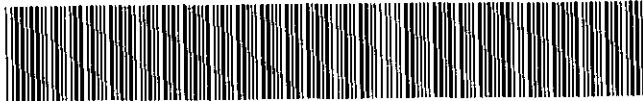


MISC 2004062134



MAY 14 2004 10:05 P 24

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 FEB \_\_\_\_\_ FB See Attachment  
 APR 24 BKP \_\_\_\_\_ C/O \_\_\_\_\_ COMP MB  
 MAY 15 DEL \_\_\_\_\_ SCAN \_\_\_\_\_ FV \_\_\_\_\_

Received - RICHARD TAKECHI  
 Register of Deeds, Douglas County, NE  
 5/14/2004 10:05:12.53



2004062134

RECORDING REQUESTED BY  
 AND WHEN RECORDED MAIL TO:  
 168th AND DODGE, L.P.  
 c/o RED Development  
 4717 Central  
 Kansas City, MO 64112  
 Attention: Dan Lowe

**FIRST AMENDMENT OF  
 DECLARATION OF RECIPROCAL EASEMENTS,  
 COVENANTS AND RESTRICTIONS**

THIS FIRST AMENDMENT OF DECLARATION OF RECIPROCAL EASEMENTS, COVENANTS AND RESTRICTIONS (hereafter, the "**Amendment**") is made as of the 10 day of May, 2004, by 168th AND DODGE, L.P., a Nebraska limited partnership, (hereafter, the "**Developer**"), having a mailing address of c/o RED Development, 4717 Central, Kansas City, MO 64112.

**WITNESSETH:**

**WHEREAS**, Developer and Scheels All Sports, Inc., a North Dakota corporation ("**Scheels**"), previously entered into a Declaration of Reciprocal Easements, Covenants and Restrictions dated June 23, 2003 and recorded on July 2, 2003 as Document No. 2003128568 (the "**ECR**"). The parties simultaneously executed the Supplemental Agreement referred to in the ECR, recorded on July 2, 2003 as Document No. 2003128564. The easements, restrictions and covenants contained therein remain in full force and effect with regard to the rights and obligations as to Developer, Scheels and any subsequent owner thereof. Except as otherwise specifically provided herein, any initial capitalized term used in this Amendment which is defined in the ECR shall have the meaning set forth in the ECR; and

**WHEREAS**, Developer has exercised its right to add land to, adjust and redefine portions of the Shopping Center and has replatted Lots 6, 7, 9 and 10 of Village Pointe Subdivision which right is expressly provided in the ECR and may be without the joinder of any party thereto; and

Return to:  
 The Katz Law Firm  
 Melissa Goodson  
 6299 Nall Avenue, #210  
 Shawnee Mission, KS 66202

WHEREAS, Developer now desires to amend the ECR to reflect the new legal description of the Shopping Center and as set forth hereinbelow.

NOW, THEREFORE, Developer declares:

1. **Location of Lots/Subdivision.** Pursuant to Section 11 of the REA, Developer has exercised its right to add additional land to the Developer Property within the Shopping Center without the joinder of any party and adjust and redefine the location of various lots within the Developer Property. Village Pointe Replat One recorded on August 29, 2003 as Document No. 2003164160, subdivided Lot 10 into three (3) separate parcels, (Lot 10A, 10B and 10C as shown on Schedule 1 attached hereto). Village Pointe Replat Two recorded on March 19, 2004 as Document No. 2004035111, incorporated approximately 1.54 acres of additional land and reconfigured Lots 6, 7 and 9 into four (4) separate parcels, (OP-2 through OP-4 and Lot 3 Replat Two, as shown on Schedule 2 attached hereto and as shown in replaced Exhibit B). Developer hereby deletes REA Exhibits A, B, G and H in their entirety and replaces same with the Exhibits A, B, G and H attached hereto to correctly reflect the legal description, lot configuration and Site Plan of the Affected Real Property.

2. **Outparcels.** The definition of "Outparcels" contained in Section 5.1 of the ECR is hereby deleted and replaced with the following:

"Lot 1 and OP-2 through OP-4, inclusive, as shown on Exhibit B attached hereto (hereafter, the "Outparcels")... "

3. **Development of OP-2 through OP-4.** Sections 4.3.1 and 4.3.2 shall be amended as follows:

3.1. The first sentence of Section 4.3.1 shall apply to OP-2 through OP-4 and all buildings on OP-2 through OP-4 shall be single one story structures unless otherwise approved by Developer.

3.2. Unless otherwise approved by Developer, which approval shall be in Developer's sole discretion without joinder of any other party, (1) any buildings to be constructed on OP-2 through OP-4 shall not exceed the total square feet in size as hereinafter detailed, and (2) shall have the following minimum number of parking spaces, which parking spaces shall be of a size and nature in compliance with all governmental requirements.

	Maximum Building Sq. Ft.	Minimum Parking Spaces
OP-2	10,000	120
OP-3	8,000	75
OP-4	8,000	80

4. **Computation of Assessment as to OP-2 through OP-4.** The computation of Assessment with regard to Lots 6 and 9 contained in Section 5.4 is hereby deleted and replaced with the following:

As to OP-2 through OP-4:

OP-2	2.10 %
OP-3	1.60 %
OP-4	1.73 %

5. **Confirmation of REA.** Except as expressly modified by this Amendment, all of the terms and provisions of the ECR shall remain unmodified and the ECR is in full force and effect.

**Exhibit A.....LEGAL DESCRIPTION OF AFFECTED REAL PROPERTY**

**Exhibit B.....SITE PLAN**

**Exhibit G.....PERIMETER LANDSCAPING AREA**

**Exhibit H.....PERIMETER ROADS AND ACCESS WAYS**

IN WITNESS WHEREOF, the undersigned has executed this Amendment of ECR the day and year first written above.

DEVELOPER:

168th AND DODGE, L.P., a Nebraska limited partnership

By: RED DEVELOPMENT OF WEST DODGE, LLC, a Missouri limited liability company, its General Partner

By: E&R Holdings, LLC, an Arizona limited liability company, Manager

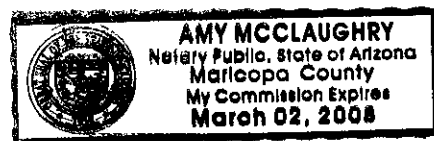
By: Michael L. Ebert  
Michael L. Ebert, Manager

STATE OF ARIZONA        )  
  ) ss.  
COUNTY OF MARICOPA    )

On May 10<sup>th</sup>, 2004, before me, Amy McLaughry, a Notary Public in and for said state, personally appeared Michael L. Ebert, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Amy McLaughry  
Notary Public in and for said State



**SCHEDULE 1**

Replat One Village Pointe recorded on August 29, 2003  
as Document No. 2003164160,  
subdivided Lot 10 into three (3) separate parcels



DEED 2003164160



AUG 29 2003 13:49 P 7

Nebr Doc  
Stamp Tax  
8-29-03  
Date  
\$ EX 4  
RJB

RICHARD N TAKECHI  
REGISTER OF DEEDS  
POLK COUNTY, NE

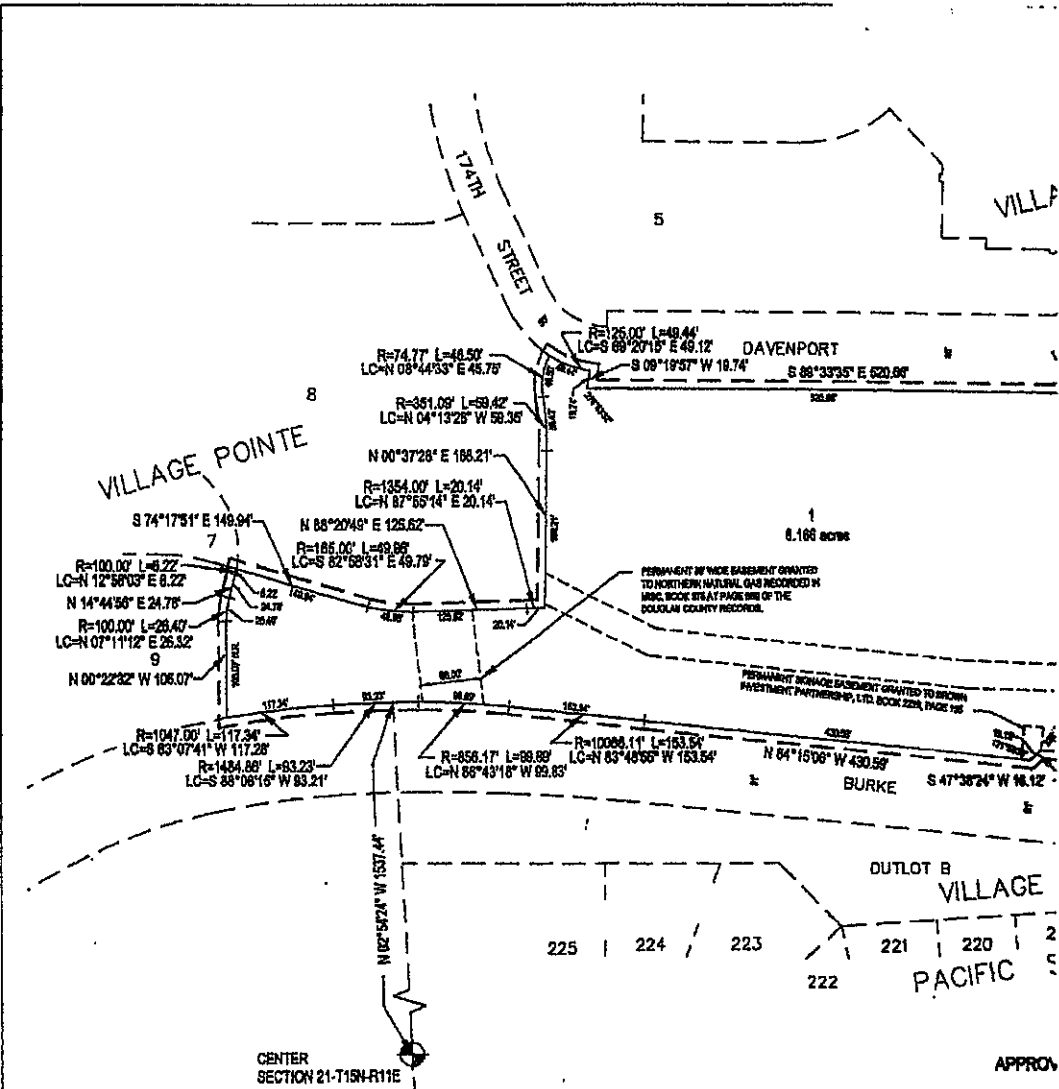
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*Deed*  
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B 7 BKP \_\_\_\_\_ C/O \_\_\_\_\_ COMP \_\_\_\_\_  
4 DEL \_\_\_\_\_ SCAN \_\_\_\_\_ FV \_\_\_\_\_

