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PAGE 294 Carl & Hibbele REGISTER OF DEEDS, SARPY COUNTY NEB.

DECLARATION OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS: Charles G. Smith and Nellie M. Smith, Husband and Wife, hereinafter collectively referred to as "Smith" are the owners of the following described real estate situated in Sarpy County, Nebraska:

A part of the Northwest Quarter of the Northwest Quarter of Section 4, Township 13 North, Range 13 East of the 6th P.M., Sarpy County, Nebraska, more particularly described as follows: Commencing at the Northwest Corner of said Section 4; thence South 89°46'47" East (Assumed Bearing) along the North line of said Section 4 a distance of 65.00 feet to the point of beginning; thence continuing South 89°46'47" East a distance of 690.00 feet; thence South 09°41'20" East a distance of 142.00 feet; thence South 89°53'37" East a distance of 44.80 feet; thence South 00°08'49" West a distance of 245.00 feet; thence North 89°51'12" West a distance of 24.00 feet; thence South 00°08'49" West a distance of 265.00 feet; thence South 22°17'21" West a distance of 108.94 feet; thence South 00°08'49" West a distance of 203.00 feet; thence North 89°51'12" West a distance of 15.00 feet; thence South 00°08'49" West a distance of 374.00 feet to a point on the South line of said Northwest Quarter of the Northwest Quarter; thence North 89°47'44" West along said line a distance of 684.00 feet to a point on the East right of way line of 36th Street; thence North 00°08'49"
East along said right of way line a distance of 33.00
feet; thence South 89°47'44" East a distance of 105.00
feet; thence North 00°08'49" East a distance of 132.00
feet; thence North 89°47'44" West a distance of 90.00 feet to a point on the East right of way line of 36th Street; thence North 00°08'49" East along said line a distance of 153.40 feet; thence North 00°25'14" West a distance of 321.64 feet; thence Easterly on a 303.00 foot radius curve to the right (chord bearing of South 79°05'44" East and chord distance of 119.00 feet) an arc distance of 119.78 feet to a point of reverse curvature; thence Easterly on a 362.00 foot radius curve to the left an arc distance of 238.69 feet; thence North 09°03'01" West a distance of 322.00 feet; thence North 89°46'49" West a distance of 59.00 feet; thence South 00°13'11" West a distance of 20.00 feet; thence North 89°46'49" West a distance of 138.00 feet; thence North 26°16'05" West a distance of 82.68 feet; thence North 89°46'49" West a distance of 69.00 feet to a point on the East right of way line of 36th Street; thence North 00°25'14" West along said line a distance of 351.00 feet to the point of beginning, hereinafter called "Parcel A" and in accordance with the survey attached hereto and marked as Exhibit "A".

and

Part of the North Half of the Northwest Quarter of Section 4, Township 13 North, Range 13 East of the 6th P.M., Sarpy County, Nebraska, more particularly described as follows: Commencing at the Northwest corner of said Section 4; thence South 89°46'47" East (Assumed Bearing) a distance of 755.00 feet to the point of beginning; thence continuing South 89°46'47" East along the North line of said Section 4 a distance of 686.19 feet; thence South 00° 10'10" West a distance of 1327.61 feet to a point on the South line of the North Half of the Northwest Quarter of said

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Section 4; thence North 89°47'44" West a distance of 696.67 feet; thence North 00°08'49" East a distance of 374.00 feet; thence South 89°51'12" East a distance of 15.00 feet; thence North 00°08'49" East a distance of 203.00 feet; thence North 22°17'21" East a distance of 108.94 feet; thence North 00°08'49" East a distance of 265.00 feet; thence North 00°08'49" East a distance of 24.00 feet; thence North 00°08'49" East a distance of 245.00 feet; thence North 89°51'12" East a distance of 44.80 feet; thence North 89°53'37" West a distance of 44.80 feet; thence North 09°41'20" West a distance of 142.00 feet to the point of beginning, hereinafter called "Parcel B" and in accordance with the survey attached hereto and marked as Exhibit "A-1".

