

10-27

DECLARATION AND ESTABLISHMENT OF EASEMENT
AND RESTRICTION ON YMCA PROPERTY

1. The Young Men's Christian Association of Lincoln, Lancaster County, Nebraska, ("YMCA") a Nebraska non-profit corporation, is the owner of all of the following described premises, situated within Lincoln, Lancaster County, Nebraska ("YMCA Property"):

Lot A, Imhoff and Hyatt's Subdivision of Lots 1, 2, and 3, Block 42, Lincoln, Lancaster County, Nebraska.

2. The YMCA has established a general plan for the redevelopment and renovation of such premises, known as the Georgian Place on that portion of the YMCA Property described as follows ("Parcel 1"):

Commencing at the Northeast corner of Lot A, Imhoff and Hyatt's Subdivision, of Lots 1, 2, and 3, Block 42, Lincoln, Lancaster County, Nebraska; thence West along the South line of the Right of Way Line of "P" Street a distance of 50.83 feet; thence South along a line intersecting the South property line of Lot A at a point 50.48 feet West of the West line of the Right of Way line of North 11th Street a distance of 108.67 feet; thence East along the South property line of Lot A to a point of intersection with the West Right of Way Line of North 11th Street a distance of 50.48 feet; thence North along the West Right of Way Line of North 11th Street a distance of 108.67 feet to the point of beginning; continuing a calculated land area of 5,504.67 square feet, more or less.

3. The remaining portion of the YMCA Property which will not be part of Georgian Place is described as follows ("Parcel 2"):

11087

Lot A, Imhoff and Hyatt's Subdivision of Lots 1, 2, and 3, Block 42, Lincoln, Lancaster County, Nebraska except for the parcel commencing at the Northeast corner of Lot A; thence West along the South line of the Right of Way Line at "P" Street a distance of 50.83 feet; thence South along a line intersecting the South property line of Lot A at a point 50.48 feet West of the West line of the Right of Way Line of North 11th Street a distance of 108.67 feet; thence East along the South property line of Lot A to a point of intersection with the West Right of Way Line of North 11th Street a distance of 108.67 feet to the point of beginning; continuing a calculated land area of 14,710.00 square feet, more or less.

4. The YMCA does hereby declare the following covenants and easements subject to the terms and conditions contained herein:

A. The existing five story structure on Parcel 2 shall not be expanded vertically unless such expansion fully complies with the "Fire Resistance of Exterior Walls" requirements and the "Opening in Exterior Walls" requirements as stated in Section 1803, page 109, Uniform Building Code, International Conference of Building Officials, (1982 Edition).

B. The existing five story structure on Parcel 2 shall not be expanded vertically unless such expansion fully complies with Section 1206 (b) "Yard", p. 91, Uniform Building Code, International Conference of Building Officials, (1982 Edition).

C. A nonexclusive easement for the benefit of and appurtenant to Parcels 1 and 2 reasonably necessary to allow passage between Parcels 1 and 2 through any property line

11087
wall in order to meet fire, safety, and other Lincoln Building Code requirements, and that any constructed exits between Parcels 1 and 2 be free and clear at all times to allow safe passage.

D. All parties claiming an interest in Parcel 1 or Parcel 2 hereby mutually release and discharge the City of Lincoln from all claims and liabilities arising from, caused by or in connection with the covenants and easements listed above.

5. Each and every one of these covenants and easements are for the benefit of any owner of Parcel 1 or 2, or any interest therein, including each and every Georgian Place condominium apartment, and shall bind the respective successors and assigns of any owner of Parcel 1 or 2, as any interest therein. The covenants and easements are to be construed as restrictive covenants and easements running with the land as described as Parcel 1 and 2.

6. The above covenants and easements shall be effective and binding upon the occurrence of all the following events:

A. The City of Lincoln approves the subdivision of the YMCA Property into Parcel 1 and 2 and said subdivision is recorded in the office of the Register of Deeds of Lancaster County, Nebraska; and

B. The City of Lincoln Board of Zoning Appeals approves various resolutions for (a) Section 27.35.080(b) Lincoln Municipal Code ("LMC") which requires a lot area of 220 square feet per dwelling unit; (b) Section 27.35.070(f),

11087

LMC which requires 1,365 square feet of open space, Section 27.71.140 LMC which requires open space between buildings on the same lot used for multiple family; and Section 27.35.070(e) LMC which requires a certain required yard; and

C. The YMCA pay filing costs for the above four variance solutions and the City of Lincoln recording the four variance resolutions in the Office of the Register of Deeds of Lancaster County, Nebraska.

D. YMCA or its successors or assigns either (a) establishes a condominium regime pursuant to Nebraska law on one Parcel but not the other, or (b) the YMCA transfers the fee to one Parcel without transferring the fee to the other Parcel to the same grantee.

7. The above covenants and easements shall be unenforceable by all parties if any one of the following events occur:

A. At any time after the covenants and easements become effective pursuant to Paragraph 6 a single entity holds fee title to all interest in both Parcel 1 and Parcel 2; or

B. Parcel 1 and Parcel 2 are together replated into one lot or a portion of one lot.

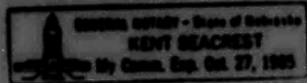
THE YOUNG MEN'S CHRISTIAN
ASSOCIATION OF LINCOLN,
LANCASTER COUNTY, NEBRASKA,
a Nebraska non-profit
corporation

By Loren R. Anderson
Darrell V. Stook, President
Loren R. Anderson, Vice-President

STATE OF NEBRASKA)
) ss.
LANCASTER COUNTY)

Loien R. Anderson, Vice-President

The foregoing instrument was acknowledged before me this day of June, 1993, by Derrell A. Stook, of The Young Men's Christian Association of Lincoln, Lancaster County, Nebraska, a Nebraska non-profit corporation, on behalf of the corporation.



Kent Beachert
Notary Public

LANCASTER COUNTY, NEBR.

Don Gals
REGISTER OF DEEDS

1993 JUN 15 PM 2:57

ENTLED TO
NUMERICAL INDEX
FILED FOR RECORD 45

INST. NO. 83- 11087

INDEXED
MICRO-FILED
GENERAL

2-560 misc

\$ 15.25

Planning