

**FIRST AMENDMENT TO SANITARY, STORM SEWER AND UTILITY EASEMENT**

This First Amendment to Sanitary, Storm Sewer and Utility Easement is made by the undersigned, KV-CENTER ASSOCIATES, a Nebraska general partnership, and BEST BUY CO., INC., a Minnesota corporation ("hereinafter together referred to as "Grantor").

**WITNESSETH:**

WHEREAS, KV-CENTER ASSOCIATES granted certain Sanitary, Storm Sewer and Utility Easements dated the 28th day of August, 1992 and recorded on September 11, 1992 at Book 1030, Page 645 of the Miscellaneous Records of the Registrar of Deeds of Douglas County, Nebraska (the "Easement"); and

WHEREAS, BEST BUY CO., INC., a Minnesota corporation, has acquired an interest in the premises subject to such easements and the parties hereto are desirous of amending the legal description of the premises subject to the easement in the particulars hereinafter set forth.

NOW, THEREFORE, in consideration of the foregoing preambles the parties hereto agree that the grant of the Easement referred to above be and it hereby is amended in the following particulars, to wit:

1. The easement is on the BEST BUY CO., INC. tract over and upon that portion of the Grantor's property described in Exhibits C and E to the Easement is hereby released from the grant of easement and in the place and stead thereof the undersigned hereby and by these presents does grant and convey to KV-CENTER ASSOCIATES, a Nebraska general partnership, and to its employees and to any independent contractors employed by it and their respective employees and to all present and future owners of the premises described on Exhibit A to the Easement (The "Grantee") a permanent easement over and upon that portion of the Grantor's property described in Exhibit I, attached hereto and incorporated herein by this reference, for the purpose of constructing and maintaining a storm sewer line over, upon and under the surface of that portion of the property of the Grantor described in descriptions A and B on Exhibit I attached hereto, and for the purpose of egress and ingress over that portion of the property of the Grantor described in description G on Exhibit I, attached hereto, to have and to hold the said easements hereby granted and conveyed to the Grantee and its successors and assigns under the terms and conditions set forth in the Easement first referred to above.

Box 24  
of

IN WITNESS WHEREOF the Grantor execute this First Amendment to Sanitary, Storm Sewer and Utility Easement this 17th day of April, 1993.


GRANTOR:


KV-CENTER ASSOCIATES, a Nebraska general partnership, Partner

By: KVI, LTD., a Nebraska corporation, General Partner

By:   
George W. Venteicher  
President

By: OLD MILL ASSOCIATES, a Nebraska general partnership, Partner

By:   
George W. Venteicher  
Partner

By:   
Frank R. Krejci  
Partner

BEST BUY CO., INC., a Minnesota corporation

By:   
VICE PRESIDENT  
Title

STATE OF NEBRASKA]  
COUNTY OF DOUGLAS] SS.

On this 16 day of April, 1992<sup>3</sup> before me the undersigned, a Notary Public in and for said County, personally came George W. Venteicher, President of KVI, Ltd., a Nebraska corporation, partner of KV-Center Associates, a Nebraska general partnership, Developer, personally known to be the President and identical person whose name is affixed to the above document, and he acknowledged the execution thereof to be his voluntary act and deed as such President and the voluntary act and deed of said corporation and said partnership.

WITNESS my hand and notarial seal at Omaha, Nebraska, in said county, on the day and year last above written.

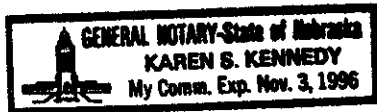


Karen S. Kennedy  
Notary Public

STATE OF NEBRASKA]  
COUNTY OF DOUGLAS] SS.

On this 16 day of April, 1992<sup>3</sup> before me the undersigned, a Notary Public in and for said County, personally came George W. Venteicher, partner of Old Mill Associates, a Nebraska general partnership, partner of KV-Center Associates, a Nebraska general partnership, Developer, personally known to be the identical person whose name is affixed to the above document, and he acknowledged the execution thereof to be his voluntary act and deed as such partner of each such said partnerships.

WITNESS my hand and notarial seal at Omaha, Nebraska, in said county, on the day and year last above written.



Karen S. Kennedy  
Notary Public

STATE OF NEBRASKA]
COUNTY OF DOUGLAS] SS.

On this 16 day of April, 1992 before me the undersigned, a Notary Public in and for said County, personally came Frank R. Krejci, partner of Old Mill Associates, a Nebraska general partnership, partner of KV Associates, a Nebraska general partnership, Developer, personally known to be the identical person whose name is affixed to the above document, and he acknowledged the execution thereof to be his voluntary act and deed as such partner of each such said partnerships.

