



SECOND AMENDMENT TO DECLARATION OF EASEMENT

THIS SECOND AMENDMENT TO DECLARATION OF EASEMENT (this "Amendment") is made and entered into this 25th day of June 2018, by CORE BANK, a Nebraska state-chartered bank ("Core Bank"), and 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 (i) Lot 3 West Village Pointe Replat 9, subdivision, as surveyed, platted and recorded in Douglas County Nebraska ("Lot 3, Replat 9") and (ii) Outlot "D" West Village Pointe, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska (Outlot "D") and, with the Core Bank Property, collectively the "Property";

WHEREAS, Village West, as Declarant, caused that certain (i) 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") and (ii) First Amendment to Declaration Of Easement to be recorded against the Property on November 17, 2017 as Instrument No. 2017093355 with the Douglas County, Nebraska Register of Deeds (the "First Amendment");

WHEREAS, pursuant to Section 4 of the Original Declaration, the Original Declaration and this First Amendment 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 and the First Amendment 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 and the First Amendment as follows:

1. Location of Trail. Exhibit A-1 of the First Amendment is hereby substituted and replaced with (A) Exhibit A-2 attached hereto consisting of two sheets depicting and legally describing the location of the Trail on "Outlot D", (B) Ex A-3 attached hereto consisting of two sheets depicting and legally describing the location of the Trail on the Core Bank Property, and (C) Ex A-4 attached hereto consisting of only one sheet depicting and legally describing the location of the Trail on Lot 3 Replat 9.

2. Conflicts; Ratification. In the event of any conflict between the terms and provisions of this Second Amendment and the terms and provisions of the Original Declaration and the First Amendment, the terms and provisions of this Second Amendment shall supersede and control. The Original Declaration and the First Amendment, as amended by this Second Amendment, contain the entire agreement of the parties hereto with respect to the location 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 and the First Amendment 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.

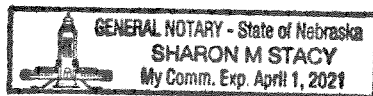
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CORE BANK

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

STATE OF NEBRASKA)
)ss.
COUNTY OF DOUGLAS)

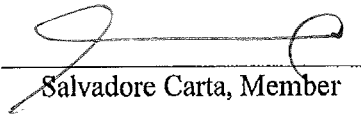
The foregoing instrument was acknowledged before me this 19 day of June 2018, by S Michael Rasmussen COO/CFO of Core Bank, a Nebraska state-chartered bank, on behalf of such bank.



(Seal)

[Signature: Sharon M. Stacy]
Notary Public

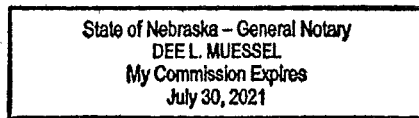
VILLAGE WEST LLC


By: 
Salvadore Carta, Member

STATE OF NEBRASKA)
)ss.
COUNTY OF DOUGLAS)

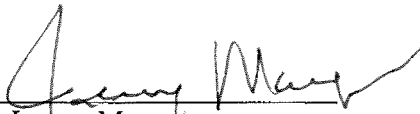
The foregoing instrument was acknowledged before me this 25th day of June 2018, by Salvadore Carta, Member of Village West LLC, a Nebraska limited liability company, on behalf of such limited liability company.

(Seal)




Notary Public

WEST VILLAGE POINT BUSINESS ASSOCIATION

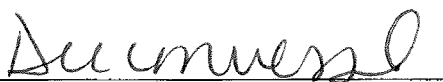
By: 
Name: Jeremy Mayrose
Title: President

STATE OF NEBRASKA)
)ss.
COUNTY OF DOUGLAS)

