



MISC 2012119807



NOV 27 2012 09:13 P 3

Fee amount: 16.00
FB: 77-31346
COMP: LM

Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
11/27/2012 09:13:46.00



2012119807

DECLARATION OF TRAIL EASEMENT

This Declaration of Trail Easement (this "Declaration"), is made effective this 19th day of November, 2012, by Prime Real Estate, LLC, a Nebraska limited liability company ("Grantor"), in favor of the City of Omaha, Nebraska, a municipal corporation and the Papio-Missouri River Natural Resources District (collectively, the "Grantees").

1. Grantor does hereby grant to Grantees, a perpetual right, privilege and easement on, upon, across and under the property pictorially illustrated and legally described on Exhibit "A" attached hereto (the "Easement Tract"), as may be necessary or appropriate from time to time for the Grantees to construct, operate, maintain, inspect, repair, and replace a pedestrian and bicycle trail (the "Trail") on and within the Easement Tract, and further grants and reserves to the public a perpetual right, privilege, and easement to come upon and travel across the Trail as may from time to time be actually constructed, reconstructed or otherwise located within the Easement Tract by all means other than motorized vehicles, and subject to such usage rules and regulations as may be adopted from time to time by the Grantees.

2. No buildings, improvements, trees, shrubbery or structures other than those that exist as of the date of this Declaration shall be placed over or across the Easement Tract by Grantor, its successors or assigns, without the express approval of Grantees. Any grass placed on the Easement Tract by Grantor, or its successors and assigns, shall be maintained by Grantor, or its successors and assigns. Notwithstanding the foregoing, Grantor, and its successors and assigns to the Easement Tract, may continue to use the surface of the easement area for other purposes, subject to the right of Grantees to use the same for the purposes herein expressed.

3. This easement is granted on the condition that Grantees, upon completion of any construction, reconstruction, repair, grading or maintenance work within the Easement Tract, shall put the Easement Tract in a neat and orderly condition, and on the condition that Grantees shall be solely responsible for maintenance, repair, and replacement of Trail improvements to good condition, which shall include responsibility for Trail snow, ice and debris removal.

4. The easement granted herein shall run with the land, inure to the benefit of and be binding upon, the Grantor, Grantee and their respective heirs, successors, personal representatives and assigns, and their agents and contractors. This Declaration may only be modified or amended by written instrument executed by Grantors, Grantees and their respective successors and/or assigns.

Return to:
James D. Buser
Pansing Hogan Ernst & Bachman, LLP
10250 Regency Circle, Suite 300
Omaha, Nebraska 68114

IN WITNESS WHEREOF, this Declaration is made and executed to be effective as of the date and year first above written.

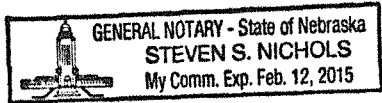
GRANTOR:
Prime Real Estate, LLC, a Nebraska limited liability company

By: [Signature]
Steven P. Kanne, Member

By: [Signature]
Brian J. Kenkel, Member

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

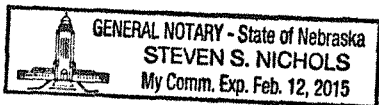
The foregoing instrument was acknowledged before me this 19 day of November, 2012, by Steven P. Kanne, Member of Prime Real Estate LLC, a Nebraska limited liability company, on behalf of the company.



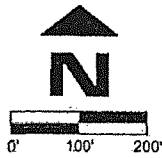
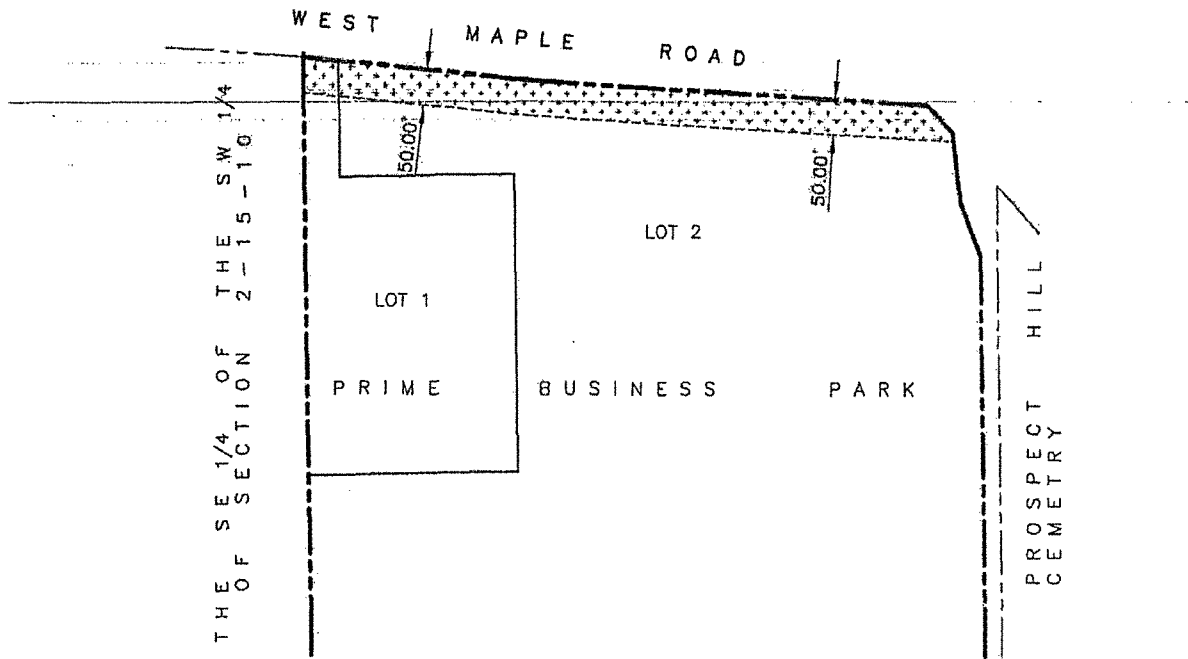
[Signature]
Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 19 day of November, 2012, by Brian J. Kenkel, Member of Prime Real Estate LLC, a Nebraska limited liability company, on behalf of the company.



[Signature]
Notary Public



LEGAL DESCRIPTION

THE NORTH 50.00 FEET IN WIDTH OF LOTS 1 AND 2, PRIME BUSINESS PARK, A SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA.

	Job Number: 1681-102-1(EX1)	Date: FEBRUARY 1, 2012	<h2>EXHIBIT " A "</h2>
	Thompson, Dressen & Dorner, Inc. 10836 Old Mill Rd Omaha, NE 68154 p.402.330.8860 f.402.330.5868 td2co.com	Drawn By: RJR Reviewed By: JDW Revision Date: 03/29/2012	