

201004424  
WASHINGTON COUNTY, STATE OF NEBRASKA

588

RECORDED November 16, 2010 AT 1:44 P.M.

BOOK 562 PAGE(S) 588-594

*Karen A. Madsen*

REGISTER OF DEEDS

Recorded	<u>          ✓          </u>
General	<u>          ✓          </u>
Numerical	<u>          11          </u>
Photostat	<u>                          </u>
Proofed	<u>          ✓          </u>
Scanned	<u>                          </u>

FILED

2010 NOV 16 PM 1:44

KAREN A. MADSEN  
WASHINGTON COUNTY  
REGISTER OF DEEDS  
BLAIR, NE

**LEGAL DESCRIPTION AS SURVEYED**

A TRACT OF LAND COMPOSED OF OUTLOT "B" AND LOT 10, ADMINISTRATIVE LOT LINE ADJUSTMENT OF OUTLOT "B" AND LOT 10, HAYDEN PLACE REPLAT ONE AND LOT 1, HAYDEN PLACE REPLAT ONE AND OUTLOT "A", HAYDEN PLACE FIRST ADDITION, REPLAT TWO, ALL LOCATED IN THE SOUTH ONE-HALF OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 18 NORTH, RANGE 11 EAST OF THE 6TH P.M., CITY OF BLAIR, WASHINGTON COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID OUTLOT "A", HAYDEN PLACE FIRST ADDITION, REPLAT TWO; THENCE WESTERLY ON AN ASSUMED BEARING OF SOUTH 87 DEGREES 34 MINUTES 07 SECONDS WEST, ALONG THE SOUTH LINE OF SAID OUTLOT "A" AND ALONG THE SOUTH LINE OF LOT 1, HAYDEN PLACE REPLAT ONE, AND ALONG THE SOUTH LINE OF LOT 10, ADMINISTRATIVE LOT LINE ADJUSTMENT OF OUTLOT "B" AND LOT 10, HAYDEN PLACE REPLAT ONE, A DISTANCE OF 1075.42 FEET TO THE SOUTHWEST CORNER OF SAID LOT 10, SAID POINT BEING THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF HOLLY STREET WITH THE EAST RIGHT-OF-WAY LINE OF HIGHWAY 30; THENCE NORTH 04 DEGREES 25 MINUTES 33 SECONDS EAST, ALONG THE WEST LINE OF SAID LOT 10 AND ALONG THE EAST RIGHT-OF-WAY LINE OF SAID HIGHWAY 30, A DISTANCE OF 60.46 FEET TO A WEST CORNER OF SAID LOT 10; THENCE NORTH 02 DEGREES 32 MINUTES 51 SECONDS EAST, ALONG SAID WEST LINE AND ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 200.09 FEET TO A WEST CORNER OF SAID LOT 10; THENCE NORTH 00 DEGREES 57 MINUTES 27 SECONDS WEST, ALONG THE WEST LINE OF SAID LOT 10 AND ALONG THE WEST LINE OF OUTLOT "B", ADMINISTRATIVE LOT LINE ADJUSTMENT OF OUTLOT "B" AND LOT 10, HAYDEN PLACE REPLAT ONE, AND ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 140.02 FEET TO A WEST CORNER OF SAID OUTLOT "B"; THENCE NORTH 19 DEGREES 30 MINUTES 10 SECONDS EAST, ALONG THE WEST LINE OF SAID OUTLOT "B" AND ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 79.06 FEET TO A WEST CORNER OF SAID OUTLOT "B"; THENCE NORTH 01 DEGREES 08 MINUTES 35 SECONDS EAST, ALONG THE WEST LINE OF SAID OUTLOT "B" AND ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 45.00 FEET TO A WEST CORNER OF SAID OUTLOT "B"; THENCE NORTH 20 DEGREES 41 MINUTES 43 SECONDS WEST, ALONG THE WEST LINE OF SAID OUTLOT "B" AND ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 80.84 FEET TO A WEST CORNER OF SAID OUTLOT "B"; THENCE NORTH 01 DEGREES 08 MINUTES 42 SECONDS EAST, ALONG THE WEST LINE OF SAID OUTLOT "B", AND ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 41.90 FEET TO A NORTHWEST CORNER OF SAID OUTLOT "B", SAID POINT BEING THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF HIGHWAY 30 AND THE SOUTH RIGHT-OF-WAY LINE OF A DEDICATED FUTURE ROAD; THENCE NORTH 52 DEGREES 40 MINUTES 56 SECONDS EAST, ALONG THE NORTHWEST LINE OF SAID OUTLOT "B", AND ALONG THE SOUTHEAST RIGHT-OF-WAY LINE OF SAID DEDICATED FUTURE ROAD, A DISTANCE OF 76.49 FEET TO A NORTHWEST CORNER OF SAID OUTLOT "B"; THENCE NORTH 87 DEGREES 35 MINUTES 16 SECONDS EAST, ALONG THE NORTH LINE OF SAID OUTLOT "B" AND ALONG THE NORTH LINE OF SAID LOT 1, HAYDEN PLACE REPLAT ONE, AND ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID DEDICATED FUTURE ROAD, SAID LINE BEING 60.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 14, A DISTANCE OF 605.80 FEET TO A NORTH CORNER OF SAID LOT 1, SAID POINT BEING ON THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 14; THENCE NORTH 87 DEGREES 35 MINUTES 21 SECONDS EAST, ALONG THE NORTH LINE OF SAID LOT 1, HAYDEN PLACE REPLAT ONE, AND ALONG THE NORTH LINE OF OUTLOT "A", HAYDEN PLACE FIRST ADDITION, REPLAT TWO, SAID LINE BEING THE SOUTH RIGHT-OF-WAY LINE OF SAID DEDICATED FUTURE ROAD, SAID LINE BEING 60.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 14, A DISTANCE OF 311.98 FEET TO A NORTHEAST CORNER OF SAID OUTLOT "A"; THENCE SOUTH 60 DEGREES 11 MINUTES 13 SECONDS EAST, ALONG THE NORTHEAST LINE OF SAID OUTLOT "A", A DISTANCE OF 67.50 FEET TO AN EAST CORNER OF SAID OUTLOT "A"; THENCE SOUTH 02 DEGREES 25 MINUTES 53 SECONDS EAST, ALONG THE EAST LINE OF SAID OUTLOT "A", A DISTANCE OF 643.59 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS A CALCULATED AREA OF 708,901.78 SQ. FT. OR 16.27 ACRES MORE OF LESS.

