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By

RICHARD H TAKECA  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NE

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DECLARATION OF EASEMENT  
BY MARRIOTT SENIOR LIVING SERVICES, INC. ("Declarant")

WHEREAS, Declarant is the owner of Lot 1 and Lot 2, Brighton Gardens, an Addition to the City of Omaha, Douglas County, Nebraska as set forth in the Dedication of Plat of Brighton Gardens, filed on December 23, 1997 in Book 2078 at Page 547 among the Deed Records of Douglas County, Nebraska, and

WHEREAS, Declarant intends to sell and convey Lot 2 to a party to be determined by Declarant (the "Beneficiary"), and

WHEREAS, Declarant desires to create and establish a non-exclusive Easement for pedestrian and vehicular access in common with others over and upon Lot 1 for the benefit of Lot 2, as shown and described in Exhibit A, annexed hereto and made a part hereof (the "Easement"),

NOW, THEREFORE, Declarant hereby declares, gives, grants and conveys the Easement subject to the following terms and conditions:

(1) Beneficiary, at its sole cost and expense, may construct and maintain a roadway over and upon the Easement connecting the existing roadway located thereon with Lot 2, provided that such construction and maintenance:

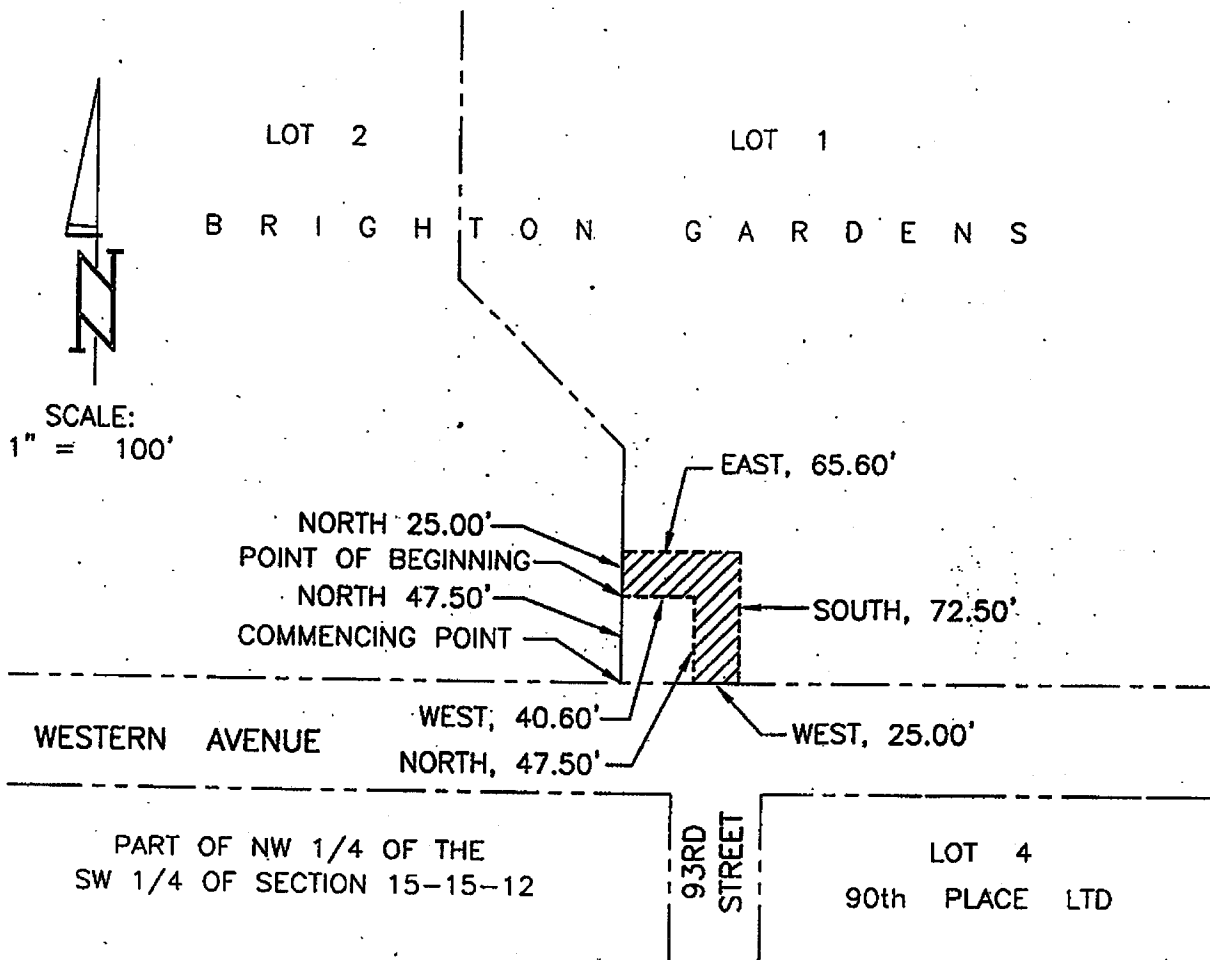
- (a) shall not unreasonably obstruct or interfere with the use and maintenance of the existing roadway;
- (b) shall be completed using materials and design standards which equal or exceed those used in the existing roadway;
- (c) shall be constructed and maintained in accordance with all applicable governmental rules, ordinances and regulations;
- (d) shall be completed in a good and workmanlike manner with any damage caused by such work restored, including the provision of landscaping consistent with the existing roadway area.

(2) No construction shall be commenced until the Beneficiary (a) obtains the written approval of the Declarant to a plan or plans describing the work to be performed, which approval shall not be unreasonably withheld or delayed; and (b) posts a bond or letter of credit for the full costs of the work to be performed, with the Declarant named as a beneficiary of such bond or letter of credit.

(3) Beneficiary shall utilize the Easement in a manner designed to minimize interference with Declarant's use of its property. Beneficiary's manner of use of the Easement shall take into consideration the safety and convenience of the residents, guests and invitees of the assisted living facility located on Lot 1, and shall not bring any large vehicles or heavy equipment through, across or within the Easement without the prior consent of the Declarant.



EXHIBIT A



LEGAL DESCRIPTION

THAT PART OF LOT 1, BRIGHTON GARDENS, A SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: COMMENCING AT THE SW CORNER OF SAID LOT 1;

THENCE NORTH (ASSUMED BEARING) 47.50 FEET ON THE WEST LINE OF SAID LOT 1 TO THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 25.00 FEET ON THE WEST LINE OF SAID LOT 1;

THENCE EAST 65.60 FEET;

THENCE SOUTH 72.50 FEET TO THE SOUTH LINE OF SAID LOT 1;

THENCE WEST 25.00 FEET ON THE SOUTH LINE OF SAID LOT 1;

THENCE NORTH 47.50 FEET;

THENCE WEST 40.60 FEET TO THE POINT OF BEGINNING.