

DEED 2007100394



AUG 31 2007 14:26 P 5

Nebr Doc Stamp Tax
<u>F-31-07</u> Date
<u>5532.75</u>
By <u>MS</u>

Deed 26⁰⁰ 55-00232
 FEE _____ FB _____
 5 BKP _____ G/O _____ COMP 15
 2 DEL _____ SCAN _____ PV _____
 5

Received - DIANE L. BATTIATO
 Registrar of Deeds, Douglas County, NE
 8/31/2007 14:26:39.39



2007100394

THIS PAGE INCLUDED FOR INDEXING

PAGE DOWN FOR BALANCE OF INSTRUMENT

Return To: #15

Check Number

168633-

SPECIAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that Ak-Sar-Ben Future Trust, a Nebraska non-profit corporation, ("Grantor") in consideration of One Dollar in hand paid by Zone 5, LLC, a Nebraska limited liability company, ("Grantee") , does hereby grant, bargain, sell and convey unto the said Grantee, the following described real estate situated in the County of Douglas and State of Nebraska, to-wit:

Lots 1 & 2 Aksarben Village Replat 1, a subdivision in Douglas County, Nebraska.

Together with all the tenements, hereditaments, and appurtenances thereunto belonging, and all the estate, right, title, interest, claim or demand whatsoever of the said Grantor of, in, or to the same, or any part thereof:

TO HAVE AND TO HOLD the above described real estate unto the said Grantee and to its heirs and assigns forever; and the said Grantor hereby covenants with Grantee that Grantor is lawfully seised of said real estate, that it has legal power and lawful authority to convey same, that said real estate is free and clear of all liens and encumbrances, except the easements, restrictions and covenants listed in the attached and incorporated Exhibit "A" and it does hereby covenant to WARRANT AND DEFEND the said premises against the lawful claims and demands of all persons claiming by, through, or under it, and against no other claims or demands.

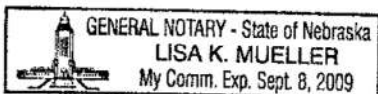
IN WITNESS WHEREOF we have hereunto set our hand this 29th day of August, 2007.

Ak-Sar-Ben Future Trust, a Nebraska non-profit corporation

By: 
Terry Moore, Secretary

STATE OF Nebraska)
)ss.
COUNTY OF Douglas)

The foregoing instrument was acknowledged before me on 29th day of August, 2007 by Terry L. Moore, Secretary of Ak-Sar-Ben Future Trust, a Nebraska non-profit corporation known 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 on behalf of said corporation.




Notary Public
My commission expires 9-8-09

#73516e Box 15 mn

EXHIBIT "A"

- 1) The rights of upper and lower riparian owners to the free and unobstructed flow of the water of the little Papillion Creek extending through the subject land without diminution or pollution.

- 2) Easements as set forth on the Plat and contained in the Dedication of Ak-Sar-Ben Business & Education Campus filed June 26, 1997 in Book 2064 at Page 149, Deed Records, Douglas County, Nebraska.

Disclaimer and Release by Omaha Public Power District filed June 21, 2006 as Instrument No. 2006069839, Records, Douglas County, Nebraska.

- 3) Easements as set forth on the Administrative Subdivision of Ak-Sar-Ben Business & Education Campus Replat 8 filed November 25, 2005 as Instrument No. 2005143821, Records, Douglas County, Nebraska.

Partial Release of Easement by Qwest Corporation filed July 10, 2006 as Instrument No. 2006077238, Records, Douglas County, Nebraska.

- 4) Terms and provisions of Easement granted to The City of Omaha, filed January 13, 1938 in Book 127 at Page 669, Miscellaneous Records, Douglas County, Nebraska;

Partial Release of Sewer Easement & Drainage Easement filed February 1, 2007 as Instrument No. 2007012207, Records, Douglas County, Nebraska.

- 5) Limitations of access contained in Warranty Deed filed May 22, 1980 in Book 1649 at Page 259, Deed Records, Douglas County, Nebraska.

Assigned to the City of Omaha, Nebraska by Quit Claim Deed filed October 21, 2003 as Instrument No. 2003204122, Records, Douglas County, Nebraska.

- 6) Terms, provisions and conditions of Ordinance No. 34186, approving a redevelopment agreement, containing easements, conditions and provisions, filed June 27, 1997 in Book 1214 at Page 252, Miscellaneous Records, Douglas County, Nebraska.

Ordinance No. 35381, approving the Second Amendment to Redevelopment Agreement filed November 27, 2000 in Book 1359 at Page 602, Miscellaneous Records, Douglas County, Nebraska.

- 7) Terms and provisions of limitations of access contained in Right of Way Contract, filed June 30, 1960 in Book 354 at Page 731, Miscellaneous Records, Douglas County, Nebraska.
- 8) Terms and provisions of limitations of access contained in Quitclaim Deed, filed August 9, 1960 in Book 1095 at Page 361, Deed Records, Douglas County, Nebraska.
- 9) Limitations of access contained in Warranty Deed filed May 22, 1980 in Book 1649 at Page 264, Deed Records, Douglas County, Nebraska.

Assigned to the City of Omaha, Nebraska by Quit Claim Deed filed October 21, 2003 as Instrument No. 2003204122, Records, Douglas County, Nebraska.
- 10) Terms and provisions of Easement granted to the State of Nebraska, filed May 22, 1980 in Book 633 at Page 546, Miscellaneous Records, Douglas County, Nebraska.

Assigned to the City of Omaha, Nebraska by Quit Claim Deed filed October 21, 2003 as Instrument No. 2003204122, Records, Douglas County, Nebraska.
- 11) Terms and provisions of Declaration of Covenants and Restrictions for The Ak-Sar-Ben Business & Education Campus, filed June 27, 1997 in Book 1214 at Page 414, Miscellaneous Records, Douglas County, Nebraska.

Amended and Restated Declaration of Covenants and Restrictions for The Ak-Sar-Ben Business & Education Campus, filed July 6, 2004 as Instrument No. 2004088370; and re-filed on July 8, 2004 as Instrument No. 2004090157, Records, Douglas County, Nebraska.

First Amendment to Amended and Restated Declaration of Covenants and Restrictions, filed January 18, 2006 as Instrument No. 2006006104, Records, Douglas County, Nebraska.

Second Amended and Restated Declaration of Covenants and Restrictions for the Ak-Sar-Ben Business and Education Campus, dated _____ and recorded _____ as Instrument No. _____, Records, Douglas County, Nebraska.
- 12) Right of Way Easement granted to the Omaha Public Power District dated March 13, 2007 and recorded April 3, 2007 as Instrument No. 2007036814, Records, Douglas County, Nebraska.
- 13) Easements as set forth on the Plat and contained in the Dedication of Aksarben Village filed February 15, 2007 as Instrument No. 2007018517, Records, Douglas County, Nebraska.

- 14) Easements as set forth on the Plat and contained in the Dedication of Aksarben Village Replat 1, filed May 7, 2007 as Instrument No. 2007051307, Records, Douglas County, Nebraska.

- 15) Declaration of Covenants, Conditions and Restrictions for Aksarben Village dated _____ and recorded _____ as Instrument No. _____, Records, Douglas County, Nebraska.