

Box 5

This instrument after recording  
to be returned to:

RECEIVED



Daniel B. Kinnamon  
Erickson & Sederstrom, P.C.  
Regency Westpointe  
10330 Regency Parkway Drive  
Omaha, NE 68114

JUN 6 12 07 PM '97

RICHARD M. TAKECHI  
REGISTRY CLERK  
DOUGLAS COUNTY, NE



(Space Above This Line for Recording Data)

**DECLARATION OF LANDSCAPING EASEMENT**

5th This Declaration of Landscaping Easement is made as of the  
day of June, 1997, by THC, INC., a Nebraska nonprofit  
corporation (herein "Declarant").

**PRELIMINARY STATEMENT**

Declarant is the owner of real property legally described as  
Lots 21 through 39, inclusive, Lakeside Hills, a subdivision, as  
surveyed, platted and recorded in Douglas County, Nebraska (herein  
"Affected Parcels") and Declarant desires to establish a permanent  
easement for the purpose of creating, constructing, installing,  
maintaining, repairing, replacing, preserving and renewing  
landscaping buffers and elements hereinafter more particularly  
described over, upon, along, in, and across the Affected Parcels  
more particularly described as follows, to-wit (the "Easement  
Areas"):

See attached Exhibits "A" through "I", inclusive, wherein  
the Easement Areas on the Affected Parcels is both  
legally and pictorially described.

NOW, THEREFORE, the Declarant hereby declares that the  
Affected Parcels on which the Easement Areas are situated shall be  
held, sold, and conveyed subject to the following easements and  
covenants which shall run with the Affected Parcels and shall be  
binding upon all parties having or acquiring any right, title or  
interest to such Affected Parcels:

1. Declarant hereby reserves and grants to itself and its  
transferees, successors and assigns a perpetual easement for the  
purpose of creating, constructing, and installing, in its sole and  
absolute discretion, any landscaping, plant materials, trees,  
signs, or markers over, upon, along, in and across the Easement  
Areas.

2. Declarant hereby grants, conveys and confirms to Lakeside  
Hills Association, Inc. (the "Association") and to its transferees,  
successors and assigns, a perpetual easement for the purpose of  
maintaining, repairing, replacing, renewing and preserving any such  
landscaping, plant materials, trees, signs or markers over, upon,  
along, in and across the Easement Areas.

3. The owner(s) of the Affected Parcels shall allow the  
Declarant and the Association, and their respective employees,  
contractors, agents, licensees, transferees, successors and  
assigns, reasonable access to and from the Easement Areas for the  
purposes of creating, constructing, installing, maintaining,  
repairing, replacing, renewing and preserving any such  
landscaping, plant materials, trees, signs or markers installed  
within the Easement Areas.

4. Notwithstanding anything contained herein to the  
contrary, it shall be the sole obligation of the owner(s) of the

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LEGAL PG SCAN dr FV

Affected Parcels to perpetually mow, fertilize, prune and water the Easement Areas as reasonably necessary so as to maintain such landscaping, plant materials and trees in good condition and appearance. The owner(s) of the Affected Parcels shall install and at all times maintain an irrigation system within the Easement Areas to serve the landscaping, plant materials and trees installed by Declarant and/or the Association.

5. The easements and covenants granted herein shall each run with the land perpetually, and shall inure to the benefit of and be binding upon, the Declarant, the Association, the owner(s) of the Affected Parcels and each of their respective heirs, personal representatives, successors, transferees and assigns.

6. No waiver of any breach of any of the easements, covenants or agreements contained in this Declaration of Landscaping Easement shall be construed as to constitute a waiver of any other breach or a waiver, acquiescence or consent to any further or succeeding breach of the same or any other easement, covenant or agreement.

7. The acceptance and agreement to each of the terms and provisions of this Declaration by the Declarant, the Association, the owner(s) of the Affected Parcels and each of their respective heirs, personal representatives, transferees, successors and assigns shall be conclusively evidenced by the recording of this document with the Office of the Douglas County Register of Deeds.

IN WITNESS WHEREOF, the Declarant has executed this Declaration of Landscaping Easement as of the date and year first above written.

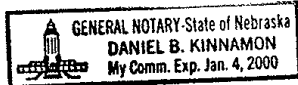
THC, INC., a Nebraska nonprofit corporation

By: Joseph P. Laferla  
Joseph P. Laferla Its President

STATE OF NEBRASKA    )  
                                  ) SS.  
COUNTY OF DOUGLAS    )

On this 5<sup>th</sup> day of June, 1997, before me a Notary Public duly commissioned and qualified in and for said county and state, personally came Joseph P. Laferla, President of THC, Inc., a Nebraska nonprofit corporation, who is personally known to me to be the identical person whose name is affixed to the above instrument in the capacity stated, and he acknowledged the said instrument to be his free and voluntary act and deed and the free and voluntary act and deed of said corporation.

WITNESS my hand and official seal at Omaha, in said county and state, the date aforesaid.