Temp. 12.4.01

EAC



**NOTES:**

1. ALL ANGLES ARE 90° UNLESS OTHERWISE NOTED.
2. ALL LOTS LINES ARE RADIAL TO CURVED STREETS UNLESS SHOWN AS (N.R.).
3. ALL DIMENSIONS AND ANGLES SHOWN WITH PARENTHESES ARE FOR THE LOCATION OF EASEMENTS.
4. A PERMANENT RECIPROCAL INGRESS AND EGRESS, PARKING AND PEDESTRIAN EASEMENT IS GRANTED TO THE OWNERS OF LOTS 1 THRU 3 INCLUSIVE, VILLAGE POINTE REPLAT ONE, THEIR GUESTS AND INVITEES OVER ALL OF SAID LOTS 1 THRU 3 INCLUSIVE, VILLAGE POINTE REPLAT ONE, EXCEPT THOSE PARTS OF SAID LOTS 1 THRU 3 INCLUSIVE, VILLAGE POINTE REPLAT ONE, WHICH ARE OCCUPIED BY BUILDINGS AS CONSTRUCTED; AND SAID EASEMENT HAS ALSO BEEN GRANTED TO THE OWNERS OF ALL LOTS REMAINING IN VILLAGE POINTE, AS RECORDED IN BOOK 2239, PAGE 155, OVER ALL OF SAID LOTS 1 THRU 3 INCLUSIVE, VILLAGE POINTE REPLAT ONE, EXCEPT THOSE PARTS OF SAID LOTS 1 THRU 3 INCLUSIVE, VILLAGE POINTE REPLAT ONE, WHICH ARE OCCUPIED BY BUILDINGS AS CONSTRUCTED.

APPROV

This plat compiler: Home Pl. thirty (30)

*[Signature]*  
CITY PL.

COUNTY

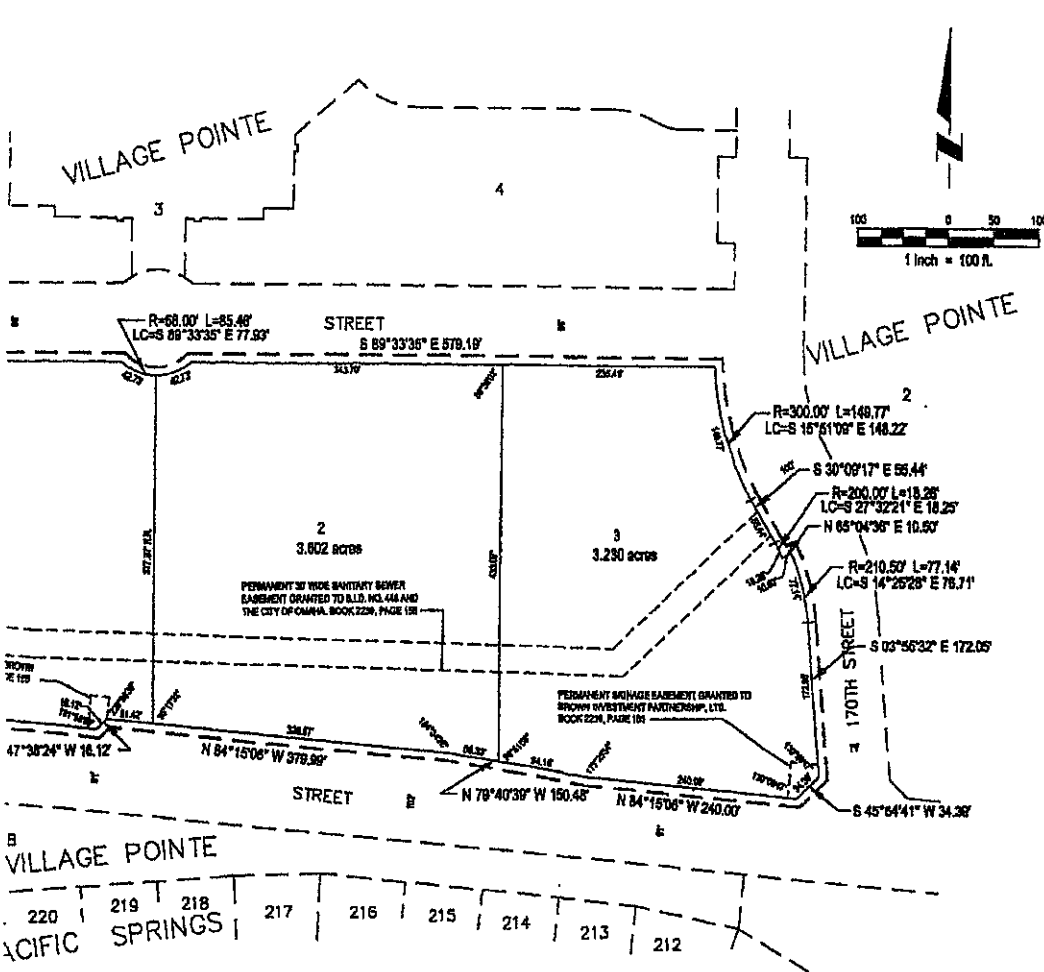
This is to property records

*[Signature]*  
COUNTY

ACK

STATE COUNTY

APPROVAL OF CITY ENGINEER OF OMAHA



**APPROVAL OF OMAHA CITY PLANNING DIRECTOR**

This plat of VILLAGE POINTE REPLAT ONE was approved as a subdivision of VILLAGE POINTE in compliance with Section 53-10 (3), Omaha Municipal Code, with plat requirements waived per Section 7.06, Home Rule Charter of the City of Omaha. This minor subdivision plat is void if this plat is not recorded within thirty (30) days of the date of the Planning Director's signature

*[Signature]*  
 CITY PLANNING DIRECTOR      8/8/02  
 DATE

**COUNTY TREASURER'S CERTIFICATE**

This is to certify that I find no regular or special taxes due or delinquent against the property described in the Surveyor's Certificate and plat shown in this plat as shown by the records of this office.

*[Signature]*  
 COUNTY TREASURER      5576-03



**ACKNOWLEDGEMENT OF NOTARY**

STATE OF ARIZONA  
 COUNTY OF Maricopa )



# VILLAGE POINTE REPLAT ONE

LOTS 1 THRU 3, INCLUSIVE

Being a replat of Lot 10, Village Pointe, a subdivision located in the North 1/2 of Section 21, Township 15 North, Range 11 East of the 6th P.M., Douglas County, Nebraska.

## SURVEYOR'S CERTIFICATE

I hereby certify that I have made a ground survey of the subdivision described herein and that permanent monuments have been placed on the boundary of the within plat and at all corners of all lots, streets, angle points and ends of all curves in VILLAGE POINTE REPLAT ONE (lots numbered as shown) being a replat of all of Lot 10, Village Pointe, a subdivision located in the North 1/2 of Section 21, Township 15 North, Range 11 East of the 6th P.M., Douglas County, Nebraska.

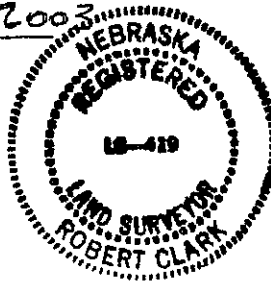
Said tract of land contains an area of 12.998 acres, more or less.

