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RICHARD H. TAKECHI
REGISTRAR OF DEEDS
DOUGLAS COUNTY, NE



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RESTRICTIVE COVENANT

THIS RESTRICTIVE COVENANT is entered into by and between Bishop Clarkson Memorial Hospital, of Omaha, Nebraska, hereinafter referred to as "BCM H," and the City of Omaha (a Municipal Corporation) hereinafter referred to as "City of Omaha."

WHEREAS, BCM H is the owner of Lots 2, 3, 4, 5 and 6 in Block 6, Kilby Place Addition to the City of Omaha, Douglas County, Nebraska together with the east one-half on the vacated alley adjoining said lots on the west, hereinafter referred to as the Property.

WHEREAS, the City of Omaha desires to obtain the Property from BCM H and BCM H desires to donate the Property to the City of Omaha subject to certain Restrictive Covenants and conditions.

WHEREAS, contemporaneously with the execution of this Restrictive Covenant, BCM H has conveyed the Property to the City of Omaha by Corporate Warranty Deed.

WHEREAS, BCM H is a corporation which operates a hospital on real property near to the Property and whereas the Property is visible from such other locations on the real property of BCM H.

WHEREAS, BCM H desires to maintain the natural beauty of the Property and desires to serve the public interest and the interests of BCM H by conveying the Property to the City of Omaha for use in perpetuity as a city park which will be called Clarkson Park.

WHEREAS, BCM H and the City of Omaha desire and intend that the restrictions and covenants contained herein shall run with the land and shall be binding on all parties having or acquiring any right, title or interest in the Property or any part thereof.

NOW, THEREFORE, for good and valuable consideration, the sufficiency and receipt of which are hereby acknowledged by BCM H and the City of Omaha, it is agreed that:

1. The Property shall be designated as Clarkson Park and bear that name in perpetuity.
2. The Property shall be developed and maintained as a Public Park and shall be utilized solely as a Public Park.
3. The Property shall be maintained in a manner presently consistent with other city parks.
4. No waste or hazardous waste, as these terms are defined in Neb. Rev. Stat. §81-1502, shall be deposited on the Property.

This Restrictive Covenant is entered into expressly for the benefit of the real property at the following locations:

RETURN: Dwyer, Smith, Gerner (Attn Sam King)
5712 West Dodge Rd. Suite 400
Omaha, NE 68114



- 1.) the Property as herein described;
- 2.) lots 31, 32 and 33, Block 5, Kilby Place Addition to the City of Omaha, Douglas County, Nebraska;
- 3.) lots 1, 2, 3, 4, 12, 13, 14, 15, 19, 20, 22, 23, and 26, Block 5, Briggs Place Addition to the City of Omaha, Douglas County, Nebraska; and
- 4.) all other properties presently owned by Clarkson College or Bishop Clarkson Memorial Hospital, as wholly owned subsidiaries of Clarkson Regional Health Services, which are adjacent to or in close proximity with the Property.

This Restrictive Covenant shall be not construed as just a personal duty upon the City of Omaha, but shall be construed as running with the land, and this Restrictive Covenant is binding upon the City of Omaha, its administrators, successors in interest and assigns.

Bishop Clarkson Memorial Hospital
 Dated: Sept. 29, 1997 [Signature]
 President

The City of Omaha, Nebraska
 Dated: September 12, 1997 [Signature]

STATE OF NEBRASKA)
) ss.
 COUNTY OF DOUGLAS)

On this 12 day of September, 1997, before me, a Notary Public, personally appeared Hal Daub, in his representative capacity as Mayor for the City of Omaha, to me known to be the person named in and who executed the foregoing instrument, and acknowledged that he executed the same as the voluntary act and deed of the City of Omaha.

[Signature]
 Notary Public

My Commission Expires August 31, 2000

STATE OF NEBRASKA)
) ss.
 COUNTY OF DOUGLAS)

On this 29th day of September, 1997, before me, a Notary Public in and for the State of Nebraska, personally appeared Louis W. Burgher, to me personally known to be the President and C.E.O. of Bishop Clarkson Memorial Hospital; and that the said President and C.E.O. as such officer, acknowledged by execution of said instrument to be the



voluntary act and deed of said corporation, by it and by them voluntarily executed.

Betty J. Kucera
Notary Public

My commission expires May 23, 1998

