

46-294

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

Rec'd 5/30/13

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, 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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That Charles G. Smith and Nellie M. Smith, Husband and Wife, herein-

they and confirm the following easements in said real estate 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.

Charles G. Smith

Nellie M. Smith

Now on this 11 day of May, 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.



L. B. LUDWIG
GENERAL NOTARY, State of Neb.
My Commission Expires
August 12, 1978

Notary Public

LEGAL DESCRIPTION

GRANADA PHASE I

EXHIBIT "A"

PROJECT NO. 621A-02

APRIL 3, 1973

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 $89^{\circ}46'47''$ 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 $89^{\circ}46'47''$ EAST A DISTANCE OF 690.00 FEET; THENCE SOUTH $09^{\circ}41'20''$ EAST A DISTANCE OF 142.00 FEET; THENCE SOUTH $89^{\circ}53'37''$ EAST A DISTANCE OF 44.80 FEET; THENCE SOUTH $00^{\circ}08'49''$ WEST A DISTANCE OF 245.00 FEET; THENCE NORTH $89^{\circ}51'12''$ WEST A DISTANCE OF 24.00 FEET; THENCE SOUTH $00^{\circ}08'49''$ WEST A DISTANCE OF 265.00 FEET; THENCE SOUTH $22^{\circ}17'21''$ WEST A DISTANCE OF 108.94 FEET; THENCE SOUTH $00^{\circ}08'49''$ WEST A DISTANCE OF 203.00 FEET; THENCE NORTH $89^{\circ}51'12''$ WEST A DISTANCE OF 15.00 FEET; THENCE SOUTH $00^{\circ}08'49''$ WEST A DISTANCE OF 374.00 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE NORTH $89^{\circ}47'44''$ 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 $00^{\circ}08'49''$ EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 33.00 FEET; THENCE SOUTH $89^{\circ}47'44''$ EAST A DISTANCE OF 105.00 FEET; THENCE NORTH $00^{\circ}08'49''$ EAST A DISTANCE OF 132.00 FEET; THENCE NORTH $89^{\circ}47'44''$ WEST A DISTANCE OF 20.00 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF 36TH STREET; THENCE NORTH $00^{\circ}08'49''$ EAST ALONG SAID LINE A DISTANCE OF 153.40 FEET; THENCE NORTH $00^{\circ}25'14''$ WEST A DISTANCE OF 321.64 FEET; THENCE EASTEPLY ON A 303.00 FOOT RADIUS CURVE TO THE RIGHT (CHORD BEARING OF SOUTH $79^{\circ}05'44''$ EAST AND CHORD DISTANCE OF 119.00 FEET) AN ARC DISTANCE

46-294D

OF 119.73 FEET TO A POINT OF REVERSE CURVATURE; THENCE EASTEPLY ON A 362.00 FOOT
RADIUS CURVE TO THE LEFT AN ARC DISTANCE OF 239.69 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°45'49" 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.

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

COLLEMAN, SCHEIDT & ASSOCIATES, INC.
ARCHITECTS-ENGINEERS-PLANNERS
12100 WEST CENTER ROAD, SUITE 520
OMAHA, NEBRASKA 68144

46-09/E

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.