*Robert Clark*

Robert Clark, LS-419

MAY 16, 2003

Date



## DEDICATION

Know all men by these presents that we, 168th & Dodge, LP, a Nebraska limited liability company, Owners of the property described in the Certification of Survey and embraced within the plat, have caused said land to be subdivided into lots and streets to be numbered and named as shown, said subdivision to be hereafter known as VILLAGE POINTE REPLAT ONE (lots numbered as shown), and we do hereby ratify and approve of the disposition of our property as shown on the plat, and we do hereby dedicate to the public for public use the streets, avenues and circles, and we do hereby grant easements as shown on this plat, we do further grant a perpetual easement to the Omaha Public Power District, Qwest and any company which has been granted a franchise to provide a cable television system in the area to be subdivided, their successors and assigns, to erect, operate, maintain, repair and renew poles, wires, cables, conduits and other related facilities, and to extend thereon wires or cables for the carrying and transmission of electric current for light, heat and power and for the transmission of signals and sounds of all kinds including signals provided by a cable television system, and the reception on, over, through, under and across a five-foot (5) wide strip of land abutting all front and side boundary lot lines; an eight-foot (8) wide strip of land abutting the rear boundary lines of all interior lots and a sixteen-foot (16) wide strip of land abutting the rear boundary lines of all exterior lots. The term exterior lots is herein defined as those lots forming the outer perimeter of the above-described addition. Said sixteen-foot (16) wide easement will be reduced to an eight-foot (8) wide strip when the adjacent land is surveyed, platted and recorded and we do further grant a perpetual easement to Metropolitan Utilities District, their successors and assigns, to erect, install, operate, maintain, repair and renew pipelines, hydrants and other related facilities, and to extend thereon pipes for the transmission of gas and water on, through, under and across a five-foot (5) wide strip of land abutting all cut-de-sac streets. No permanent buildings or retaining walls shall be placed in the said easement ways, but the same may be used for gardens, shrubs, landscaping and other purposes that do not then or later interfere with the aforesaid uses or rights herein granted.

In witness whereof, we do set our hands.

168TH AND DODGE, L.P.  
a Nebraska limited partnership

By: RED DEVELOPMENT OF WEST DODGE,

E&A CONSULTING GROUP, INC.  
ENGINEERS • PLANNERS • SURVEYORS



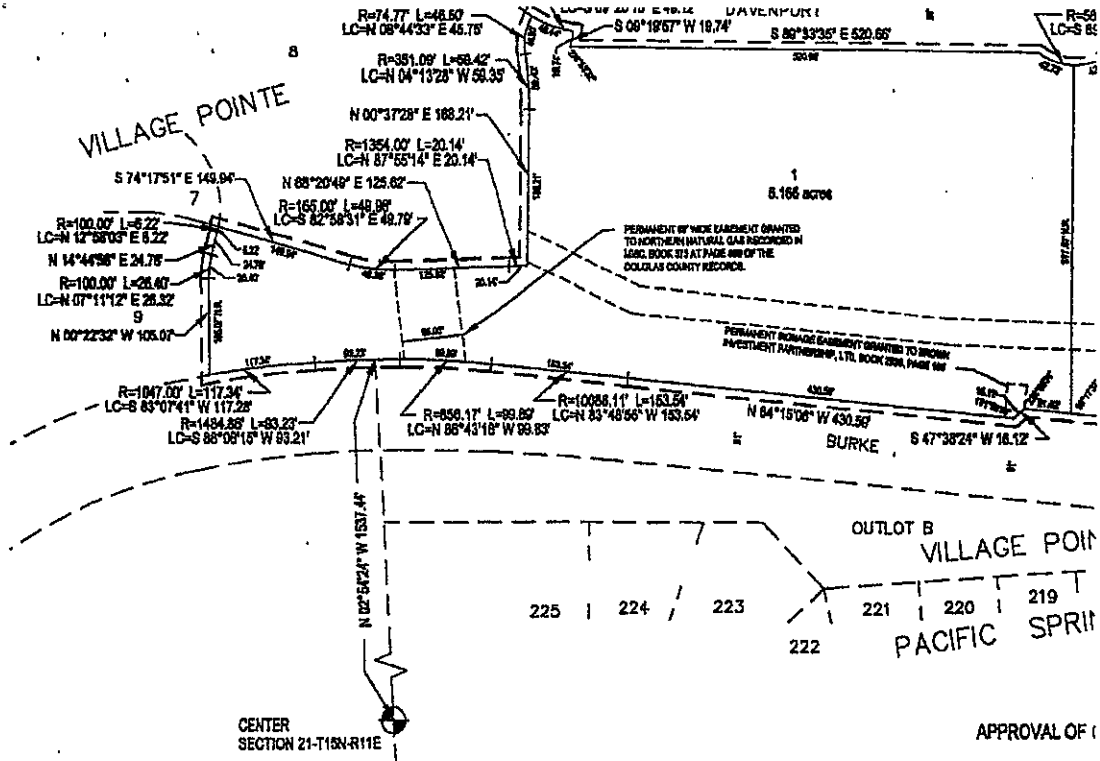
7100 SOUTH 20TH STREET, SUITE 10  
LINCOLN, NE 68518-8841  
PHONE: (402) 439-7217  
FAX: (402) 439-7216

1201 O STREET  
OMAHA, NE 68137  
PHONE: (402) 393-4700  
FAX: (402) 393-5569

VILLAGE POINTE REPLAT ONE

OMAHA, NEBRASKA

MINOR PLAT



**NOTES:**

1. ALL ANGLES ARE 90° UNLESS OTHERWISE NOTED.
2. ALL LOTS LINES ARE RADIAL TO CURVED STREETS UNLESS SHOWN AS (N.R.).
3. ALL DIMENSIONS AND ANGLES SHOWN WITH PARENTHESES ARE FOR THE LOCATION OF EASEMENTS.
4. A PERMANENT RECIPROCAL INGRESS AND EGRESS, PARKING AND PEDESTRIAN EASEMENT IS GRANTED TO THE OWNERS OF LOTS 1 THRU 3 INCLUSIVE, VILLAGE POINTE REPLAT ONE, THEIR GUESTS AND INVITEES OVER ALL OF SAID LOTS 1 THRU 3 INCLUSIVE, VILLAGE POINTE REPLAT ONE, EXCEPT THOSE PARTS OF SAID LOTS 1 THRU 3 INCLUSIVE, VILLAGE POINTE REPLAT ONE, WHICH ARE OCCUPIED BY BUILDINGS AS CONSTRUCTED; AND SAID EASEMENT HAS ALSO BEEN GRANTED TO THE OWNERS OF ALL LOTS REMAINING IN VILLAGE POINTE, AS RECORDED IN BOOK 2239, PAGE 155, OVER ALL OF SAID LOTS 1 THRU 3 INCLUSIVE, VILLAGE POINTE REPLAT ONE, EXCEPT THOSE PARTS OF SAID LOTS 1 THRU 3 INCLUSIVE, VILLAGE POINTE REPLAT ONE, WHICH ARE OCCUPIED BY BUILDINGS AS CONSTRUCTED.

APPROVAL OF CITY ENGINEER OF OMAHA

I hereby certify that adequate provisions have been made for compliance with Chapter 53 of the Omaha Municipal Code.

*Henry Kierogger* 6.9.3  
 CITY ENGINEER

APPROVAL OF (

This plat of VILLAGE POINTE complies with Home Rule Chart thirty (30) days of

*[Signature]*  
 CITY PLANNING

COUNTY TREAS

This is to certify if property described records of this of

*[Signature]*  
 COUNTY TREAS

ACKNOWLEDG

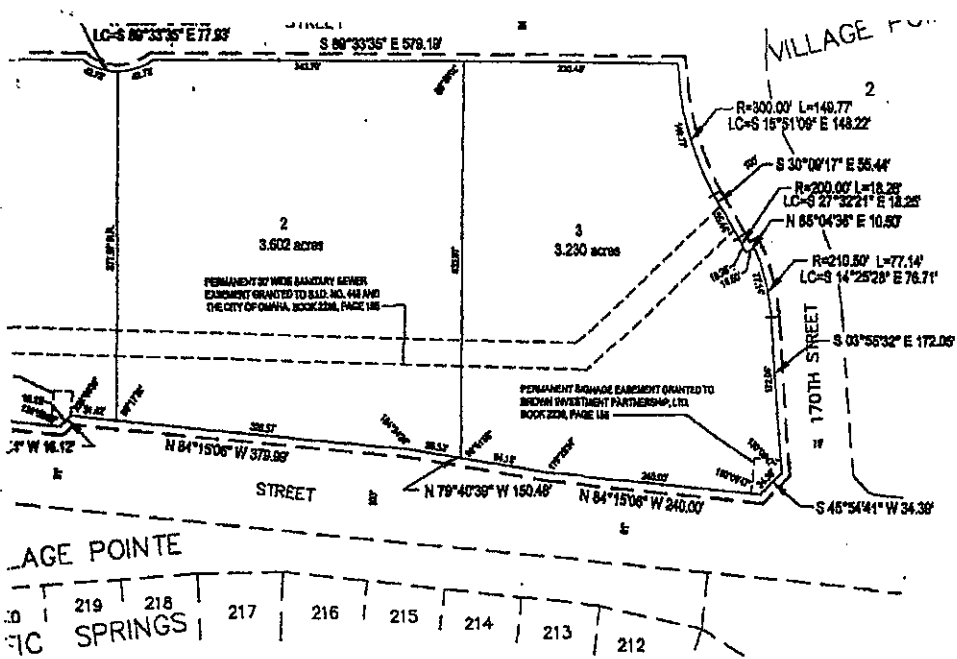
STATE OF ARIZONA  
 COUNTY OF P

On this 9th day of personally appeared person whose name and deed as set

WITNESS my hand

*[Signature]*  
 Notary Public

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**APPROVAL OF OMAHA CITY PLANNING DIRECTOR**

This plat of VILLAGE POINTE REPLAT ONE was approved as a subdivision of VILLAGE POINTE in compliance with Section 53-10 (3), Omaha Municipal Code, with plat requirements waived per Section 7.08, Home Rule Charter of the City of Omaha. This minor subdivision plat is void if this plat is not recorded within thirty (30) days of the date of the Planning Director's signature

*[Signature]* 8/8/02  
CITY PLANNING DIRECTOR DATE

**COUNTY TREASURER'S CERTIFICATE**

This is to certify that I find no regular or special taxes due or delinquent against the property described in the Surveyor's Certificate and plat shown in this plat as shown by the records of this office.

