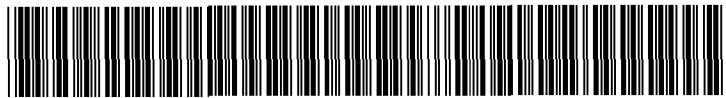




MISC 2015066745



AUG 11 2015 08:26 P 8

Fee amount: 52.00
FB: 0C-16225
COMP: LC

Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
08/11/2015 08:26:34.00



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AFTER RECORDING RETURN TO: Michael Carter, Esquire, 11506 Nicholas St, Ste 103 Omaha, NE 68154

**Declaration of Easements,
Covenants and Restrictions**

Omaha, Nebraska

This Declaration of Easements, Covenants and Restrictions ("ECR") is made and executed on this 22nd day of July, 2015 by Pinnacle Bank ("Pinnacle") and Veterans Drive Ventures, LLC, a Nebraska limited liability company ("Veterans") as owners and developers of subdivision High Point, Omaha, Nebraska ("Property") to be platted and recorded in accord with the laws, regulations and ordinances of the City of Omaha, Nebraska, which plat and application for subdivision is particularly described on Exhibit A attached hereto and made a part hereof.

**Article I
Recitals**

- 1.1 Pinnacle is the fee simple owner of Lot 1 shown on Exhibit A; Veterans is the fee simple owner of Lot 2 shown on Exhibit A; and Veterans is the fee simple owner of Lot 4 shown on Exhibit A (collectively "the Lot Holders"). Lot 4 shall be split into two parcels, the South Lot (South Lot 4) is subject to this Assignment.
- 1.2 The Lot Holders desire that the Property be developed pursuant to a general plan of improvement for commercial use.
- 1.3 The Lot Holders have designated a private way to provide access and easement to Lots 1, 2, and South Lot 4 of the replat from public streets. That private way is designated and identified on Exhibit A, as the Access Easement Area B.

**Article II
Meanings**

- 2.1 For purposes of this ECR the following terms shall have the following meanings:
 - A. "Property" shall mean the land described on Exhibit A.
 - B. "Lot" shall mean that part of the Property created by the replat as a legal lot of the subdivision.

- C. "Owner" shall mean the party or parties owning fee simple title to any Lot according to the records of Douglas County, Nebraska.

Article III Improvements

- 3.1 The Lot Holders have constructed at their expense the paving of the road designated on Exhibit A to provide access to Lots 1, 2, and South Lot 4.

Article IV Easements

- 4.1 The Lot Holders are hereby granted perpetual easements over and across the Access Easement Area for themselves, agents, tenants, employees or invitees for access to their respective Lots.

Article V Costs

- 5.1 The Lot Holders shall be responsible for any and all costs to construct any curb cuts to their respective lots from the Access Easement Area.

Any damage caused to the utilities, paving or curbs by such construction of accesses or installation of utilities to serve said Lots shall be repaired immediately at the sole cost of the Owner doing such work.

- 5.2 Pinnacle, or its successors, shall be responsible for contracting for or performing maintenance, repair and replacement of the paving and curb of the Access Easement Area. Said costs shall include an administration fee to be paid to Pinnacle of Five percent (5%) of the maintenance, repair or replacement up to a cost of ten thousand dollars (\$10,000.00) per incidence of repair and replacement and five percent (5%) of said costs which exceed ten thousand dollars (\$10,000.00). The cost therefor shall be paid one-half (1/2) by Pinnacle and one-half (1/2) by Veterans until South Lot 4 is developed and, thereafter, divided one-third (1/3) by each Owner.

Article VI Notice to Pay Costs

- 6.1 Pinnacle shall send or deliver to each Owner at the Lot site or address to which real estate tax assessments are listed and sent in Douglas County, Nebraska records a notice of costs described in Article V hereof, via U.S. Mail, standard overnight delivery facilities (i.e. Federal Express) or hand delivery. The notices shall be itemized in accord with good business practices. Amounts due from each Owner shall be paid within thirty (30) days of delivery to each Owner.