588

PERFORMANCE BOND  
Exhibit "A" to the General Conditions

KNOW ALL MEN BY THESE PRESENTS, That dck north america, LLC

(hereinafter called the "Principal"), as Principal and SAFECO INSURANCE COMPANY OF AMERICA, a corporation, duly authorized to do business in Nebraska (project state) (hereinafter called the "Surety"), are held and firmly bound unto WAL-MART STORES, INC. (hereinafter called the "Obligee"), and its representatives, successors and assigns, in the sum of Eight Million One Hundred One Thousand and 00/100 ----- Dollars (\$ 8,101,000.00 ) for the payment of which sum well and truly to be made the said Principal and Surety bind themselves, and their respective heirs, administrators, executors, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has been awarded a contract with Obligee for SUPERCENTER (SUP) NEW #4568-00, BLAIR, NE (hereinafter called the "Contract") and which Contract is hereby referred to and incorporated by express reference as if fully set forth herein.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the above bound Principal shall well and truly perform all the work, undertakings, covenants, terms, conditions, and agreements of said Contract within the time provided therein and any extensions thereof that may be granted by Obligee, and during the life of any maintenance obligation, guaranty or warranty required under said Contract, and shall also well and truly perform all the undertakings, covenants, terms, conditions, and agreements of any and all modifications of said Contract that may hereafter be made, and shall indemnify and save harmless said Obligee of and from any and all loss, damage, and expense, including costs and attorneys' fees, which the said Obligee may sustain by reason of Principal's failure to do so, then this obligation shall be null and void; otherwise it shall remain in full force and effect.

The said Surety agrees that no change, extension of time, alteration, addition, omission, waiver, or other modification of the terms of either the said Contract or in the said work to be performed, or in the specifications, or in the plans, or in the Contract documents, or any forbearance on the part of either the Obligee or Surety to the other, shall in any way affect said Surety's obligation on this Bond, and said Surety does hereby waive notice of any such changes, extensions of time, alterations, additions, omissions, waivers, or other modifications.

The parties executing this Bond on behalf of Principal and Surety represent and warrant that they are duly authorized to bind the Principal and Surety, respectively.

IN WITNESS WHEREOF, the above bound parties have executed this instrument under their several seals this 29th day of October, 2010, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body.

