

Fully Released
at 49-374

46-708

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 tract of land located in the SW 1/4 of Section 35, Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska, more particularly described as follows: Commencing at the North-east corner of said SW 1/4 of Section 35; thence S00°10'50"W, (assumed bearing), along the East line of said SW 1/4 of Section 35, a distance of 1314.42 feet, to the point of intersection of said East line of the SW 1/4 of Section 35 and the Northwesterly right-of-way line of the Chicago, Rock Island and Pacific Railroad; thence S22°36'26"W, along said Northwesterly right-of-way line of the Chicago, Rock Island and Pacific Railroad, a distance of 502.75 feet; thence N67°23'34"W, a distance of 317.00 feet, to the Point of Beginning; thence continuing N67°23'34"W, a distance of 725.89 feet; thence N22°08'01"W, a distance of 522.13 feet, to a point on the Southerly right-of-way line of proposed Huntington Parkway; thence Southeasterly, along said Southerly right-of-way line of proposed Huntington Parkway, on a curve to the right with a radius of 565.29 feet, a distance of 113.80 feet, said curve having a long chord which bears S82°34'06"E, a distance of 113.61 feet; thence Northeasterly along said Southerly right-of-way line of proposed Huntington Parkway, on a curve to the left with a radius of 243.60 feet, a distance of 381.76 feet, said curve having a long chord which bears N58°18'02"E, a distance of 343.88 feet; thence S69°31'17"E, a distance of 168.47 feet; thence S89°49'10"E, a distance of 247.06 feet; thence N45°10'50"E, a distance of 14.14 feet; thence S89°49'10"E, a distance of 45.56 feet; thence S44°49'10"E, a distance of 45.56 feet; thence S00°10'50"W, a distance of 45.56 feet; thence S45°10'50"W, a distance of 53.00 feet; thence S00°10'50"W, a distance of 110.00 feet; thence S89°49'10"E, a distance of 47.00 feet; thence S00°10'50"W, a distance of 114.00 feet; thence S89°49'10"E, a distance of 142.00 feet; thence S00°10'50"W, a distance of 135.00 feet; thence N89°49'10"W, a distance of 128.85 feet; thence S00°10'50"W, a distance of 251.53 feet; thence N89°49'10"W a distance of 51.00 feet; thence S00°10'50"W, a distance of 153.00 feet, to the Point of Beginning, hereinafter called Parcel "A".

and

Part of Lot 3, Huntington Park, an addition located in the SW 1/4 of Section 35, Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska, more particularly described as follows: Beginning at the point of intersection of the Southerly right-of-way line of State Highway #370 and the East line of said SW 1/4 of Section 35, said point also being the Northeasterly corner of said Lot 3, Huntington Park; thence S00°10'50"W (assumed bearing), along said East line of the SW 1/4 of Section 35, a distance of 1196.22 feet to the point of intersection of said East line of the SW 1/4 of Section 35 and the Northwesterly right-of-way line of the Chicago, Rock Island and Pacific Railroad; thence S22°36'26"W, along said Northwesterly right-of-way line of the Chicago, Rock Island and Pacific Railroad, a distance of 502.75 feet to the Southeasterly corner of said Lot 3, Huntington Park; thence N67°23'34"W, along the Southerly line of said Lot 3, Huntington Park, a distance of 317.00 feet; thence N00°10'50"E, a distance of 153.00 feet; thence S89°49'10"E, a distance of 51.00 feet;

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728 Carl L. Hillier REGISTER OF DEEDS, SARPY COUNTY, NEB. 15.50