- 6.2 All notices not paid as set forth in 6.1 above shall become a lien on the Lot whose Owner has not paid any interest due and owing as set forth above. A Notice of Assessment setting forth the amount of the unpaid notice, the date of the notice, the name of the Owner and legal description of the Lot shall be sent to the Owner as provided in 6.1 above. The Notice of Assessment shall attach on the date of recording and be subordinate junior and inferior to liens for ad valorem real estate taxes and special assessments, the lien of any prior mortgage or deed of trust and the tenancy rights of Tenants. The Notice of Assessment shall be signed by the Owner of Lot 1, whose signature shall be notarized. Any such lien may be enforced by foreclosure upon the Lot with respect to which the notice of costs incurred has not been paid in like manner as a mortgage on real property is foreclosed under the laws of the State of Nebraska.
- 6.3 The Owner of Lot 1 shall notify any mortgagee or trustee of a deed of trust of the Lot not paying the amount for which notice is sent and is being foreclosed if such encumbrancer has its address of record in the encumbrance document or otherwise furnishes its address to the Owner of Lot 1.

Article VII Miscellaneous

- 7.1 Owner's Liability Subsequent to Sale. Upon the sale of any Lot, the Owner so selling shall not have any further liability for obligations set forth herein which accrue against such Lot after the date of conveyance; provided, however, nothing herein shall be construed so as to relieve an Owner of any Lot from liabilities or obligations incurred prior to such sale pursuant to this ECR.
- 7.2 Not a Public Dedication. Nothing contained in this ECR shall be deemed a gift or dedication of any portion of the Property or the Outlot to the general public or for the general public or for any public use whatsoever, it being the intention of Pinnacle that this ECR shall be strictly limited to the purposes expressed herein.
- 7.3 Severability. All of the conditions, covenants, restrictions and easements contained in this ECR shall be construed together, but if it shall at any time be held that any one of such conditions, covenants, restrictions and easement, or any part thereof is invalid or for any reason becomes unenforceable, no other condition, covenant, restriction or easement or any part thereof shall be affected or impaired.
- 7.4 Singular and Plural. Words used herein regardless of the number and gender specifically used, shall be deemed and construed to include any other number, singular or plural, and any other gender, masculine, feminine or neuter, as the context requires.
- 7.5 Easements. The easements granted in Article IV hereof shall run with the land, and this ECR shall be recorded in the records of Douglas County with the replat of the Property.

IN WITNESS WHEREOF, the parties execute this ECR the date and year first written above.

PINNACLE BANK

By: [Signature]
Name: Matt J Dinsdale
Title: Market President

VETERANS DRIVE VENTURES, LLC,
a Nebraska limited liability company

By: WIN Veterans, LLC, Manager

By: [Signature]
Rick L. North, Manager

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA)
)ss.
COUNTY OF DOUGLAS)

On this 22nd day of July, 2015, before me the undersigned notary public, personally came Matt Dinsdale, President of **Pinnacle Bank**, known to be to be the identical person whose name is affixed to the foregoing instrument and acknowledged the execution thereof to be his voluntary act and deed and the voluntary act and deed of the company.

My Commission Expires: 11/15/17 [Signature]
Notary Public

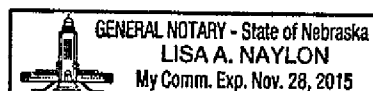


ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA)
)ss.
COUNTY OF DOUGLAS)

On this 22 day of July, 2015, before me the undersigned notary public, personally came Rick L. North, Manager of WIN Veterans, LLC, Manager of **Veterans Drive Ventures, LLC**, a Nebraska limited liability company, known to be to be the identical person whose name is affixed to the foregoing instrument and acknowledged the execution thereof to be his voluntary act and deed and the voluntary act and deed of the company.

