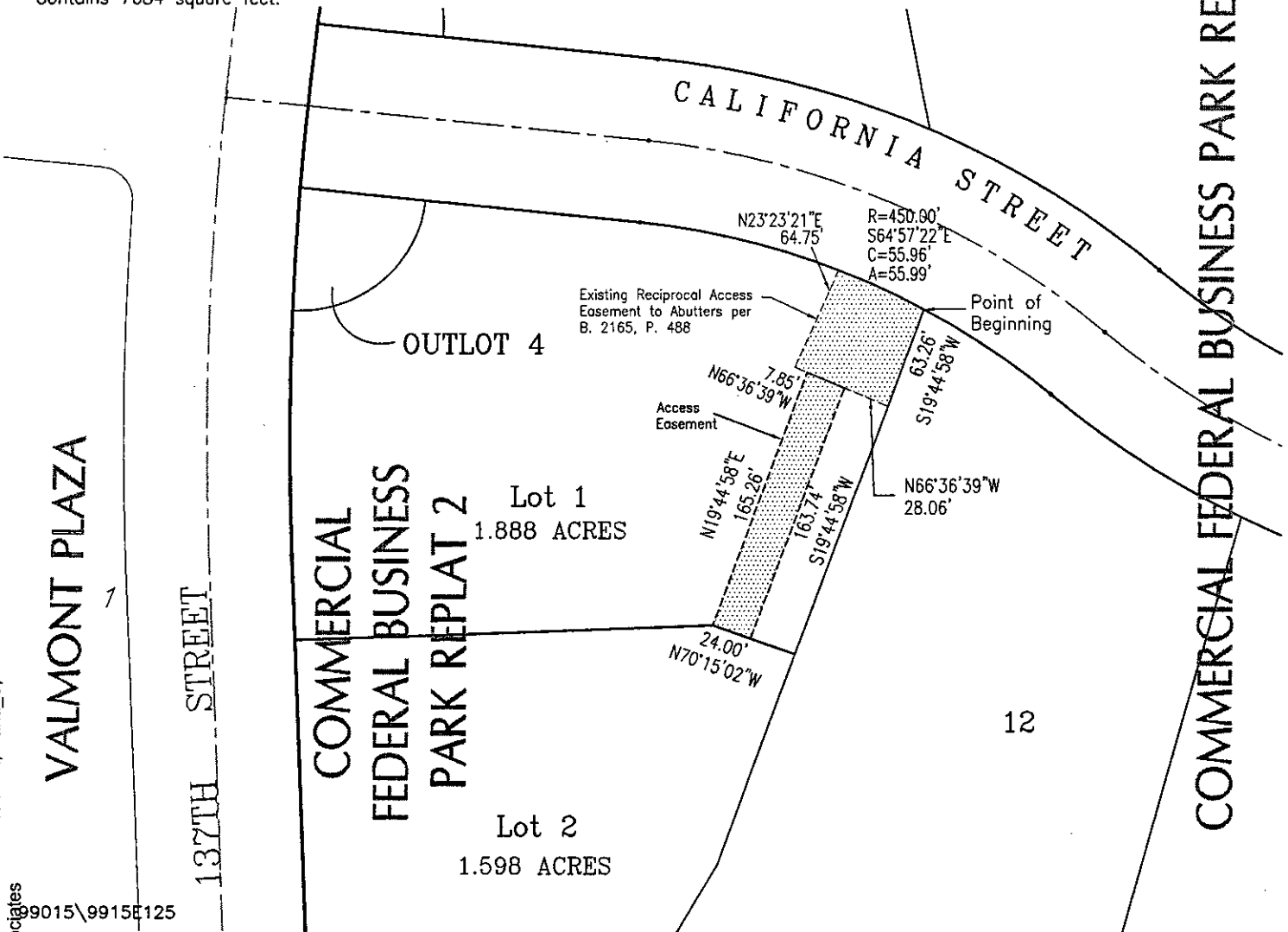
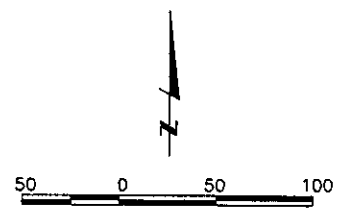
Lots 1 thro  
replatting  
inclusive a.



LEGAL DESCRIPTION

A permanent easement for ingress and egress over that part of Lot 1, COMMERCIAL FEDERAL BUSINESS PARK REPLAT 2, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, described as follows:

- Beginning at the northeast corner of said Lot 1, COMMERCIAL FEDERAL BUSINESS PARK REPLAT 2;
  - Thence South 19°44'58" West (bearings referenced to the Final Plat of COMMERCIAL FEDERAL BUSINESS PARK REPLAT 1, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska) for 63.26 feet along the west line of Lot 12, COMMERCIAL FEDERAL BUSINESS PARK REPLAT 1 and the east line of the existing reciprocal access easement filed in Misc. Book 2165 at page 488 in the Douglas County Register of Deeds Office;
  - Thence North 66°36'39" West for 28.06 feet along the south line of said access easement;
  - Thence South 19°44'58" West for 163.74 feet to the south line of said Lot 1, COMMERCIAL FEDERAL BUSINESS PARK REPLAT 2;
  - Thence North 70°15'02" West for 24.00 feet along said south line;
  - Thence North 19°44'58" East for 165.26 feet parallel with and 24.00 feet west of the penultimate line to the south line of said access easement;
  - Thence North 66°36'39" West for 7.85 feet along said south line to the southeast corner thereof;
  - Thence North 23°23'21" East for 64.75 feet along the west line of said access easement to the south right of way line of California Street;
  - Thence along a curve to the right (having a radius of 450.00 feet and a long chord bearing South 64°57'22" East for 55.96 feet) for an arc length of 55.99 feet along said south right of way line to the Point of Beginning.
- Contains 7684 square feet.



Book 99015\9915E125 Page 7 Date April 4, 2001 Dwn.By aet Job Number 00008.01-404

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**lamp, rymearson & associates, inc.**  
engineers                      surveyors                      planners

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omaha, nebraska 68154-2029

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