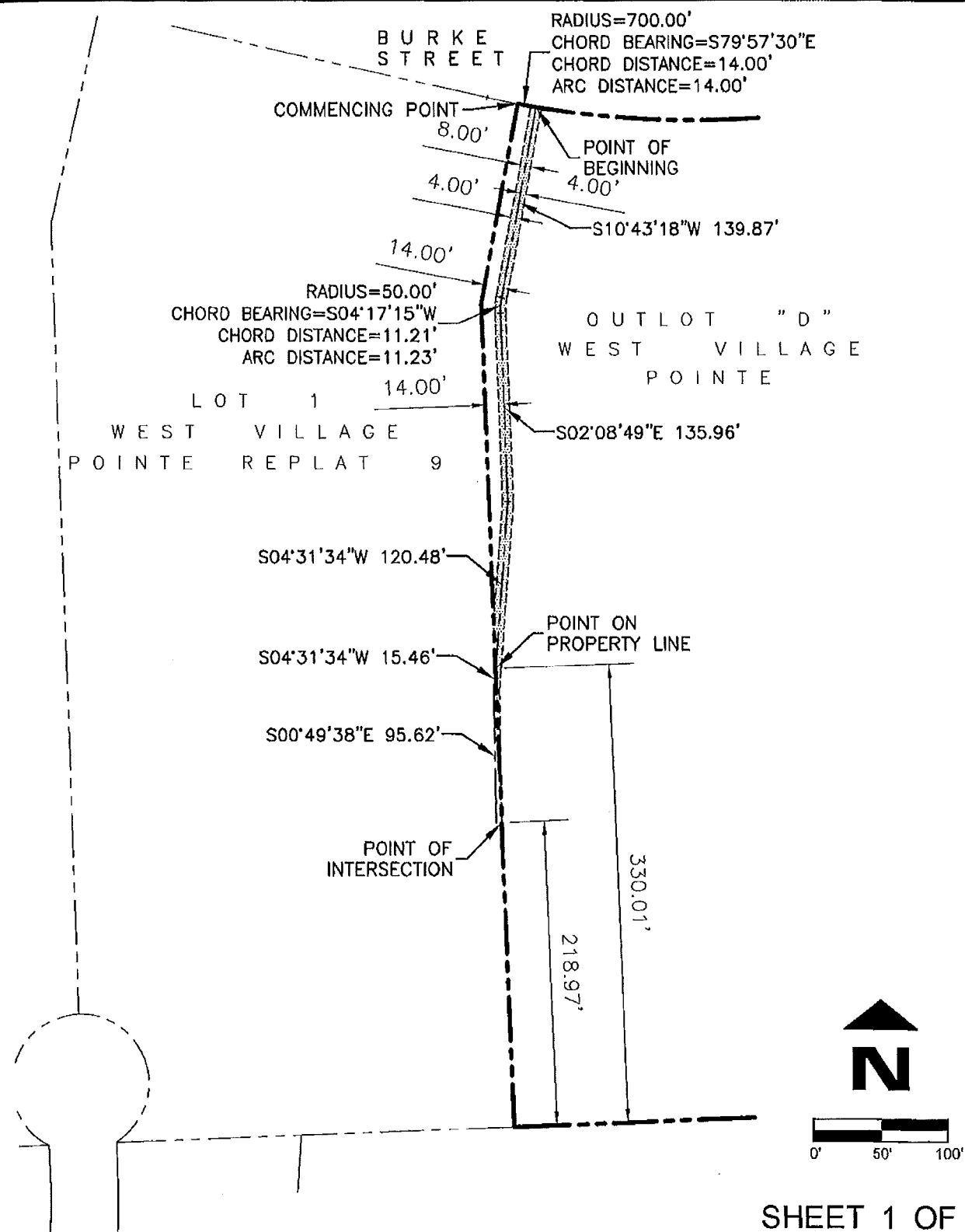
The foregoing instrument was acknowledged before me this 25th day of June 2018, by Jeremy Mayrose, President of West Village Pointe Business Association, a Nebraska non-profit corporation, on behalf of such corporation.

