
Upon Recording Return To:

Beth Bucklin, TitleCoreNational
9140 W. Dodge Rd. Ste 380, Omaha, NE 68114_

FIRST AMENDMENT TO DECLARATION OF EASEMENT

THIS FIRST AMENDMENT TO DECLARATION OF EASEMENT (this "Amendment") is made and entered into this 31st day of October, 2017, by CORE BANK, a Nebraska state chartered bank ("Core Bank"), VILLAGE WEST LLC, a Nebraska limited liability company ("Village West"), and WEST VILLAGE POINTE BUSINESS ASSOCIATION, a Nebraska non-profit corporation (the "Association").

WITNESSETH:

WHEREAS, Core Bank is the record owner of Lot 1 West Village Pointe Replat 9, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska (the "Core Bank Property");

WHEREAS, Village West is the record owner of Outlot "D" West Village Pointe, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska (the "Village West Property") and, with the Core Bank Property, collectively the "Property";

WHEREAS, Village West, as declarant, caused that certain Declaration to be recorded against the Property on September 7, 2016 as Instrument No. 2016073460 with the Douglas County, Nebraska Register of Deeds (the "Original Declaration");

WHEREAS, pursuant to Section 4 of the Original Declaration, the Original Declaration may be amended with the consent of the Association and the record owners of the Property;

WHEREAS, the parties desire to amend the Original Declaration to modify the easement area for the Trail; and

WHEREAS, capitalized terms used and not otherwise defined herein have the meanings set forth in the Original Declaration.

NOW, THEREFORE, the parties hereto hereby amend the Original Declaration as follows:

1. Location of Trail. Exhibit "A" of the Original Declaration is hereby substituted and replaced with Exhibit A-1 attached hereto.

2. Conflicts; Ratification. In the event of any conflict between the terms and provisions of this Amendment and the terms and provisions of the Original Declaration, the terms and provisions of this Amendment shall supersede and control. The Original Declaration, as amended by this Amendment, contains the entire agreement of the parties hereto with respect to the relocation of the Trail and no representations, inducements, promises or agreements, oral or otherwise, between the parties not embodied herein shall be of any force or effect. Except as herein modified and amended, all terms and conditions of the Original Declaration are incorporated herein and shall remain in full force and effect, and are hereby ratified and confirmed by the parties.

3. Miscellaneous. This Amendment shall be governed by and construed in accordance with the laws of the State of Nebraska.

4. Indemnity. Core Bank agrees to indemnify and hold harmless Village West and the Association and their respective members, directors, officers, agents, and contractors (collectively the "Indemnitees") from and against any liability, damages, costs and expenses, including reasonable attorneys' fees, incurred by the Indemnitees as a direct result of the modification of that portion of the easement area of the Trail located within the Core Bank Property.

Village West agrees to indemnify and hold harmless Core Bank and its respective shareholders, directors, officers, agents, and contractors (collectively the "Bank's Indemnitees") from and against any liability, damages, costs and expenses, including reasonable attorneys' fees, incurred by the Bank's Indemnitees as a direct result of the modification of that portion of the easement area of the Trail located within the Village West Property.

[remainder of page intentionally left blank; signature page follows]

IN WITNESS WHEREOF, the undersigned have caused this Amendment to be executed as of the date first above.

CORE BANK:

CORE BANK, a Nebraska state chartered bank

By: [Signature]
Name: S Michael Rasmussen
Title: CFO

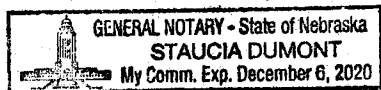
STATE OF NEBRASKA)

)ss.

COUNTY OF DOUGLAS)

* S Michael Rasmussen

The foregoing instrument was acknowledged before me this 33rd day of October, 2017, by *Staucia Dumont, SVP CFO of Core Bank, a Nebraska state banking corporation, on behalf of said corporation.



(Seal)

[Signature: Staucia Dumont]
Notary Public

VILLAGE WEST:

VILLAGE WEST LLC, a Nebraska limited liability company

By: [Signature]

Name: Salvadore Carta

Title: Member

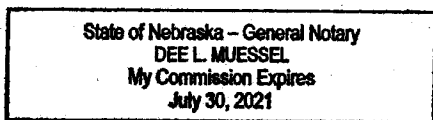
STATE OF NEBRASKA)

)ss.

COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 3rd day of October, 2017, by Salvadore Carta, Member of Village West LLC, a Nebraska limited liability company, on behalf of said limited liability company.

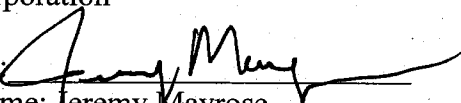
(Seal)



[Signature]
Notary Public

ASSOCIATION:

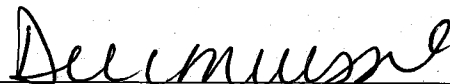
WEST VILLAGE POINTE BUSINESS ASSOCIATION, a Nebraska non-profit corporation

By: 
Name: Jeremy Mayrose
Title: President

STATE OF NEBRASKA)
)ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 31st day of October, 2017, by Jeremy Mayrose, President of West Village Pointe Business Association, a Nebraska non-profit corporation, on behalf of said corporation.

(Seal)



Notary Public

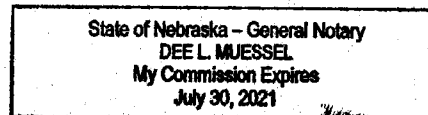
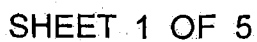
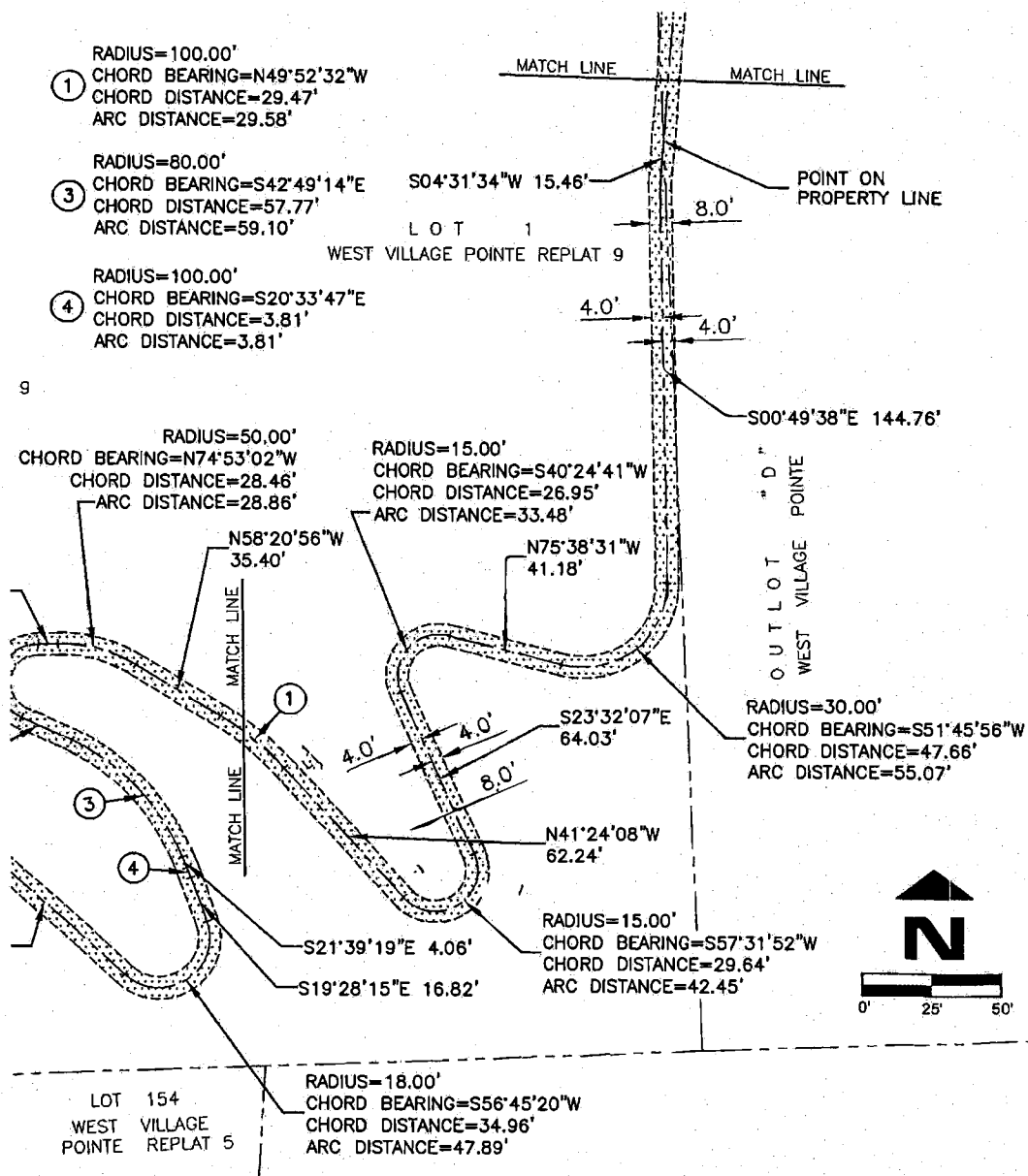