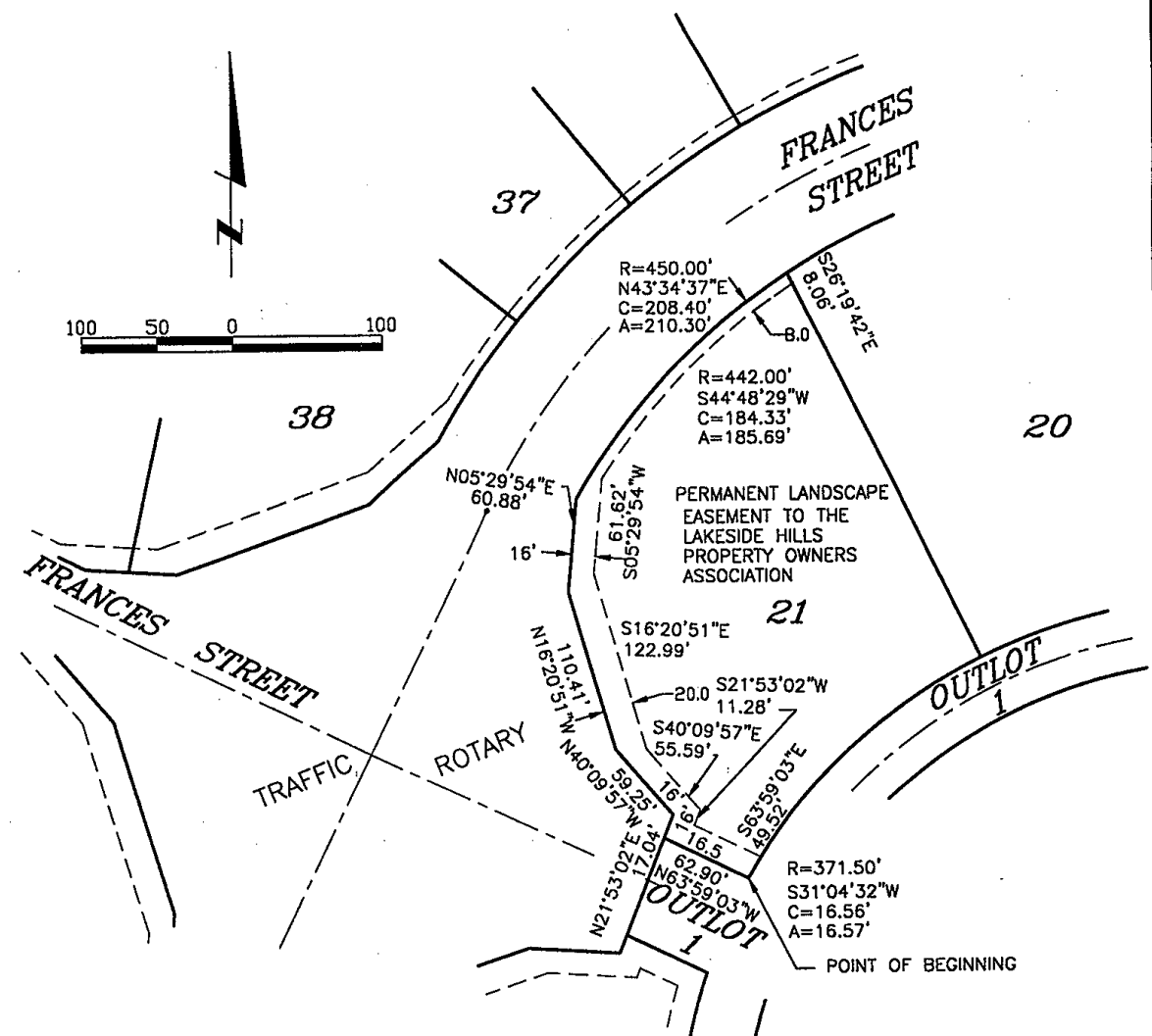
Daniel B. Kinnamon  
Notary Public

NOTARIAL SEAL AFFIXED  
REGISTER OF DEEDS

EXHIBIT "A"

LEGAL DESCRIPTION

A permanent easement for the construction and maintenance of landscaping over that part of Lot 21, LAKESIDE HILLS, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, described as follows:  
SEE ATTACHED SHEET FOR COMPLETE LEGAL DESCRIPTION



89014\89148121 LOT21  
 Book \_\_\_\_\_ Page \_\_\_\_\_ Date **MAR-4-1997** Dwn.By **AET** Job Number **89014-6573**

**lamp, rynearson & associates, inc.**  
 engineers surveyors planners  
 14747 california street omaha, nebraska 68164-1979 402-498-2498  
 FAX 402-498-2730  
 EXHIBIT "A"

## LEGAL DESCRIPTION

A permanent easement for the construction and maintenance of landscaping over that part of Lot 21, LAKESIDE HILLS, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, described as follows:

Beginning at the south corner of said Lot 21;

Thence North 63°59'03" West for 62.90 feet along the south line of said Lot 21 to the right of way line of the traffic rotary;

Thence North 21°53'02" East for 17.04 feet along said right of way line;

Thence North 40°09'57" West for 59.25 feet along said right of way line;

Thence North 16°20'51" West for 110.41 feet along said right of way line;

Thence North 05°29'54" East for 60.88 feet along said right of way line;

Thence along a curve to the right (having a radius of 450.00 feet and a long chord bearing North 43°34'37" East for 208.40 feet) for an arc length of 210.30 feet along the southeast right of way line of Frances Street to the north corner of said Lot 21;

Thence South 26°19'42" East for 8.06 feet along the northeast line of said Lot 21;

Thence along a curve to the left (having a radius of 442.00 feet and a long chord bearing South 44°48'29" West for 184.33 feet) for an arc length of 185.69 feet concentric with and eight foot (8') southeast of the said southeast right of way line of Frances Street;

Thence South 05°29'54" West for 61.62 feet parallel with and sixteen foot (16') east of the said east right of way line of the traffic rotary;

Thence South 16°20'51" East for 122.99 feet parallel with and twenty foot (20') east of said right of way line;

Thence South 40°09'57" East for 55.59 feet parallel with and sixteen foot (16') east of said right of way line;

Thence South 21°53'02" West for 11.28 feet parallel with and sixteen foot (16') east of said right of way line;

Thence South 63°59'03" East for 49.52 feet parallel with and sixteen and a half feet (16.5') north of the said south line of Lot 21 to the southeast line thereof;

Thence along a curve to the left (having a radius of 371.50 feet and a long chord bearing South 31°04'32" West for 16.56 feet) for an arc length of 16.57 feet along said southeast line to the Point of Beginning.

Contains 6971 square feet.

March 4, 1997

LAMP, RYNEARSON & ASSOCIATES, INC.

