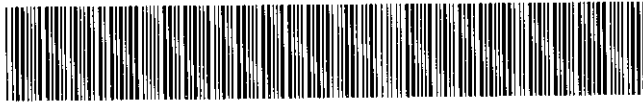


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Register of Deeds, Douglas County, NE  
1/30/2006 11:24:42.53



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**DECLARATION OF EASEMENT AND COVENANTS**

This Declaration of Easement and Covenants is made this 24<sup>th</sup> day of January, 2006, by BANK OF THE WEST, a California banking corporation ("Declarant"), as the successor in interest to Commercial Federal Bank.

RECITALS:

A. Declarant is the owner of the real property described as Lots 1 and 2, Commercial Federal Business Park Replat 8, as surveyed, platted and recorded in Douglas County, Nebraska. (Each lot shall be separately referred to as "Lot 1" or "Lot 2" or together as "Lots.")

B. Declarant desires to grant upon Lot 1 an easement for the construction and maintenance of a storm sewer and for the drainage of water from Lot 2.

NOW, THEREFORE, Declarant hereby grants and imposes the following easements and covenants upon Lot 1 for the benefit of Lot 2:

1. **Grant of Drainage and Storm Sewer Easement.** Declarant hereby grants for the benefit of Lot 2 a permanent easement for the drainage of water from Lot 2 and the construction and maintenance of a storm sewer over that portion of Lot 1 described on Exhibit "A" attached hereto.

2. **Nature of Easement.** The easement granted herein shall run with the land and be binding upon the owners of the lots and their successors and assigns.

3. **Repairs.** In the event that the owner of Lot 2 desires to construct storm sewer or drainage improvements on, across or under the easement area described on Exhibit "A" attached hereto, such improvements shall be designed and constructed in such a manner as to minimize the disturbance and impact upon Lot 1. All such improvements shall be constructed in a prompt, good and workmanlike manner and in the

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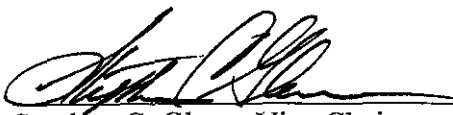
624517 Box 35

*misc* FEE 16.00 FB MC-07109  
3/2 BKP \_\_\_\_\_ C/O \_\_\_\_\_ COMP *[initials]*  
DEL \_\_\_\_\_ SCAN \_\_\_\_\_ FV \_\_\_\_\_

event that any pavement, green areas, trees, sprinkler systems, sprinkler heads, or landscape improvements are disturbed during such construction, the owner of Lot 2 shall cause such areas to be promptly repaired and restored to their preconstruction condition.

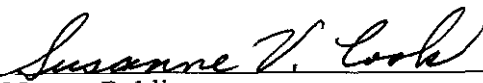
DATED this 24 day of January, 2006.

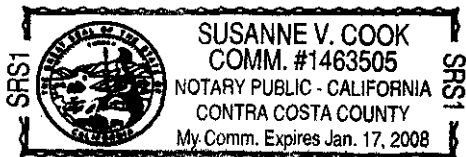
BANK OF THE WEST, a California banking corporation

By:   
Stephen C. Glenn, Vice Chairman

STATE OF CALIFORNIA )  
                                          ) ss.  
COUNTY OF CONTRA COSTA )

On this 24<sup>th</sup> day of January, 2006, before me the undersigned, a Notary Public in and for said county personally came Stephen C. Glenn, Vice Chairman of Bank of the West, a California banking corporation, on behalf of said corporation.

  
Notary Public



**Return to:**

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

# EASEMENT EXHIBIT

## LEGAL DESCRIPTION

A permanent easement for drainage and storm sewers over that part of Lot 1, COMMERCIAL FEDERAL BUSINESS PARK REPLAT 8, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, described as follows:

Beginning at the southeast corner of said Lot 1;

