



BK 0922 PG 302



MISC 1990 07735

THIS PAGE INCLUDED FOR
INDEXING
PAGE DOWN FOR BALANCE OF INSTRUMENT

RECEIVED

MAY 4 3 32 PM '90

EASEMENT AGREEMENT

GEORGE J. BUGLEWICZ
REGISTER OF DEEDS
DOUGLAS COUNTY 1990

THIS AGREEMENT is made this 3rd day of May 1990, by and between Miracle Hills Park Place Condominium Association, Inc., a Nebraska nonprofit corporation ("Association"), Roland F. Waite ("Waite"), and Miracle Hills II, Inc., a Nebraska corporation ("Declarant").

WITNESSETH:

WHEREAS, Association is the Unit Owners Association of Miracle Hills Park Place, a Condominium, which condominium encompasses "Parcel A-1" and "Parcel A-2" which are legally described on Exhibit "A" attached hereto; and

WHEREAS, Declarant, as the Named Declarant in the Declaration, recorded at Book 758, Page 253, Douglas County Recorder's Office, by which Miracle Hills Park Place, a Condominium was created, has the right to withdraw "Parcel A-2" from the condominium regime; and

WHEREAS, Waite is the owner of "Parcel B" which is legally described on Exhibit "A" attached hereto; and

WHEREAS, Association, Waite and Declarant desire to grant reciprocal easements for ingress and egress over those portions of their respective properties identified as "Easement Parcel A-1", "Easement Parcel A-2" and "Easement Parcel B" and which are more particularly described on Exhibits "B", "C" and "D" attached hereto.

NOW, THEREFORE, in consideration of the mutual agreements herein contained, the parties covenant and agree as follows:

7735 Mary A

1. Association hereby grants to Waite and Declarant and to their respective tenants, subtenants, concessionaries, invitees, licensees, employees, agents and customers the nonexclusive right to use Easement Parcel A-1 and Easement Parcel A-2 for ingress and egress to and from Parcel B and Parcel A-2.

2. Waite hereby grants to Association, Association's members, Declarant, and their respective tenants, subtenants, concessionaries, invitees, licensees, employees, agents and customers, the nonexclusive right to use Easement Parcel B for ingress and egress to and from Parcel A-1 and Parcel A-2.

3. Declarant hereby grants to Association, Association's members, and Waite, and their respective tenants, subtenants, concessionaries, invitees, licensees, employees, agents and customers, the nonexclusive right to use Easement Parcel A-2 for ingress and egress to and from Parcel A-1 and Parcel B.

4. Waite shall install driveway, curbing and related improvements, of a quality and design comparable to existing

OK 922 N _____ CJO _____ FEE 65.50
PG 302-314 N _____ DEL 1 N MC WS
OF Misc COMP _____ FIB MC-25685

improvements, at his own expense, on those parts of Easement Parcel A-1, Easement Parcel A-2 and Easement Parcel B which are presently unimproved.

5. From and after the date of this Agreement, Waite shall be responsible for 75%, and Association shall be responsible for 25%, of the costs of maintenance, repair and replacement of the driveway, curbing and related improvements on Easement Parcel A-1, Easement Parcel A-2 and Easement Parcel B. Waite shall be responsible for making arrangements for all maintenance, repair and replacement of Easement Parcel A-1, Easement Parcel A-2 and Easement Parcel B. Maintenance shall include but not be limited to keeping the entrances, exits, driveways and walks free and clear of snow, ice, rubbish and obstructions of every nature. Repairs shall be made as required to preserve the utility, quality and appearance of the ingress and egress easements in the same condition and status as is customary in a Class A Office Park in Omaha, Nebraska.


If Declarant withdraws Parcel A-2 from the condominium, then Association's 25% share of the costs shall be divided between Declarant and Association in proportion to their relative usage of the Easement Parcel A-1, Easement Parcel A-2 and Easement Parcel B.

6. If Waite fails to discharge its responsibilities under paragraphs 4 or 5, then Declarant and/or Association shall have the right to effect any maintenance, repair and replacement required under paragraph 5 or installation of improvements required under paragraph 4 and recover from Waite, Waite's share of the expenses payable hereunder.