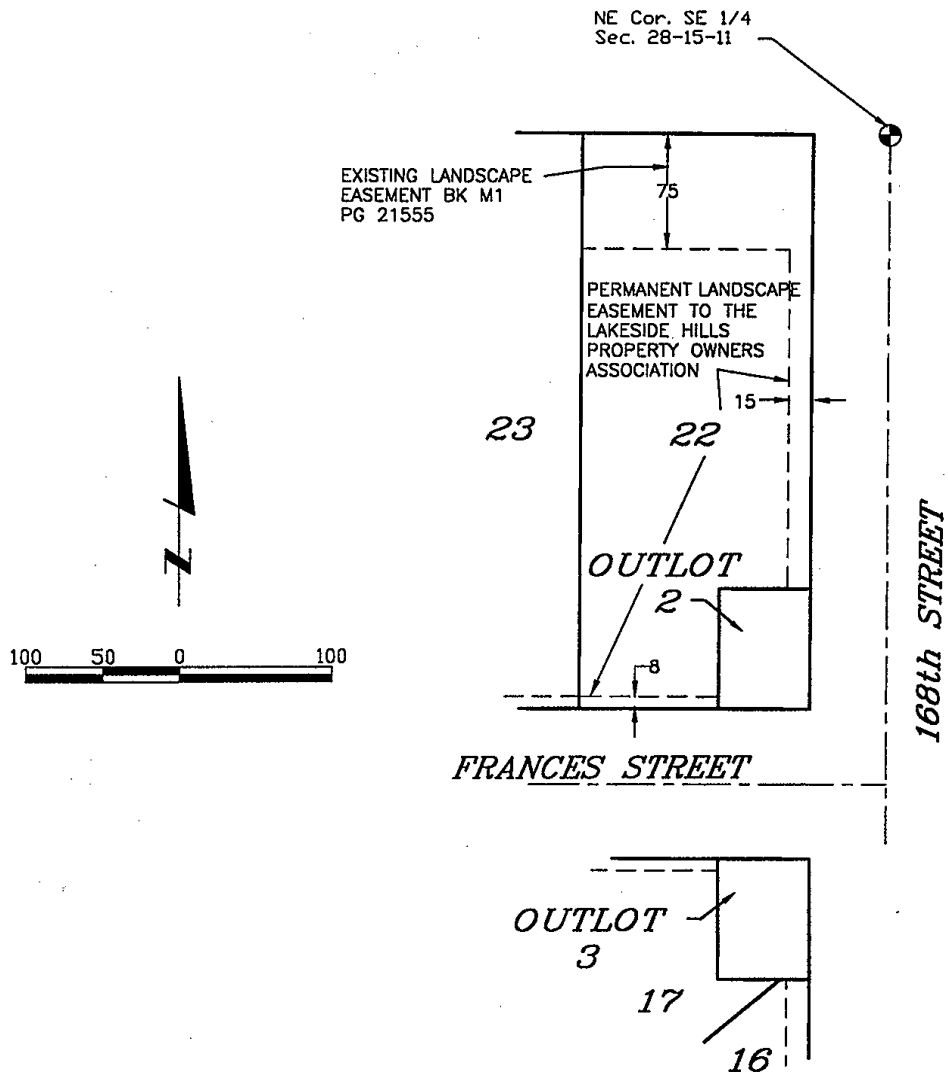
89014-6573 (Landscape Easement over L21)

Exhibit 'A' Page 2

EXHIBIT "B"

LEGAL DESCRIPTION

A permanent easement for the construction and maintenance of landscaping over the East fifteen foot (15') abutting 168th Street, AND ALSO over the South eight foot (8') abutting Frances Street of Lot 22, LAKESIDE HILLS, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska.



