

MISC

2004167656



DEC 29 2004 09:33 P = 4



-----[Space above this line for recording data.]-----

PEDESTRIAN TRAIL EASEMENT

This grant of Pedestrian Trail Easement ("Easement") is made this 17 day of December, 2004, by Commercial Federal Bank, a federal savings bank ("Grantor"), in favor of Commercial Federal Business Park Association, L.L.C., a Nebraska limited liability company ("Grantee").

RECITALS:

WHEREAS, Grantor is the owner of the real property, described on Exhibit "A" attached hereto, located in the Commercial Federal Business Park; and

WHEREAS, Pursuant to the Commercial Federal Business Park Declaration of Covenants, Conditions and Restrictions dated December 26, 2000, and recorded on December 26, 2000, at Book 1363, Page 112, of the Register of Deeds of Douglas County, Nebraska, ("Declaration") and amended by the First Amendment to Commercial Federal Business Park Declaration of Covenants, Conditions and Restrictions on June 5, 2001, and recorded on July 5, 2001, at Book 1388, Page 415, of the Register of Deeds of Douglas County, Nebraska, and amended by the Second Amendment to the Declaration of Covenants, Conditions and Restrictions dated December 18, 2003, and recorded on December 22, 2003, at Instrument No. 2003245628 of the Register of Deeds of Douglas County, Nebraska, and amended by the Third Amendment to the Declaration of Covenants, Conditions and Restrictions dated January 21, 2004, and recorded on January 28, 2004, at Instrument No. 2004011835 of the Register of Deeds of Douglas County, Nebraska (the Declaration and all amendments thereto including future amendments shall be referred to as the "Declaration"), Grantee is the property owners association for the Commercial Federal Business Park and includes as its purpose, the maintenance of common areas contained in the Commercial Federal Business Park; and

WHEREAS, the Declaration provides for the establishment and maintenance of a pedestrian trail within the Commercial Federal Business Park for the use by the general public for pedestrian traffic ("Pedestrian Trail").

174542

Box 35 42 5364

NOW, THEREFORE, upon the consideration recited herein and upon such other good and valuable consideration herein received, Grantor does hereby grant to Grantee, its successors and assigns the following easement subject to the following terms and conditions:

- 1. Grantor does hereby grant to Grantee a permanent easement to maintain. operate, repair, and regulate the Pedestrian Trail for use by the general public for pedestrian traffic on, over, and through the real estate described on Exhibit "B" attached hereto.
- The Pedestrian Trail shall be constructed by those persons and in such manner as provided in the Declaration and shall be maintained as provided in the Declaration.
- 3. This Easement shall be binding upon the parties' successors and assigns and shall run with the land.

IN WITNESS WHEREOF, Grantor has executed this Pedestrian Trail Easement on the date referenced above.

> COMMERCIAL FEDERAL BANK, a federal savings bank

By:

Executive Vice President & CFO

STATE OF NEBRASKA COUNTY OF DOUGLAS

On this 17 day of December, 2004, before me the undersigned, a Notary Public in and for said county personally came David S. Fisher, Executive Vice President and CFO of Commercial Federal Bank, a federal savings bank, on behalf of said bank

GENERAL NOTARY - State of Nebraska MICHAEL D. MATEJKA My Comm. Exp. Jan. 14, 2007

Return to:

Michael D. Matejka Fitzgerald, Schorr, Barmettler & Brennan, P.C., L.L.O. 13220 California Street, Suite 400 Omaha, NE 68154-5228

174542

EXHIBIT "A"

Lots 1 and 2, Commercial Federal Business Park Replat 5, Douglas County, Nebraska.

174542

3

EXHIBIT "B"

The North thirty (30) feet of Lots 1 and 2, Commercial Federal Business Park Replat 5, adjacent to and parallel to the northern boundaries of said Lots and the West Fourteen (14) feet of Lot 2, Commercial Federal Business Park Replat 5, Douglas County, Nebraska, adjacent and parallel to the western boundary of said Lot.

174542

4