7. The ingress and egress easements granted herein and the restrictions covenants and agreements contained herein shall be perpetual, shall run with the land, and shall inure to the benefit of, and be binding upon, the parties hereto and their respective heirs, successors and assigns, including, but not limited to, all subsequent owners whether beneficial or otherwise of Parcel A-1, Parcel A-2 and Parcel B.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date first above written.

MIRACLE HILLS PARK PLACE CONDOMINIUM
ASSOCIATION, INC., a Nebraska nonprofit
corporation

By  _____
Christopher R. Held, President

ROLAND F. WAITE

By *Roland F. Waite*
Roland F. Waite



MIRACLE HILLS II, INC., a Nebraska corporation

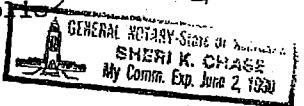
By *Terry L. Clauff*
Terry L. Clauff, Vice President

STATE OF NEBRASKA)
COUNTY OF DOUGLAS) ss.

On this 3rd day of May, 1990, before me, a Notary Public in and for said county and state, personally came Christopher R. Held, known to me to the identical person whose signature is affixed above as President of Miracle Hills Park Place Condominium Association, Inc., a Nebraska nonprofit corporation, and he acknowledged the execution thereof to be the voluntary act and deed of said corporation, and his own duly authorized and voluntary act and deed as such officer.

WITNESS my hand and notarial seal the day above written.

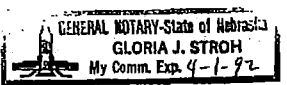
Sherril K. Chase
Notary Public



STATE OF NEBRASKA)
COUNTY OF DOUGLAS) ss.

On this 4th day of May, 1990, before me, a Notary Public in and for said county and state, personally came Roland F. Waite, known to me to the identical person whose signature is affixed above and he acknowledged the execution thereof to be his voluntary act and deed.

WITNESS my hand and notarial seal the day above written.

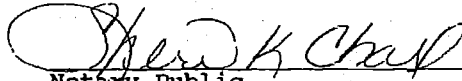


Gloria J. Stroh
Notary Public

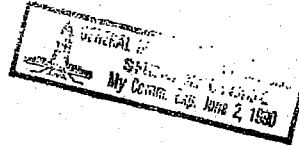
STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS

