

Prepared by & After Recording Return to: Paul J. Halbur, Fraser Stryker PC LLO, 409 South 17th Street, Ste. 500, Omaha, NE 68102 (402) 341-6000

EMERGENCY FIRE VEHICLE ACCESS EASEMENT

This Emergency Fire Vehicle Access Easement is entered into by and between COLUMBO, LLC, a Nebraska limited liability company ("Grantor") and AKSARBEN APARTMENTS SOUTH, L.L.C., a Nebraska limited liability company ("Grantee").

WHEREAS, Grantor is the owner of the real estate described as Exhibit "A" attached hereto (the "Burdened Property"); and

WHEREAS, Grantee is the owner of Lot 2 Aksarben Village South, an Addition to the City of Omaha, Douglas County, Nebraska; except those parts taken for right of way purposes by instruments recorded in the Register of Deeds of Douglas County, Nebraska as Instrument No. 2017007193 and Instrument No. 2017007194 (the "Benefited Property"); and

WHEREAS, Grantor desires to establish a non-exclusive emergency fire vehicle access easement on the Burdened Property for the benefit of the Benefited Property.

NOW THEREFORE, for good and valuable consideration, subject to the terms and conditions set forth herein, the parties agree as follows:

1. Emergency Fire Vehicle Access Easement. Grantor hereby grants to Grantee, as owner of the Benefited Property, and to the City of Omaha, and their respective successors and assigns, a non-exclusive easement (the "Easement") over that portion of the Burdened Property as depicted and cross hatched on Exhibit "B" attached hereto ("Easement Area") for purposes of emergency, fire and responder vehicle access.

2. Obstruction. Grantor covenants and agrees that no buildings, structures or other improvements shall be constructed or installed within the Easement Area which would obstruct or impair the use of the Easement Area by emergency, fire and responder vehicles.

3. Miscellaneous.

(a) The use of the Easement will be for the use and benefit of Grantee and the City of Omaha (and their respective successors and assigns) for emergency and fire vehicles and responders only.

(b) Grantee covenants and agrees to indemnify, defend and hold harmless Grantor and its successors and assigns from any loss, damage, cost or expense suffered, sustained or incurred by Grantor arising out of use of the Easement, exclusive of Grantor's own negligence or willful misconduct.

(c) Nothing contained herein will be deemed to constitute a gift, grant or dedication to the public of any portion of the Burdened Property.

(d) This instrument shall be recorded with the Register of Deeds of Douglas County, Nebraska. The Easement shall run with the land and be binding upon Grantor and its successors and assigns, and inure to the benefit of Grantee and the City of Omaha, and their respective successors and assigns.

IN WITNESS WHEREOF, Grantor and Grantee have executed this instrument this 4th day of October, 2017.

GRANTOR:

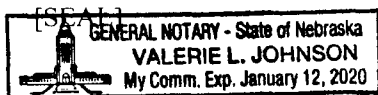
COLUMBO, LLC

By: [Signature]
Name: John Hughes
Title: Manager

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On this 4th day of October, 2017, before me, a notary public in and for said county and state, personally came John Hughes, Manager of COLUMBO, LLC, a Nebraska limited liability company, known to me to be the identical person who signed the foregoing instrument and acknowledged the execution thereof to be his/her voluntary act and deed and the voluntary act and deed of said limited liability company.

WITNESS my hand and notarial seal at Omaha, in said county and state, the day and year last above written.



[Signature]
Notary Public

GRANTEE:

AKSARBEN APARTMENTS SOUTH, L.L.C.

By: Howard M. Cooper
Name: Howard M. Cooper
Title: Member/Manager

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On this 3rd day of October, 2017, before me, a notary public in and for said county and state, personally came Howard M. Cooper, Member/Manager of AKSARBEN APARTMENTS SOUTH, L.L.C., known to me to be the identical person who signed the foregoing instrument and acknowledged the execution thereof to be his/her voluntary act and deed and the voluntary act and deed of said limited liability company.