89014\8914B121 LOT22

Book \_\_\_\_\_ Page \_\_\_\_\_ Date MAR-4-1997 Dwn.By AET Job Number 89014-6573



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

14747 california street

omaha, nebraska 68154-1979

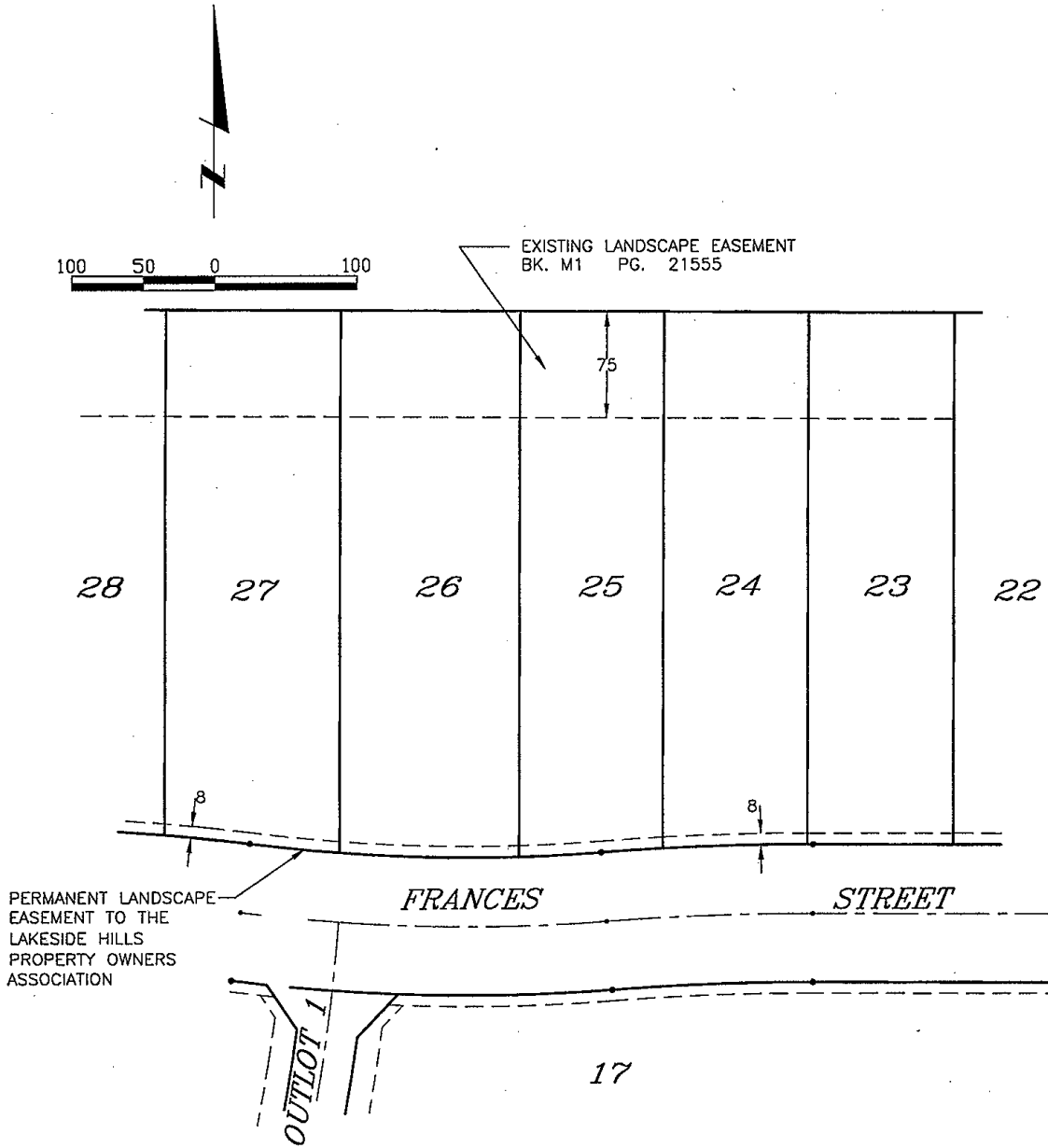
402-496-2498  
FAX 402-496-2730

EXHIBIT "B"

EXHIBIT "C"

LEGAL DESCRIPTION

A permanent easement for the construction and maintenance of landscaping over the South eight foot (8') of Lots 23 through 27, inclusive, LAKESIDE HILLS, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska.



89014\89148121 LOT23-26

Book \_\_\_\_\_ Page \_\_\_\_\_ Date MAY 6, 1997 Dwn.By AET Job Number \_\_\_\_\_



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omaha, nebraska 68154-1979

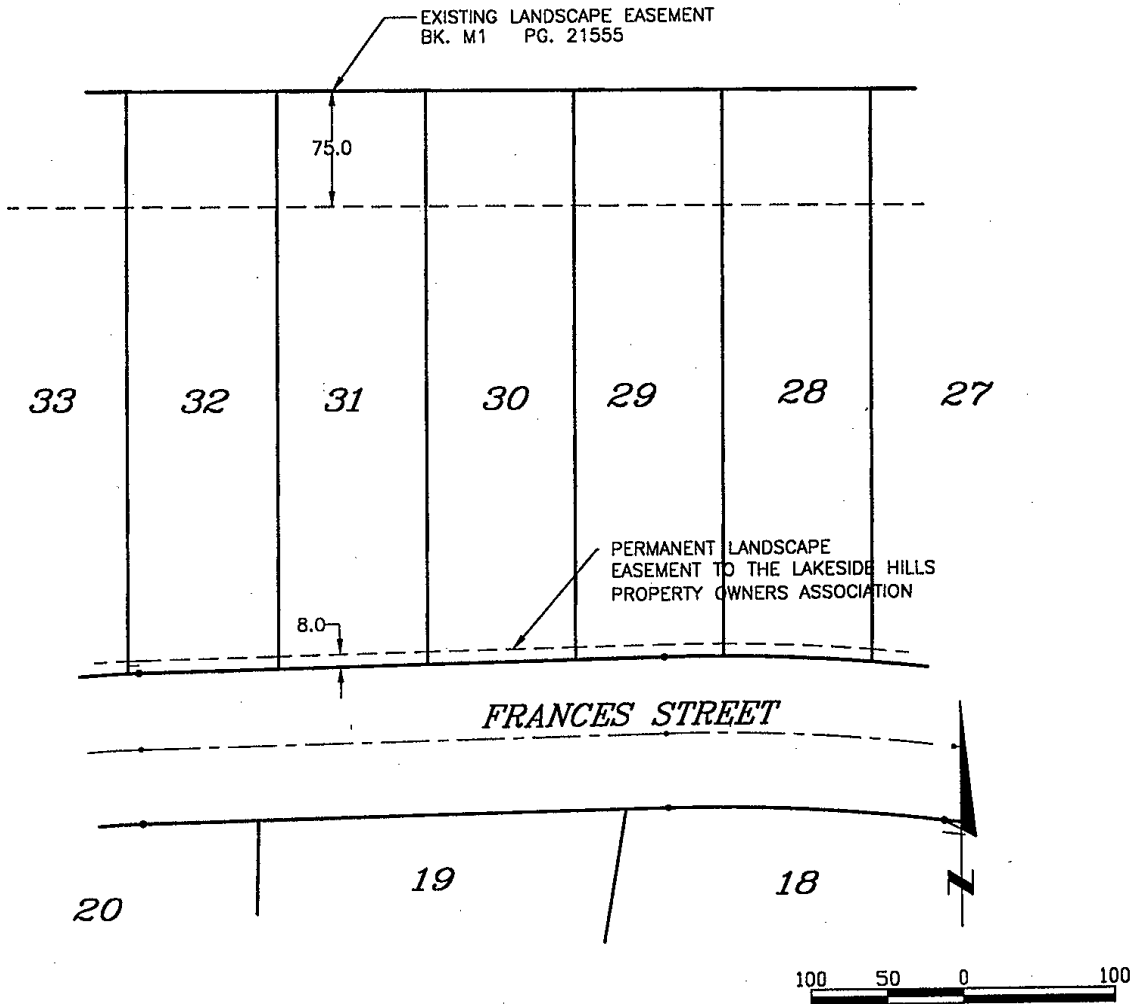
402-496-2498  
FAX 402-496-2730

EXHIBIT "C"

EXHIBIT "D"

LEGAL DESCRIPTION

A permanent easement for the construction and maintenance of landscaping over the South eight foot (8') of Lots 28 through 32, inclusive, LAKESIDE HILLS, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska.



