



MISC 2008095224



SEP 29 2008 13:58 P 3

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Received - DIANE L. BATTIATO
 Register of Deeds, Douglas County, NE
 9/29/2008 13:58:37.39



2008095224

Prepared by Craig A. Smith, O'Reilly Automotive, Inc., P.O. Box 1156, Springfield, MO 65801; ph. 417-829-5721, fax 417-829-5726

RESTRICTIVE COVENANT

Under a contract dated the 12th day of December, 2007, **Gottsch Land Co, a Nebraska corporation**, ("Grantor") agreed to convey to **O'Reilly Automotive, Inc., a Missouri corporation** ("Grantee") a parcel of real estate described as Lot 1, Skyline Country North Replat No. 1, a subdivision in Douglas County, Nebraska, also described as follows: Lot 1, Skyline Country North Replat No. 1, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska, described as follows: Beginning at a 5/8" rebar at the northwest corner of said Lot 1; thence N 87°17'43" E (bearings referenced to Skyline Country North Replat 1) for 259.59 feet to a 5/8" rebar at the Northeast corner of said Lot 1; thence S 04°14'04" E for 155.12 feet to a 5/8" rebar at the southeast corner of said Lot 1; thence S 87°19'02" W for 259.86 feet to a 5/8" rebar at the southwest corner of said Lot 1; thence N 02°41'58" W for 112.75 feet to a 5/8" rebar and point of tangency; thence along a curve to the left (having a radius of 230.00 feet and a long chord bearing N 07°57'17" W for 42.39 feet) for an arc length of 42.46 feet to said Point of Beginning (the "O'Reilly Property").

CC-35982

One of the terms of that contract required the Grantor to record a Restrictive Covenant affecting the use of Grantor's other property.

THEREFORE, in consideration of the terms and conditions contained in that contract, Grantor promises and declares that the property as **Lots 3 - 4, Skyline Country North Replat No. 1 and Lots 1, 5, 6, 7, 8, 9, 10 and 11, Skyline Country North**, as illustrated on attached **Exhibit "A"** will not be used for the sale, lease, or use by an auto parts company, other than O'Reilly or its related entities for a term of five years after the date of this Restrictive Covenant, or until O'Reilly does not use the O'Reilly Property for the retail sale of auto parts, whichever occurs last. This restriction shall include, but not be limited to, such companies as AutoZone, Advance Auto Parts, NAPA and Pep Boys and their related entities, successors and assigns, or any other company which has as its primary business function the sale and supply of wholesale and retail auto parts.

CC-35982

CC-35973

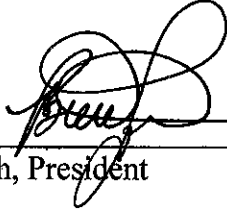
This restriction runs with the land described above and shall inure to the benefit of and shall be binding upon the Grantee and Grantor, and their respective grantees, assigns and successors.

35 333510

✓ 6722101850

Grantor has executed this Restrictive Covenant, this 24 day of Sept., 2008.

Gottsch Land Co.



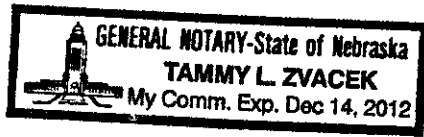
By: Brett A. Gottsch, President

STATE OF Nebraska)
) ss
COUNTY OF Douglas)

On this 24 day of September, 2008, before me, appeared Brett A. Gottsch, President, to me personally known, or proved to me to be the person, who being by me duly sworn, did say that he is the President of Gottsch Land Co., a Nebraska corporation, and that said instrument was signed in behalf of said corporation by authority of its Board of Directors, and said Brett A Gottsch acknowledged said instrument to be the free act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal at my office in Douglas County, Nebraska the day and year last above written.

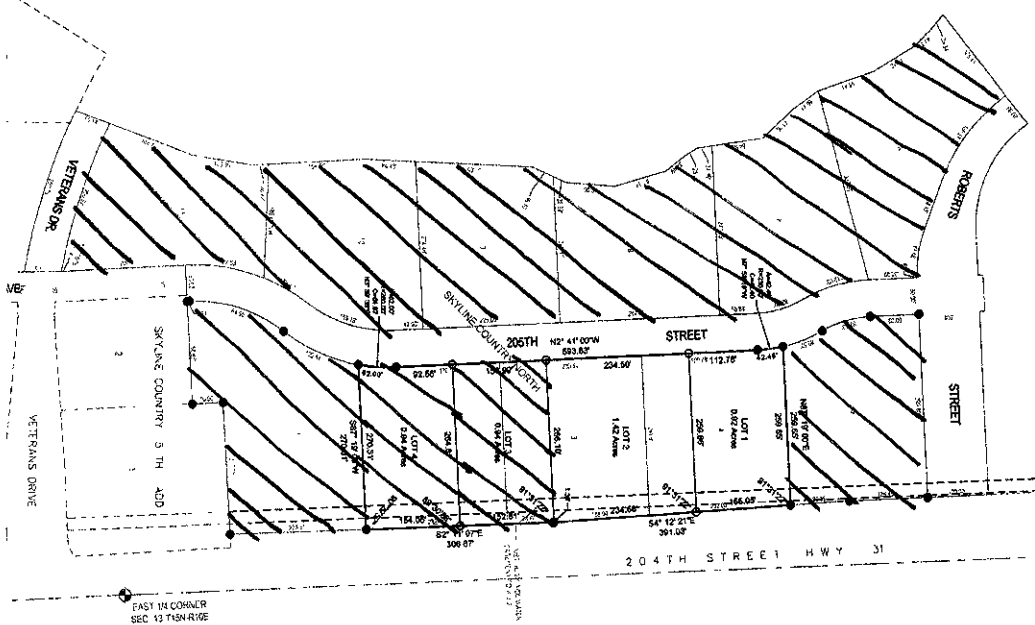
Tammy L. Zvacek
Notary Public
Print Name Tammy L. Zvacek