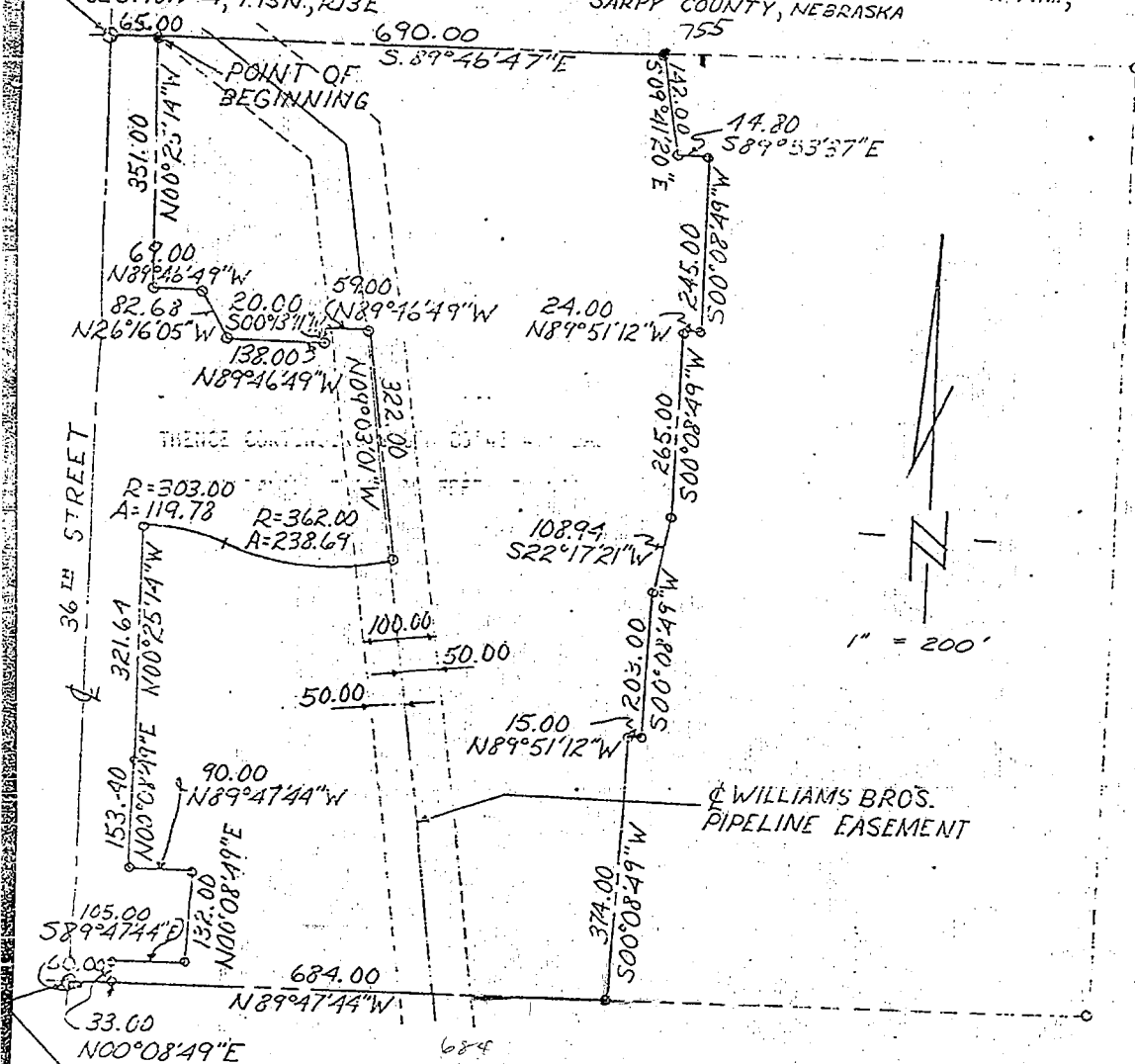
GOLLEHON, SCHEMIER & ASSOCIATES, INC.
ARCHITECTS-ENGINEERS-PLANNERS
12100 WEST CENTER ROAD
OMAHA, NEBRASKA 68144

HRH/JJ

PHASE I

NORTHWEST CORNER OF
SECTION 4, T.13N., R.13E

A PART OF THE NORTHWEST QUARTER OF SEC. 4,
TOWNSHIP 13 NORTH, RANGE 13 EAST OF THE 6TH P.M.,
SARPY COUNTY, NEBRASKA



SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4
OF SECTION 4, T.13N., R.13E. (IRON PIPE)

GOLLEHON, SCHEMMER & ASSOCIATES, INC. ^{SCA}
ARCHITECTS • ENGINEERS • PLANNERS

DESIGNED

DRAWN MED

CHECKED AKR/21

DATE 1/12/73

SHEET NO. 6210-12

46-2946

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 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