*[Signature]* 5-16-03  
COUNTY TREASURER



**ACKNOWLEDGEMENT OF NOTARY**

STATE OF ARIZONA  
COUNTY OF Maricopa )

On this 9<sup>th</sup> day of May, 2003, before me, the undersigned, a Notary Public in and for said county, personally came Michael L. Ebert, Manager, 168TH & DODGE, LP, who is personally known to be the identical person whose name is affixed to the Dedication on this plat and acknowledged the same to be his voluntary act and deed as such officer of said limited partnership.

WITNESS my hand and Notarial Seal the day and year last above written.

*[Signature]*  
Notary Public



copy of all of Lot 10, Village Pointe, a subdivision located in the North 1/2 of Section 21, Township 15 North, Range 11 East of the 6th P.M., Douglas County, Nebraska.

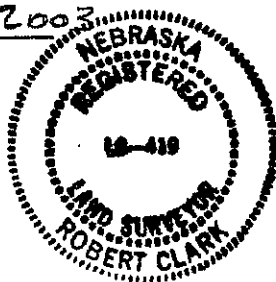
Said tract of land contains an area of 12.986 acres, more or less.

*Robert Clark*

Robert Clark, LS-419

MAY 16, 2003

Date



**DEDICATION**

Know all men by these presents that we, 188th & Dodge, LP, a Nebraska limited liability company, Owners of the property described in the Certification of Survey and embraced within the plat, have caused said land to be subdivided into lots and streets to be numbered and named as shown, said subdivision to be hereafter known as VILLAGE POINTE REPLAT ONE (lots numbered as shown), and we do hereby ratify and approve of the disposition of our property as shown on the plat, and we do hereby dedicate to the public for public use the streets, avenues and circles, and we do hereby grant easements as shown on this plat, we do further grant a perpetual easement to the Omaha Public Power District, Qwest and any company which has been granted a franchise to provide a cable television system in the area to be subdivided, their successors and assigns, to erect, operate, maintain, repair and renew poles, wires, cables, conduits and other related facilities, and to extend thereon wires or cables for the carrying and transmission of electric current for light, heat and power and for the transmission of signals and sounds of all kinds including signals provided by a cable television system, and the reception on, over, through, under and across a five-foot (5') wide strip of land abutting all front and side boundary lot lines; an eight-foot (8') wide strip of land abutting the rear boundary lines of all interior lots and a sixteen-foot (16') wide strip of land abutting the rear boundary lines of all exterior lots. The term exterior lots is herein defined as those lots forming the outer perimeter of the above-described addition. Said sixteen-foot (16') wide easement will be reduced to an eight-foot (8') wide strip when the adjacent land is surveyed, platted and recorded and we do further grant a perpetual easement to Metropolitan Utilities District, their successors and assigns, to erect, install, operate, maintain, repair and renew pipelines, hydrants and other related facilities, and to extend thereon pipes for the transmission of gas and water on, through, under and across a five-foot (5') wide strip of land abutting all cul-de-sac streets. No permanent buildings or retaining walls shall be placed in the said easement ways, but the same may be used for gardens, shrubs, landscaping and other purposes that do not then or later interfere with the aforesaid uses or rights herein granted.

In witness whereof, we do set our hands.

188TH AND DODGE, L.P.  
a Nebraska limited partnership

By: RED DEVELOPMENT OF WEST DODGE, LLC, a Missouri limited liability company, its General Partner

By: E&R Holdings, LLC, an Arizona limited liability company, Manager

By: *Michael L. Ebert*  
Michael L. Ebert, Manager

E&A CONSULTING ENGINEERS



2001 G STREET  
OMAHA, NE 68107  
PHONE: (402) 946-4700  
FAX: (402) 946-3200

VILLAGE POINTE REPLAT ONE  
OMAHA, NEBRASKA

MINOR PLAT

Proj. No.	2001221.07	Revision	
Date	04/25/2003	Date	
Designed By	LDW		
Drawn By	LDD		
Scale	1" = 10'	Sheet	1 of 1

## **SCHEDULE 2**

Replat Two Village Pointe recorded on March 19, 2004  
as Document No. 2004035111, incorporated approximately  
1.54 acres of additional land, and  
reconfigured Lots 6, 7 and 9, Village Point Subdivision into four (4) separate parcels



DEED 2004035111



MAR 19 2004 12:13 P 7

Pay Due
Stamp Tax
3-19-04
Date
\$ 20.04
By <i>[Signature]</i>

*NENW  
NENE*

Received - RICHARD TAKECHI  
Register of Deeds, Douglas County, NE  
3/19/2004 12:13:47 PM



2004035111

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*Deed* 39.50 *New DC-40344*  
 FEE *44.50* *DC 40328*  
 BKP *215-11* CIO \_\_\_\_\_ COMP *[Signature]*  
 DEL \_\_\_\_\_ SCAN \_\_\_\_\_ FV *[Signature]*

Temp 12.401

RETURN: *Doris Walter*  
*E&A Consulting Group*  
*12001 Q Street*  
*Omaha, NE 68137*  
*402-895-4700*

*15144*

NORTHWEST CORNER  
SECTION 21-T15N-R11E

N 1/4 CORNER  
SECTION 21-T15N-R11E

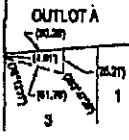
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WEST DODGE ROAD

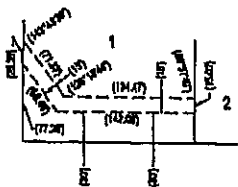
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SECTION 21-T15N-R11E

N 67°05'39" E 696.13'

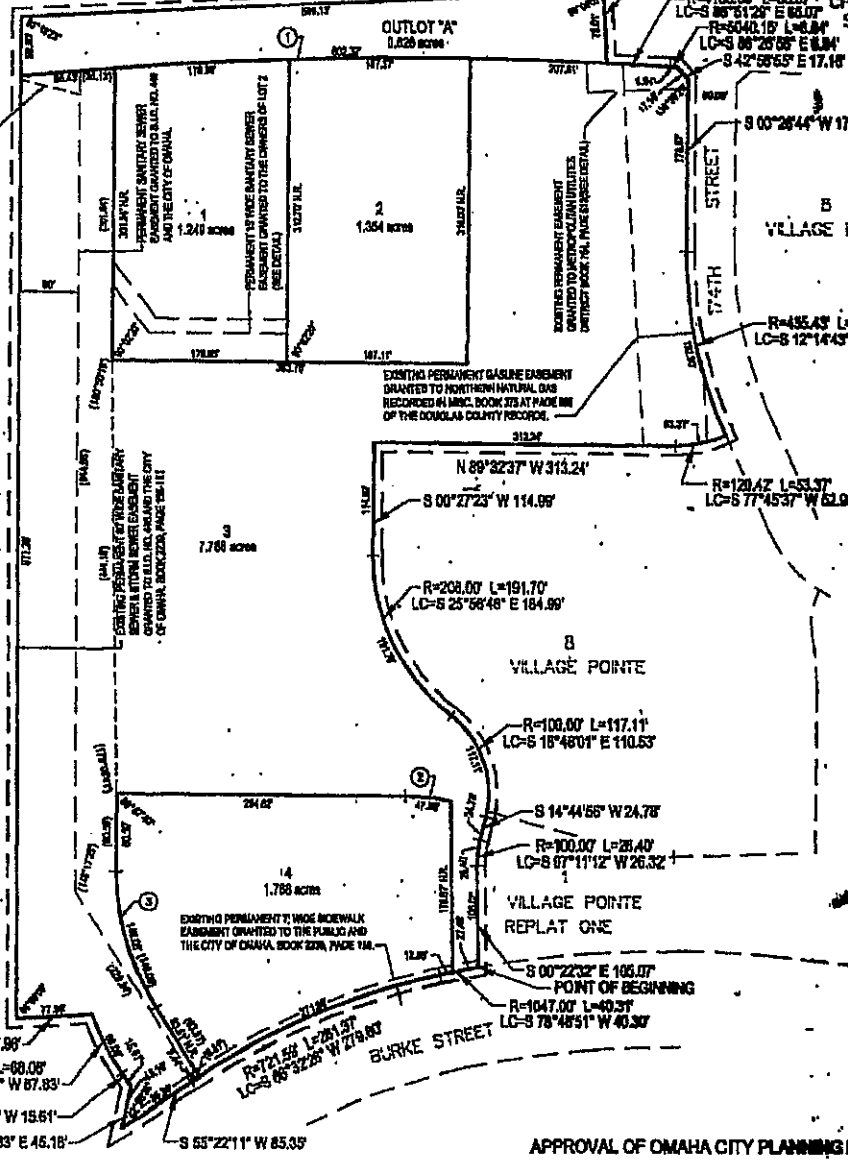
S 02°54'24" E 75.01'