(Seal)

State of Nebraska – General Notary DEE L. MUESSEL My Commission Expires July 30, 2021
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Notary Public

6/1/2018 9:54 AM DAVE NEEF H:\700\738-196 The Lerner Co West Village Pointe Replat 9\Drawings\738-196-DX 2.dwg



SHEET 1 OF 2

LEGAL DESCRIPTION

AN 8.00 FOOT WIDE STRIP OF LAND LYING WITHIN OUTLOT "D", WEST VILLAGE POINTE, A SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA, THE CENTERLINE OF SAID 8.00 FOOT WIDE STRIP BEING 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 ON A LINE 14.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID OUTLOT "D";

THENCE S04°31'34"W 120.48 FEET TO A POINT ON THE WEST LINE OF SAID OUTLOT "D" SAID POINT BEING 330.01 FEET FROM THE SOUTHWEST CORNER OF SAID OUTLOT "D";

THENCE CONTINUING S04°31'34"W 15.46 FEET;

THENCE S00°49'38"E 95.62 FEET TO A POINT 4.00 FEET WEST OF THE INTERSECTION OF THE EAST LINE OF SAID 8.00 FOOT WIDE STRIP OF LAND AND THE WEST LINE OF SAID OUTLOT "D", SAID INTERSECTION POINT BEING 218.97 FEET FROM THE SOUTHWEST CORNER OF SAID OUTLOT "D", WITH THE OUTER LIMITS OF SAID 8.00 FOOT WIDE STRIP OF LAND BEING EXTENDED TO MEET THE NORTH AND WEST LINES OF SAID OUTLOT "D".

SHEET 2 OF 2



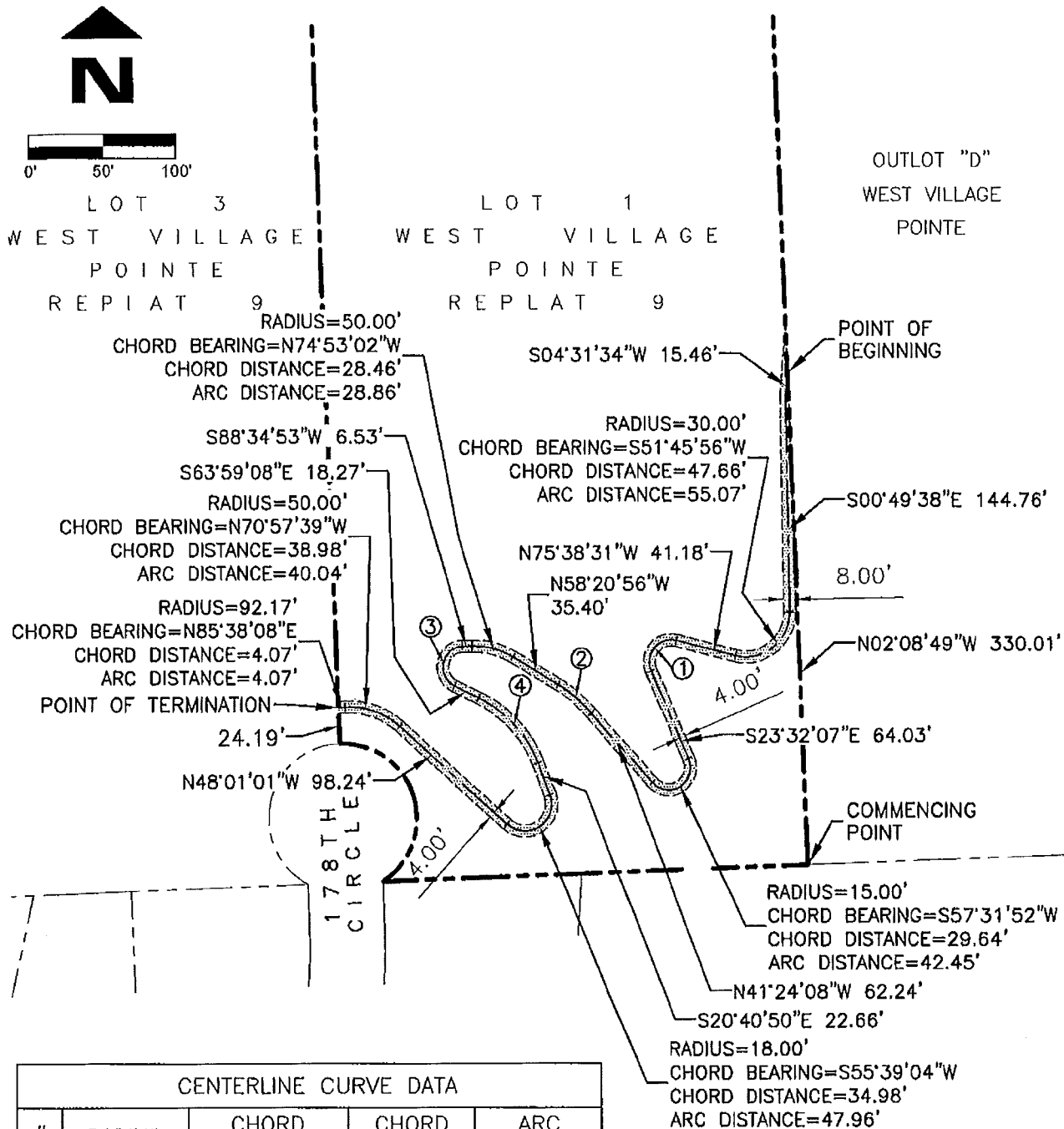
Job Number: 738-196 EX2
thompson, dreessen & dörner, Inc.
10836 Old Mill Rd
Omaha, NE 68154
p.402.330.8860 f.402.330.5866
td2co.com