PRINCIPAL: dck north america, LLC

By:   
**John I. Sebastian**

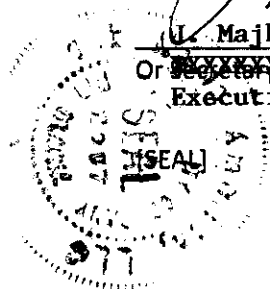
Title: Executive Vice President

1900 State Route 51, Suite 200  
Large, PA 15025

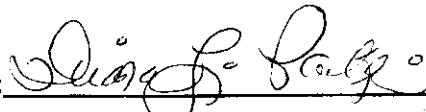
(Principal's Address)

Witness:

  
**U. Majkut**  
Or Secretary's Attest  
**Executive Vice President**



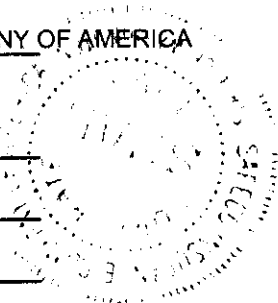
SURETY: SAFECO INSURANCE COMPANY OF AMERICA

By: 

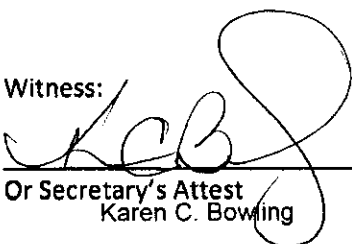
Title: Diana L. Parker, Attorney-In-Fact

1001 Fourth Avenue, Safeco Plaza  
Seattle, WA 98154

(Surety's Address)



Witness:

  
Or Secretary's Attest  
**Karen C. Bowling**

[SEAL]

Attach Power of Attorney if executed by attorney-in-fact on behalf of Surety

POWER OF ATTORNEY

No. 13188

KNOW ALL BY THESE PRESENTS:

That SAFECO INSURANCE COMPANY OF AMERICA and GENERAL INSURANCE COMPANY OF AMERICA, each a Washington corporation, does each hereby appoint

\*\*\*\*\*RICHARD G. AVERY; THOMAS BEAN; KAREN C. BOWLING; GEORGE O. BREWSTER; PETER F. JONES; SUSAN LUPSKI; GERARD S. MACHOLZ; CAMILLE MAITLAND; DIANA L. PARKER; ROBERT T. PEARSON; RITA SAGISTANO; Garden City, New York; KATHLEEN M. CRISTIANO; JOSEPH DOBKOWSKI, JR.; ADRIANNE SCALERA; Clark, New Jersey; RUSSELL M. CANTERBURY; JOANN DOMBROWSKI; MARION R. VAIL; Farmington, Connecticut\*\*\*\*\*

its true and lawful attorney(s)-in-fact, with full authority to execute on its behalf fidelity and surety bonds or undertakings and other documents of a similar character issued in the course of its business, and to bind the respective company thereby.

IN WITNESS WHEREOF, SAFECO INSURANCE COMPANY OF AMERICA and GENERAL INSURANCE COMPANY OF AMERICA have each executed and attested these presents

this 23rd day of April, 2010

Dexter R. Legg

TAMIKOLAJEWSKI

Dexter R. Legg, Secretary

Timothy A. Mikolajewski, Vice President

CERTIFICATE

Extract from the By-Laws of SAFECO INSURANCE COMPANY OF AMERICA and of GENERAL INSURANCE COMPANY OF AMERICA:

"Article V, Section 13. - FIDELITY AND SURETY BONDS ... the President, any Vice President, the Secretary, and any Assistant Vice President appointed for that purpose by the officer in charge of surety operations, shall each have authority to appoint individuals as attorneys-in-fact or under other appropriate titles with authority to execute on behalf of the company fidelity and surety bonds and other documents of similar character issued by the company in the course of its business... On any instrument making or evidencing such appointment, the signatures may be affixed by facsimile. On any instrument conferring such authority or on any bond or undertaking of the company, the seal, or a facsimile thereof, may be impressed or affixed or in any other manner reproduced; provided, however, that the seal shall not be necessary to the validity of any such instrument or undertaking."

Extract from a Resolution of the Board of Directors of SAFECO INSURANCE COMPANY OF AMERICA and of GENERAL INSURANCE COMPANY OF AMERICA adopted July 28, 1970.