and

A part of the Northwest Quarter of the Northwest Quarter of Section 4, Township 13 North, Range 13 East of the 6th P.M., Sarpy County, Nebraska more particularly described as follows: Commencing at the Northwest corner of Section 4, Township 13, Range 13 East of the 6th P.M., thence South 89°46'47" East (Assumed Bearing) along the North line of said Section 4 a distance of 755.00 feet to the point of beginning; thence South 09°41'20" East a distance of 142.00 feet; thence South 89°53'37" East a distance of 44.80 feet; thence South 00°08'49" West a distance of 245.00 feet; thence North 89°51'12" West a distance of 24.00 feet; thence South 00°08'49" West a distance of 265.00 feet; thence South 22°17'21" West a distance of 108.94 feet; thence South 84°54'37" West a distance of 321.36 feet; thence Westerly on a 422.00 foot radius curve to the right (chord bearing of North 86°39'37" West, chord distance of 273 feet); an arc distance of 278.3 feet to a point of reverse curvature; thence Westerly on a 243.00 foot radius curve to the left (chord bearing North 79°05'44" West, chord distance of 95.44 feet); an arc distance of 96.0 feet; thence North 00°25'14" West a distance of 60.00 feet; thence Easterly on a 303.00 foot radius curve to the right (chord bearing of South 79°05'44" East and chord distance of 119.00 feet) an arc distance of 119.78 feet to a point of reverse curvature; thence Easterly on a 362.00 foot radius curve to the left (chord bearing South 86°39'37" East, chord distance of 234.38 feet); an arc distance of 238.69 feet thence North 50°20'03" East a distance of 94.38 feet; thence North 00°00'00" East a distance of 194.67 feet; thence South 89°51'12" East a distance of 200.00 feet thence North 00°08'48" East a distance of 130.00 Feet; thence South 89°51'12" East a distance of 15.00 Feet; thence North 00°08'49" East a distance of 160.00 feet; thence North 09°41'20" West a distance of 180.00 feet; thence South 89.46.47" East a distance of 76.00 feet to the point of beginning, hereinafter called "Parcel C" and in accordance with the survey attached hereto and marked as Exhibit "B".

WHEREAS: Parcel A and B are contiguous and Parcel C is comprised of portions of both Parcel A and Parcel B;

WHEREAS: Smith is desirous of constructing an apartment project on said real estate, as above described, the same consisting of two (2) separate apartment complexes one each on Parcel A and Parcel B, and;

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WHEREAS: In the interest of proper economic, efficient and esthetic use of said real estate, as above described, Smith is desirous of mutual access to each of said complexes and mutual use of the road system and other facilities situated on Parcel C.

THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That Charles G. Smith and Nellie M. Smith, Husband and Wife, hereinafter called Grantor do by these presents hereby grant, bargain, sell, convey and confirm the following easements in said real estate above described:

- A. To the owners and tenants of Parcel A, their successors and assigns forever, a perpetual easement for the use of the roadways and other facilities situated on Parcel C, as described above.
- B. To the owners and tenants of Parcel B, their successors and assigns forever, a perpetual easement for the use of the roadways and other facilities situated on Parcel C.

Notwithstanding the easements herein granted, nothing herein shall be construed so as to affect the responsibility for the maintenance of the roadways and other facilities situated on Parcel C by transferring such responsibility away from the respective owners of the respective Parcels A and B above described.

Charles G. Smith

Nellie M. Smith

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

Now on this <u>//</u> day of <u>_______,</u> 1973, before me a Notary Public in and for said state, personally came Charles G. Smith and Nellie M. Smith, Husband and Wife, to me known to be the identical persons who have executed this instrument and they acknowledged the execution of same to be their voluntary act and deed.

EMERAL NOTARY, State of Water.
My Commission Expires
August 12, 1978

Notary Public

46-1294C

LEGAL DESCRIPTION

GRAHADA PHASE I

EXHIBIT "A"