My Commission Expires: 11.28.15 [Signature]
Notary Public



EASEMENT EXHIBIT

LEGAL DESCRIPTION

A PERMANENT ACCESS EASEMENT OVER THAT PART OF LOT 4, HIGH POINT, A SUBDIVISION, AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA, TOGETHER WITH THAT PART OF LOTS 1 AND 2, HIGH POINT REPLAT 4, A SUBDIVISION, AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA, THE ENTIRE EASEMENT IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 1;

THENCE ALONG A CURVE TO THE RIGHT (HAVING A RADIUS OF 500.00 FEET AND A LONG CHORD BEARING SOUTH 73°59'52" WEST (ASSUMED BEARINGS) FOR 33.24 FEET) FOR AN ARC LENGTH OF 33.25 FEET ALONG THE NORTH RIGHT OF WAY LINE OF VETERANS DRIVE;

THENCE NORTH 14°30'32" WEST FOR 10.05 FEET CONTINUING ALONG SAID NORTH RIGHT OF WAY LINE;

THENCE ALONG A CURVE TO THE RIGHT (HAVING A RADIUS OF 480.34 FEET AND A LONG CHORD BEARING SOUTH 76°29'18" WEST FOR 12.08 FEET) FOR AN ARC LENGTH OF 12.08 FEET CONTINUING ALONG SAID NORTH RIGHT OF WAY LINE;

THENCE NORTH 04°06'37" WEST FOR 99.95 FEET;

THENCE NORTH 02°21'44" WEST FOR 172.91 FEET;

THENCE NORTH 87°38'16" EAST FOR 40.00 FEET;

THENCE SOUTH 02°21'44" EAST FOR 270.26 FEET ALONG A LINE PARALLEL WITH AND 5.00 FEET EAST OF THE WEST LINE OF SAID LOT 4 TO THE NORTH RIGHT OF WAY LINE OF VETERANS DRIVE;

THENCE ALONG A CURVE TO THE RIGHT (HAVING A RADIUS OF 500.00 FEET AND A LONG CHORD BEARING SOUTH 69°52'29" WEST FOR 5.25 FEET) FOR AN ARC LENGTH OF 5.25 FEET TO THE POINT OF BEGINNING.

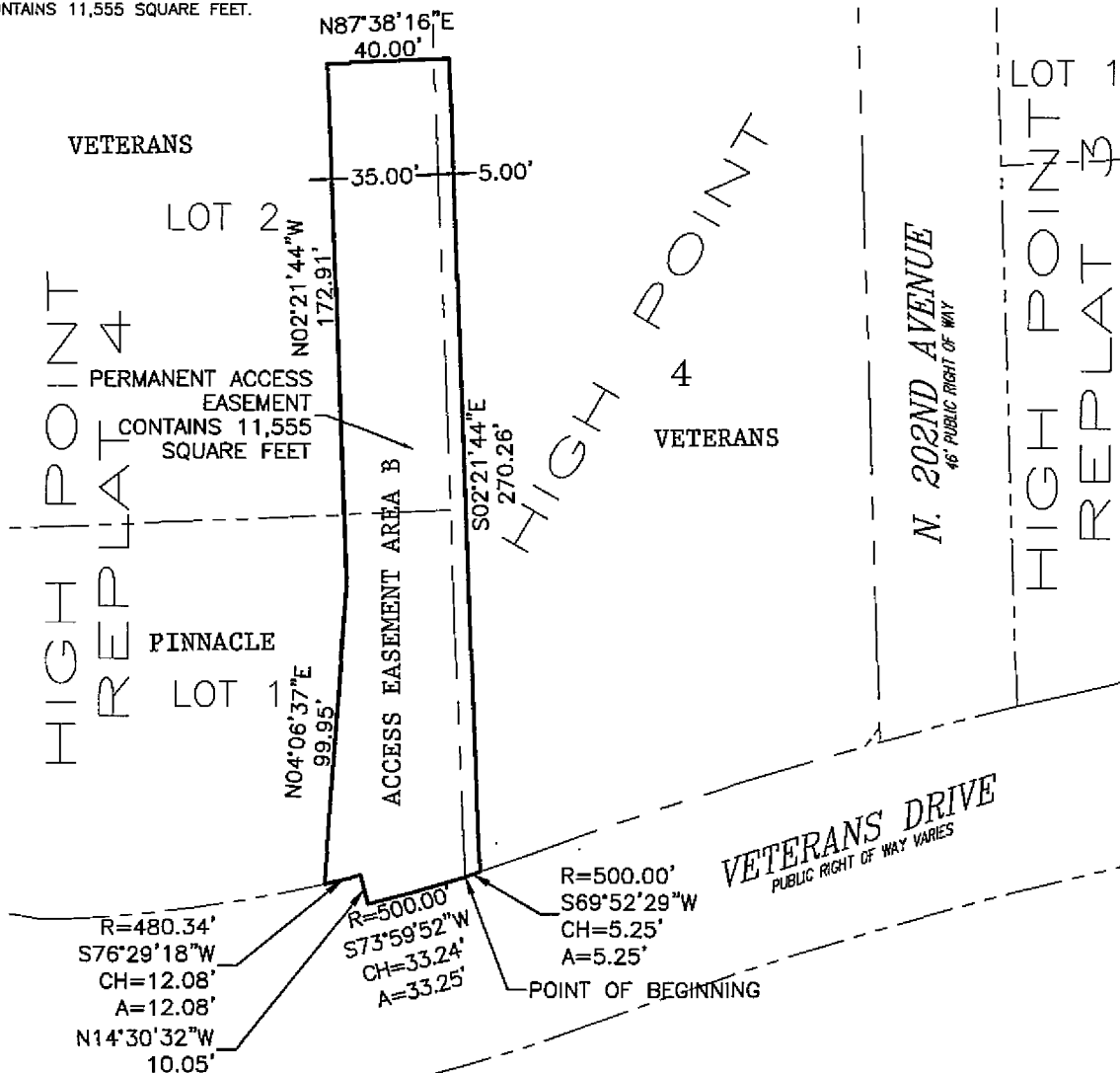
CONTAINS 11,555 SQUARE FEET.