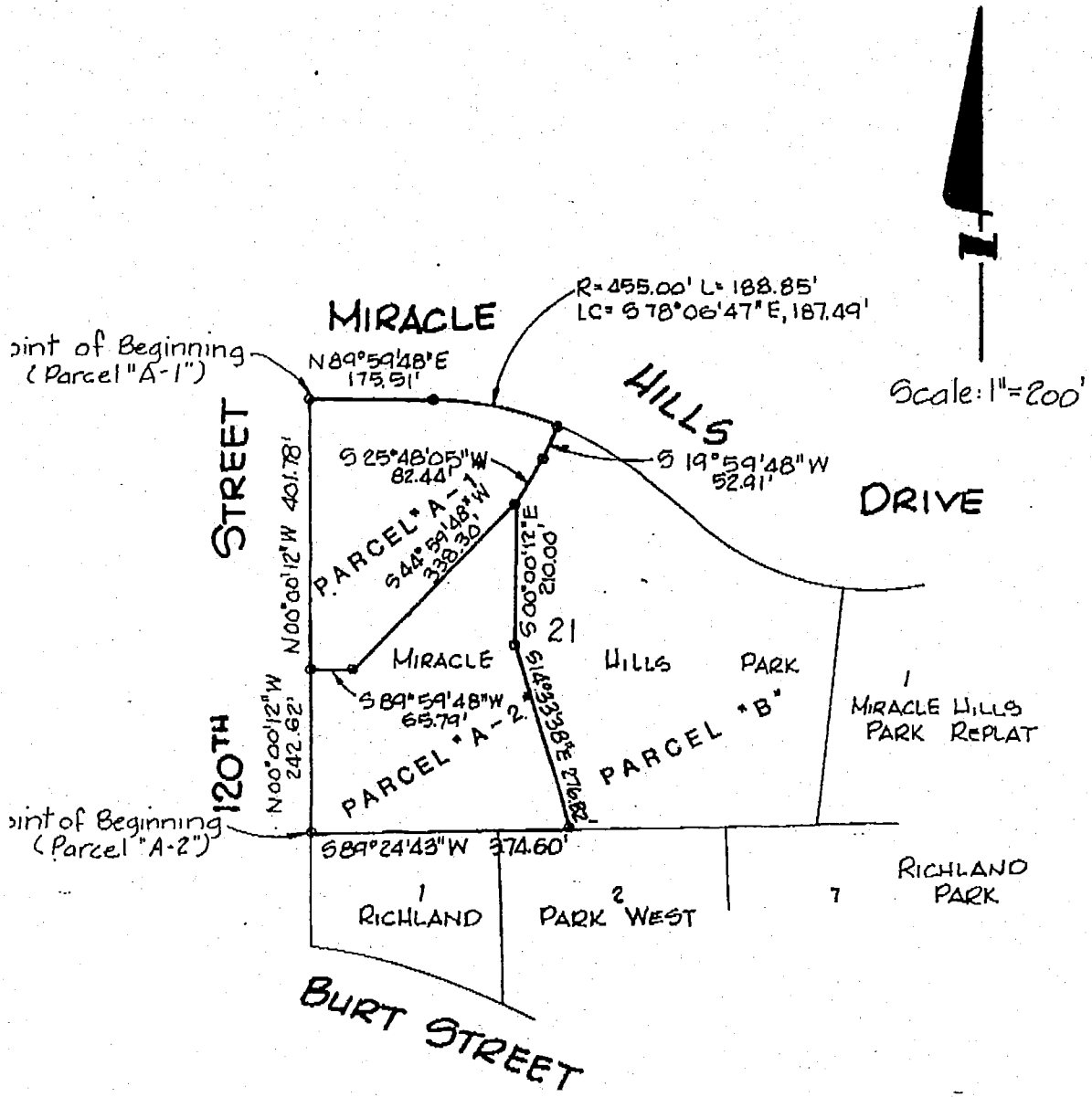
On this 3rd day of May, 1990, before me, a Notary Public in and for said county and state, personally came Terry L. Clauff, known to me to be the identical person whose signature is affixed above as Vice President of Miracle Hills II, Inc., a Nebraska corporation, and he acknowledged the execution thereof to be the voluntary act and deed of said corporation, and his own duly authorized and voluntary act and deed as such officer.

WITNESS my hand and notarial seal the day above written.



Notary Public





4-27-90
Date

#84054
#89047

LEGAL DESCRIPTION
PARCEL A-1

Part of Lot 21, Miracle Hills Park, a subdivision located in part of the West 1/2 of Section 17 and part of the Southwest 1/4 of the Northwest 1/4 of the Southeast 1/4 of said Section 17, Township 15 North, Range 12 East of the 6th P.M., Douglas County, Nebraska, more particularly described as follows:

Beginning at the Northwest corner of said Lot 21, Miracle Hills Park; thence N89°59'48"E (assumed bearing), along the South right-of-way line of Miracle Hills Drive, a distance of 175.51 feet; thence Southeasterly, along said South right-of-way line of Miracle Hills Drive, on a curve to the right with a radius of 455.00 feet, a distance of 188.85 feet, said curve having a long chord which bears S78°06'47"E, a distance of 187.49 feet; thence S19°59'48"W, a distance of 52.91 feet; thence S25°48'05"W, a distance of 82.44 feet; thence S44°59'48"W, a distance of 338.30 feet; thence S89°59'48"W, a distance of 65.79 feet to a point on the West line of said Lot 21, Miracle Hills Park; thence N00°00'12"W, along said West line of Lot 21, Miracle Hills Park, a distance of 401.78 feet to the Point of Beginning.