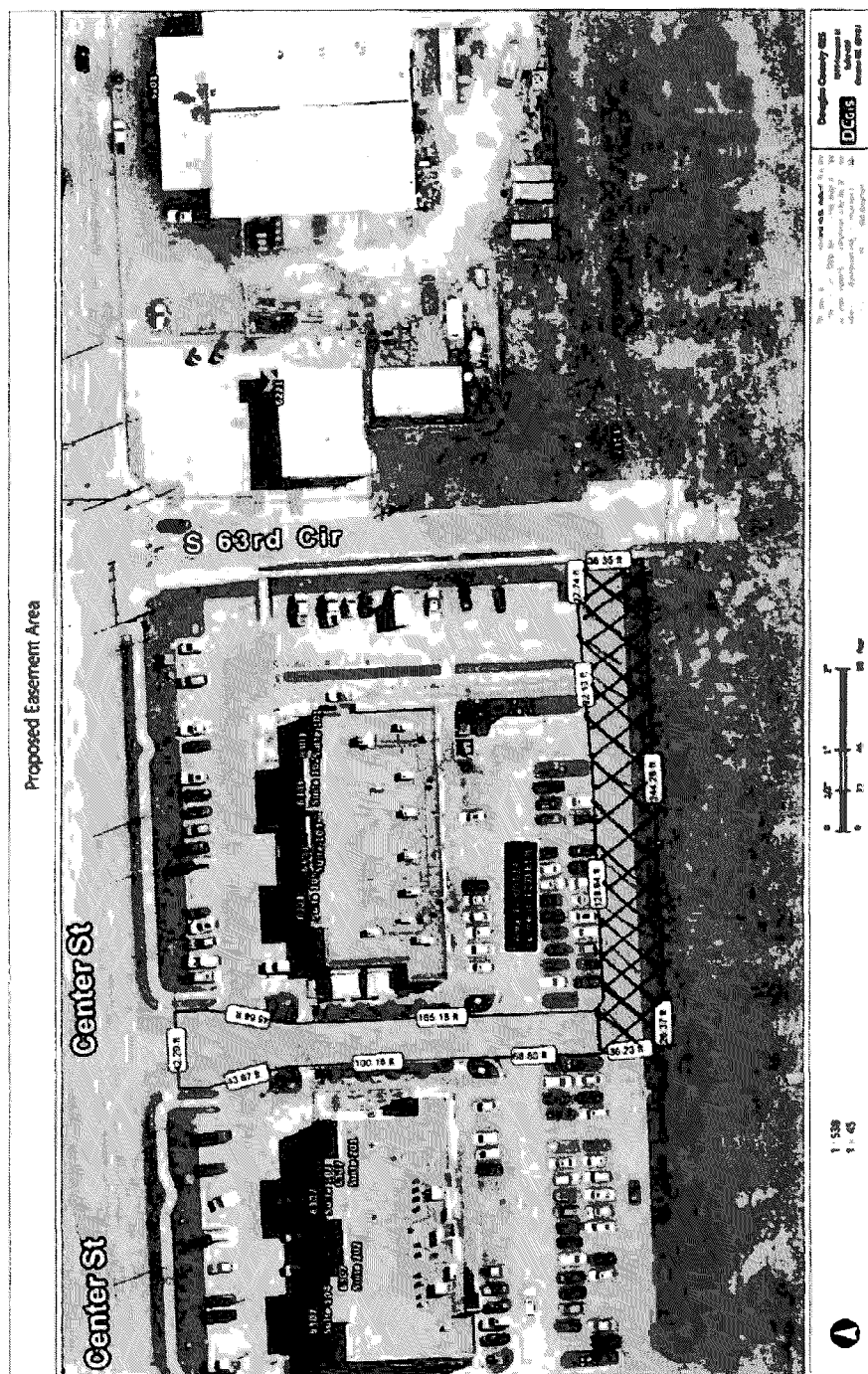
WITNESS my hand and notarial seal at Omaha, Nebraska, in said county and state, the day and year last above written.



Janet Pacula Roos
Notary Public

Exhibit "A"

Lot 1, Aksarben Place, an Addition to the City of Omaha, Douglas County, Nebraska

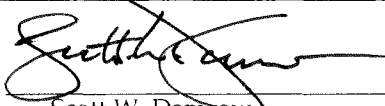


Subordination

The undersigned hereby subordinates all liens held by the undersigned upon the Burdened Property to the foregoing Emergency Fire Vehicle Access Easement.

Dated: October 6, 2017, 2017

FIRST NATIONAL BANK OF OMAHA

By 

Name: Scott W. Damrow

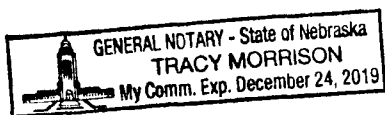
Title: Vice President

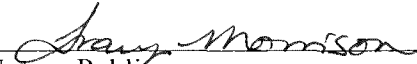
STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On this 6th day of October, 2017, before me, a notary public in and for said county and state, personally came Scott W. Damrow, Vice President of First National Bank of Omaha, known to me to be the identical person who signed the foregoing instrument and acknowledged the execution thereof to be his/her voluntary act and deed and the voluntary act and deed of said national banking association.

WITNESS my hand and notarial seal at Omaha, Nebraska, in said county and state, the day and year last above written.

[SEAL]




Notary Public