Date: 05-31-18
Drawn By: BJH
Reviewed By: DHN
Revision Date:

EXHIBIT A-2

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SHEET 1 OF 2



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LEGAL DESCRIPTION

AN 8.00 FOOT WIDE STRIP OF LAND LYING WITHIN LOT 1, WEST VILLAGE POINTE REPLAT 9, A SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA, THE CENTERLINE OF SAID 8.00 FOOT WIDE STRIP BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 1;

THENCE N02°08'49"W (ASSUMED BEARING) 330.01 FEET ON THE EAST LINE OF SAID LOT 1 TO THE POINT OF BEGINNING;

THENCE 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 OF 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 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;

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 18.27 FEET;

THENCE SOUTHEASTERLY ON A 80.00 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING S42°19'59"E, CHORD DISTANCE 59.04 FEET, AN ARC DISTANCE OF 60.47 FEET;

THENCE S20°40'50"E 22.66 FEET;

THENCE SOUTHWESTERLY ON A 18.00 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING S55°39'04"W, CHORD DISTANCE 34.98 FEET, AN ARC DISTANCE OF 47.96 FEET;

THENCE N48°01'01"W 98.24 FEET;

THENCE NORTHWESTERLY ON A 50.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING N70°57'39"W, CHORD DISTANCE 38.98 FEET, AN ARC DISTANCE OF 40.04 FEET;

THENCE SOUTHWESTERLY ON A 92.17 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING S85°38'08"W, CHORD DISTANCE 4.07 FEET, AN ARC DISTANCE OF 4.07 FEET TO THE WEST LINE OF SAID LOT 1 AND THE POINT OF TERMINATION, SAID POINT BEING 24.19 FEET FROM THE SOUTHWEST CORNER OF SAID LOT 1, WITH THE OUTER LIMITS OF SAID 8.00 FOOT WIDE STRIP OF LAND BEING EXTENDED TO MEET THE EAST AND WEST LINES OF SAID LOT 1.