LEGAL DESCRIPTION
PARCEL A-2

Part of Lot 21, Miracle Hills Park, a subdivision located in part of the West 1/2 of Section 17 and part of the Southwest 1/4 of the Northwest 1/4 of the Southeast 1/4 of said Section 17, Township 15 North, Range 12 East of the 6th P.M., Douglas County, Nebraska, more particularly described as follows:

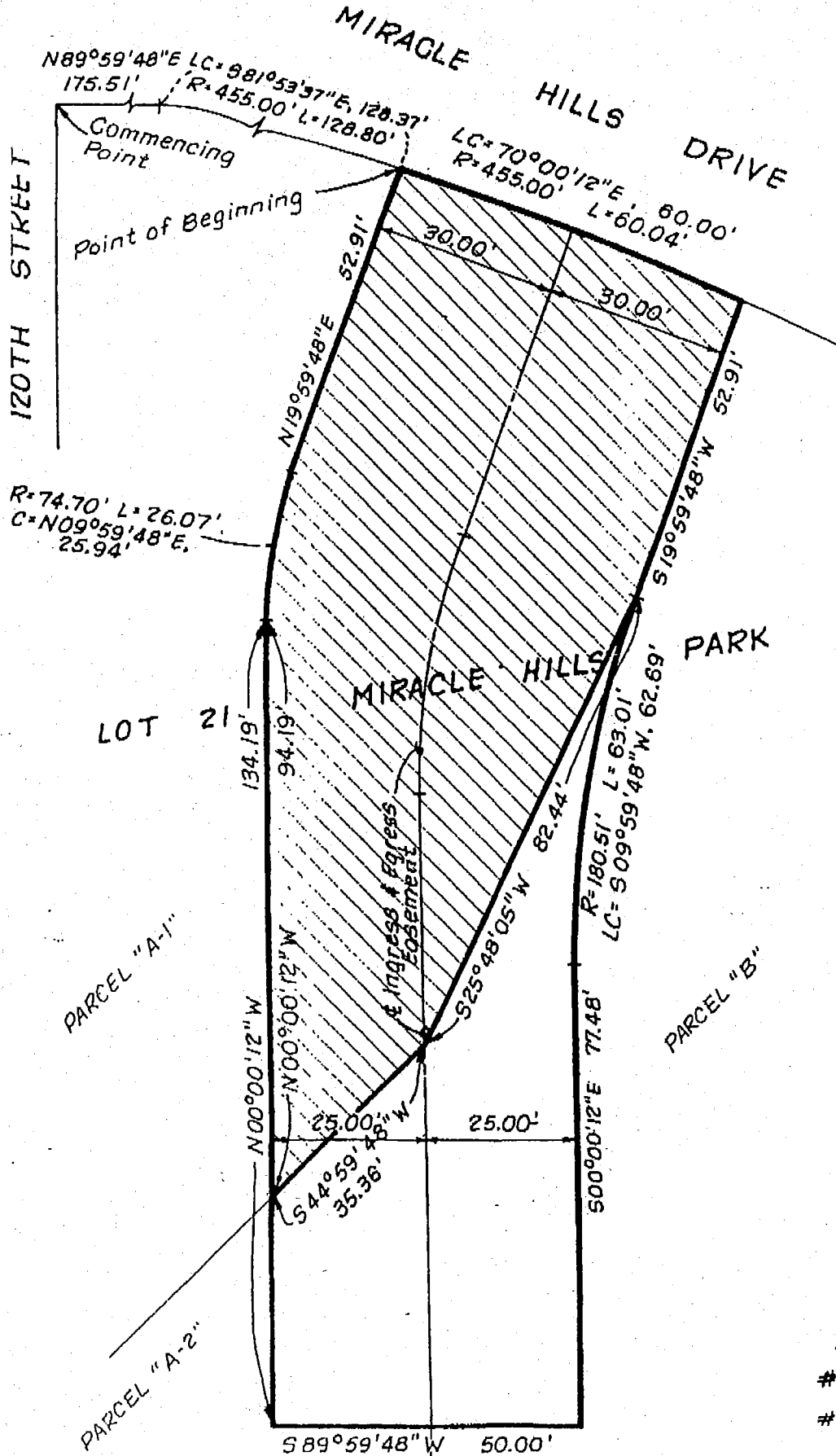
Beginning at the Northwest corner of Lot 1, Richland Park West, a subdivision located in the SW 1/4 of said Section 17; thence N00°00'12"W (assumed bearing) along the West line of said Lot 21, Miracle Hills Park, a distance of 242.62 feet; thence N89°59'48"E, a distance of 65.79 feet; thence N44°59'48"E, a distance of 338.30 feet; thence S00°00'12"E, a distance of 210.00 feet; thence S14°33'38"E, a distance of 276.82 feet to a point on the North line of said Richland Park West; thence S89°24'43"W along said North line of Richland Park West, a distance of 374.60 feet to the Point of Beginning.