PROJECT NO. 621A-02

APRIL 3, 1973

A PART OF THE HORTHWEST & METER OF THE MORTHWEST QUARTER OF SECTION 4, TOWNSHIP 13 NORTH, RANGE 13 EAST OF THE GTH P.M., SARPY COUNTY, NEBRASKA, MODE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 4; THENCE SOUTH 89°46'47" EAST (ASSUMED BEARING) ALONG THE MORTH LINE OF SAID SECTION 4 A DISTANCE OF 65.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°46'47" EAST A DISTANCE OF 690.00 FEET; THENCE SOUTH 09°41'20" EAST A DISTANCE OF 142.00 FEET; THENCE SOUTH 89°53'37" EAST A DISTANCE OF 44.80 FEET; THENCE SOUTH 00°08'49" WEST A DISTANCE OF 245.00 FEET; THENCE NORTH 89°51'12" WEST A DISTANCE OF 24.00 FEET; THENCE SOUTH CO°08'49" WEST A DISTANCE OF 265.00 FEET; THENCE SOUTH 22°17'21" HEST A DISTANCE OF 108.94 FEET: THENCE SOUTH 00°08'49"-WEST A DISTANCE OF 203.00 FEET; THENCE NORTH 89°51'12" WEST A DISTANCE OF 15.00 FEET; THENCE SOUTH 00°08'49" WEST A DISTANCE OF 374.00 FEET TO A POINT ON THE SOUTH LINE OF SAID HORTHWEST QUARTER OF THE HORTHWEST QUARTER; THENCE HORTH 89°47'44" VEST ALOHS SAID LINE A DISTANCE OF 684.00 FEET TO A POINT ON THE EAST RIGHT OF WAY LIFE OF 36TH STREET; THENCE NORTH 90°08'49" EAST ALONG SAID RIGHT OF MAY LINE A DISTANCE OF 33.00 FEET; THENCE SOUTH 89°47'44" EAST A DISTANCE OF 105.00 FEET; THENCE NORTH 09°08'49" EAST A DISTANCE OF 132.00 FEET; THENCE NORTH 89°47'44" WEST A DISTANCE OF 20:00 FEET TO A POINT ON THE EAST RIGHT OF MAY LINE OF 36TH STREET: THENCE HORTH 00°98'49" EAST ALONG SAID LINE A DISTANCE OF 153.40 FEET; THENCE MORTH 00°25'14" WEST A DISTANCE OF 321.64 FEET; THENCE EASTEPLY ON A 303.00 FOOT RADIUS CHEVE TO THE RIGHT (CHORD BEARING OF SOUTH 79°05'44" EAST AND CHORD DISTANCE OF 119.00 FEET) AN ARC DISTANCE

JC-294D

OF 119.78 FEET TO A POINT OF PEVERSE CURVATURE; THENCE EASTERLY ON A 362.00 FOOT RADIUS CURVE TO THE LEFT AN ARC DISTANCE OF 239.69 FEET; THENCE NORTH 09°03'01" HEST A DISTANCE OF 322.00 FEET; THENCE NORTH 69°46'49" HEST A DISTANCE OF 59.00 FEET; THENCE SOUTH 60°13'11" HEST A DISTANCE OF 20.00 FEET; THENCE HORTH 89°46'49" HEST A DISTANCE OF 138.00 FEET; THENCE HORTH 20°16'05" HEST A DISTANCE OF 82.68 FEET; THENCE NORTH 89°46'49" HEST A DISTANCE OF 69.00 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF 36TH STPRET; THENCE HORTH 90°25'1A" HEST ALONG SAID LINE A DISTANCE OF 351.00 FEET TO THE POINT OF BEGINNING.

SAID TPACT CONTAINS 19.00 ACPE OR 827,902 SQ. FT.

COLLEHON, SCHEMMER & ASSOCIATES, INC. ARCHITECTS-ENGINEERS-PLANNERS 12100 WEST CENTER ROAD, SUITE 520 ONAHA, NEBRASKA 68144

46-294E

LEGAL DESCRIPTION

GRANADA PHASE II

EXHIBIT "A-1"

PROJECT NO. 621A-02

MAY 11, 1973

PART OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 13, NORTH, RANGE 13 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 4: THENCE SOUTH 89°46'47"

EAST (ASSUMED BEARING) A DISTANCE OF 755.00 FEET TO THE POINT OF BEGINNING;
THENCE CONTINUING SOUTH 89°46'47" EAST ALONG THE NORTH LINE OF SAID SECTION

4 A DISTANCE OF 686.19 FEET; THENCE SOUTH 00°10'10" WEST A DISTANCE OF
1327.61 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST
QUARTER OF SAID SECTION 4: THENCE NORTH 89°47'44" WEST A DISTANCE OF 696.67
FEET; THENCE NORTH 00°08'49" EAST A DISTANCE OF 374.00 FEET; THENCE SOUTH
89°51'12" EAST A DISTANCE OF 15.00 FEET; THENCE NORTH 00°08'49" EAST A
DISTANCE OF 203.00 FEET; THENCE NORTH 22°17'21" EAST A DISTANCE OF 108.94
FEET; THENCE NORTH 00°08'49" EAST A DISTANCE OF 265.00 FEET; THENCE SOUTH
89°51'12" EAST A DISTANCE OF 24.00 FEET; THENCE NORTH 00°08'49" EAST A
DISTANCE OF 245.00 FEET; THENCE NORTH 89°53'37" WEST A DISTANCE OF 44.80
FEET; THENCE NORTH 09°41'20' WEST A DISTANCE OF 142.00 FEET TO THE
POINT OF BEGINNING.