0 60

LEGEND

----- LOT LINE
 ————— EASEMENT LINE



LAMP RYNEARSON
 & ASSOCIATES

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EASEMENT EXHIBIT

LEGAL DESCRIPTION

A PERMANENT ACCESS EASEMENT OVER THAT PART OF LOT 4, HIGH POINT, A SUBDIVISION, AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 4;

THENCE NORTH 02°21'44" WEST (ASSUMED BEARINGS) FOR 271.86 FEET ALONG THE WEST LINE OF SAID LOT 4;

THENCE NORTH 87°38'16" EAST FOR 5.00 FEET;

THENCE SOUTH 02°21'44" EAST FOR 270.26 FEET TO THE NORTH RIGHT OF WAY LINE OF VETERANS DRIVE;

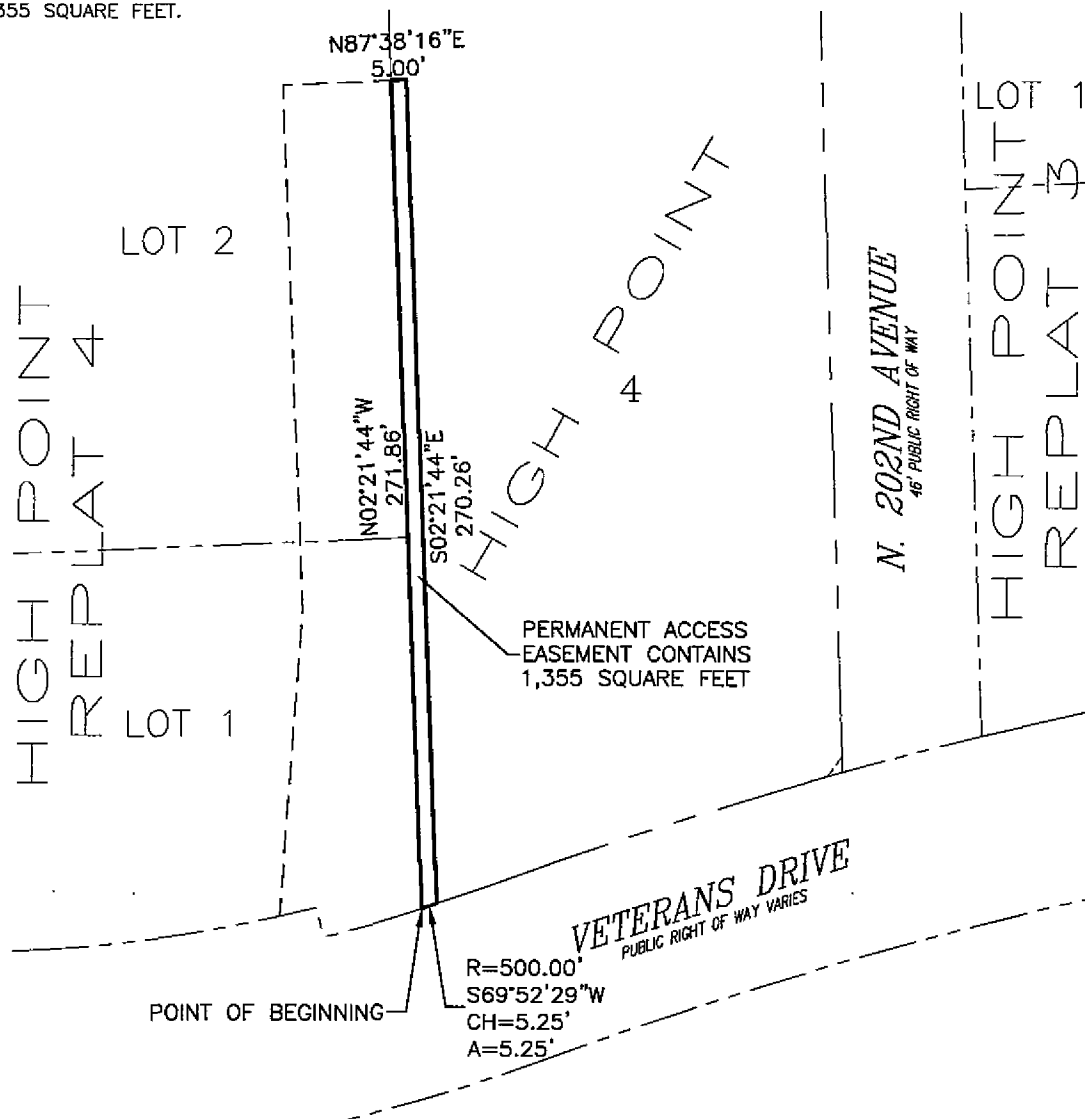
THENCE ALONG A CURVE TO THE RIGHT (HAVING A RADIUS OF 500.00 FEET AND A LONG CHORD BEARING SOUTH 69°52'29" WEST FOR 5.25 FEET) FOR AN ARC LENGTH OF 5.25 FEET TO THE POINT OF BEGINNING. CONTAINS 1,355 SQUARE FEET.



0 60

LEGEND

----- LOT LINE
 ————— EASEMENT LINE



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EASEMENT EXHIBIT

0C-16235

LEGAL DESCRIPTION