**DETAIL**  
PERMANENT SANITARY SEWER  
& STORM SEWER EASEMENT  
GRANTED TO S.D. NO. 48 AND  
THE CITY OF OMAHA.



**DETAIL**  
PERMANENT SANITARY SEWER  
EASEMENT GRANTED TO THE  
OWNERS OF LOT 2



**NOTES:**

1. ALL ANGLES ARE 90° UNLESS OTHERWISE NOTED.
2. ALL LOTS LINES ARE RADIAL TO CURVED STREETS UNLESS SHOWN AS (N.R.).
3. ALL DIMENSIONS AND ANGLES SHOWN WITH PARENTHESES ARE FOR THE LOCATION OF EASEMENTS.
4. A PERMANENT RECIPROCAL INGRESS AND EGRESS, PARKING AND PEDESTRIAN EASEMENT IS GRANTED TO THE OWNERS OF LOTS 1 THRU 4 INCLUSIVE, VILLAGE POINTE REPLAT TWO, THEIR GUESTS AND INVITEES OVER ALL OF SAID LOTS 1 THRU 4 INCLUSIVE, VILLAGE POINTE REPLAT TWO, EXCEPT THOSE PARTS OF SAID LOTS 1 THRU 4 INCLUSIVE VILLAGE POINTE REPLAT TWO WHICH ARE OCCUPIED BY

**APPROVAL OF OMAHA CITY PLANNING DEPARTMENT**

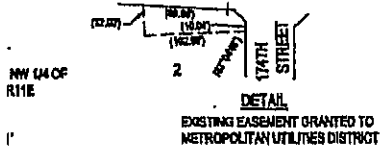
This plat of VILLAGE POINTE REPLAT TWO, VILLAGE POINTE in compliance with Section 21-253, plat requirements waived per Section 7.06. This minor subdivision plat is void if the date of the Planning Director's signature

*[Signature]*  
CITY PLANNING DIRECTOR

**APPROVAL OF CITY ENGINEER OF OMAHA**

I hereby certify that all records pertaining to this

VILL

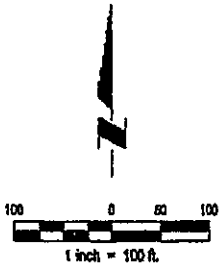


LOT-LINE CURVE TABLE				
CURVE	RADIUS	LENGTH	TANGENT	DELTA
1	4165.09	602.32	301.09	8°17'04"
2	234.88	47.67	23.86	11°38'38"
3	297.50	148.05	75.97	31°42'35"

Being  
Section  
Town

1.07' CHICAGO  
65.07' STREET  
L=8.84'  
R=8.84'  
E 17.16'

544° W 178.67'  
5  
VILLAGE PONTE



435.43' L=192.90'  
112°14'43" E 191.32'

53.37  
17° W 52.93'

SURVEYOR'S CERTIFICATE

I hereby certify that I have made a ground survey of the subdivision described herein and that permanent monuments have been placed on the boundary of the within plat and at all corners of all lots, streets, angle points and ends of all curves in VILLAGE PONTE REPLAT TWO (lots numbered as shown) being a replatting of Lots 6, 7 and 8, Village Pointe, a subdivision located in the North 1/2 of Section 21, and also a platting of part of said North 1/2 of Section 21, all located in Township 15 North, Range 11 East of the 6th P.M., Douglas County, Nebraska, more particularly described as follows:

Beginning at the Southeast corner of said Lot 9, Village Pointe, a subdivision located in said North 1/2 of Section 21, said point also being on the Northerly right-of-way line of Burke Street; thence along the Southerly line of said Lot 9, Village Pointe, said line also being said Northerly right-of-way line of Burke Street on the following described courses; thence Westerly on a curve to the left with a radius of 1047.00 feet, a distance of 40.31 feet, said curve having a long chord which bears S78°48'51"W (assumed bearing), a distance of 40.30 feet; thence Southwesterly on a curve to the left with a radius of 721.69 feet, a distance of 281.37 feet, said curve having a long chord which bears S66°32'26"W, a distance of 279.60 feet; thence S55°22'11"W, a distance of 85.35 feet to the Southwest corner of said Lot 9, Village Pointe; thence along the Westerly line of said Lot 9, Village Pointe on the following described courses; thence N12°26'33"E, a distance of 45.18 feet; thence N34°37'48"W, a distance of 15.81 feet; thence Northwesterly on a curve to the right with a radius of 230.00 feet, a distance of 68.08 feet, said curve having a long chord which bears N28°09'01"W, a distance of 67.83 feet; thence S85°33'12"W, a distance of 77.98 feet to the Southwest corner of said Lot 9, Village Pointe; thence N00°25'03"E along the West line of said Lots 9, 7 and 8, Village Pointe and the Northerly extension thereof, a distance of 1031.08 feet; point on the Southerly right-of-way line of West Dodge Road; thence N67°05'39"E along said Southerly right-of-way line of West Dodge Road, a distance of 598.13 feet to the point of intersection of said Southerly right-of-way line of West Dodge Road and the Northerly right-of-way line of Chicago Street, said point also being on the West line of the NE 1/4 of said Section 21; thence S02°54'24"E along the Westerly right-of-way line of said Chicago Street, said line also being said West line of the NE 1/4 of Section 21, a distance of 75.01 feet to a point on the Northerly line of said Lot 7, Village Pointe, said point also being on the Southerly right-of-way line of Chicago Street; thence along said Northerly line of Lot 7, Village Pointe, said line also being said Southerly right-of-way line of Chicago Street on the following described courses; thence Easterly on a curve to the right with a radius of 4165.09 feet, a distance of 65.07 feet, said curve having a long chord which bears S88°51'29"E, a distance of 65.07 feet; thence Easterly on a curve to the left with a radius of 5040.16 feet, a distance of 6.84 feet, said curve having a long chord which bears S88°28'58"E, a distance of 6.84 feet to the Northeast corner of said Lot 7, Village Pointe, said point also being the point of intersection of said Southerly right-of-way of Chicago Street and the Westerly right-of-way line of 174th Street; thence along the Easterly line of said Lot 7, Village Pointe, said line also being said Westerly right-of-way line of 174th Street on the following described courses; thence S42°58'55"E, a distance of 17.18 feet; thence S00°29'44"E, a distance of 178.67 feet; thence Southeasterly on a curve to the left with a radius of 435.43 feet, a distance of 192.90 feet, said curve having a long chord which bears S12°14'43"E, a distance of 191.32 feet to the Northeast corner of Lot 8, said Village Pointe; thence Westerly along the Northerly line of said Lot 8, Village Pointe, said line also being said Easterly line of Lot 7, Village Pointe on a curve to the right with a radius of 120.42 feet, a distance of 53.37 feet, said curve having a long chord which bears S77°45'37"W, a distance of 52.93 feet; thence N88°32'37"W, along said Northerly line of Lot 8, Village Pointe, said line also being said Easterly line of Lot 7, Village Pointe, a distance of 313.24 feet; thence Southerly along said Easterly line of Lot 7, Village Pointe, and also the Easterly line of said Lot 8, Village Pointe said line also being the Westerly line of said Lot 8, Village Pointe, and also the Westerly line of Lot 1, Village Pointe Replat One, a subdivision located in said North 1/2 of Section 21, on the following described courses; thence S00°27'23"W, a distance of 114.98 feet; thence Southeasterly on a curve to the left with a radius of 208.00 feet, a distance of 191.70 feet, said curve having a long chord which bears S25°55'E, a distance of 184.99 feet; thence Southerly on a curve to the right with a radius of 100.00 feet, a distance of 117.11 feet, said curve having a long chord which bears S18°48'01"E, a distance of 110.53 feet; thence S14°44'56"W, a distance of 24.78 feet; thence Southerly on a curve to the right with a radius of 100.00 feet, a distance of 28.40 feet, said curve having a long chord which bears S07°11'12"W, a distance of 28.32 feet; thence S00°22'32"E, a distance of 105.07 feet to the point of beginning.

PLANNING DIRECTOR

PLAT TWO was approved as a subdivision of with Section 53-10 (3), Omaha Municipal Code, with section 7.08, Home Rule Charter of the City of Omaha. If this plat is not recorded within thirty (30) days of signature

3/17/04  
DATE

OF OMAHA



# VILLAGE POINTE REPLAT TWO

LOTS 1 THRU 4 INCLUSIVE AND OUTLOT "A"

Being a replatting of Lots 6, 7, and 9, Village Pointe, a subdivision located in the North 1/2 of Section 21, and also being a platting of part of said North 1/2 of Section 21, all located in Township 15 North, Range 11 East of the 8th P.M., Douglas County, Nebraska.