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thence N00°10'50"E, a distance of 251.53 feet; thence S89°49'10"E, a distance of 128.85 feet; thence N00°10'50"E, a distance of 135.00 feet; thence N89°49'10"W, a distance of 142.00 feet; thence N00°10'50"E, a distance of 114.00 feet; thence N89°49'10"W, a distance of 47.00 feet; thence N00°10'50"E, a distance of 110.00 feet; thence N45°10'50"E, a distance of 53.00 feet; thence N00°10'50"E, a distance of 45.56 feet; thence N44°49'10"W, a distance of 45.56 feet; thence N89°49'10"W, a distance of 45.56 feet; thence S45°10'50"W, a distance of 14.14 feet; thence N89°49'10"W, a distance of 247.06 feet; thence N69°31'17"W, a distance of 18.40 feet; thence N00°04'53"W, a distance of 232.96 feet; thence N89°55'07"E, a distance of 185.00 feet; thence N00°04'53"W, a distance of 210.00 feet; thence N89°55'07"E, a distance of 20.00 feet; thence N00°04'53"W, a distance of 320.71 feet to a point on said Southerly right-of-way line of State Highway #370; thence S80°29'16"E, along said Southerly right-of-way line of State Highway #370, a distance of 615.23 feet to the Point of Beginning, hereinafter called Parcel "B".

and

Driveway and Access Easement located in part of Lot 3, Huntington Park, an addition located in the SW 1/4 of Section 35, Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska, more particularly described as follows: Commencing at the Northeast corner of Lot 4, Huntington Park; thence, along the Southerly right-of-way line of Huntington Parkway on the following described courses; thence, Southeasterly on a curve to the right with a radius of 565.29 feet, a distance of 113.80 feet, said curve having a long chord which bears S82°34'06"E, (assumed bearing), a distance of 113.61 feet; thence, Northeasterly on a curve to the left with a radius of 243.60 feet, a distance of 311.73 feet, said curve having a long chord which bears N66°32'09"E, a distance of 290.89 feet, to the Point of Beginning; thence along the Easterly right-of-way line of said Huntington Parkway on a curve to the left with a radius of 243.60 feet, a distance of 60.15 feet, said curve having a long chord which bears N22°48'04"E, a distance of 60.00 feet; thence, S67°11'56"E, a distance of 112.08 feet; thence Easterly on a curve to the left with a radius of 269.99 feet, a distance of 106.59 feet; thence, S89°49'10"E, a distance of 184.01 feet; thence, Northeasterly on a curve to the left with a radius of 20.00 feet a distance of 15.50 feet, said curve having a long chord which bears N67°59'09"E, a distance of 15.12 feet; thence Southeasterly on a curve to the right with a radius of 50.00 feet, a distance of 136.33 feet, said curve having a long chord which bears S56°07'20"E, a distance of 97.86 feet; thence, Southerly on a curve to left with a radius of 30.00 feet, a distance of 15.00 feet, said curve having a long chord which bears S07°39'59"W, a distance of 14.84 feet; thence, S45°10'50"W, a distance of 31.63 feet; thence, Westerly on a curve to the left with a radius of 30.00 feet, a distance of 20.60 feet, said curve having a long chord which bears N73°18'51"W, a distance of 20.19 feet; thence, Northwesterly on a curve to the right with a radius of 50.00 feet, a distance of 41.52 feet, said curve having a long chord which bears N69°11'36"W, a distance of 40.34 feet; thence, Westerly on a curve to the left with a radius of 20.00 feet, a distance of 15.50 feet, said curve having a long chord which bears N67°36'42"W, a distance of 15.12 feet; thence, N89°49'10"W, a distance of 184.01 feet; thence, Northwesterly on a curve to the right with a radius of 329.99 feet, a distance of 130.28 feet; thence, N67°11'56"W, a distance of 112.08 feet, to the Point of Beginning, hereinafter called Parcel "C".