A PERMANENT ACCESS EASEMENT OVER THAT PART OF LOT 1, HIGH POINT REPLAT 4, A SUBDIVISION, AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA, IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 1;

THENCE ALONG A CURVE TO THE RIGHT (HAVING A RADIUS OF 500.00 FEET AND A LONG CHORD BEARING SOUTH 73°59'52" WEST (ASSUMED BEARINGS) FOR 33.24 FEET) FOR AN ARC LENGTH OF 33.25 FEET ALONG THE NORTH RIGHT OF WAY LINE OF VETERANS DRIVE;

THENCE NORTH 14°30'32" WEST FOR 10.05 FEET CONTINUING ALONG THE NORTH RIGHT OF WAY LINE OF VETERANS DRIVE;

THENCE ALONG A CURVE TO THE RIGHT (HAVING A RADIUS OF 480.34 FEET AND A LONG CHORD BEARING SOUTH 76°29'18" WEST FOR 12.08 FEET) FOR AN ARC LENGTH OF 12.08 FEET CONTINUING ALONG THE NORTH RIGHT OF WAY LINE OF VETERANS DRIVE;

THENCE NORTH 04°06'37" EAST FOR 99.95 FEET;

THENCE NORTH 02°21'44" WEST FOR 23.08 FEET ALONG A LINE PARALLEL WITH AND 35.00 FEET WEST OF THE EAST LINE OF SAID LOT 1 TO THE NORTH LINE OF SAID LOT 1;

THENCE NORTH 87°38'17" EAST FOR 35.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 1;

THENCE SOUTH 02°21'44" EAST FOR 122.04 FEET TO THE POINT OF BEGINNING.

CONTAINS 4,956 SQUARE FEET.