## DEDICATION

Know all men by these presents that we, 168TH AND DODGE, LP, a Nebraska limited partnership, Owners of the property described in the Certification of Survey and embraced within the plat, have caused said land to be subdivided into lots and streets to be numbered and named as shown, said subdivision to be hereafter known as VILLAGE POINTE REPLAT TWO (lots numbered as shown), and we do hereby ratify and approve of the disposition of our property as shown on the plat, and we do hereby dedicate to the public for public use the streets, avenues and circles, and we do hereby grant easements as shown on this plat, we do further grant a perpetual easement to the Omaha Public Power District, Qwest and any company which has been granted a franchise to provide a cable television system in the area to be subdivided, their successors and assigns, to erect, operate, maintain, repair and renew poles, wires, cables, conduits and other related facilities, and to extend thereon wires or cables for the carrying and transmission of electric current for light, heat and power and for the transmission of signals and sounds of all kinds including signals provided by a cable television system, and the reception on, over, through, under and across a five-foot (5') wide strip of land abutting all front and side boundary lot lines; an eight-foot (8') wide strip of land abutting the rear boundary lines of all interior lots and a sixteen-foot (16') wide strip of land abutting the rear boundary lines of all exterior lots. The term exterior lots is herein defined as those lots forming the outer perimeter of the above-described addition. Said sixteen-foot (16') wide easement will be reduced to an eight-foot (8') wide strip when the adjacent land is surveyed, platted and recorded and we do further grant a perpetual easement to Metropolitan Utilities District, their successors and assigns, to erect, install, operate, maintain, repair and renew pipelines, hydrants and other related facilities, and to extend thereon pipes for the transmission of gas and water on, through, under and across a five-foot (5') wide strip of land abutting all cul-de-sac streets. No permanent buildings or retaining walls shall be placed in the said easement ways, but the same may be used for gardens, shrubs, landscaping and other purposes that do not then or later interfere with the aforesaid uses or rights herein granted.

In witness whereof, we do set our hands.

168TH AND DODGE, LP,  
a Nebraska limited partnership

By: RED DEVELOPMENT OF WEST DODGE,  
LLC, a Missouri limited liability company,  
its General Partner

By: EAR Holdings, LLC, an Arizona limited  
liability company, Manager

By: Michael L. Ebert  
Michael L. Ebert, Manager

ACKNOWLEDGEMENT OF NOTARY  
STATE OF ARIZONA )  
COUNTY OF MARICOPA )

On this 3rd day of Nov, 2003, before me, the undersigned, a Notary Public in and for said county, personally came Michael L. Ebert, Manager, 168TH AND DODGE, LP who is personally known to be the identical person whose name is affixed to the Dedication on this plat and acknowledged the same to be his voluntary act and deed as such officer of said limited partnership.

WITNESS my hand and Notarial Seal the day and year last above written.

Amy McC  
Notary Public



E&A CONSULTING GROUP, INC.  
ENGINEERS • PLANNERS • SURVEYORS



7130 SOUTH 26TH STREET, SUITE D  
LINCOLN, NE 68516-8841  
PHONE: (402) 438-7217  
FAX: (402) 438-7218

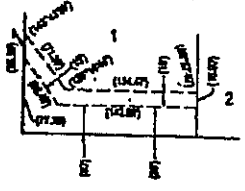
4200 O STREET,  
OMAHA, NE 68131  
PHONE: (402) 464-0000  
FAX: (402) 464-0000

VILLAGE POINTE REPLAT TWO

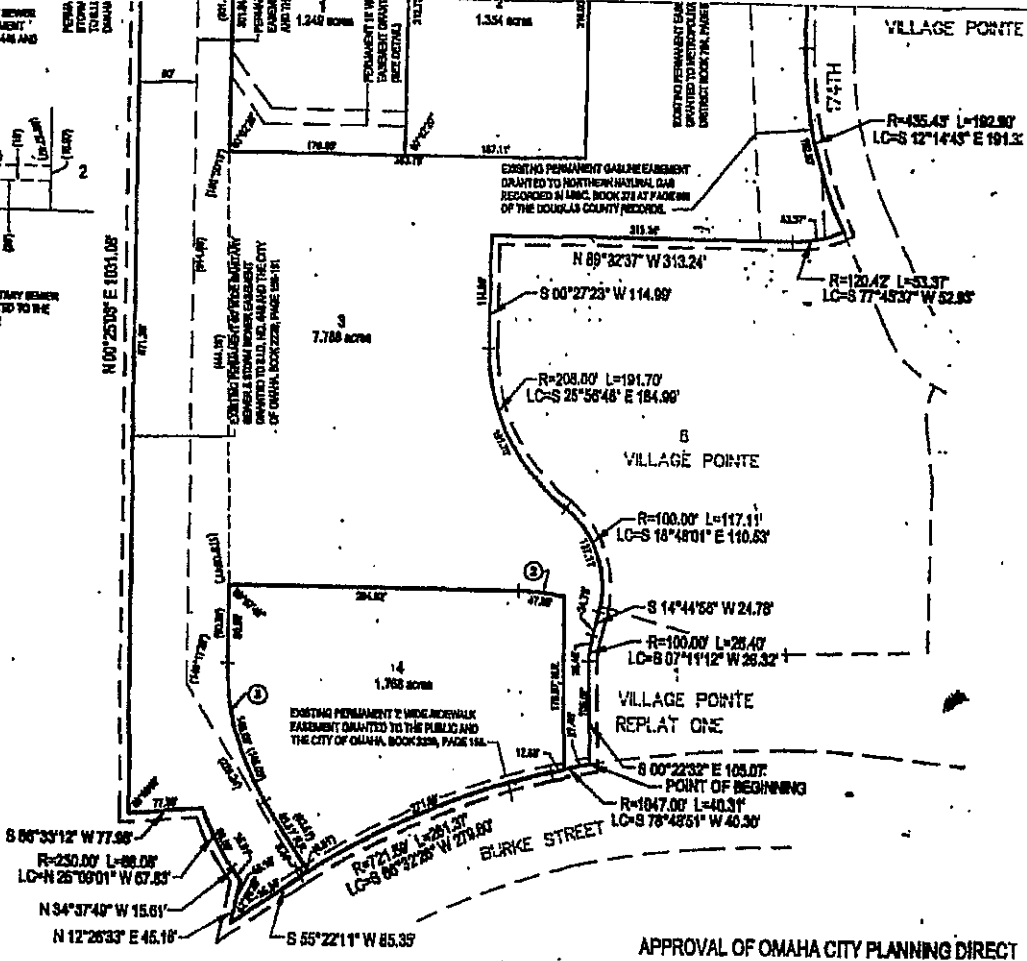
OMAHA, NEBRASKA

MINOR PLAT

PERMANENT SANITARY SEWER & STORM SEWER EASEMENT GRANTED TO S.I.D. NO. 448 AND THE CITY OF OMAHA.



**DETAIL**  
PERMANENT SANITARY SEWER EASEMENT GRANTED TO THE OWNERS OF LOT 2



**NOTES:**

1. ALL ANGLES ARE 90° UNLESS OTHERWISE NOTED.
2. ALL LOTS LINES ARE RADIAL TO CURVED STREETS UNLESS SHOWN AS (N.R.).
3. ALL DIMENSIONS AND ANGLES SHOWN WITH PARENTHESES ARE FOR THE LOCATION OF EASEMENTS.
4. A PERMANENT RECIPROCAL INGRESS AND EGRESS, PARKING AND PEDESTRIAN EASEMENT IS GRANTED TO THE OWNERS OF LOTS 1 THRU 4 INCLUSIVE, VILLAGE POINTE REPLAT TWO, THEIR GUESTS AND INVITEES OVER ALL OF SAID LOTS 1 THRU 4 INCLUSIVE, VILLAGE POINTE REPLAT TWO, EXCEPT THOSE PARTS OF SAID LOTS 1 THRU 4 INCLUSIVE, VILLAGE POINTE REPLAT TWO, WHICH ARE OCCUPIED BY BUILDINGS AS CONSTRUCTED; AND SAID EASEMENT HAS ALSO BEEN GRANTED TO THE OWNERS OF ALL LOTS REMAINING IN VILLAGE POINTE, AS RECORDED IN BOOK 2239, PAGE 155.
6. A PERMANENT INGRESS / EGRESS, SANITARY SEWER, STORM SEWER AND DRAINAGEWAY EASEMENT IS GRANTED TO S.I.D. NO. 448 AND THE CITY OF OMAHA OVER ALL OF OUTLOT "A", VILLAGE POINTE REPLAT TWO.

**APPROVAL OF OMAHA CITY PLANNING DIRECT**

This plat of VILLAGE POINTE REPLAT TWO was VILLAGE POINTE in compliance with Section 53-1 plat requirements waived per Section 7.06, Home This minor subdivision plat is void if this plat is not the date of the Planning Director's signature

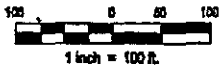
*[Signature]*  
CITY PLANNING DIRECTOR

**APPROVAL OF CITY ENGINEER OF OMAHA**

I hereby certify that adequate provisions have been Chapter 53 of the Omaha Municipal Code.

