



BK 0904 PG 050



MISC 1989 18580

THIS PAGE INCLUDED FOR  
INDEXING  
PAGE DOWN FOR BALANCE OF INSTRUMENT

FENCE AGREEMENT

THIS FENCE AGREEMENT is made and entered into this 2<sup>nd</sup> day of November, 1989, by and between United Printers, Inc., a Nebraska corporation, hereinafter called "United Printers," and Strehlow Terrace Apartments Limited Partnership, a Nebraska limited partnership, hereinafter called "Strehlow," acting herein by and through its general partner, Roseland Redevelopment Corporation, a Nebraska corporation,

## WITNESSETH:

WHEREAS, United Printers is the owner of certain real property located immediately north of Grace Street between 16th and 18th Streets in Omaha, Douglas County, Nebraska, which property is legally described as

Lots One (1) through Eight (8), German Old Peoples Home Addition, an Addition to the City of Omaha, Douglas County, Nebraska, 07-13480

and

WHEREAS, Strehlow is the present owner of certain real property adjoining the aforesaid United Printers property on the north, which Strehlow property is legally described as: 07-36120

North 70.84 feet of Block One (1), E.V. Smith's Addition to the City of Omaha, Douglas County, Nebraska,

and

WHEREAS, the City of Omaha, Douglas County, Nebraska, the immediate prior owner of the aforesaid Strehlow property, during such ownership erected or caused to be erected a six-foot (6') high chain-link fence approximately along part of the east-west property line between the said Strehlow property then owned by the City of Omaha and the aforesaid United Printers property, and

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GEORGE J. BUGLEWICZ  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NE

BK 904 N \_\_\_\_\_ C/O \_\_\_\_\_ FEE 34.50  
PG 50-55 N \_\_\_\_\_ DEL VK MC WS  
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07-36120

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WHEREAS, attached hereto as Exhibit A is a photocopy of a survey of the aforesaid property made by Dangberg & Associates, Consulting Engineers and Surveyors, dated October 8, 1989, which Survey shows that the west 162.2 feet (162.2') of the said east-west fence was erroneously erected on said United Printers property approximately 3.9 feet (3.9') south of the said east-west property line at its western boundary, and approximately 3.8 feet (3.8') south of said property line at a point 162.2 feet (162.2') east of said west boundary, said point being at the northwest corner of the United Printers building located on its said property, and

WHEREAS, the said chainlink fence was so partially erected on the said United Printers property without the permission of United Printers or the permission of any of its officers or duly authorized representatives, and

WHEREAS, the parties agree that it is to their mutual advantage to leave in place that part of said chainlink fence erroneously erected on the said United Printers property, rather than to have it removed.

NOW, THEREFORE, the parties hereto agree as follows:

That in consideration of Ten Dollars (\$10.00) and other valuable consideration paid to Strehlow by United Printers, receipt of which is hereby acknowledged, Strehlow does hereby grant, bargain, sell and transfer all of its right, title, and interest in that part of the aforesaid chainlink fence which was erroneously erected on the said United Printers Property;

That United Printers hereby releases and forever discharges Strehlow Terrace Apartments Limited Partnership and its general partner, Roseland Redevelopment Corporation, from any and all responsibility and liability in connection with the erroneous erection of said chainlink fence on the aforesaid property of United Printers;

That Strehlow agrees for itself and its successors and assigns that the strip of United Printers property approximately 3.9 feet (3.9') in width and 162.2 feet (162.2') in length located along the north side of said chainlink fence is now, and shall remain the property of United Printers, and that Strehlow does not and shall not claim said strip of property by adverse possession, prescription, easement or sufferance.

That upon the execution of this Agreement by the parties, this Agreement shall be duly filed in the appropriate property records of the Register of Deeds of Douglas County, Nebraska, for the protection of both parties hereto; and

That this Fence Agreement shall be binding on the heirs, executors, administrators, personal representatives, successors and assigns of the parties hereto.

UNITED PRINTERS, INC.,  
a Nebraska corporation

By Eugene W. Peter  
Eugene W. Peter  
President

Attest:

Louis M. Bruckner  
Louis M. Bruckner  
Secretary

STREHLOW TERRACE APARTMENTS  
LIMITED PARTNERSHIP, a  
Nebraska Limited Partnership

By: Roseland Redevelopment  
Corporation, a Nebraska  
corporation, its general  
partner

By David E. Slattery  
David E. Slattery  
President

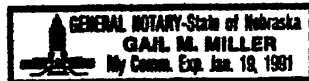
Attest:

Richard F. Greene  
Richard F. Greene  
Secretary

STATE OF NEBRASKA)  
 ) ss.  
 COUNTY OF DOUGLAS)

On this 2 day of November, 1989, before me, the undersigned, a Notary Public in and for said County, personally came EUGENE W. PETER, President of United Printers, Inc., a Nebraska corporation, known to me to be the President and identical person who signed the foregoing instrument, and he acknowledged the execution thereof to be his voluntary act and deed as such officer and the voluntary act and deed of said corporation and that its corporate seal was thereto affixed by its authority.