Exhibit A-1
Location and Legal Description of Trail
(see attached)



TETRAD PROPERTY GROUP | Book Page

10/17/2017 2:57 PM 808 RCH/PLD H:\200\200-17\223 Tetrad Property Group West Village Pointe Replat 8 Lots 1 and 3\200-17-223-EXH1.dwg



SHEET 2 OF 5



Job Number: 738-196-EX(WT)
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10836 Old Mill Rd
Omaha, NE 68154
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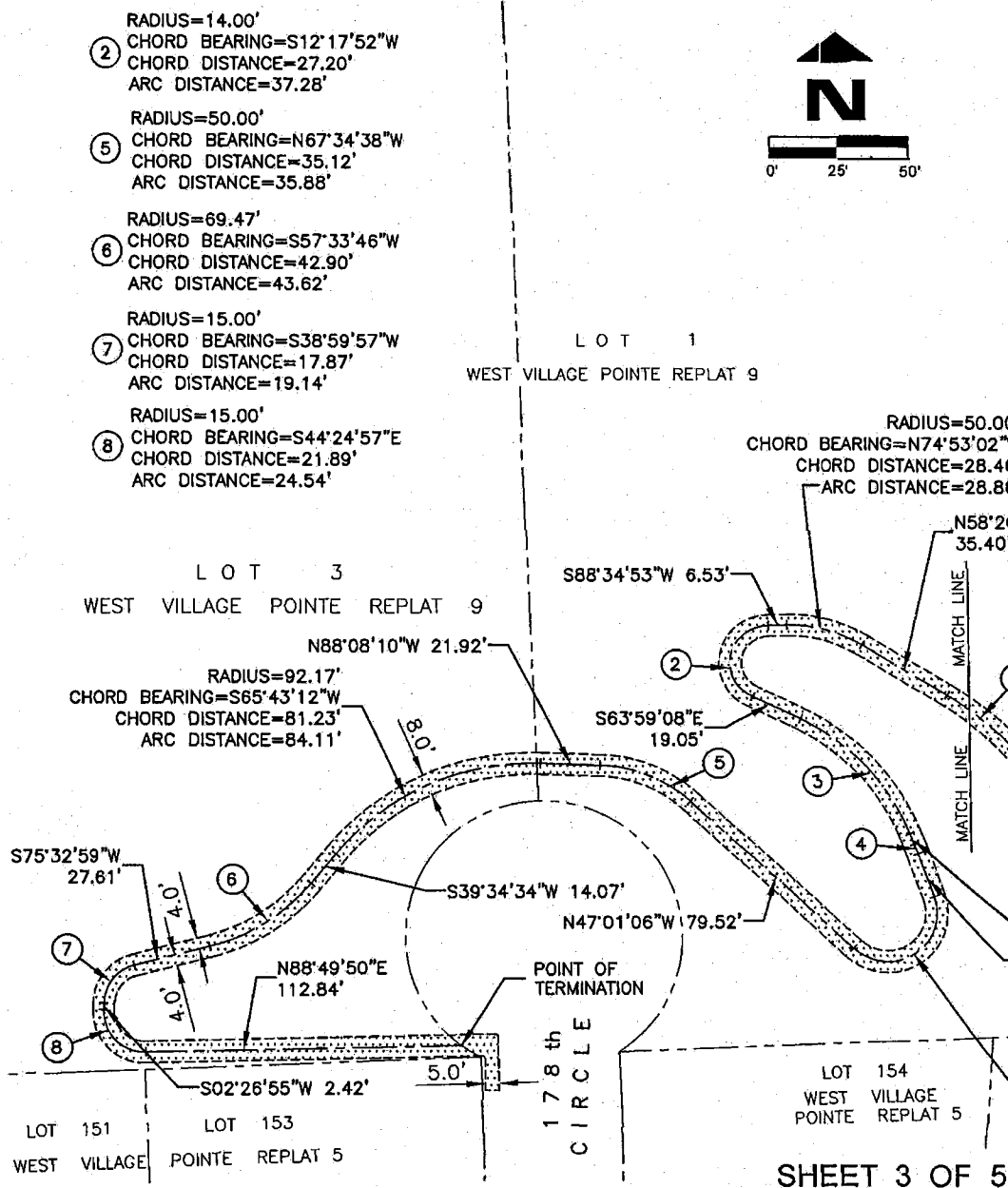
Date: OCTOBER 12, 2017
Drawn By: RJR
Reviewed By: RMK
Revision Date:

EXHIBIT "A-1"

TETRAD PROPERTY GROUP

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10/17/2017 2:57 PM B08 ROW.FWD H:\200\200-17\223 Tetrad Property Group West Village Pointe Replat 9 Lots 1 and 3\200-17-223-DWM.dwg



SHEET 3 OF 5



Job Number: 738-196-EX(WT)
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10/17/2017 2:58 PM 808 RDM/ND N:\200\200-17\223 Tetrad Property Group West Village Pointe Replat 9 Lots 1 and 3\200_17_223 EXH1.dwg

LEGAL DESCRIPTION

AN 8.00 FOOT WIDE STRIP OF LAND LYING WITHIN OUTLOT "D" IN WEST VILLAGE POINTE AND WITHIN LOTS 1 AND 3 IN WEST VILLAGE POINTE REPLAT 9, BOTH SUBDIVISIONS IN DOUGLAS COUNTY, NEBRASKA, THE CENTERLINE OF SAID 8.00 FOOT WIDE STRIP BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, COMMENCING AT THE NW CORNER OF SAID OUTLOT "D";

THENCE SOUTHEASTERLY ON THE NORTH LINE OF SAID OUTLOT "D" ON A 700.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING S79°57'30"E (ASSUMED BEARING), CHORD DISTANCE 14.00 FEET, AN ARC DISTANCE OF 14.00 FEET TO THE POINT OF BEGINNING;

THENCE S10°43'18"W 139.87 FEET ON A LINE 14.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID OUTLOT "D";

THENCE SOUTHWESTERLY ON A 50.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING S04°17'15"W, CHORD DISTANCE 11.21 FEET, AN ARC DISTANCE OF 11.23 FEET;

THENCE S02°08'49"E 135.96 FEET;

THENCE S04°31'34"W 120.48 FEET TO THE WEST LINE OF SAID OUTLOT "D" AND THE EAST LINE OF SAID LOT 1;

THENCE CONTINUING S04°31'34"W 15.46 FEET; THENCE S00°49'38"E 144.76 FEET;

THENCE SOUTHWESTERLY ON A 30.00 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING S51°45'56"W, CHORD DISTANCE 47.66 FEET, AN ARC DISTANCE OF 55.07 FEET;

THENCE N75°38'31"W 41.18 FEET;

THENCE SOUTHWESTERLY ON A 15.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING S40°24'41"W, CHORD DISTANCE OF 26.95 FEET, AN ARC DISTANCE OF 33.48 FEET;

THENCE S23°32'07"E 64.03 FEET;