89014\89148121 LOTS26-32

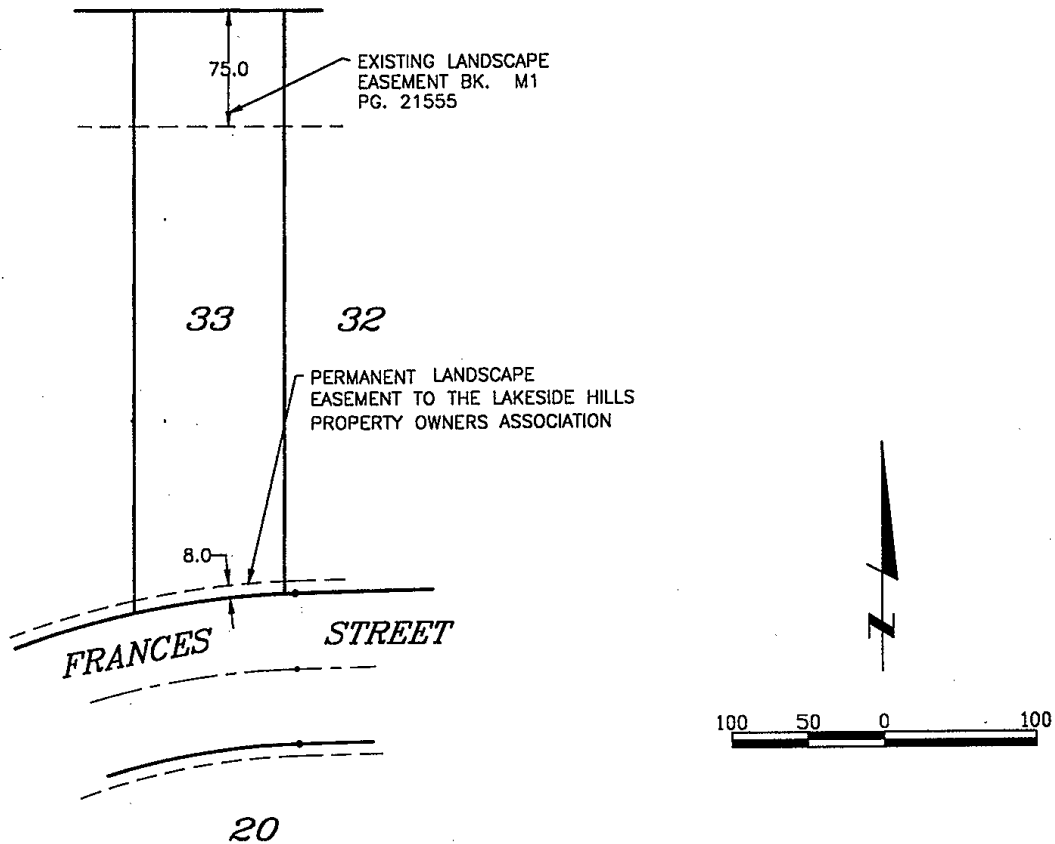
Book \_\_\_\_\_ Page \_\_\_\_\_ Date MAR-4-1997 Dwn.By AET Job Number 89014-6573

 **lamp, ryneason & associates, inc.**  
engineers surveyors planners  
14747 california street omaha, nebraska 68154-1979 402-498-2498  
EXHIBIT "D" FAX 402-498-2730

EXHIBIT "E"

LEGAL DESCRIPTION

A permanent easement for the construction and maintenance of landscaping over the South eight foot (.8') of Lot 33, LAKESIDE HILLS, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska.



89014\8914B121 LOT33

Book \_\_\_\_\_ Page \_\_\_\_\_ Date MAR-4-1997 Dwn.By AET Job Number 89014-6573

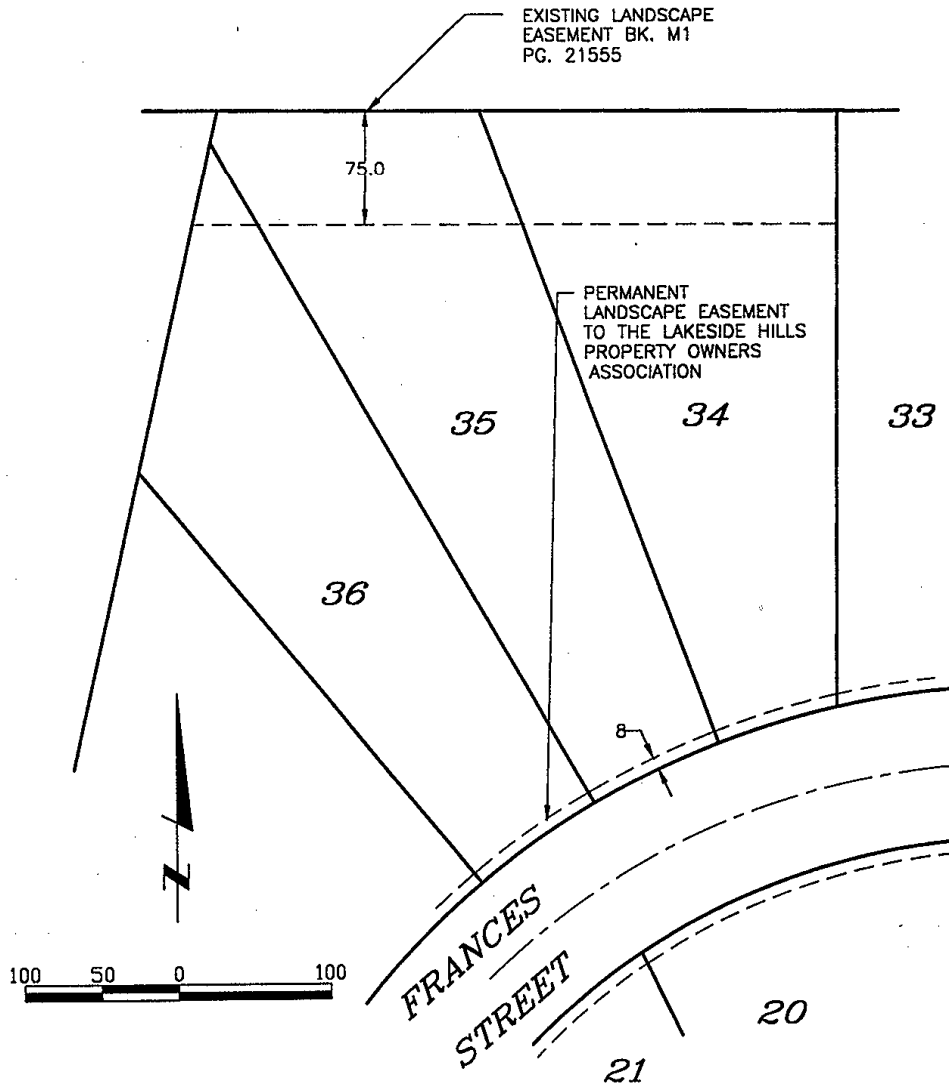
 **lamp, ryneason & associates, inc.**  
engineers surveyors planners  
14747 california street omaha, nebraska 68154-1879 402-486-2498  
EXHIBIT "E" FAX 402-486-2730