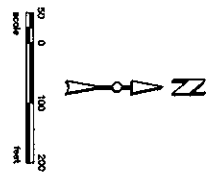
My commission expires: 12-14-2012

AFTER RECORDATION
RETURN ORIGINAL TO:
Liz Dugger
O'Reilly Automotive, Inc.
P.O. Box 1156
Springfield, MO 65801

Exhibit "A"



MINOR PLAT SKYLINE COUNTRY NORTH REPLAT NO. 1 LOTS 1 THRU 4 INCLUSIVE BEING A REPLAT OF LOTS 2-4 SKYLINE COUNTRY NORTH, A SUBDIVISION AS PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA



DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT THE GOTTSCHE LOWRY CO., INC. HAS HEREBY DEDICATED TO THE PUBLIC USE AND BENEFIT OF THE CITY OF OMAHA, NEBRASKA, THE LOT 1, 1.42 ACRES, LOT 2, 1.42 ACRES, LOT 3, 1.42 ACRES, AND LOT 4, 1.42 ACRES, BEING A REPLAT OF LOTS 2-4 SKYLINE COUNTRY NORTH, A SUBDIVISION AS PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA, AND WE DO HEREBY WAIVE AND AGREE TO THE OBLIGATION OF THE CITY OF OMAHA, NEBRASKA, TO PROVIDE LOCAL TELEVISION SERVICE IN THE AREA TO BE DEDICATED. THESE ACCESSORIES AND SERVICE, TO BE PROVIDED BY THE CITY OF OMAHA, NEBRASKA, SHALL BE PROVIDED BY THE CITY OF OMAHA, NEBRASKA, AND WE DO HEREBY WAIVE AND AGREE TO THE OBLIGATION OF THE CITY OF OMAHA, NEBRASKA, TO PROVIDE LOCAL TELEVISION SERVICE IN THE AREA TO BE DEDICATED. THESE ACCESSORIES AND SERVICE, TO BE PROVIDED BY THE CITY OF OMAHA, NEBRASKA, SHALL BE PROVIDED BY THE CITY OF OMAHA, NEBRASKA, AND WE DO HEREBY WAIVE AND AGREE TO THE OBLIGATION OF THE CITY OF OMAHA, NEBRASKA, TO PROVIDE LOCAL TELEVISION SERVICE IN THE AREA TO BE DEDICATED.

LEGAL DESCRIPTION

REPLAT OF LOTS 2-4 SKYLINE COUNTRY NORTH, A SUBDIVISION AS PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA.

COUNTY TREASURER'S CERTIFICATE



THIS IS TO CERTIFY THAT I HAVE RECEIVED AND RECORDED THE ORIGINAL INSTRUMENT AND AM RECORDED IN THIS PLAT AS SHOWN BY THE RECORDS OF THIS OFFICE.
 DATE: 4-21-08
 COUNTY TREASURER

PLANNING DIRECTORS APPROVAL

THIS PLAT OF SKYLINE COUNTRY NORTH REPLAT NO. 1, LOTS 1 THROUGH 4, BEING A REPLAT OF LOTS 2-4 SKYLINE COUNTRY NORTH, A SUBDIVISION AS PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA, HAS BEEN REVIEWED BY THE PLANNING DEPARTMENT AND APPROVED AS A MINOR PLAT OF SKYLINE COUNTRY NORTH REPLAT NO. 1, LOTS 1 THROUGH 4, BEING A REPLAT OF LOTS 2-4 SKYLINE COUNTRY NORTH, A SUBDIVISION AS PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA.
 DATE: 4/15/08
 PLANNING DIRECTOR

APPROVAL OF THE CITY ENGINEER OF OMAHA

HEREBY APPROVE THE PLAT OF SKYLINE COUNTRY NORTH REPLAT NO. 1, LOTS 1 THROUGH 4, BEING A REPLAT OF LOTS 2-4 SKYLINE COUNTRY NORTH, A SUBDIVISION AS PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA, AS SHOWN BY THE RECORDS OF THIS OFFICE.
 DATE: 4/15/08
 CITY ENGINEER

SURVEYORS CERTIFICATE

THESE SURVEYING OPERATIONS WERE MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA.
 DATE: 4/15/08
 SURVEYOR

ACKNOWLEDGEMENT OF NOTARY
 STATE OF NEBRASKA)
 COUNTY OF DOUGLAS)
 ON THIS 18 DAY OF April, 2008, before me, a Notary Public, duly commissioned and qualified in and for the State of Nebraska, appeared the following persons, who have acknowledged to me to be the persons whose names have been placed on the foregoing instrument, and they acknowledged to me the execution of the foregoing instrument to be the voluntary act and deed and the true intention of the said parties to the same.
 WITNESSE MY HAND AND OFFICIAL SEAL THE DATE LAST FORESAID.
 NOTARY PUBLIC

SKYLINE COUNTRY NORTH REPLAT 1
 OMAHA, NEBRASKA
 GOTTSCHE LAND CO.
 MINOR PLAT
 PROJECT: 07088
 SHEET: 1 OF 1

UNITED ENGINEERING
 Surveying & Engineering Services
 2007 NICHOLAS CIRCLE • ELKHORN, NE 68022 • (402) 783-6473

NO.	DATE	REVISION DESCRIPTION	DRAWN	CHECK	CAC	JIT
4-9-08		ORIGINAL PLANS				