LEGAL DESCRIPTION
PARCEL B

Part of Lot 21, Miracle Hills Park, a subdivision located in part of the W 1/2 of Section 17 and in part of the SW 1/4 of the NW 1/4 of the SE 1/4 of said Section 17, all located in Township 15 North, Range 12 East of the 6th P.M., Douglas County, Nebraska, more particularly described as follows:

Beginning at a point on the Southerly right-of-way line of Miracle Hills Drive, said point also being the Northeast corner of said Lot 21, Miracle Hills Park; thence $S07^{\circ}10'39''W$ (assumed bearing) along the Easterly line of said Lot 21, Miracle Hills Park, a distance of 358.96 feet to the Southwest corner of Lot 1, Miracle Hills Park Replat, a subdivision located in said W 1/2 of Section 17; thence $S89^{\circ}24'43''W$ along the North line of Lot 7, Richland Park, and the North line of Richland Park West, subdivisions located in said W 1/2 of Section 17, a distance of 356.55 feet; thence $N14^{\circ}33'38''W$, a distance of 276.82 feet; thence $N00^{\circ}00'12''W$, a distance of 210.00 feet; thence $N25^{\circ}48'05''E$, a distance of 82.44 feet; thence $N19^{\circ}59'48''E$, a distance of 52.91 feet to a point on said Southerly right-of-way line of Miracle Hills Drive; thence Southeasterly along said Southerly right-of-way line of Miracle Hills Drive on a curve to the right with a radius of 455.00 feet, a distance of 139.39 feet, said curve having a long chord which bears $S57^{\circ}26'47''E$, a distance of 138.85 feet; thence $S48^{\circ}40'12''E$ along said Southerly right-of-way line of Miracle Hills Drive, a distance of 100.00 feet; thence Southeasterly along said Southerly right-of-way line of Miracle Hills Drive on a curve to the left with a radius of 420.00 feet, a distance of 250.35 feet, said curve having a long chord which bears $S65^{\circ}44'46''E$, a distance of 246.66 feet to the Point of Beginning.

EASEMENT PARCEL A-1



Scale 1" = 20'