"On any certificate executed by the Secretary or an assistant secretary of the Company setting out,

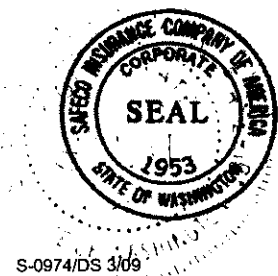
- (i) The provisions of Article V, Section 13 of the By-Laws, and
(ii) A copy of the power-of-attorney appointment, executed pursuant thereto, and
(iii) Certifying that said power-of-attorney appointment is in full force and effect,

the signature of the certifying officer may be by facsimile, and the seal of the Company may be a facsimile thereof."

I, Dexter R. Legg, Secretary of SAFECO INSURANCE COMPANY OF AMERICA and of GENERAL INSURANCE COMPANY OF AMERICA, do hereby certify that the foregoing extracts of the By-Laws and of a Resolution of the Board of Directors of these corporations, and of a Power of Attorney issued pursuant thereto, are true and correct, and that both the By-Laws, the Resolution and the Power of Attorney are still in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the facsimile seal of said corporation

this 29th day of October, 2010



Dexter R. Legg

Dexter R. Legg, Secretary

PAYMENT BOND  
Exhibit "B" to the General Conditions

KNOW ALL MEN BY THESE PRESENTS, That dck north america, LLC  
(hereinafter called the "Principal"), as Principal and SAFECO INSURANCE COMPANY OF AMERICA  
(hereinafter called the "Surety"), a corporation, duly authorized to do business in Nebraska (project state), are held and firmly bound unto WAL-MART STORES, INC. (hereinafter called the "Obligee"), and its representatives, successors and assigns, in the sum of Eight Million One Hundred One Thousand and 00/100 ----- Dollars (~~\$8,101,000.00~~) for the payment of which sum well and truly to be made the said Principal and Surety bind themselves, and their respective heirs, administrators, executors, successors and assigns jointly and severally, firmly by these presents.

WHEREAS, the Principal has been awarded a contract with Obligee for SUPERCENTER (SUP)  
NEW #4568-00, BLAIR, NE (hereinafter called the "Contract") and which Contract is hereby referred to and incorporated by express reference as if fully set forth herein.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the Principal shall promptly make payment in full to all persons or entities supplying labor, material, supplies, services, utilities and equipment in the prosecution of the work provided for in said Contract and any and all modifications of said Contract that may hereafter be made, and shall indemnify and save harmless said Obligee of and from any and all loss, damage, and expense, including costs and attorneys' fees, which the said Obligee may sustain by reason of Principal's failure to do so, then this obligation shall be null and void; otherwise it shall remain in full force and effect.

The said Surety agrees that no change, extension of time, alteration, addition, omission, waiver, or other modification of the terms of either the said Contract or in the said work to be performed, or in the specifications, or in the plans, or in the Contract documents, or any forbearance on the part of either the Obligee or Principal to the other, shall in any way affect its obligation on this Bond, and Surety does hereby waive notice of any such changes, extensions of time, alterations, additions, omissions, waivers, or other modifications.

The said Principal and the said Surety agree that this Bond shall inure to the benefit of all persons or entities as supplying labor, material, supplies, services, utilities and equipment in the prosecution of the work provided for in said Contract, as well as to the Obligee, and that any of such persons or entities may maintain independent actions upon this Bond in the name of the person or entities bringing any such action.

The parties executing this Bond on behalf of Principal and Surety represent and warrant that they are duly authorized to bind the Principal and Surety, respectively.

IN WITNESS WHEREOF, the above parties have executed this instrument under their several seals this 29th day of October, 2010 the name and corporate seal of each corporate

party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body.

PRINCIPAL: dck north america, LLC

By:   
John T. Sebastian

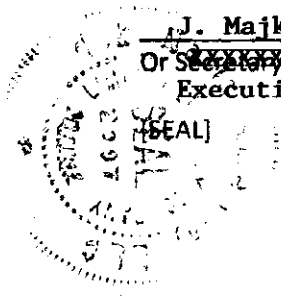
Title: Executive Vice President

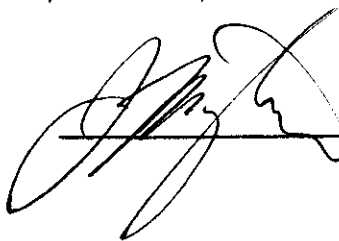
1900 State Route 51, Suite 200  
Large, PA 15025

(Principal's Address)