THENCE SOUTHWESTERLY ON A 15.00 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING S57°31'52"W, CHORD DISTANCE 29.64 FEET, AN ARC DISTANCE OF 42.45 FEET;

THENCE N41°24'08"W 62.24 FEET;


THENCE NORTHWESTERLY ON A 100.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING N49°52'32"W, CHORD DISTANCE OF 29.47 FEET, AN ARC DISTANCE OF 29.58 FEET;

THENCE N58°20'56"W 35.40 FEET;

THENCE NORTHWESTERLY ON A 50.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING N74°53'02"W, CHORD DISTANCE OF 28.46 FEET, AN ARC DISTANCE OF 28.86 FEET;

THENCE S88°34'53"W 6.53 FEET;

SHEET 4 OF 5

	Job Number: 738-196-EX(WT) thompson, dreesen & dörner, inc. 10836 Old Mill Rd Omaha, NE 68154 p.402.330.8860 f.402.330.5866 td2co.com	Date: OCTOBER 12, 2017 Drawn By: RJR Reviewed By: RMK Revision Date:	<div style="text-align: center; font-size: 24pt; font-weight: bold;">EXHIBIT " A-1 "</div> <hr/> <div style="display: flex; justify-content: space-between;"> TETRAD PROPERTY GROUP Book Page </div>
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10/17/2017 2:59 PM 808 RCHLIND H:\200\200-17\223 Tetrad Property Group West Village Pctd. Regal 5 Lots 1 and 3\200-17-223-EXH.dwg

LEGAL DESCRIPTION

THENCE SOUTHWESTERLY ON A 14.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING S12°17'52"W, CHORD DISTANCE 27.20 FEET, AN ARC DISTANCE OF 37.28 FEET;
 THENCE S63°59'08"E 19.05 FEET;
 THENCE SOUTHEASTERLY ON A 80.00 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING S42°49'14"E, CHORD DISTANCE 57.77 FEET, AN ARC DISTANCE OF 59.10 FEET;
 THENCE S21°39'19"E 4.06 FEET;
 THENCE SOUTHEASTERLY ON A 100.00 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING S20°33'47"E, CHORD DISTANCE 3.81 FEET, AN ARC DISTANCE OF 3.81 FEET;
 THENCE S19°28'15"E 16.82 FEET;
 THENCE SOUTHWESTERLY ON A 18.00 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING S56°45'20"W, CHORD DISTANCE 34.96 FEET, AN ARC DISTANCE OF 47.89 FEET;
 THENCE N47°01'06"W 79.52 FEET;
 THENCE NORTHWESTERLY ON A 50.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING N67°34'38"W, CHORD DISTANCE 35.12 FEET, AN ARC DISTANCE OF 35.88 FEET;
 THENCE N88°08'10"W 21.92 FEET;
 THENCE SOUTHWESTERLY ON A 92.17 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING S65°43'12"W, CHORD DISTANCE 81.23 FEET, AN ARC DISTANCE OF 84.11 FEET;
 THENCE S39°34'34"W 14.07 FEET;
 THENCE SOUTHWESTERLY ON AN 69.47 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING S57°33'46"W, CHORD DISTANCE 42.90 FEET, AN ARC DISTANCE OF 43.62 FEET;
 THENCE S75°32'59"W 27.61 FEET;
 THENCE SOUTHWESTERLY ON A 15.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING S38°59'57"W, CHORD DISTANCE 17.87 FEET, AN ARC DISTANCE OF 19.14 FEET;
 THENCE S02°26'55"W 2.42 FEET;
 THENCE SOUTHEASTERLY ON A 15.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING S44°24'57"E, CHORD DISTANCE 21.89 FEET, AN ARC DISTANCE OF 24.54 FEET;
 THENCE N88°49'50"E 112.84 FEET TO THE EAST LINE OF SAID LOT 3 AND THE POINT OF TERMINATION, WITH THE OUTER BOUNDARIES OF SAID 8.00 FOOT WIDE STRIP BEING EXTENDED TO THE EAST LINE OF SAID LOT 3 AND THE NORTH LINE OF SAID OUTLOT "D".

SHEET 5 OF 5



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EXHIBIT "A-1"

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