



MISC 2014083883



OCT 24 2014 16:17 P 4

Fee amount: 28.00  
FB: 59-25000  
COMP: AH

Received - DIANE L. BATTIATO  
Register of Deeds, Douglas County, NE  
10/24/2014 16:17:30.00



2014083883

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THE ABOVE SPACE IS RESERVED FOR THE REGISTER OF DEEDS RECORDING INFORMATION

**THIS PAGE INCLUDED  
FOR INDEXING**

RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:

Cox Communications

401 N 117<sup>th</sup> Street

Omaha NE 68154

Attn: NIKKI QUAKENBUSH

THIS IS A CONVEYANCE OF A LICENSE  
AND CONSIDERATION IS LESS THAN \$100.00}

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(space above for recorder's use only)

#### MEMORANDUM OF AGREEMENT

**THIS MEMORANDUM OF AGREEMENT** (this “**Memorandum**”) is made this **Tuesday, July 01, 2014**, by and between **ComFed Dodge Fund VII, Neb LP** (“**Grantor**”) and **Cox Communications Omaha, LLC**, a Delaware limited liability company, d/b/a **Cox Communications** (“**Cox**”). Grantor is the owner of certain real property located in Douglas County, Nebraska which is more particularly described in Exhibit A, attached hereto and incorporated herein (the “**Property**”).

PLEASE TAKE NOTICE that Grantor and Cox have entered into that certain Service and Access Agreement, dated July 1<sup>st</sup>, 2014, as such may be amended, extended, renewed or replaced (collectively, the “**Agreement**”) pursuant to which Grantor has granted to Cox the right to (a) install construct, install, operate, maintain, repair, replace, and remove telecommunications and other facilities consisting of, without limitation, conduits, strands, wires, coaxial cables, hardware, wireless access points, backhaul modems, antennas, pedestals, junction boxes, and other equipment (collectively, the “**Facilities**”) as Cox may from time-to-time require, and (b) offer, provide, and market (on an exclusive or non-exclusive basis) video, entertainment, high-speed data, voice and other services (collectively, the “**Services**”) to the Property and other properties and persons that can be served by the Facilities. Cox owns and/or Grantor has granted to Cox the exclusive right to use all or a portion of the Facilities. Any Facilities owned by Cox shall not be deemed a fixture of the Property. A copy of relevant provisions of the Agreement will be provided to any properly interested person upon written request.

Grantor shall provide notice to Cox of any pending trustee or foreclosure sale or receivership, bankruptcy or other proceeding affecting the Property, sent to the address above.

**ComFed Dodge Fund VII, Neb LP:**

By: Charlotte J. Neitzel  
Name: Charlotte J. Neitzel  
Title: Agent for Owner

GRANTOR ACKNOWLEDGMENT

STATE OF Nebraska  
COUNTY OF Douglas

On July 23, 2014 (date) before me, Rhonda Brachle (Notary), personally appeared Charlotte Neitzel (name of signer), who 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.

I certify under PENALTY OF PERJURY under the laws of the State of Nebraska that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[NOTARY SEAL]

Rhonda Brachle  
Notary Public  
Name: RHONDA BRACHLE  
My Commission Expires: May 30, 2015

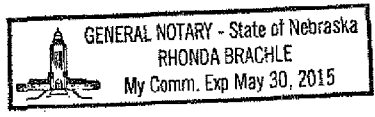


EXHIBIT "A"

59-25000

LEGAL DESCRIPTION

59-25020

PARCEL A: Parts of Lots 1, 2 and 3, in REPLAT OF PART OF BLOCKS 9 AND 10, MEADOW LANE PARK, and part of Lot 1, in Block 10, in MEADOW LANE PARK (2ND PLATTING), both Additions to the City of Omaha, as surveyed, platted and recorded, in Douglas County, Nebraska, more particularly described as follows:

Beginning at the Southwest corner of Lot 2, in Replat of Part of Blocks 9 and 10, Meadow Lane Park; thence North 00°52'40" East, 216.37 feet; thence North 19°24'00" East, 138.70 feet, to a point of curve to the right; thence along a curve to the right (radius being 399.37 feet, chord bearing North 49°53'54" East, a chord distance of 405.37 feet), an arc distance of 425.17 feet; thence South 00°52'40" West, 126.28 feet; thence North 89°56'40" East, 10.00 feet; thence South 00°52'40" West, 395.00 feet; thence South 89°56'40" West, 5.00 feet; thence South 00°52'40" West, 87.00 feet, to a point on the South line of said Lot 3; thence South 89°56'40" West, on the South line of said Lots 2 and 3, 355.14 feet, to the Point of Beginning.

59-25020

PARCEL B: That part of Lots 1, 4 and 5, in REPLAT OF PART OF BLOCKS 9 AND 10, MEADOW LANE PARK, an Addition to the City of Omaha, as surveyed, platted and recorded, in Douglas County, Nebraska, described as follows:

The South 155.00 feet of the West 70.00 feet of Lot 4, and the East 180.00 feet of the South 270.00 feet of Lot 4; and All of Lot 5, EXCEPT the West 24.00 feet of the North 105.00 feet of said Lot 5; together with the East 131.00 feet of Lot 1, and the South 10.00 feet of the West 95.00 feet of the East 226.00 feet of Lot 1, EXCEPT that part taken for highway purposes; and, EXCEPT that part of said Lot 5 described as follows:

Beginning at the Southeast corner of said Lot 5; thence Westerly, a distance of 24.04 feet, along the Northerly existing Davenport Street right-of-way line; thence Northeasterly, deflecting 133°59' right, a distance of 35.21 feet; thence Southerly, deflecting 136°57' right, a distance of 25.34 feet, along the Westerly existing 117th Street right-of-way line, to the Point of Beginning.

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PARCEL C: Part of Lots 1, 3, 4 and 5, in REPLAT OF PART OF BLOCKS 9 AND 10, MEADOW LANE PARK, (except that part of Lot 1 taken for State Highway right-of-way), together with that part of Lot 1, in Block 10, in MEADOW LANE PARK (2ND PLATTING), both Additions to the City of Omaha, as surveyed, platted and recorded, in Douglas County, Nebraska, more particularly described as follows:

Beginning at the Southeast corner of Lot 3, in Replat of Part of Blocks 9 and 10, Meadow Lane Park; thence South 89°56'40" West, on the South line of said Lot 3, 170.00 feet; thence North 00°52'40" East, 87.00 feet; thence North 89°56'40" East, 5.00 feet; thence North 00°52'40" East, 395.00 feet; thence South 89°56'40" West, 10.00 feet; thence North 00°52'40" East, 126.28 feet, to a point on the South curved right-of-way line of West Dodge Road; thence on a curve to the right (radius being 399.37 feet) and on the South right-of-way line of West Dodge Road, chord bearing North 83°21'24" East, chord distance of 35.44 feet, for an arc distance of 35.45 feet;