and

A Driveway and Access Easement located in part of Lot 3, Huntington Park, an addition located in the SW 1/4 of Section 35, Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska, more particularly described as follows: Commencing at the Northeast corner of Lot 4, Huntington Park; thence along the Southerly right-of-way line of Huntington Parkway on the following described courses; thence, Southeasterly on a curve to the right with a radius of 565.29 feet, a distance of 113.80 feet, said curve having a long chord which bears S82°34'06"E, (assumed bearing), a distance of 113.61 feet; thence, Northeasterly on a curve to the left with a radius of 243.60 feet, a distance of 119.43 feet, said curve having a long chord which bears N89°09'05"E, a distance of 118.24 feet, to the Point of Beginning; thence, continuing along said Southerly right-of-way line of Huntington Parkway on a curve to the left with a radius of 243.60 feet, a distance of 26.01 feet, said curve having a long chord which bears N72°02'50"E, a distance of 26.00 feet; thence S17°57'10"E, a distance of 15.96 feet; thence, Southerly on a curve to the right with a radius of 294.99 feet, a distance of 93.36 feet; thence S00°10'50"W, a distance of 150.00 feet; thence, Easterly on a curve to the left with a radius of 87.00 feet, a distance of 136.66 feet; thence, S89°49'10"E, a distance of 518.00 feet; thence Southeasterly on a curve to the right with a radius of 53.90 feet, a distance of 45.05 feet, said curve having a long chord which bears S65°52'34"E, a distance of 43.75 feet; thence S00°10'50"W, a distance of 53.01 feet; thence, N26°56'44"W, a distance of 33.25 feet; thence Westerly on a curve to the left with a radius of 27.90 feet, a distance of 30.62 feet; thence, N89°49'10"W, a distance of 518.00 feet; thence, Northerly on a curve to the right with a radius of 113.00 feet, a distance of 177.50 feet; thence, N00°10'50"E, a distance of 150.00 feet; thence, Northwesterly on a curve to the left with a radius of 268.99 feet, a distance of 85.13 feet; thence, N17°57'10"W, a distance of 15.96 feet, to the Point of Beginning, hereinafter called Parcel "D".

and

A part of Lot 3, Huntington Park, an addition located in the SW 1/4 of Section 35, Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska, more particularly described as follows: Commencing at the point of intersection of the East line of said SW 1/4 of Section 35 and the Northwesterly right-of-way line of the Chicago, Rock Island and Pacific Railroad; thence N00°10'50"E, (assumed bearing), along said East line of the SW 1/4 of Section 35, a distance of 239.71 feet; thence N89°49'10"W, a distance of 502.15 feet to the Point of Beginning; thence continuing N89°49'10"W, a distance of 112.35 feet; thence N00°10'50"E, a distance of 210.29 feet; thence S89°49'10"E, a distance of 54.01 feet; thence, Southeasterly on a curve to the right with a radius of 20.00 feet, a distance of 15.50 feet, said curve having a long chord which bears S67°36'42"E, a distance of 15.12 feet; thence, Southeasterly on a curve to the left with a radius of 50.00 feet, a distance of 41.52 feet, said curve having a long chord which bears S69°11'36"E, a distance of 40.34 feet; thence, Southeasterly on a curve to the right with a radius of 30.00 feet, a distance of 6.61 feet, said curve having a long chord which bears S86°40'06"E, a distance of 6.60 feet; thence S00°10'50"W, a distance 190.00 feet to the Point of Beginning, hereinafter called Parcel "E".

WHEREAS: Parcels A and B are contiguous and Parcels C, D and E are comprised of portions of either Parcel A or Parcel B or both Parcels A and B;

WHEREAS: Smith is desirous of constructing apartment complexes 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;

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, including recreational facilities, situated on Parcels C, D and E.

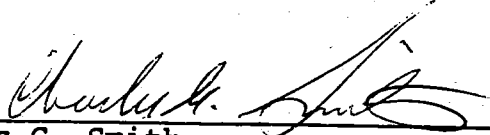
THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

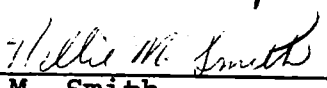
That Charles G. Smith and Nellie M. Smith, Husband and Wife, herein-after called Grantor do by these presents hereby grant, bargain, sell, convey and confirm the following easements in said real estate above described:

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

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 Parcels C, D & E by transferring such responsibility away from the respective owners of the respective Parcels A and B above described.

It is further understood and agreed that charges for the use of the above facilities may be made by the respective owners of Parcels A and B to their respective tenants and other users of the above described facilities when such charges are uniform in nature for all users irrespective of their place of residence.


Charles G. Smith


Nellie M. Smith

STATE OF NEBRASKA)) SS.
COUNTY OF DOUGLAS)

STATE OF NEBRASKA)) SS.
COUNTY OF DOUGLAS)

Now on this 22nd day of November, 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. S. [Signature]
Notary Public