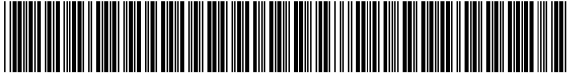




MISC 2016074651



SEP 12 2016 07:50 P 3

Fee amount: 22.00  
FB: 01-60000  
COMP: BW

Received - DIANE L. BATTIATO  
Register of Deeds, Douglas County, NE  
09/12/2016 07:50:44.00



2016074651

**When filed return to: Michael C. Carter, 11506 Nicholas St. #103, Omaha, NE 68154**

### **RECREATIONAL EASEMENT**

THIS RECREATIONAL EASEMENT is made and entered into this 26th day of August, 2016 by and between **BLUEWATER HOMEOWNERS ASSOCIATION, INC.**, a Nebraska corporation (hereinafter referred to as "Grantor"), and **SMITH JOHNSON LAND COMPANY, LTD**, a Nebraska limited partnership (hereinafter referred to as "Grantee"). Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and their respective heirs, legal representatives, successors and assigns. Grantor is used for singular or plural, as the context requires.

### **WITNESSETH:**

Grantor, for and in consideration of TEN DOLLARS (\$10.00) and other valuable consideration paid by the Grantee, the receipt and sufficiency of which is hereby acknowledged, hereby conveys, grants, bargains and sells unto the Grantee, a perpetual, non-exclusive easement only for the purpose of use of a public pedestrian and bicycling trail (the "Recreational Easement Area"), upon and across the following described lands located in Douglas County, Nebraska, to wit:

See attached Exhibit "A" which is incorporated herein by reference.

Subject to easements, restrictions, and reservations of record.

The recreational area shall be constructed and maintained in conformance with generally accepted design standards, and may include paved and unpaved trail surfaces, at-grade shoulders, vegetative buffers (with irrigation), benches, and such improvements as necessary to comply with all lawful requirements. Grantor hereby declares and covenants that the general public shall have and be allowed regular access to the Recreational Easement Area, for the purpose of walking, jogging, running, bicycling and like activities, but specifically excluding all motorized vehicles except as authorized by Grantee for maintenance, management, police and emergency purposes.

Grantee shall have the right to regulate public access to the Recreational Easement Area, and activities which are not consistent with the rules and regulations for the use enacted by Grantor which may be amended from time to time, and shall further have the right to require Grantor to keep the Recreational Easement Area free from obstructions which prevent reasonable public access to and along the Recreational Easement Area, including but not limited to structures, fences and fallen trees.

The easement granted herein shall constitute an easement running with the land in perpetuity and shall burden the lands described above.

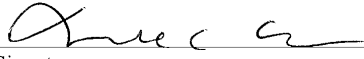
**[The Remainder of This Page Intentionally Left Blank and Signature Page Follows]**

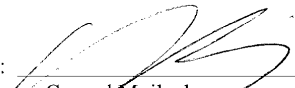
IN WITNESS WHEREOF, the Grantor has caused these presents to be executed the date and year first above written.

**Grantor:**

**BLUEWATER HOMEOWNERS  
ASSOCIATION, INC.**

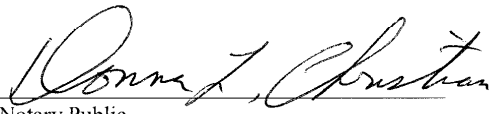
**Witness:**

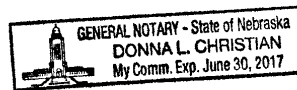
  
Signature  
Printed/Typed Name: Michael Carter

By:   
Name: Conrad Muilenburg  
Its: : President

STATE OF NEBRASKA     )  
  )ss.  
COUNTY OF DOUGLAS    )

The foregoing Easement was acknowledged before me, the undersigned authority, on this 26th day of August, 2016, by Conrad Muilenburg, President of Bluewater Homeowners Association, Inc., a Nebraska corporation, on behalf of the corporation.

  
Notary Public



**Exhibit "A"**  
**Legal Description**

That part of the East Half of the Southwest Quarter, and the Southwest Quarter of the Southeast Quarter of Section 35, Township 16 North, Range 9 East of the 6th P.M., Douglas County, Nebraska, lying south of and abutting the southerly lines of Outlots H & U, and Lot 144, BLUEWATER, and north of and abutting Lot D, GINGER WOODS, both being a subdivisions, as surveyed, platted and recorded in DOUGLAS County, Nebraska, described as follows:

Beginning at a 5/8" rebar with 1 1/4" yellow plastic cap stamped LS 566 at the southeast corner of said Lot 144, BLUEWATER;

Thence South 56°41'28" East (bearings referenced to the final plat of BLUEWATER) for 1623.39 feet on the south line of said OUTLOT U, BLUEWATER to a 5/8" rebar with 1 1/4" yellow plastic cap stamped LS 561;

Thence South 56°41'25" East for 106.27 feet continuing on the south line of said OUTLOT U, BLUEWATER to a 5/8" rebar with 1 1/4" yellow plastic cap stamped LS 561;

Thence South 03°16'13" East for 129.19 feet to a 5/8" rebar with 1 1/4" yellow plastic cap stamped LS 561 at the southeasterly extended north line of said OUTLOT D, GINGER WOODS;

Thence North 54°07'12" West for 2211.92 feet on the north line of said OUTLOT D to a 5/8" rebar with 1 1/4" orange plastic cap stamped LS 517 at the southeasterly corner of the parcel described in deed recorded with the Douglas County Register of deeds in Book 2006 at page 112906;

Thence North 37°47'18" East for 4.45 feet to a 1" pinched top pipe in the south line of said OUTLOT H, BLUEWATER;

Thence South 56°41'28" East for 402.69 feet on the south line of said OUTLOT H and Lot 144, to the POINT OF BEGINNING;

Contains 115,622 square feet or 2.654 acres.

SWSE  
NESW  
SESW