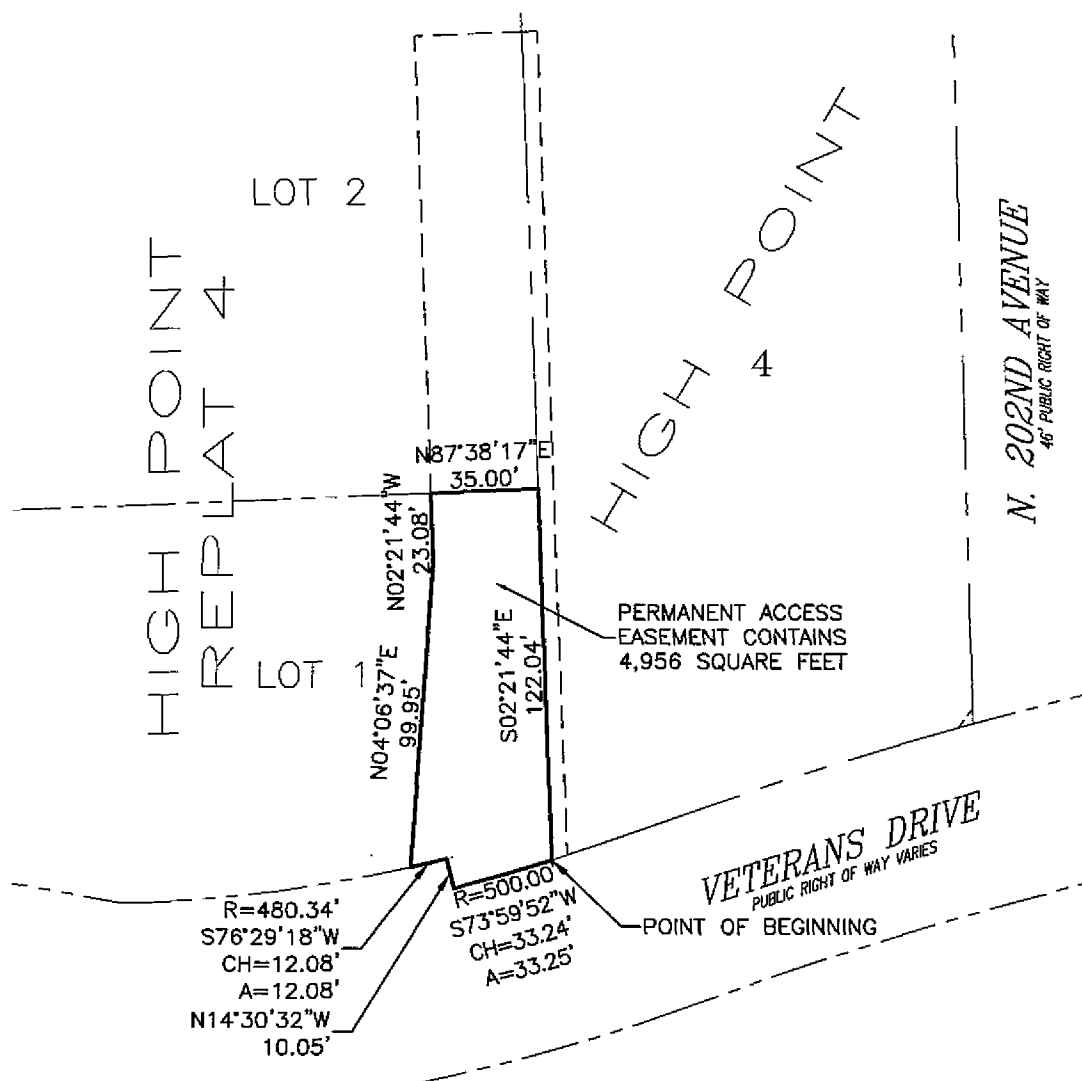


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LEGEND

----- LOT LINE

----- EASEMENT LINE



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EASEMENT EXHIBIT

LEGAL DESCRIPTION

0C-16235

A PERMANENT ACCESS EASEMENT OVER THAT PART OF LOT 2, HIGH POINT REPLAT 4, A SUBDIVISION, AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA, IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 2;
THENCE SOUTH 87°38'17" WEST (ASSUMED BEARINGS) FOR 35.00 FEET ALONG THE SOUTH LINE OF SAID LOT 2;

THENCE NORTH 02°21'44" WEST FOR 149.82 FEET ALONG A LINE PARALLEL WITH AND 35.00 FEET WEST OF THE EAST LINE OF SAID LOT 2;

THENCE NORTH 87°38'16" EAST FOR 35.00 FEET TO THE EAST LINE OF SAID LOT 2;

THENCE SOUTH 02°21'44" EAST FOR 149.82 FEET TO THE POINT OF BEGINNING.