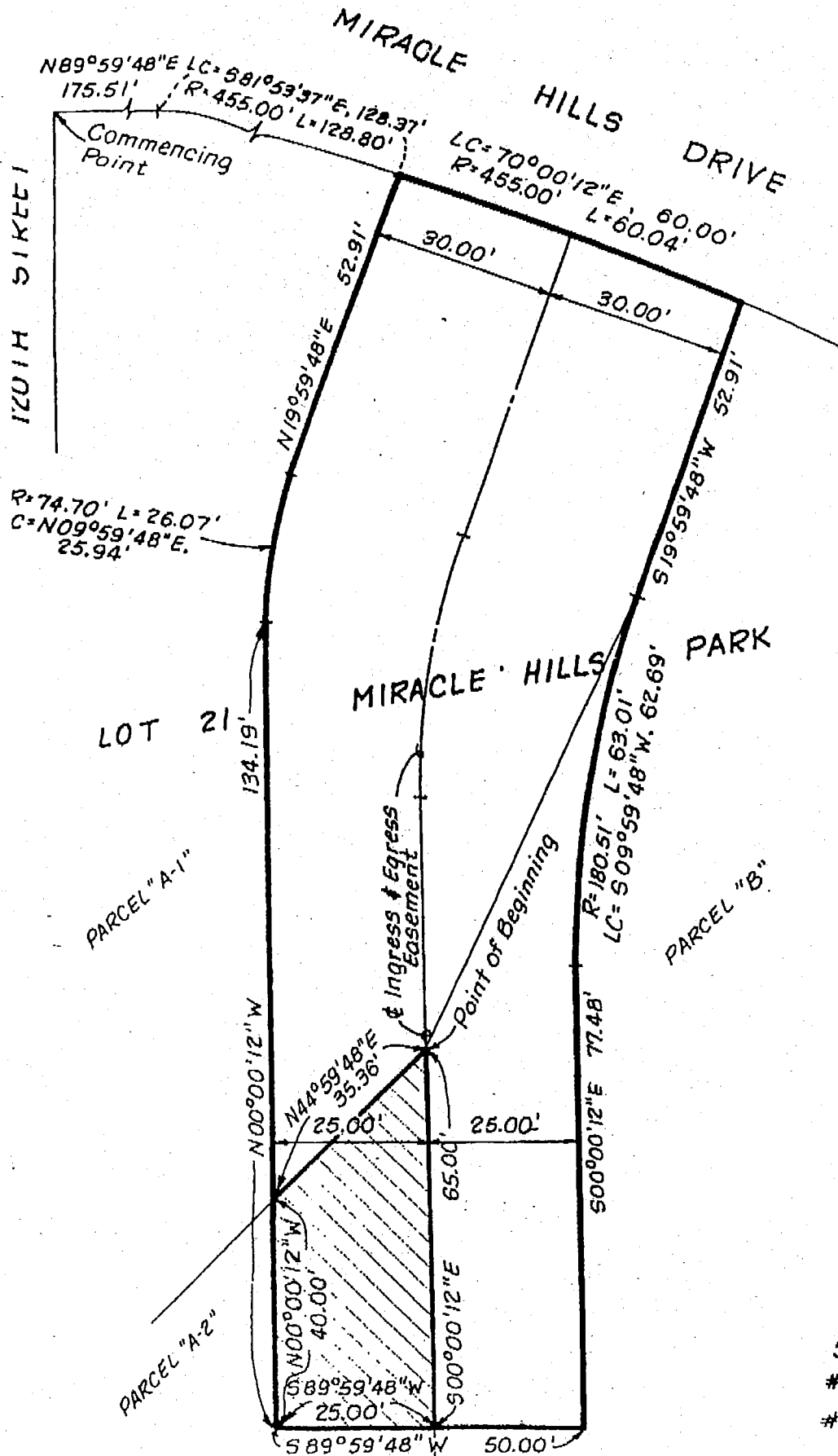
5-1-90
#89047
#84054

LEGAL DESCRIPTION
EASEMENT PARCEL A-1

An Ingress and Egress Easement located in part of Lot 21, Miracle Hills Park, a subdivision located in part of the W 1/2 of Section 17 and in part of the SW 1/4 of the NW 1/4 of the SE 1/4 of said Section 17, all located in Township 15 North, Range 12 East of the 6th T.M., Douglas County, Nebraska, more particularly described as follows:

Commencing at the point of intersection of the East right-of-way line of 120th Street and the Southerly right-of-way line of Miracle Hills Drive, said point also being the Northwest corner of said Lot 21, Miracle Hills Park; thence N89°59'48"E (assumed bearing) along the Southerly right-of-way line of Miracle Hills Drive, a distance of 175.51 feet; thence Southeasterly along said Southerly right-of-way line of Miracle Hills Drive on a curve to the right with a radius of 455.00 feet, a distance of 128.80 feet, said curve having a long chord which bears S81°53'37"E, a distance of 128.37 feet to the Point of Beginning; thence continuing Southeasterly along said Southerly right-of-way line of Miracle Hills Drive on a curve to the right with a radius of 455.00 feet, a distance of 60.04 feet, said curve having a long chord which bears S70°00'12"E, a distance of 60.00 feet; thence S19°59'48"W, a distance of 52.91 feet; thence S25°48'05"W, a distance of 82.44 feet; thence S44°59'48"W, a distance of 35.36 feet; thence N00°00'12"W, a distance of 94.19 feet; thence Northeasterly, on a curve to the right with a radius of 74.70 feet, a distance of 26.07 feet, said curve having a long chord which bears N09°59'48"E, a distance of 25.94 feet; thence N19°59'48"E, a distance of 52.91 feet to the Point of Beginning.