EXHIBIT "F"

LEGAL DESCRIPTION

A permanent easement for the construction and maintenance of landscaping over the Southeast eight foot (8') of Lots 34, 35 and 36, LAKESIDE HILLS, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska.



89014\B133 LOTS34-36

Book \_\_\_\_\_ Page \_\_\_\_\_ Date MAR-4-1997 Dwn.By AET Job Number 89014-6573

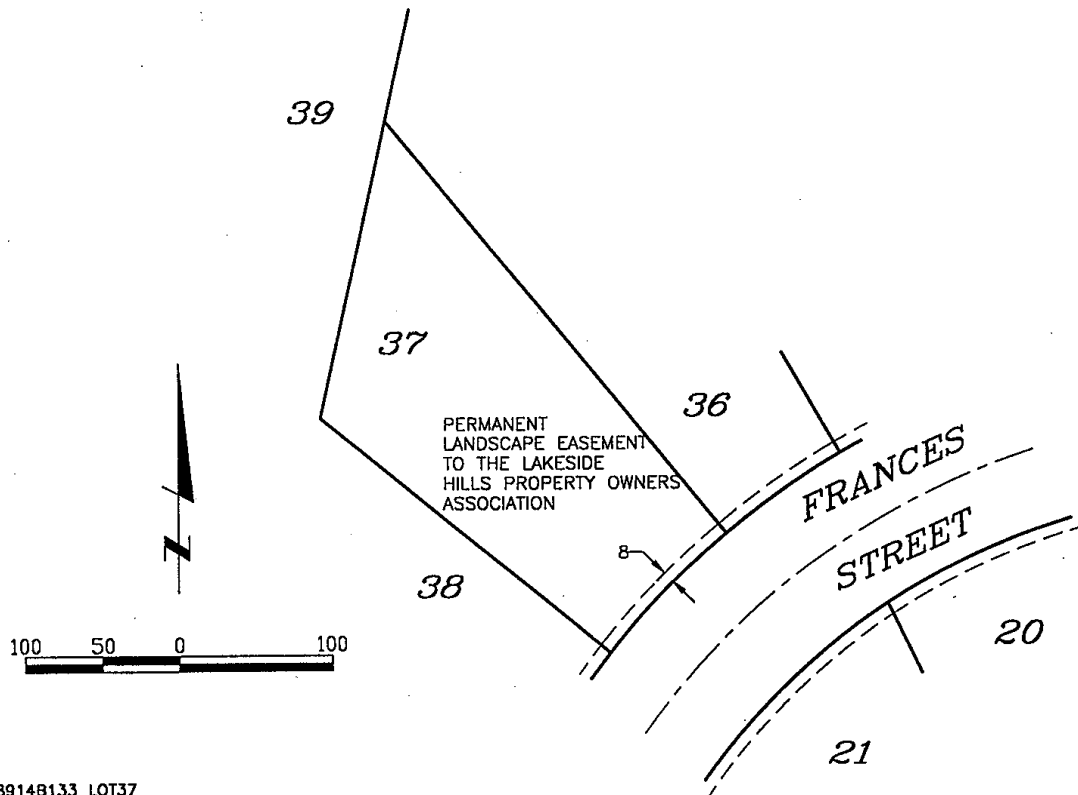
**lamp, rynearson & associates, inc.**  
engineers surveyors planners  
14747 california street omaha, nebraska 68154-1879 402-496-2498  
FAX 402-496-2730

EXHIBIT "F"

EXHIBIT "G"

LEGAL DESCRIPTION

A permanent easement for the construction and maintenance of landscaping over the Southeast eight foot (8') of Lot 37, LAKESIDE HILLS, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska.