*for Michael J Mackens*  
CITY ENGINEER DATE

**M4401**



all lots, streets, angle points and ends of all curves in VILLAGE POINTE REPLAT TWO (lots numbered as shown) being a replatting of Lots 6, 7 and 8, Village Pointe, a subdivision located in the North 1/2 of Section 21, and also a platting of part of said North 1/2 of Section 21, all located in Township 15 North, Range 11 East of the 6th P.M., Douglas County, Nebraska, more particularly described as follows:

Beginning at the Southeast corner of said Lot 9, Village Pointe, a subdivision located in said North 1/2 of Section 21, said point also being on the Northerly right-of-way line of Burke Street; thence along the Southerly line of said Lot 9, Village Pointe, said line also being said Northerly right-of-way line of Burke Street on the following described courses; thence Westerly on a curve to the left with a radius of 1047.00 feet, a distance of 40.31 feet, said curve having a long chord which bears S78°49'51"W (assumed bearing), a distance of 40.30 feet; thence Southwesterly on a curve to the left with a radius of 721.59 feet, a distance of 281.37 feet, said curve having a long chord which bears S68°32'28"W, a distance of 279.60 feet; thence S65°22'11"W, a distance of 85.35 feet to the Southwest corner of said Lot 9, Village Pointe; thence along the Westerly line of said Lot 9, Village Pointe on the following described courses; thence N12°26'33"E, a distance of 45.18 feet; thence N34°37'49"W, a distance of 15.61 feet; thence Northwesterly on a curve to the right with a radius of 230.00 feet, a distance of 88.08 feet, said curve having a long chord which bears N28°09'01"W, a distance of 87.83 feet; thence S88°33'12"W, a distance of 77.98 feet to the Southwest corner of said Lot 9, Village Pointe; thence N00°25'03"E along the West line of said Lots 9, 7 and 6, Village Pointe and the Northerly extension thereof, a distance of 1031.08 feet to a point on the Southerly right-of-way line of West Dodge Road; thence N87°05'39"E along said Southerly right-of-way line of West Dodge Road, a distance of 588.13 feet to the point of intersection of said Southerly right-of-way line of West Dodge Road and the Northerly right-of-way line of Chicago Street, said point also being on the West line of the NE 1/4 of said Section 21; thence S02°54'24"E along the Westerly right-of-way line of said Chicago Street, said line also being said West line of the NE 1/4 of Section 21, a distance of 75.01 feet to a point on the Northerly line of said Lot 7, Village Pointe, said point also being on the Southerly right-of-way line of Chicago Street; thence along said Northerly line of Lot 7, Village Pointe, said line also being said Southerly right-of-way line of Chicago Street on the following described courses; thence Easterly on a curve to the right with a radius of 4165.09 feet, a distance of 65.07 feet, said curve having a long chord which bears S86°51'28"E, a distance of 65.07 feet; thence Easterly on a curve to the left with a radius of 5040.15 feet, a distance of 6.84 feet, said curve having a long chord which bears S86°28'58"E, a distance of 6.84 feet to the Northeast corner of said Lot 7, Village Pointe, said point also being the point of intersection of said Southerly right-of-way of Chicago Street and the Westerly right-of-way line of 174th Street; thence along the Easterly line of said Lot 7, Village Pointe, said line also being said Westerly right-of-way line of 174th Street on the following described courses; thence S42°56'55"E, a distance of 17.16 feet; thence S00°20'44"W, a distance of 178.67 feet; thence Southeasterly on a curve to the left with a radius of 435.43 feet, a distance of 192.90 feet, said curve having a long chord which bears S12°14'45"E, a distance of 191.32 feet to the Northeast corner of Lot 8, said Village Pointe; thence Westerly along the Northerly line of said Lot 8, Village Pointe, said line also being said Easterly line of Lot 7, Village Pointe on a curve to the right with a radius of 120.42 feet, a distance of 53.37 feet, said curve having a long chord which bears S77°45'37"W, a distance of 62.83 feet; thence N89°32'37"W along said Northerly line of Lot 8, Village Pointe, said line also being said Easterly line of Lot 7, Village Pointe, a distance of 313.24 feet; thence Southerly along said Easterly line of Lot 7, Village Pointe, and also the Easterly line of said Lot 9, Village Pointe said line also being the Westerly line of said Lot 8, Village Pointe, and also the Westerly line of Lot 1, Village Pointe Replat One, a subdivision located in said North 1/2 of Section 21, on the following described courses; thence S00°27'23"W, a distance of 114.99 feet; thence Southeasterly on a curve to the left with a radius of 208.00 feet, a distance of 191.70 feet, said curve having a long chord which bears S25°56'48"E, a distance of 184.99 feet; thence Southerly on a curve to the right with a radius of 100.00 feet, a distance of 117.11 feet, said curve having a long chord which bears S18°48'01"E, a distance of 110.53 feet; thence S14°44'56"W, a distance of 24.78 feet; thence Southerly on a curve to the left with a radius of 100.00 feet, a distance of 26.40 feet, said curve having a long chord which bears S07°11'12"W, a distance of 26.32 feet; thence S00°22'32"E, a distance of 105.07 feet to the point of beginning.

RECTOR

was approved as a subdivision of 53-10 (3), Omaha Municipal Code, with some Rule Charter of the City of Omaha, and not recorded within thirty (30) days of

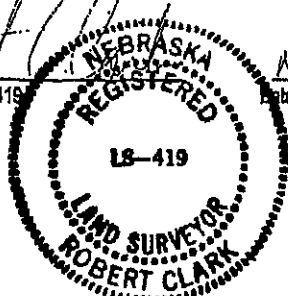
3/17/04  
DATE

been made for compliance with

3/16/04  
DATE

Said tract of land contains an area of 585,706 square feet or 12.987 acres, more or less.

*Robert Clark*  
Robert Clark, LS-419



Nov. 5, 2003

public for public use the streets, avenues and circles, and we do hereby grant easements as shown on this plat, we do further grant a perpetual easement to the Omaha Public Power District, Qwest and any company which has been granted a franchise to provide a cable television system in the area to be subdivided, their successors and assigns, to erect, operate, maintain, repair and renew poles, wires, cables, conduits and other related facilities, and to extend thereon wires or cables for the carrying and transmission of electric current for light, heat and power and for the transmission of signals and sounds of all kinds including signals provided by a cable television system, and the reception on, over, through, under and across a five-foot (5') wide strip of land abutting all front and side boundary lot lines; an eight-foot (8') wide strip of land abutting the rear boundary lines of all interior lots and a sixteen-foot (16') wide strip of land abutting the rear boundary lines of all exterior lots. The term exterior lots is herein defined as those lots forming the outer perimeter of the above-described addition. Said sixteen-foot (16') wide easement will be reduced to an eight-foot (8') wide strip when the adjacent land is surveyed, platted and recorded and we do further grant a perpetual easement to Metropolitan Utilities District, their successors and assigns, to erect, install, operate, maintain, repair and renew pipelines, hydrants and other related facilities, and to extend thereon pipes for the transmission of gas and water on, through, under and across a five-foot (5') wide strip of land abutting all cul-de-sac streets. No permanent buildings or retaining walls shall be placed in the said easement ways, but the same may be used for gardens, shrubs, landscaping and other purposes that do not then or later interfere with the aforesaid uses or rights herein granted.

In witness whereof, we do set our hands.

168TH AND DODGE, L.P.  
a Nebraska limited partnership

By: RED DEVELOPMENT OF WEST DODGE, LLC, a Missouri limited liability company, its General Partner

By: EAR Holdings, LLC, an Arizona limited liability company, Manager

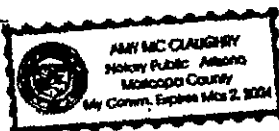
By: Michael L. Ebert  
Michael L. Ebert, Manager

ACKNOWLEDGEMENT OF NOTARY  
STATE OF ARIZONA )  
COUNTY OF MARICOPA )

On this 3rd day of NOV., 2003, before me, the undersigned, a Notary Public in and for said county, personally came Michael L. Ebert, Manager, 168TH AND DODGE, L.P., who is personally known to be the identical person whose name is affixed to the Dedication on this plat and acknowledged the same to be his voluntary act and deed as such officer of said limited partnership.

WITNESS my hand and Notarial Seal the day and year last above written.

Ann McC  
Notary Public

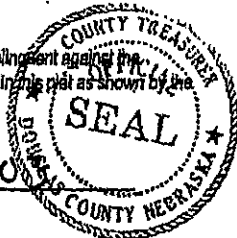


COUNTY TREASURER'S CERTIFICATE

This is to certify that I find no regular or special taxes due or delinquent against the property described in the Surveyor's Certificate and embraced in this plat as shown by the records of this office.

