

E-14; TA-1742, Security Escrow Company

DECLARATION AND RESERVATION OF EASEMENT

THIS DECLARATION AND RESERVATION OF EASEMENT is made this 10th day of December, 1978, by MILLARD PLAZA ASSOCIATES, a Nebraska general partnership, hereinafter called "Millard."

W I T N E S S E T H :

WHEREAS, Millard is the owner of a certain parcel of real estate containing approximately 20 acres (the "Shopping Center Property"), and Millard is developing said Shopping Center Property generally as a commercial shopping center in accordance with a master plan which provides for common streets and driveways;

WHEREAS, the master plan for the Shopping Center Property provides for those certain common streets and driveways described and shown on Exhibit "A" attached hereto and incorporated herein by this reference (herein called "common streets");

WHEREAS, parcels of the Shopping Center Property have been transferred and conveyed by Millard to purchasers and together with such transfer and conveyance Millard has granted to such purchasers nonexclusive easement rights over and across the common streets. Attached hereto marked Exhibit "B" is a

list of said parcels setting forth the name of the owner thereof and the respective percentage share of the total cost of maintenance to be borne by each owner; and

WHEREAS, Millard has retained the ownership of certain parcels of the Shopping Center Property described on Exhibit "C" attached hereto and incorporated herein by this reference (herein called "Retained Property").

NOW, THEREFORE:

1. Millard does hereby declare that it is the owner of the common streets and that it holds title to said common streets subject to the nonexclusive easement rights heretofore granted by Millard to purchasers of various parcels of the Shopping Center Property.

2. Millard does hereby reserve unto itself and its successors and assigns a perpetual nonexclusive easement over and across said common streets.

3. Purpose of Reserved Easement. The purpose of the easement reserved herein shall be for pedestrian and vehicular access to and from the Retained Property and to and from Highway 50, 138th Street and "U" Street by way of said common streets. The common streets and driveways shall be kept open at all times and no parking of any automobiles or any other obstructions shall be permitted thereon.

4. Grading, Surfacing and Maintenance of Common Streets.

Millard has heretofore, at its cost and expense, provided for the grading and surfacing of said common streets. Millard further declares that it will perpetually maintain and repair said common streets, including the landscaping thereof, so that the same shall be kept in a neat, clean and safe condition. Maintenance shall include repair of the surface condition, painting and striping, care of any landscaping and the removal of any and all accumulations of ice, snow, dirt and debris from the common streets. Millard shall perform such maintenance in a reasonable and diligent manner and shall use every effort to perform such maintenance at the lowest possible cost. The maintenance performed by Millard shall be such as is reasonably necessary for the proper care of said common streets and driveways and to keep the same in a neat, clean and sanitary condition.

5. Cost of Common Street Maintenance. Each of the purchasers of various parcels of the Shopping Center Property have heretofore agreed to pay their proportionate share of the total actual cost of the common street maintenance described above. Millard does hereby agree to pay its proportionate share of the total cost of the common driveway maintenance described herein in respect to the Retained Property.

Millard's share of the actual cost of the common street maintenance attributable to its ownership of the Retained Property shall be as set forth on Exhibit "C." At the end of each month, Millard shall submit to the owners of all parcels of the Shopping Center Property a detailed statement showing an itemization of the total actual cost. At the end of each month, Millard shall submit to the owners of all parcels of the Shopping Center Property a detailed statement showing an itemization of the total actual cost of said payments, and each owner of parcels of the Shopping Center Property, including Millard, shall pay their respective share of said cost within 30 days after receipt of such invoice.

6. Binding Upon Successors. The terms and conditions of this Declaration and Reservation of Easement shall be binding upon, and shall inure to the benefit of, the heirs, executors, administrators, personal representatives, successors and assigns of Millard and any and all other person or entities claiming by, through or under Millard.

