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Oct 16 | 20 PM '97

RICHARD H. TAKECHI REGISTER OF DEEDS DOUGLAS COUNTY, NE

SD_FB_15-20341 _ C/O __ SCAN & FV.



RESTRICTIVE COVENANT

THIS RESTRICTIVE COVENANT is entered into by and between Bishop Clarkson Memorial Hospital, of Omaha, Nebraska, hereinafter referred to as "BCMH," and the City of Omaha (a Municipal Corporation) hereinafter referred to as "City of Omaha."

WHEREAS, BCMH is the owner of Lots 2, 3, 4, 5 and 6 in Block 6, Kilby Place Addition to the City of Omaha, Douglas County, Nebraska together with the east one-half on the vacated alley adjoining said lots on the west, hereinafter referred to as the Property.

WHEREAS, the City of Omaha desires to obtain the Property from BCMH and BCMH desires to donate the Property to the City of Omaha subject to certain Restrictive Covenants and conditions.

WHEREAS, contemporaneously with the execution of this Restrictive Covenant, BCMH has conveyed the Property to the City of Omaha by Corporate Warranty Deed.

WHEREAS, BCMH is a corporation which operates a hospital on real property near to the Property and whereas the Property is visible from such other locations on the real property of BCMH.

WHEREAS, BCMH desires to maintain the natural beauty of the Property and desires to serve the public interest and the interests of BCMH by conveying the Property to the City of Omaha for use in perpetuity as a city park which will be called Clarkson Park.

WHEREAS, BCMH and the City of Omaha desire and intend that the restrictions and covenants contained herein shall run with the land and shall be binding on all parties having or acquiring any right, title or interest in the Property or any part thereof.

NOW, THEREFORE, for good and valuable consideration, the sufficiency and receipt of which are hereby acknowledged by BCMH and the City of Omaha, it is agreed that:

- 1. The Property shall be designated as Clarkson Park and bear that name in perpetuity.
- 2. The Property shall be developed and maintained as a Public Park and shall be utilized solely as a Public Park.
- 3. The Property shall be maintained in a manner presently consistent with other city parks.
- 4. No waste or hazardous waste, as these terms are defined in Neb. Rev. Stat. §81-1502, shall be deposited on the Property.

This Restrictive Covenant is entered into expressly for the benefit of the real property at the following locations:

RETURN: Dwyer, Smith, Grimm (Attin Sam King)

5712 West Tradge Rd, Saite 400

Donaha NE 68114



- the Property as herein described;
- lots 31, 32 and 33, Block 5, Kilby Place Addition to the City of Omaha, Douglas County, Nebraska;
- lots 1, 2, 3, 4, 12, 13, 14, 15, 19, 20, 22, 23, and 26, Block 5, Briggs Place Addition to the City of Omaha, Douglas County, Nebraska; and
- all other properties presently owned by Clarkson College or Bishop Clarkson Memorial Hospital, as wholly owned subsidiaries of Clarkson Regional Health Services, which are adjacent to or in close proximity with the Property.

This Restrictive Covenant shall be not construed as just a personal duty upon the City of Omaha, but shall be construed as running with the land, and this Restrictive is binding upon the City of Omaha, administrators, successors in interest and assigns.

| Dated: 1997 | President Memorial Hospita |
|--------------------------|-----------------------------|
| Dated: Sestanles 12,4997 | The City of Omaha, Nebraska |

STATE OF NEBRASKA))ss.

COUNTY OF DOUGLAS)

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On this 12 day of Suptember, 1997, before me, a Notary Public, personally appeared Hal Danb, in his representative capacity as Manor for the City of Omaha, to me known to be the person named in and who executed the foregoing instrument, and acknowledged that he executed the same as the voluntary act and deed of the City of Omaha. GENERAL NOTARY-State of Nebrask

> My Comm. Exp. Aug. 31, 2003 Notary

BRINKER HARDING

My Commission Expires August 31,2000

STATE OF NEBRASKA

COUNTY OF DOUGLAS

On this of d On this day of September, 1997, before me, a Notary Public in and for the State of Nebraska, personally appeared Louis W. Burgher, to me personally known to be the President and C.E.O. of Bishop Clarkson Memorial Hospital; and that the said President and C.E.O. as such officer, acknowledged by execution of said instrument to be the



voluntary act and deed of said corporation, by it and by them voluntarily executed.

Notary Public Such a

idens.

GENERAL NOTARY-State of Nebraska GENERAL NOTARY-State of Nebraska
BETTY J. KUCERA
My Comm. Exp. May 23, 1998