Witness my hand and Notarial Seal in said County the day and year last above written.



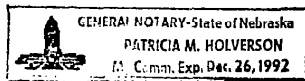
Gail M. Miller  
 Notary Public

My Commission expires the 19 day of January, 1991.

STATE OF NEBRASKA)  
 ) ss.  
 COUNTY OF DOUGLAS)

On this 2 day of November, 1989, before me, the undersigned, a Notary Public in and for said County, personally came DAVID E. SLATTERY, President of Roseland Redevelopment Corporation, a Nebraska corporation, known to me to be the President and identical person who signed the foregoing instrument, and he acknowledged the execution thereof to be his voluntary act and deed as such officer and the voluntary act and deed of said corporation acting as the general partner of Strehlow Terrace Apartments Limited Partnership, a Nebraska limited partnership, and that the corporate seal of Roseland Redevelopment Corporation was affixed to the foregoing instrument by its authority.

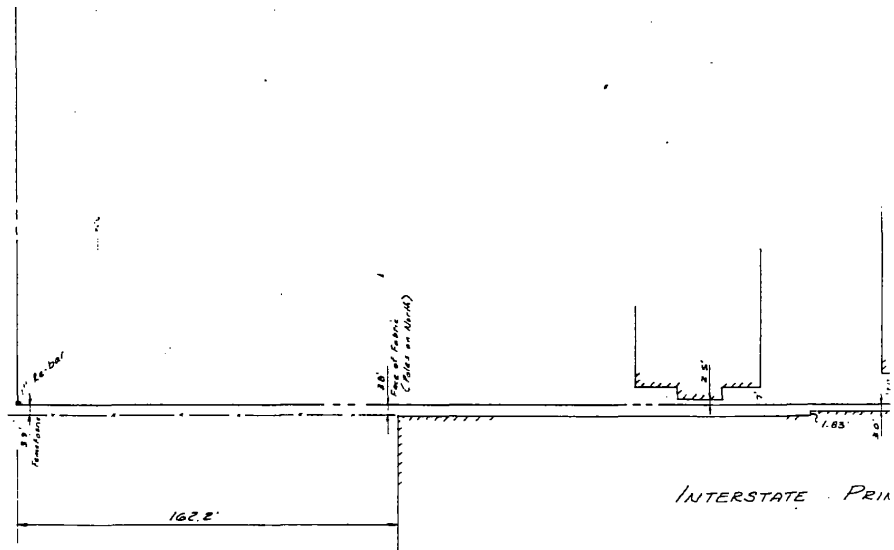
Witness my hand and Notarial Seal in said County the day and year last above written.



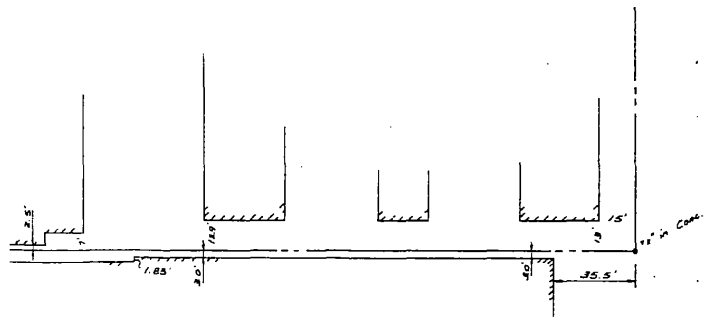
Patricia M. Holmerson  
 Notary Public

My Commission expires the 2 day of December, 1989.

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BOOK 904 PAGE 55



INTERSTATE PRINTING



EXHIBIT A

Scale 1" = 30'	Drawn LET	Checked DEP
Revision		
FENCE LOCATION		
<b>DANGBERG &amp; ASSOCIATES</b> Omaha, Nebraska CONSULTING ENGINEERS - SURVEYORS		
STREHLow APARTMENTS		Nebraska
Date	Oct 8, 1987	
Job No	8901	
Sheet	1 of 1	