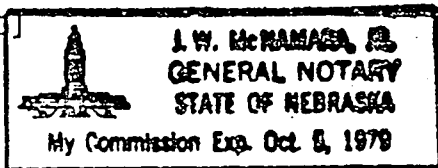
MILLARD PLAZA ASSOCIATES,  
a Nebraska General Partnership

By Philip Dale Berger

STATE OF NEBRASKA           ]  
COUNTY OF Douglas       ] ss:

On this 20<sup>th</sup> day of December, 1978, before me, a notary public in and for the State and County aforesaid, personally appeared Phillip Dale Beggs of Millard Plaza Associates known to me to be the identical person who signed the above Declaration and Reservation of Easement and he acknowledged the execution thereof to be his voluntary act and deed.

[SEAL]



J.W. McNamara, Jr.  
Notary Public

My commission expires: \_\_\_\_\_

STREET DEDICATION

A PARCEL OF LAND PRIMARILY USED FOR STREET PURPOSES BEING LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12-14-11; THENCE NORTH  $89^{\circ}10'23''$  WEST (ASSUMED BEARING) ALONG THE SOUTH LINE OF THE SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12-14-11, A DISTANCE OF 33 FEET; THENCE NORTH  $00^{\circ}08'06''$  WEST ALONG THE WESTERLY RIGHT-OF-WAY LINE OF 138TH STREET, A DISTANCE OF 200.02 FEET TO THE POINT OF BEGINNING; THENCE NORTH  $89^{\circ}10'23''$  WEST ALONG A LINE 200 FEET NORTH OF AND PARALLEL TO THE SAID SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12-14-11, A DISTANCE OF 456.2 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY ALONG A 20 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 31.42 FEET (CHORD BEARING SOUTH  $45^{\circ}49'36''$  WEST, CHORD DISTANCE OF 28.28 FEET) TO A POINT OF TANGENCY; THENCE SOUTH  $00^{\circ}49'37''$  WEST, A DISTANCE OF 147.5 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG A 20 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 7.69 FEET (CHORD BEARING SOUTH  $10^{\circ}11'00''$  EAST, CHORD DISTANCE OF 7.64 FEET) TO A POINT LOCATED ON THE NORTHERLY RIGHT-OF-WAY LINE OF "U" STREET; THENCE NORTH  $89^{\circ}10'23''$  WEST ALONG THE SAID NORTHERLY RIGHT-OF-WAY LINE OF "U" STREET, A DISTANCE OF 27.92 FEET TO A POINT LOCATED ON A CURVE; THENCE NORTHEASTERLY ALONG A 20 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 7.69 FEET (CHORD BEARING NORTH  $11^{\circ}50'12''$  EAST, CHORD DISTANCE OF 7.64 FEET) TO A POINT OF TANGENCY; THENCE NORTH  $00^{\circ}49'37''$  EAST, A DISTANCE OF 462.51 FEET; THENCE NORTH  $89^{\circ}10'23''$  WEST ALONG A LINE 495 FEET NORTH OF AND PARALLEL TO THE SAID SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12-14-11, A DISTANCE OF 588.76 FEET; THENCE NORTH

41°21'16" WEST, A DISTANCE OF 74.96 FEET TO A POINT LOCATED ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 50; THENCE NORTH 48°38'44" EAST ALONG THE SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 50, A DISTANCE OF 50 FEET; THENCE SOUTH 41°21'16" EAST, A DISTANCE OF 52.8 FEET; THENCE SOUTH 89°10'23" EAST ALONG A LINE 545 FEET NORTH OF AND PARALLEL TO THE SAID SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12-14-11, A DISTANCE OF 591.59 FEET; THENCE SOUTH 00°49'37" WEST, A DISTANCE OF 300.01 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG A 20 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 31.42 FEET (CHORD BEARING SOUTH 44°10'23" EAST, CHORD DISTANCE OF 28.28 FEET) TO A POINT OF TANGENCY; THENCE SOUTH 89°10'23" EAST ALONG A LINE 225 FEET NORTH OF AND PARALLEL TO THE SAID SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12-14-11, A DISTANCE OF 455.78 FEET TO A POINT LOCATED ON THE SAID WESTERLY RIGHT-OF-WAY LINE OF 138TH STREET; THENCE SOUTH 00°08'06" EAST ALONG THE SAID WESTERLY RIGHT-OF-WAY LINE OF 138TH STREET, A DISTANCE OF 25 FEET TO THE POINT OF BEGINNING.