89014\89148133 LOT37

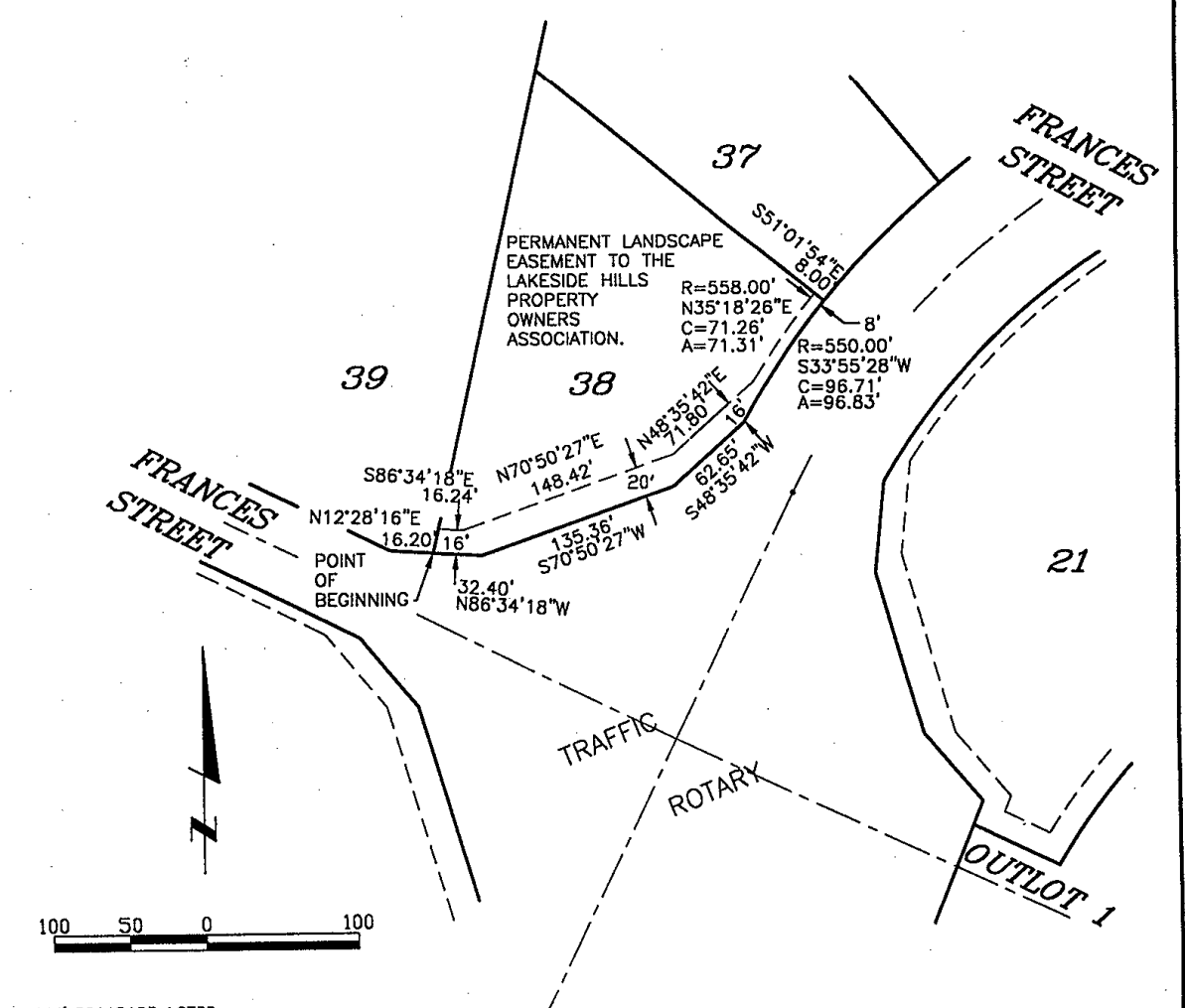
Book \_\_\_\_\_ Page \_\_\_\_\_ Date MAR-4-1997 Dwn.By AET Job Number 89014-6573

	<b>lamp, rynearson &amp; associates, inc.</b>		
	engineers	surveyors	
14747 california street	omaha, nebraska 68154-1979	402-496-2498	
	EXHIBIT "G"	FAX 402-496-2730	

EXHIBIT "H"

LEGAL DESCRIPTION

A permanent easement for the construction and maintenance of landscaping over that part of Lot 38, LAKESIDE HILLS, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, described as follows: SEE ATTACHED SHEET FOR COMPLETE LEGAL DESCRIPTION



89014\8914B133 LOT38  
 Book \_\_\_\_\_ Page \_\_\_\_\_ Date MAR-4-1997 Dwn.By AET Job Number 89014-6573

	<b>lamp, ryneerson &amp; associates, inc.</b>			
	engineers	surveyors	planners	
14747 california street	omaha, nebraska	68154-1979	402-496-2498	
			FAX 402-496-2730	
EXHIBIT "H"				

## LEGAL DESCRIPTION

A permanent easement for the construction and maintenance of landscaping over that part of Lot 38, LAKESIDE HILLS, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, described as follows:

Beginning at the southwest corner of said Lot 38;

Thence North  $12^{\circ}28'16''$  East (bearings referenced to the Final Plat of LAKESIDE HILLS) for 16.20 feet along the west line of said Lot 38;

Thence South  $86^{\circ}34'18''$  East for 16.24 feet parallel with and sixteen foot (16') north of the south line of said Lot 38;

Thence North  $70^{\circ}50'27''$  East for 148.42 feet parallel with and twenty foot (20') northwest of the right of way line of the traffic rotary;

Thence North  $48^{\circ}35'42''$  East for 71.80 feet parallel with and sixteen foot (16') northwest of said right of way line;

Thence along a curve to the right (having a radius of 558.00 feet and a long chord bearing North  $35^{\circ}18'26''$  East for 71.26 feet) for an arc length of 71.31 feet concentric with and eight foot (8') west of the west right of way line of Frances Street to the north line of said Lot 38;

Thence South  $51^{\circ}01'54''$  East for 8.00 feet to the northeast corner of said Lot 38;

Thence along a curve to the left (having a radius of 550.00 feet and a long chord bearing South  $33^{\circ}55'28''$  West for 96.71 feet) for an arc length of 96.83 feet along the west right of way line of Frances Street;

Thence South  $48^{\circ}35'42''$  West for 62.65 feet along the right of way line of the traffic rotary;

Thence South  $70^{\circ}50'27''$  West for 135.36 feet along said right of way line;

Thence North  $86^{\circ}34'18''$  West for 32.40 feet along the south line of said Lot 38 to the Point of Beginning.

Contains 4972 square feet.

