



Return To: Michael D. Matejka, Woods & Aitken LLP, 10250 Regency Circle, Suite 525, Omaha, Nebraska 68114

WOOD

ENCROACHMENT AGREEMENT

This Encroachment Agreement ("Agreement") is entered into by and between 4834 S. 23rd Street, LLC, a Nebraska limited liability company ("4834 S. 23rd"), and Rodolfo Blanco and Zoila Blanco, husband and wife ("Blanco") this 19th day of February, 2019.

RECITALS:

A. 4834 S. 23rd is the owner of the real property described on Exhibit "A" attached hereto (the "4834 S. 23rd Property").

B. Blanco is the owner of the real property described on Exhibit "B" attached hereto (the "Blanco Property").

C. The east side of the building located on the Blanco Property has an awning which encroaches approximately two (2) feet over the 4834 S. 23rd Property (the "Awning").

D. There is concrete wall which extends from the east side of the building located on the Blanco Property onto the 4834 S. 23rd Property (the "Wall")

D. The parties wish to enter into this Agreement regarding the Awning and the Wall.

NOW, THEREFORE, upon mutual consideration herein received, the parties hereby agree as follows:

1. 4834 S. 23rd will permit Blanco to use and maintain the Awning and the Wall over or upon the 4834 S. 23rd Property upon the following terms and conditions.

2. The Wall may be altered by 4834 S. 23rd as part of the construction of the improvements on the 4834 S. 23rd Property.

3. If the Awning is removed from the building or is materially damaged in a fire or other disaster, it may not be replaced.

4. Blanco will not place any other encroachments on the 4834 S. 23rd Property without the written permission of 4834 S. 23rd.

5. Blanco is not claiming any right, title, or interest in the 4834 S. 23rd Property.

6. This Agreement shall run with the land and be binding upon the parties' successors and assigns.


7. This Agreement may be signed in counterparts.

4834 S. 23RD STREET LLC, a Nebraska limited liability company

BY: 4834 S. 23RD STREET MANAGING MEMBER LLC, a Nebraska limited liability company, its Sole Member

By: AI Investment, LLC a Nebraska limited liability company, its Sole Member

By: 
Darin Smith, Manager


Rodolfo Blanco


Zoila Blanco

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

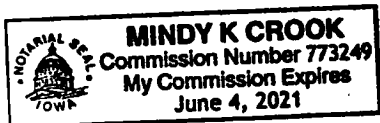
The foregoing instrument was acknowledged before me on February 19, 2019, by Darin Smith, Manager of AI Investment, LLC, a Nebraska limited liability company, the Sole Member of 4834 S. 23rd Street Managing Member LLC, a Nebraska limited liability company, the Sole Member of 4834 S. 23rd Street LLC, a Nebraska limited liability company, on behalf of said company.

Elizabeth Grady Heistand
NOTARY PUBLIC



STATE OF NEBRASKA)
) ss.
COUNTY OF Douglas)

The foregoing instrument was acknowledged before me on February 19, 2019, by Rodolfo Blanco and Zoila Blanco, husband and wife.



[Signature]
NOTARY PUBLIC

EXHIBIT "A"

Parcel 1:

Lot 5, Block 87, City of South Omaha, now forming a part of the City of Omaha, Douglas County, Nebraska.

Parcel 2:

Lot 6, Block 87, City of South Omaha, now forming a part of the City of Omaha, Douglas County, Nebraska.

Parcel 3:

The East 100 feet of Lot 7, Block 87, City of South Omaha, now forming a part of the City of Omaha, Douglas County, Nebraska.

EXHIBIT "B"

The West 50 feet of Lot 7, Block 87, original City of South Omaha, now Omaha, as surveyed, platted and recorded in Douglas County, Nebraska.