SAID DEDICATION CONTAINING 57,619.90 SQ. FT. OR 1.32 ACRES.

GOLLEHON, SCHEMMER & ASSOCIATES, INC.  
ARCHITECTS-ENGINEERS-PLANNERS  
12100 WEST CENTER ROAD, SUITE 520  
OMAHA, NEBRASKA 68144

LEGAL DESCRIPTION  
JUNE 10, 1977  
PROJECT NO. 15186B  
STREET DEDICATION NO. 2

A PARCEL OF LAND PRIMARILY USED FOR STREET PURPOSES BEING LOCATED IN THE NORTHWEST QUARTER AND NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12-14-11; THENCE SOUTH  $89^{\circ}10'20''$  WEST ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 444.31 FEET TO POINT OF BEGINNING; THENCE CONTINUING SOUTH  $89^{\circ}10'20''$  WEST A DISTANCE OF 40.66 FEET TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF HIGHWAY #50; THENCE NORTH  $52^{\circ}53'44''$  EAST ALONG SAID RIGHT OF WAY A DISTANCE OF 607.22 FEET; THENCE NORTH  $35^{\circ}14'36''$  EAST ALONG SAID RIGHT OF WAY A DISTANCE OF 129.4 FEET; THENCE NORTH  $48^{\circ}38'44''$  EAST ALONG SAID SOUTHEASTERLY RIGHT OF WAY A DISTANCE OF 105 FEET; THENCE SOUTH  $41^{\circ}21'16''$  EAST A DISTANCE OF 25.00 FEET; THENCE SOUTH  $48^{\circ}38'44''$  WEST ON A LINE 25 FEET SOUTHEASTERLY OF AND PARALLEL TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF HIGHWAY #50, A DISTANCE OF 102.06 FEET; THENCE SOUTH  $35^{\circ}14'36''$  WEST ON A LINE 25 FEET SOUTHEASTERLY OF AND PARALLEL TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF HIGHWAY #50 A DISTANCE OF 130.35 FEET; THENCE SOUTH  $52^{\circ}53'44''$  WEST ON A LINE 25 FEET SOUTHEASTERLY OF AND PARALLEL TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF HIGHWAY #50, A DISTANCE OF 579.02 FEET TO POINT OF BEGINNING.

CONTAINING: 20,663.94 SQ. FT. OR 0.474 ACRES.

GOLLEHON, SCHEMMER & ASSOCIATES, INC.  
ARCHITECTS-ENGINEERS-PLANNERS  
12100 WEST CENTER ROAD, SUITE 520  
OMAHA, NEBRASKA 68144