EASEMENT PARCEL A-2



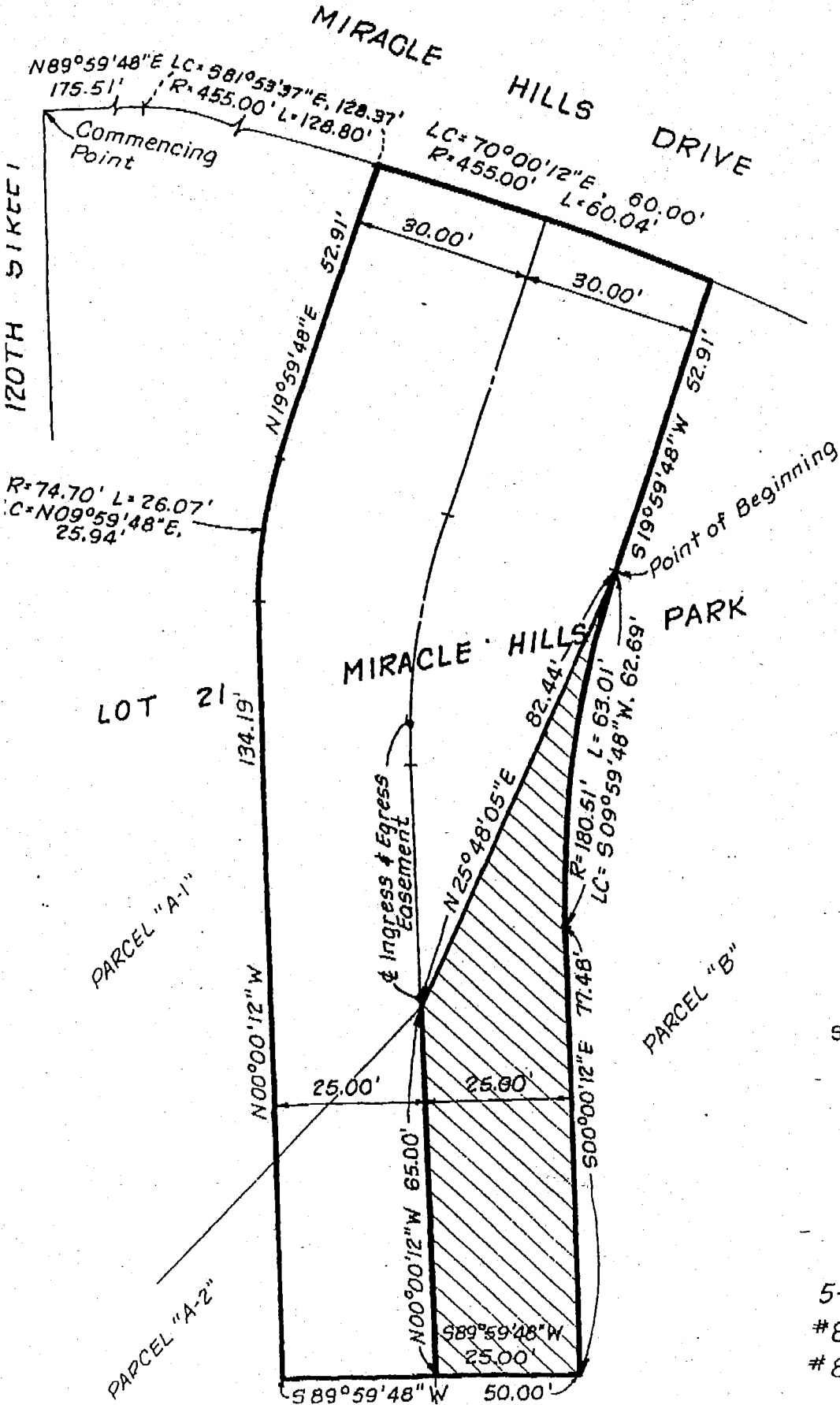
LEGAL DESCRIPTION
EASEMENT PARCEL A-2

An Ingress and Egress Easement located in part of Lot 21, Miracle Hills Park, a subdivision located in part of the W 1/2 of Section 17 and in part of the SW 1/4 of the NW 1/4 of the SE 1/4 of said Section 17, all located in Township 15 North, Range 12 East of the 6th P.M., Douglas County, Nebraska, more particularly described as follows:

Commencing at the point of intersection of the East right-of-way line of 120th Street and the Southerly right-of-way line of Miracle Hills Drive, said point also being the Northwest corner of said Lot 21, Miracle Hills Park; thence N89°59'48"E (assumed bearing) along the Southerly right-of-way line of Miracle Hills Drive, a distance of 175.51 feet; thence Southeasterly along said Southerly right-of-way line of Miracle Hills Drive on a curve to the right with a radius of 455.00 feet, a distance of 128.80 feet, said curve having a long chord which bears S81°53'37"E, a distance of 128.37 feet; thence continuing Southeasterly along said Southerly right-of-way line of Miracle Hills Drive on a curve to the right with a radius of 455.00 feet, a distance of 60.04 feet, said curve having a long chord which bears S70°00'12"E, a distance of 60.00 feet; thence S19°59'48"W, a distance of 52.91 feet; thence S25°48'05"W, a distance of 82.44 feet to the Point of Beginning; thence S00°00'12"E, a distance of 65.00 feet; thence S89°59'48"W, a distance of 25.00 feet; thence N00°00'12"W, a distance of 49.00 feet; thence N44°59'48"E, a distance of 35.36 feet to the Point of Beginning.

EASEMENT PARCEL B

BOOK 922 PAGE 313



5-1-90
#89047
#84054

LEGAL DESCRIPTION
EASEMENT PARCEL B

An Ingress and Egress Easement located in part of Lot 21, Miracle Hills Park, a subdivision located in part of the W 1/2 of Section 17 and in part of the SW 1/4 of the NW 1/4 of the SE 1/4 of said Section 17, all located in Township 15 North, Range 12 East of the 6th P.M., Douglas County, Nebraska, more particularly described as follows:

Commencing at the point of intersection of the East right-of-way line of 120th Street and the Southerly right-of-way line of Miracle Hills Drive, said point also being the Northwest corner of said Lot 21, Miracle Hills Park; thence N89°59'48"E (assumed bearing) along the Southerly right-of-way line of Miracle Hills Drive, a distance of 175.51 feet; thence Southeasterly along said Southerly right-of-way line of Miracle Hills Drive on a curve to the right with a radius of 455.00 feet, a distance of 128.80 feet, said curve having a long chord which bears S81°53'37"E, a distance of 128.37 feet; thence continuing Southeasterly along said Southerly right-of-way line of Miracle Hills Drive on a curve to the right with a radius of 455.00 feet, a distance of 60.04 feet, said curve having a long chord which bears S70°00'12"E, a distance of 60.00 feet; thence S19°59'48"W, a distance of 52.91 feet to the Point of Beginning; thence Southerly, on a curve to the left with a radius of 190.51 feet, a distance of 63.01 feet, said curve having a long chord which bears S09°59'48"W, a distance of 62.69 feet; thence S00°00'12"E, a distance of 77.48 feet; thence S89°59'48"W, a distance of 25.00 feet; thence N00°00'12"W, a distance of 65.00 feet; thence N25°48'05"E, a distance of 82.44 feet to the Point of Beginning.