WITNESS my hand and notarial seal at Omaha, Nebraska, in said county, on the day and year last above written.



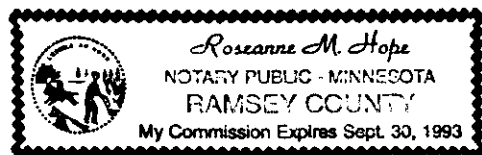
Karen S. Kennedy
Notary Public

MINNESOTA
STATE OF NEBRASKA]
COUNTY OF DOUGLAS] SS.
HENNEPIN

On this 17th day of April, 1993 before me the undersigned, a Notary Public in and for said County, personally came Joseph M. Joyce, who is the Vice President of Best Buy Co., Inc., a Minnesota corporation, personally known to be the identical person whose name is affixed to the above document, and he acknowledged the execution thereof to be his voluntary act and deed on behalf of said corporation.

WITNESS my hand and notarial seal at Minneapolis, Minnesota in said county, on the day and year last above written.

Roseanne M. Hope
Notary Public



A. STORM SEWER EASEMENT  
BEST BUY TRACT

An easement area for storm sewer purposes located in the Best Buy Tract of Lot 20, Oak View, a platted and recorded subdivision in Douglas County, Nebraska, more particularly described as follows:

Commencing at the most southwesterly corner of said Lot 20; thence S54°29'08"E, 479.73 feet, to the most southwesterly corner of said Best Buy Tract; thence N35°30'52"E, 98.23 feet; thence N54°29'08"W, 94.00 feet; thence N35°30'52"E, 172.00 feet; thence S54°29'08"E, 49.00 feet; thence N35°30'52"E, 201.73 feet, to the most northwesterly corner of said tract, said point being the Point of Beginning, said point also being the beginning of a non-tangent curve to the left; thence along the northerly boundary of said tract and along said curve, having a radius of 340.00 feet and a chord bearing S71°04'08"E, 41.68 feet, an arc distance of 41.70 feet; thence S44°43'18"E, 171.13 feet; thence S54°29'08"E, 2.15 feet to the easterly boundary of said Best Buy Tract; thence along said easterly boundary, S35°30'52"W, 20.00 feet; thence N54°29'08"W, 3.86 feet; thence N44°43'18"W, 209.92 feet to the westerly boundary of said tract; thence along said westerly boundary, N35°30'52"E, 1.53 feet to the Point of Beginning, containing an area of 0.089 acre, more or less.

B. STORM SEWER EASEMENT  
BEST BUY TRACT

An easement area for storm sewer purposes located in the Best Buy Tract of Lot 20, Oak View, a platted and recorded subdivision in Douglas County, Nebraska, more particularly described as follows:

Commencing at the most southwesterly corner of said Lot 20; thence S54°29'08"E, 479.73 feet, to the most southwesterly corner of said Best Buy Tract; thence along the westerly boundary of said tract, N35°30'52"E, 15.00 feet to the Point of Beginning; thence continuing along said westerly boundary N35°30'52"E, 20.00 feet; thence S54°29'08"E, 73.00 feet; thence S35°30'52"W, 20.00 feet; thence N54°29'08"W, 73.00 feet to the Point of Beginning, containing an area of 0.034 acre, more or less.

C. INGRESS-EGRESS EASEMENT  
BY BEST BUY TO HY-VEE

An easement area for ingress-egress purposes located in the Best Buy Tract of Lot 20, Oak View, a platted and recorded subdivision in Douglas County, Nebraska, more particularly described as follows:

Commencing at the most southwesterly corner of said Lot 20; thence S54°29'08"E, 696.71 feet, to the most southeasterly corner of said Best Buy Tract; thence N35°30'52"E, 106.00 feet to the Point of Beginning; thence N54°29'08"W, 21.97 feet; thence N35°30'52"E, 9.00 feet; thence S54°29'08"E, 21.97 feet; thence S35°30'52"W, 9.00 feet to the Point of Beginning, containing an area of 198 square feet, more or less.

RECEIVED  
Apr 23 2 58 PM 1983  
GEORGE J. BURGLEMIR  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NE

CASH 9469 H BK 1068 R Comp FB 10-28224  
TYPE Miss PG 197-291 COMP VP SCAN IM  
FEE 25.50 OF Miss LEGL PG 201 MC — FV —