LEGAL DESCRIPTION  
JUNE 10, 1977  
PROJECT NO. 15186B  
STREET DEDICATION NO. 3

A PARCEL OF LAND PRIMARILY USED FOR STREET PURPOSES BEING LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12-14-11; THENCE SOUTH  $00^{\circ}08'06''$  EAST ALONG THE EAST LINE OF SAID NORTHEAST QUARTER (A.K.A. THE CENTERLINE OF 138TH STREET) A DISTANCE OF 460.9 FEET; THENCE SOUTH  $89^{\circ}51'54''$  WEST A DISTANCE OF 33 FEET TO POINT OF BEGINNING; THENCE SOUTH  $86^{\circ}35'31''$  WEST A DISTANCE OF 256.64 FEET; THENCE NORTH  $82^{\circ}46'04''$  WEST A DISTANCE OF 176.76 FEET; THENCE NORTH  $89^{\circ}10'23''$  WEST A DISTANCE OF 320 FEET; THENCE NORTH  $48^{\circ}38'44''$  EAST ON A LINE 25 FEET SOUTHEASTERLY AND PARALLEL TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF HIGHWAY #50 A DISTANCE OF 351.46 FEET; THENCE NORTH  $78^{\circ}04'56''$  EAST ON SAID 25 FOOT PARALLEL LINE A DISTANCE OF 41.41 FEET; THENCE SOUTH  $61^{\circ}17'36''$  EAST ON A LINE 25 FEET SOUTHWESTERLY OF AND PARALLEL TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF "Q" STREET A DISTANCE OF 200.64 FEET; THENCE NORTH  $86^{\circ}35'31''$  EAST ON A LINE 24 FEET SOUTHERLY OF AND PARALLEL TO THE SOUTHERLY RIGHT OF WAY LINE OF "Q" STREET A DISTANCE OF 215.73 FEET; THENCE NORTH  $18^{\circ}17'51''$  WEST ALONG THE WESTERLY LINE OF 138TH STREET A DISTANCE OF 24.83 FEET; THENCE SOUTH  $86^{\circ}35'31''$  WEST ALONG THE SOUTHERLY RIGHT OF WAY LINE OF "Q" STREET A DISTANCE OF 200.56 FEET; THENCE NORTH  $61^{\circ}17'36''$  WEST ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE OF "Q" STREET A DISTANCE OF 204.57 FEET; THENCE SOUTH  $78^{\circ}04'56''$  WEST ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF HIGHWAY #50 A DISTANCE OF 57.23 FEET; THENCE SOUTH  $48^{\circ}38'44''$  WEST ALONG THE SOUTHEASTERLY LINE OF HIGHWAY #50 A DISTANCE OF 795.00 FEET; THENCE SOUTH  $41^{\circ}21'16''$  EAST A DISTANCE OF 25.00 FEET; THENCE NORTH  $48^{\circ}38'44''$  EAST ON A LINE 25 FEET SOUTHEASTERLY OF AND PARALLEL TO THE SOUTHEASTERLY RIGHT OF WAY

LINE A DISTANCE OF 399.73 FEET; THENCE SOUTH  $89^{\circ}10'23''$  EAST A DISTANCE OF 289.03 FEET; THENCE SOUTH  $00^{\circ}49'37''$  WEST A DISTANCE OF 289 FEET; THENCE SOUTH  $89^{\circ}10'23''$  EAST A DISTANCE OF 25 FEET; THENCE NORTH  $00^{\circ}49'37''$  EAST A DISTANCE OF 289 FEET; THENCE SOUTH  $89^{\circ}10'23''$  EAST A DISTANCE OF 32.15 FEET; THENCE SOUTH  $82^{\circ}46'04''$  EAST A DISTANCE OF 177.68 FEET; THENCE NORTH  $86^{\circ}35'31''$  EAST A DISTANCE OF 257.53 FEET TO THE WESTERLY RIGHT OF WAY LINE OF 138TH STREET; THENCE NORTH  $00^{\circ}08'06''$  WEST ALONG SAID RIGHT OF WAY A DISTANCE OF 25.04 FEET TO POINT OF BEGINNING.

CONTAINING: 26,410.29 SQ. FT. OR 0.606 ACRES.

GOLLEHON, SCHEMMER & ASSOCIATES, INC.

ARCHITECTS-ENGINEERS-PLANNERS

12100 WEST CENTER ROAD, SUITE 520

OMAHA, NEBRASKA 68144

## EXHIBIT "B"

<u>Parcel No.</u>	<u>Owner</u>	<u>Percentage Share of Total Maintenance Expense of Common Streets</u>
1.	Robert S. Masters	3.89%
2.	Helen Lindsay and Karen Strange	3.76%
3.	First West Side Bank, a Banking Corporation	8.18%
4.	Debak Properties, a partnership	4.01%
5.	A. J. Reed, Roy Stambaugh and Roe Messner	<u>4.00%</u>
	TOTAL	23.84%