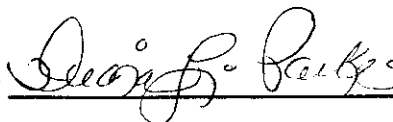
Witness:

J. Majkut  
Or Secretary's Attest  
Executive Vice President





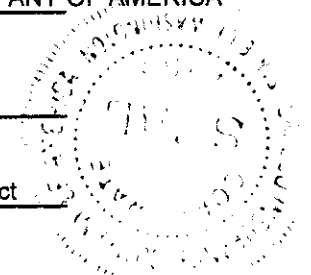
SURETY: SAFECO INSURANCE COMPANY OF AMERICA

By: 

Title: Diana L. Parker, Attorney-In-Fact

1001 Fourth Avenue, Safeco Plaza  
Seattle, WA 98154

(Surety's Address)



Witness:

  
Or Secretary's Attest  
Karen C. Bowling

[SEAL]

Attach Power of Attorney if executed by attorney-in-fact on behalf of Surety

POWER OF ATTORNEY

No. 13188

KNOW ALL BY THESE PRESENTS:

That SAFECO INSURANCE COMPANY OF AMERICA and GENERAL INSURANCE COMPANY OF AMERICA, each a Washington corporation, does each hereby appoint

\*\*\*\*\*RICHARD G. AVERY; THOMAS BEAN; KAREN C. BOWLING; GEORGE O. BREWSTER; PETER F. JONES; SUSAN LUPSKI; GERARD S. MACHOLZ; CAMILLE MAITLAND; DIANA L. PARKER; ROBERT T. PEARSON; RITA SAGISTANO; Garden City, New York; KATHLEEN M. CRISTIANO; JOSEPH DOBKOWSKI, JR.; ADRIANNE SCALERA; Clark, New Jersey; RUSSELL M. CANTERBURY; JOANN DOMBROWSKI; MARION R. VAIL; Farmington, Connecticut\*\*\*\*\*

its true and lawful attorney(s)-in-fact, with full authority to execute on its behalf fidelity and surety bonds or undertakings and other documents of a similar character issued in the course of its business, and to bind the respective company thereby.

IN WITNESS WHEREOF, SAFECO INSURANCE COMPANY OF AMERICA and GENERAL INSURANCE COMPANY OF AMERICA have each executed and attested these presents

this 23rd day of April, 2010

Dexter R. Legg

Dexter R. Legg, Secretary

TAMIKOLAJEWSKI

Timothy A. Mikolajewski, Vice President

CERTIFICATE

Extract from the By-Laws of SAFECO INSURANCE COMPANY OF AMERICA and of GENERAL INSURANCE COMPANY OF AMERICA:

"Article V, Section 13. - FIDELITY AND SURETY BONDS ... the President, any Vice President, the Secretary, and any Assistant Vice President appointed for that purpose by the officer in charge of surety operations, shall each have authority to appoint individuals as attorneys-in-fact or under other appropriate titles with authority to execute on behalf of the company fidelity and surety bonds and other documents of similar character issued by the company in the course of its business... On any instrument making or evidencing such appointment, the signatures may be affixed by facsimile. On any instrument conferring such authority or on any bond or undertaking of the company, the seal, or a facsimile thereof, may be impressed or affixed or in any other manner reproduced; provided, however, that the seal shall not be necessary to the validity of any such instrument or undertaking."

Extract from a Resolution of the Board of Directors of SAFECO INSURANCE COMPANY OF AMERICA and of GENERAL INSURANCE COMPANY OF AMERICA adopted July 28, 1970.

"On any certificate executed by the Secretary or an assistant secretary of the Company setting out,

- (i) The provisions of Article V, Section 13 of the By-Laws, and
(ii) A copy of the power-of-attorney appointment, executed pursuant thereto, and
(iii) Certifying that said power-of-attorney appointment is in full force and effect,

the signature of the certifying officer may be by facsimile, and the seal of the Company may be a facsimile thereof."

I, Dexter R. Legg, Secretary of SAFECO INSURANCE COMPANY OF AMERICA and of GENERAL INSURANCE COMPANY OF AMERICA, do hereby certify that the foregoing extracts of the By-Laws and of a Resolution of the Board of Directors of these corporations, and of a Power of Attorney issued pursuant thereto, are true and correct, and that both the By-Laws, the Resolution and the Power of Attorney are still in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the facsimile seal of said corporation

this 29th day of October, 2010



Dexter R. Legg

Dexter R. Legg, Secretary