David Parker  
COUNTY TREASURER

11-7-03  
Date



E&A ENG  
**pea**  
1001 Q STREET  
OMAHA, NE 68102  
PHONE: (402) 466-0770  
FAX: (402) 466-0600

VILLAGE POINTE REPLAT TWO

OMAHA, NEBRASKA

MINOR PLAT

Proj No:	2001221.02	Revision:	
Date:	08/1/2003	Date:	
Drawn By:	DDH	Scale:	1" = 10'
Checked By:	LVD	Sheet:	1 of 1

**EXHIBIT A**

**LEGAL DESCRIPTION OF AFFECTED REAL PROPERTY**

Lots 1 through 5, inclusive, and Lot 8, Outlot A and Outlot B, Village Pointe, a subdivision in Douglas County, Nebraska. OC-40328

AND

(formerly Lot 10, Village Pointe)

Lots 1 through 3, inclusive, Replat One Village Pointe, a subdivision in Douglas County, Nebraska. OC-40329

AND

(formerly Lots 6, 7 and 9, Village Pointe)

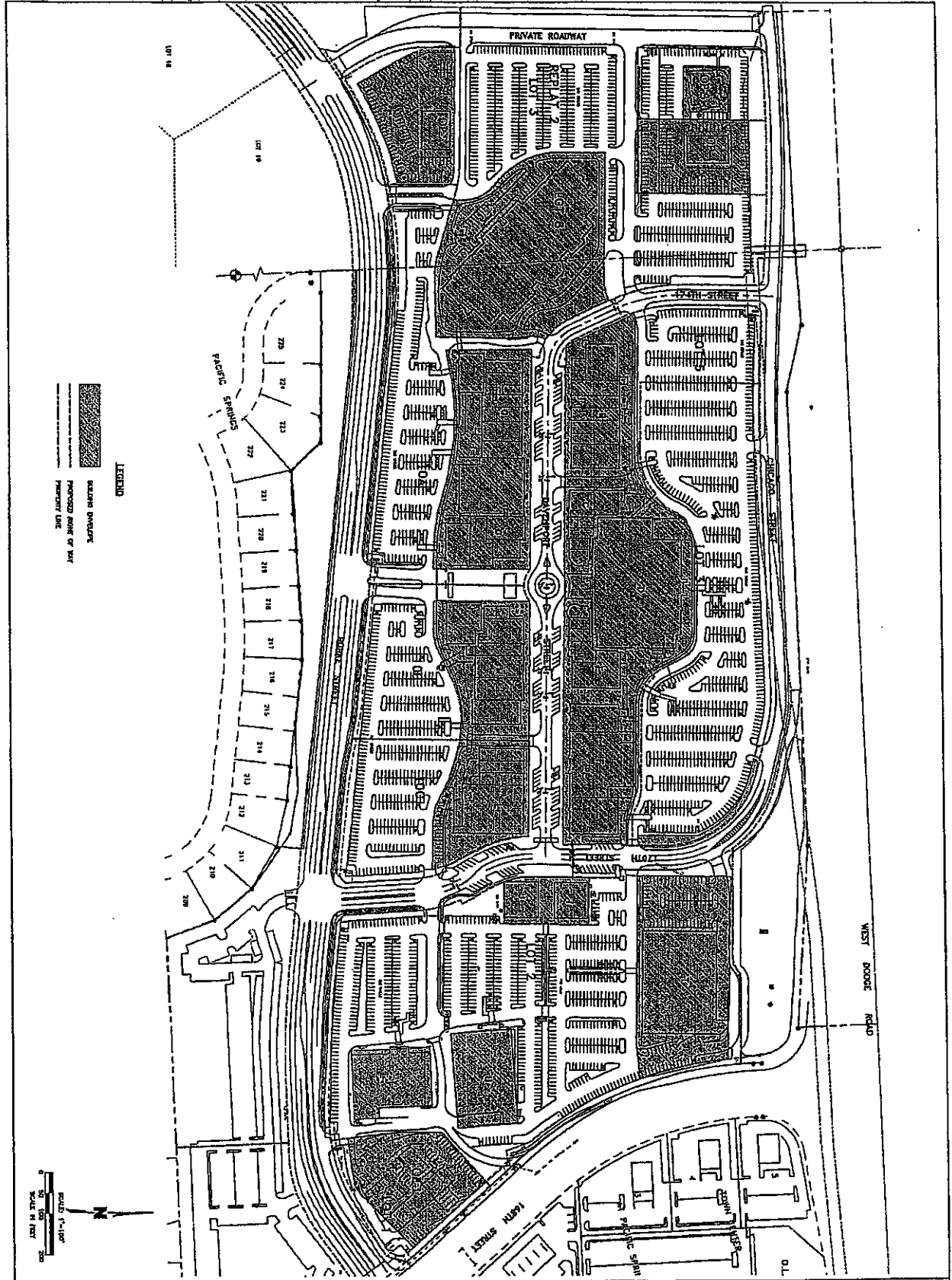
Lots 1 through 4, inclusive, Replat Two Village Pointe, a subdivision in Douglas County, Nebraska. OC-40344

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### SITE PLAN

Reflecting, among other things, Building Envelope Areas,  
Scheels Parking Area, Outlot A (Storm Basin) and Outlot B, OP-1 through OP-4

F:\Projects\20020D42\Utility\dwg\exhibits\SITE EXHIBIT5-3-04.dwg 05/03/04 02:03:41 PM CDT



**LEGEND**

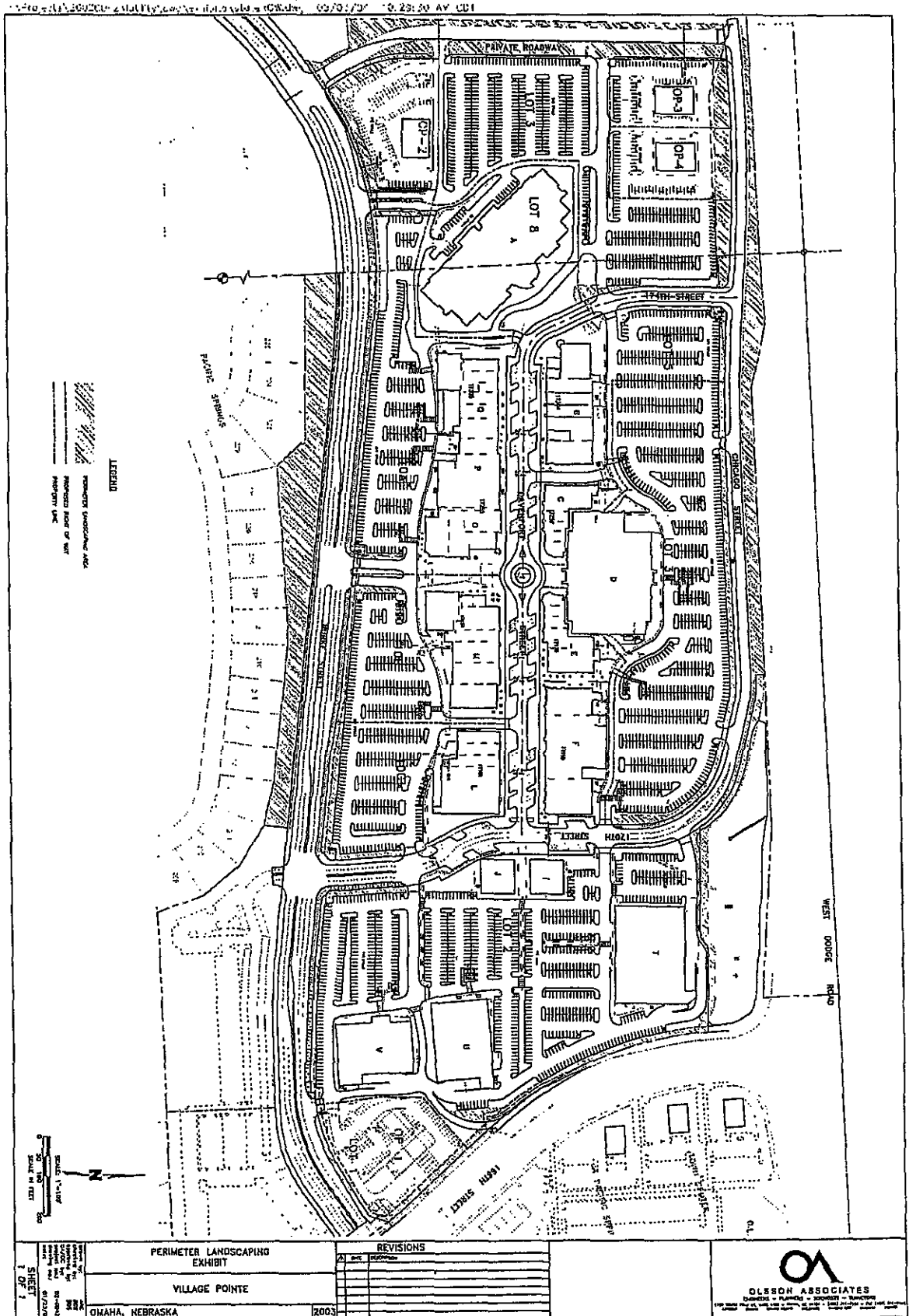
- BUILDING ENVELOPE
- PROPERTY BOUNDARY OR WAY
- PROPERTY LINE

SCALE: 1"=100'  
SCALE IN FEET  
0 50 100 200

SHEET 1 OF 1 Project No. 20020D42 Drawing No. 5-3-04 Date 05/03/04 2003	SITE EXHIBIT	<b>REVISIONS</b> <table border="1"> <tr><th>NO.</th><th>DESCRIPTION</th></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>	NO.	DESCRIPTION									 <b>OLESON ASSOCIATES</b> ENGINEERS - PLANNERS - ARCHITECTS - SURVEYORS 1000 F STREET, SUITE 200, OMAHA, NE 68102-3205 PHONE: 402.491.8800 FAX: 402.491.8801
	NO.		DESCRIPTION										
VILLAGE POINTE OMAHA, NEBRASKA	2003												

# EXHIBIT G

## PERIMETER LANDSCAPING AREA



# EXHIBIT H

## PERIMETER ROADS AND ACCESS WAYS