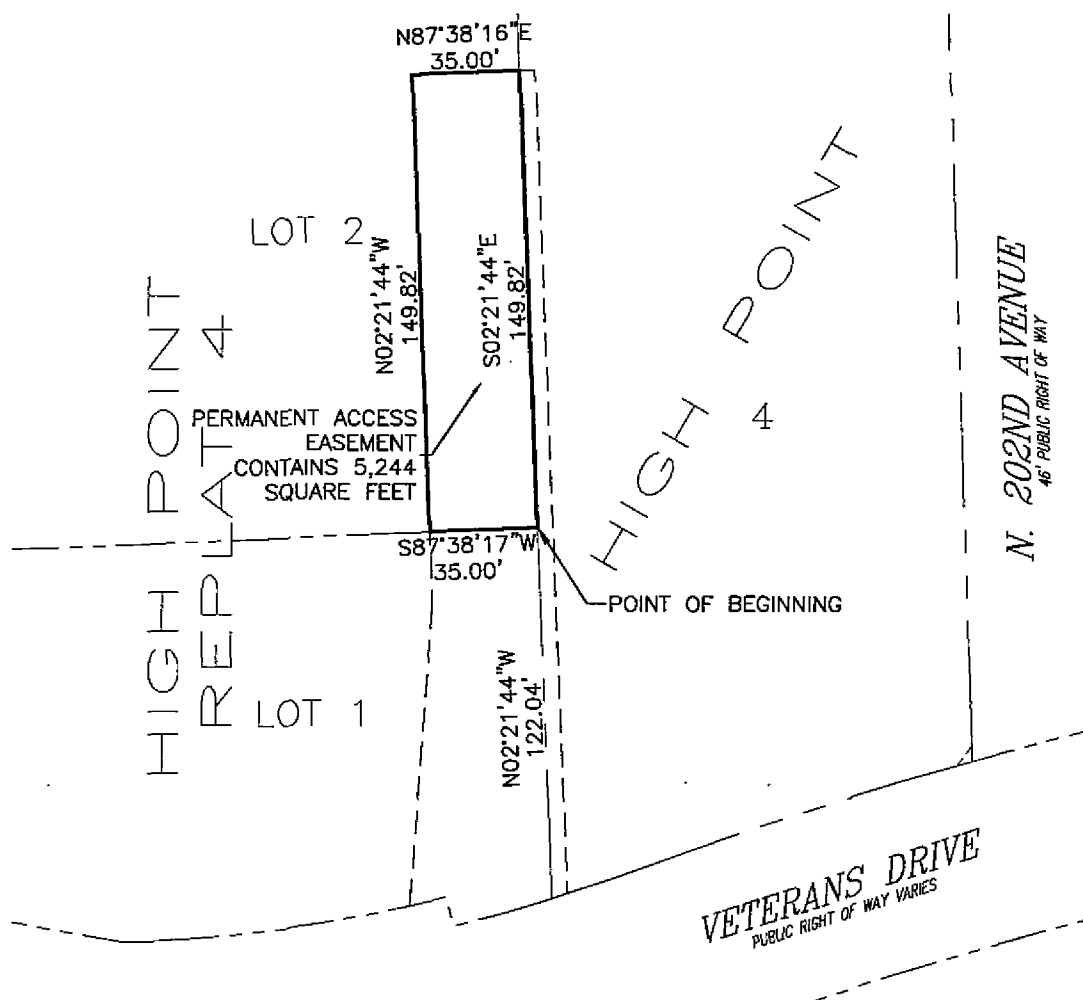
CONTAINS 5,244 SQUARE FEET.



0 60

LEGEND

----- LOT LINE
———— EASEMENT LINE



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