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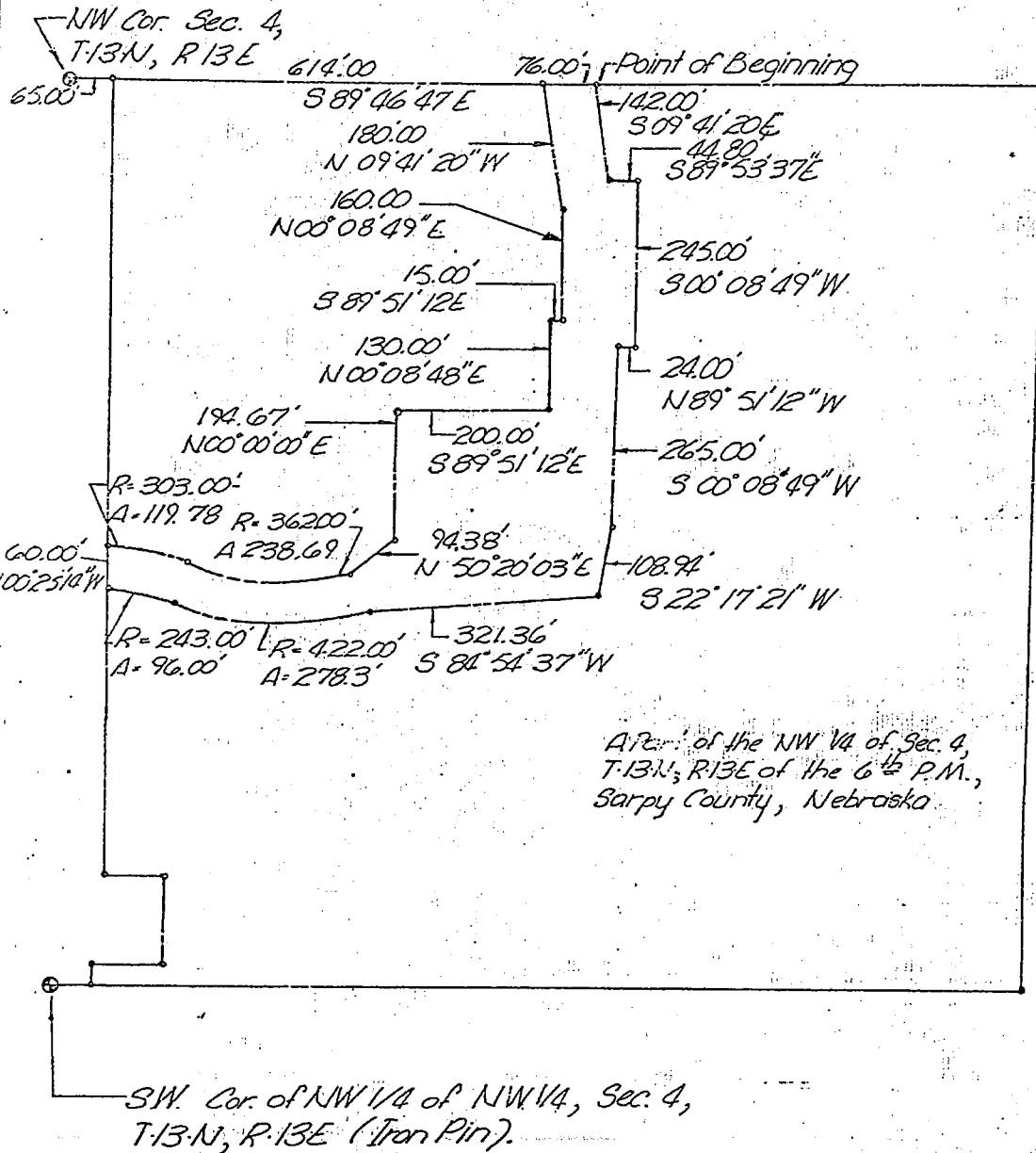
A DISTANCE OF 194.67 FEET; THENCE SOUTH $89^{\circ}51'12''$ EAST A DISTANCE OF 200.00 FEET
THENCE NORTH $00^{\circ}08'48''$ EAST A DISTANCE OF 130.00 FEET; THENCE SOUTH $89^{\circ}51'12''$ EAST
A DISTANCE OF 15.00 FEET; THENCE NORTH $00^{\circ}08'49''$ EAST A DISTANCE OF 160.00 FEET;
THENCE NORTH $09^{\circ}41'20''$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

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

JG/jj

GRANADA
ACCESS EASEMENT
PROJECT NO. 621A-02

1/6 - 294 I.



Area of the NW 1/4 of Sec. 4,
T13N, R13E of the 6th P.M.,
Sarpy County, Nebraska

GOLLEHON, SCHEMMER & ASSOCIATES, INC.
ARCHITECTS • ENGINEERS • PLANNERS

DESIGNED

DRAWN

JG

CHECKED

ROL

DATE

May 73

SHEET NO.