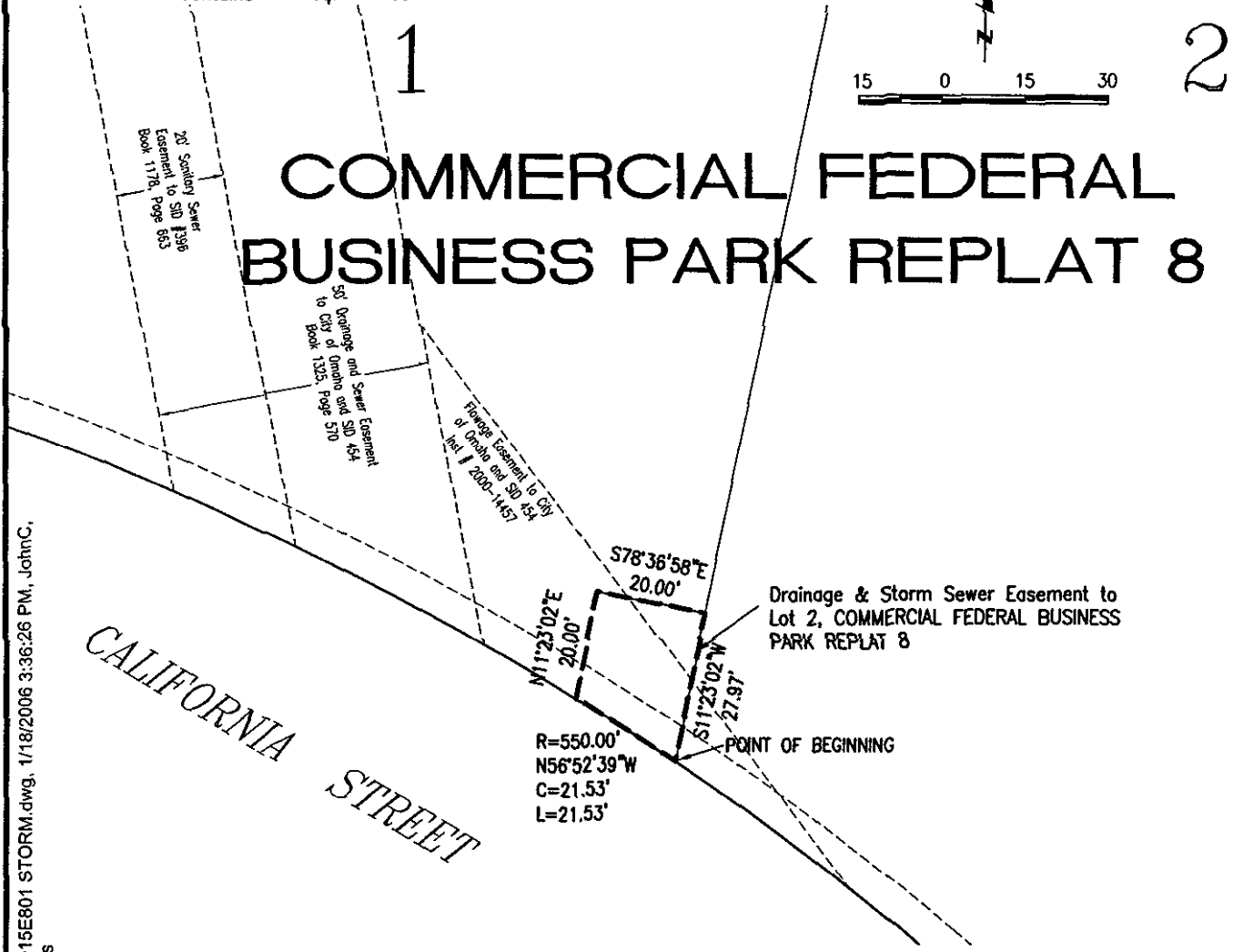
Thence along a curve to the left (having a radius of 550.00 feet and a long chord bearing North 56°52'39" West (bearings referenced to the Final Plat of COMMERCIAL FEDERAL BUSINESS PARK REPLAT 8) for 21.53 feet) for an arc length of 21.53 feet along the north right of way line of California Street;

Thence North 11°23'02" East for 20.00 feet parallel with and twenty foot (20') west the east line of said Lot 1;

Thence South 78°36'58" East for 20.00 feet to the east line of said Lot 1;

Thence South 11°23'02" West for 27.97 feet to the Point of Beginning.

Contains 478 square feet.



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Book 99015 Page 015

Date January 19, 2006 DwnBy JHVD Job Number 99015.10 / 016

**Lamp, Rynearson & Associates, Inc.**  
 14710 West Dodge Road, Suite 100  
 Omaha, Nebraska 68154-2027  
 WWW.LRA-INC.COM  
 (Ph) 402.496.2498  
 (Fax) 402.496.2730