March 4, 1997

LAMP, RYNEARSON & ASSOCIATES, INC.

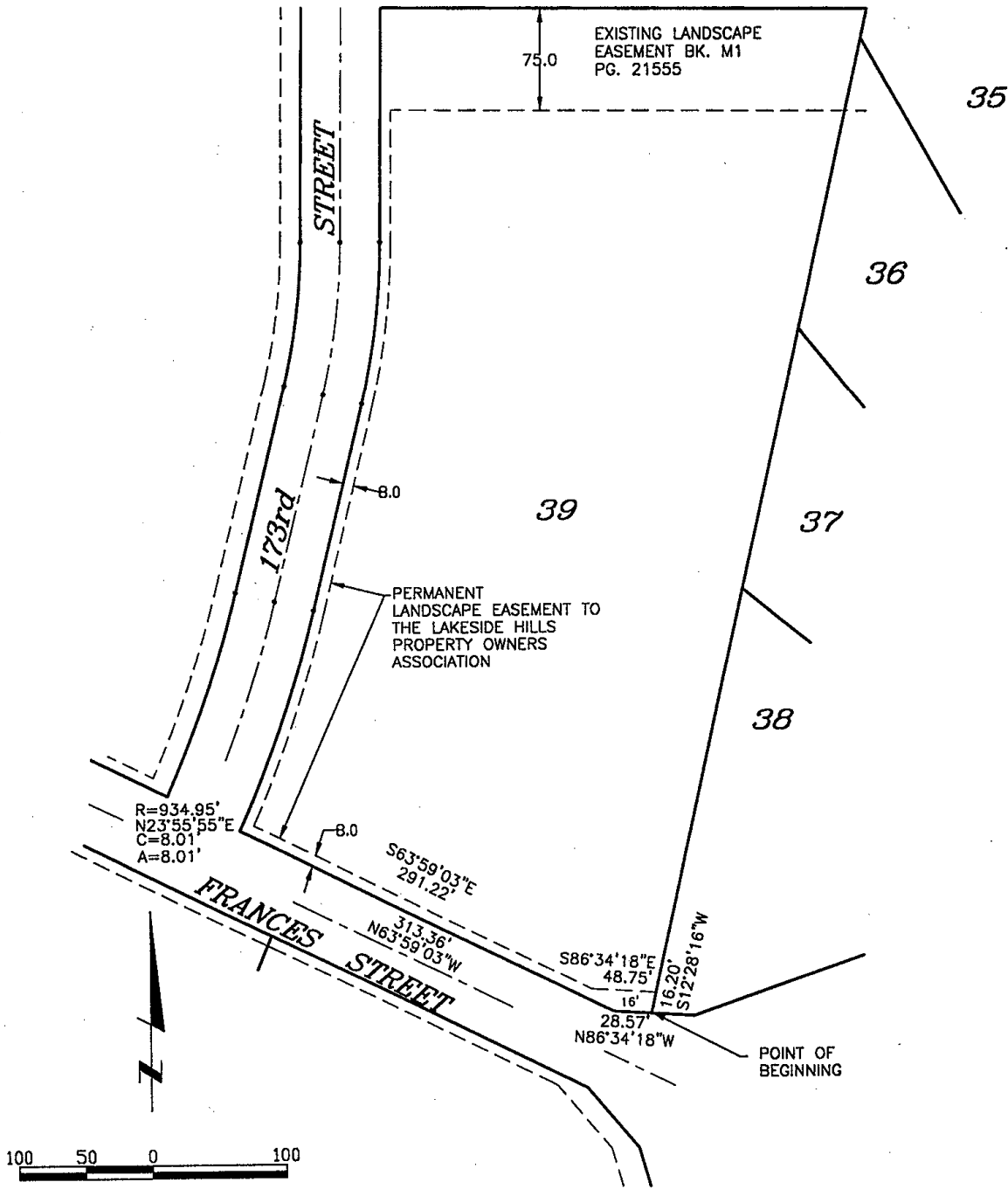
89014-6573 (Landscape Easement over L38)

Exhibit "H" PAGE 2

EXHIBIT "I"

LEGAL DESCRIPTION

A permanent easement for the construction and maintenance of landscaping over the West eight foot (8') AND over that part of Lot 39, LAKESIDE HILLS, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, described as follows:  
SEE ATTACHED SHEET FOR COMPLETE LEGAL DESCRIPTION



89014\89148133 LOT39

Book \_\_\_\_\_ Page \_\_\_\_\_ Date MAR-4-1997 Dwn.By AET Job Number 89014-6573



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

14747 california street

omaha, nebraska 68154-1979

402-498-2498  
FAX 402-498-2730

EXHIBIT "I"

**LEGAL DESCRIPTION**

A permanent easement for the construction and maintenance of landscaping over the West eight foot (8') AND over that part of Lot 39, LAKESIDE HILLS, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, described as follows:

Beginning at the southeast corner of said Lot 39;

Thence North  $86^{\circ}34'18''$  West (bearings referenced to the Final Plat of LAKESIDE HILLS) for 28.57 feet along the south line of said Lot 39;

Thence North  $63^{\circ}59'03''$  West for 313.36 feet to the southwest corner of said Lot 39;

Thence along a curve to the left (having a radius of 934.95 feet and a long chord bearing North  $23^{\circ}55'55''$  East for 8.01 feet) for an arc length of 8.01 feet along the west line of said Lot 39;

Thence South  $63^{\circ}59'03''$  East for 291.22 feet parallel with and 8.00 feet north of the south line of said Lot 39;

Thence South  $86^{\circ}34'18''$  East for 48.75 feet parallel with and 16.00 feet north of the right of way line of the traffic rotary to the east line of said Lot 39;

Thence South  $12^{\circ}28'16''$  West for 16.20 feet to the Point of Beginning.

Contains 3037 square feet.

March 4, 1997  
LAMP, RYNEARSON & ASSOCIATES, INC.  
89014-6573 (Landscape Easement over L39)

Exhibit "I" Page 2