SHEET 2 OF 2



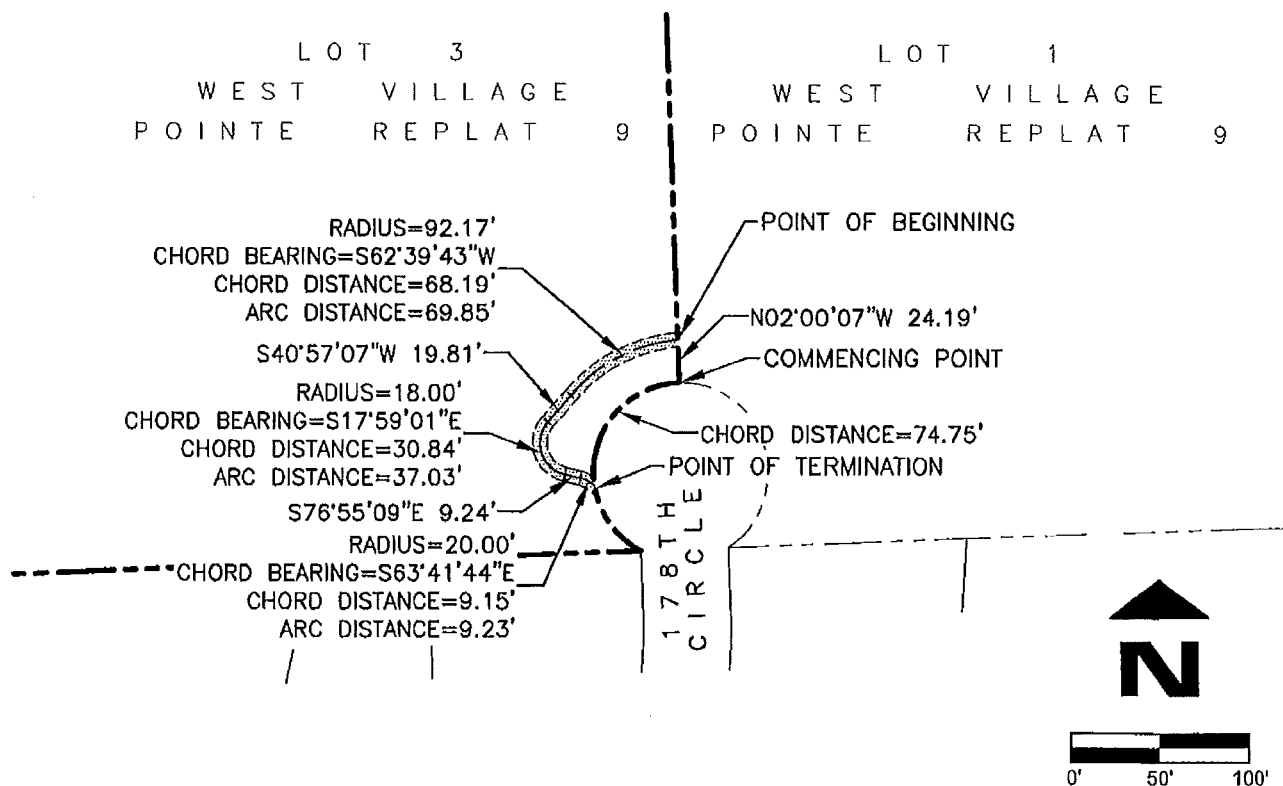
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Revision Date:

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LEGAL DESCRIPTION

AN 8.00 FOOT WIDE STRIP OF LAND LYING WITHIN LOT 3, WEST VILLAGE POINTE REPLAT 9, A SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA, THE CENTERLINE OF SAID 8.00 FOOT WIDE STRIP BEING DESCRIBED AS FOLLOWS:

COMMENCING AT A SOUTHEAST CORNER OF SAID LOT 3;

THENCE N02°00'07"W (ASSUMED BEARING) 24.19 FEET ON THE EAST LINE OF SAID LOT 3 TO THE POINT OF BEGINNING;

THENCE SOUTHWESTERLY ON A 92.17 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING S62°39'43"W, CHORD DISTANCE 68.19 FEET, AN ARC DISTANCE OF 69.85 FEET;

THENCE S40°57'07"W 19.81 FEET;

THENCE SOUTHEASTERLY ON AN 18.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING S17°59'01"E, CHORD DISTANCE 30.84 FEET, AN ARC DISTANCE OF 37.03 FEET;

THENCE S76°55'09"E 9.24 FEET;

THENCE SOUTHEASTERLY ON A 20.00 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING S63°41'44"E, CHORD DISTANCE 9.15 FEET, AN ARC DISTANCE OF 9.23 FEET TO THE EAST LINE OF SAID LOT 3 AND THE POINT OF TERMINATION, SAID POINT BEING A CHORD DISTANCE OF 74.75 FEET FROM THE POINT OF COMMENCEMENT, WITH THE OUTER LIMITS OF SAID 8.00 FOOT WIDE STRIP OF LAND BEING EXTENDED TO MEET THE EAST LINES OF SAID LOT 3.



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