GOLLEHON, SCHEMMER & ASSOCIATES, INC. ARCHITECTS-ENGINEERS-PLANNERS 12100 MEST CENTER ROAD OMAHA, NEBRASKA 68144

MRH/jj

A PAKT OF THE NORTHWEST QUARTER TOWNSHIP IS NORTH, RANGE ISEAST OF TH SARPY COUNTY, NESRASKA NORTHWEST CORNER OF SECTION 4, T.ISN., RISE 165.00 690.00 POLLYTOF BEGIXLNING 589°53'37"E 05 W \$0093111113 138.003 N89°46'49" W 9°22 N267605"W N89°51'12"W R=303.00 A=119.78 p=21.7 R=362.00 A=238.69 S22º17'21"W 50.00 50.00 15.00 N89°5112"W 90.00 N89°47'44"W ¢ WILLIAMS BROS. PIPELINE EASEMENT 684.00 N89°47'44"WI 33.00 NOO°08'49"E SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE NORTHWEST OF SECTION 4, T. BN., R. BE. (IRON PIPE) SCALE-1"=200" GOLLEHON, SCHEMMER & ASSOCIATES, INC. ARCHITECTS . ENGINEERS . PLANNERS

45-2946

LEGAL DESCRIPTION
GRANADA

EXHIBIT "B'

ACCESS EASEMENT
PROJECT NO. 621A-03
MAY 7, 1973

A PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 13 WORTH, RANGE 13 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 4, TOWNSHIP 13, RANGE 13 EAST OF THE 6TH P.M., THENCE SOUTH 89°46'47" EAST (ASSUMED BEARING) ALONG THE NORTH LINE OF SAID SECTION 4 A DISTANCE OF 755.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 09°41'20" EAST A DISTANCE OF 142.00 FEET; THENCE SOUTH 89°53'37" EAST A DISTANCE OF 44.80 FEET; THENCE SOUTH 00°08'49" WEST A DISTANCE OF 245.00 FEET; THENCE NORTH 89°51'12" WEST A DISTANCE OF 24.00 FEET; THENCE SOUTH 00°08'49" WEST A DISTANCE OF 265.00 FEET; THENCE SOUTH 22°17'21" WEST A DISTANCE OF 108.94 FEET; THENCE SOUTH 84°54'37" WEST A DISTANCE OF 321.36 FEET; THENCE WESTERLY ON A 422.00 FOOT RADIUS CURVE TO THE RIGHT (CHORD BEARING OF NORTH 86°39'37" WEST, CHORD DISTANCE OF. 273 FEET); AN ARC ARC DISTANCE OF 278.3 FEET TO A POINT OF REVERSE CURVATURE; THENCE WESTERLY ON A 243.00 FOOT RADIUS CURVE TO THE LEFT (CHORD BEARING MORTH 79°05'44" WEST, CHORD DISTANCE OF 95.44 FEET); AN ARC DISTANCE OF 96.0 FEET; THENCE NORTH 00°25'14" WEST A DISTANCE OF 60.00 FEET; THENCE EASTERLY ON A 303,00 FOOT RADIUS CURVE TO THE RICHT (CHORD BEARING OF SOUTH 79°05'44" EAST AND CHORD DISTANCE OF 119.00 FEET) AN ARC DISTANCE OF 119.78 FEET TO A POINT OF REVERSE CURVATURE; THENCE EASTERLY ON A 362.00 FOOT RADIUS CURVE TO THE LEFT (CHORD BEARING SOUTH 86°39'37" EAST, CHORD DISTANCE OF 234.38 FEET); AN ARC DISTANCE OF 238.69 FEET THENCE NORTH 50°20'03" EAST A DISTANCE OF 94.38 FEET; THENCE NORTH 00°00'00" EAST

A DISTANCE OF 194.67 FEET; THENCE SOUTH 89°51'12" EAST A DISTANCE OF 200.00 FEET THENCE NORTH 00°08'48" EAST A DISTANCE OF 130.00 FEET; THENCE SOUTH 89°51'12" EAST A DISTANCE OF 15.00 FEET; THENCE NORTH 00°08'49" EAST A DISTANCE OF 160.00 FEET; THENCE NORTH 09°41'20" WEST A DISTANCE OF 180.00 FEET; THENCE SOUTH 89°46'47" EAST A DISTANCE OF 76.00 FEET TO THE POINT OF BEGINNING.

GOLLEHON, SCHEMMER & ASSOCIATES, INC. ARCHITECTS-ENGINEERS-PLANNERS
12100 WEST CENTER ROAD, SUITE 520 CMAHA, NEBRASKA 68144

JG/jj