LEGAL DESCRIPTION  
PARCEL 1

A TRACT OF LAND LYING IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12-14-11; THENCE NORTH  $89^{\circ}10'23''$  WEST ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER A DISTANCE OF 33 FEET; THENCE NORTH  $00^{\circ}08'06''$  WEST ALONG THE WEST RIGHT OF WAY LINE OF 138TH STREET A DISTANCE OF 25 FEET TO THE POINT OF BEGINNING; THENCE NORTH  $89^{\circ}10'23''$  WEST ON LINE 25 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12-14-11, A DISTANCE OF 237.03 FEET; THENCE NORTH  $00^{\circ}08'06''$  WEST ON A LINE 237 FEET WEST OF AND PARALLEL TO THE WEST LINE OF 138TH STREET, A DISTANCE OF 175.02 FEET; THENCE SOUTH  $89^{\circ}10'23''$  EAST ON A LINE 200 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12-14-11 A DISTANCE OF 237.03 FEET TO THE WEST LINE OF 138TH STREET; THENCE SOUTH  $00^{\circ}08'06''$  EAST ALONG SAID WEST LINE A DISTANCE OF 175.02 FEET TO THE POINT OF BEGINNING.

## LEGAL DESCRIPTION

## PARCEL 2

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE 6TH P.M.,

DOUGLAS COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 12-14-11; THENCE SOUTH 00°08'06" EAST ALONG THE EAST LINE OF SAID SECTION 12-14-11 (A.K.A. THE CENTER LINE OF 138TH STREET), A DISTANCE OF 460.9 FEET; THENCE SOUTH 89°51'54" WEST TO A POINT ON THE WEST RIGHT OF WAY LINE OF 138TH STREET, A DISTANCE OF 33 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 86°35'31" WEST, A DISTANCE OF 256.64 FEET; THENCE NORTH 03°24'29" WEST, A DISTANCE OF 171.86 FEET; THENCE NORTH 86°35'31" EAST, A DISTANCE OF 210.93 FEET TO A POINT LOCATED ON THE WESTERLY RIGHT OF WAY LINE OF 138TH STREET; THENCE SOUTH 18°17'51" EAST ALONG THE SAID WEST RIGHT OF WAY LINE OF 138TH STREET, A DISTANCE OF 177.83 FEET TO THE POINT OF BEGINNING.

## LEGAL DESCRIPTION

## PARCEL 3

A TRACT OF LAND LYING IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 12; THENCE NORTH  $00^{\circ}05'57''$  WEST ALONG THE WEST LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 373.32 FEET TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF HIGHWAY NUMBER 50; THENCE NORTH  $35^{\circ}14'36''$  EAST ALONG SAID RIGHT OF WAY A DISTANCE OF 129.40 FEET; THENCE NORTH  $48^{\circ}38'44''$  EAST ALONG SAID RIGHT OF WAY A DISTANCE OF 155.00 FEET; THENCE SOUTH  $41^{\circ}21'16''$  EAST A DISTANCE OF 25 FEET TO THE POINT OF BEGINNING; THENCE NORTH  $48^{\circ}38'44''$  EAST ON A LINE 25 FEET SOUTHEASTERLY OF AND PARALLEL TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF HIGHWAY NUMBER 50, A DISTANCE OF 399.73 FEET; THENCE SOUTH  $89^{\circ}10'23''$  EAST A DISTANCE OF 110.14 FEET; THENCE SOUTH  $00^{\circ}49'37''$  EAST A DISTANCE OF 289 FEET; THENCE NORTH  $89^{\circ}10'23''$  WEST ALONG A LINE 545 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 12 A DISTANCE OF 387.70 FEET; THENCE NORTH  $41^{\circ}21'16''$  WEST A DISTANCE OF 27.8 FEET TO THE POINT OF BEGINNING.

## LEGAL DESCRIPTION

## PARCEL 4

A TRACT OF LAND LYING IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12-14-11; THENCE NORTH  $89^{\circ}10'20''$  WEST ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12-14-11 (A.K.A. THE NORTHERLY RIGHT OF WAY OF "U" STREET), A DISTANCE OF 37.33 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTH LINE, A DISTANCE OF 238 FEET; THENCE NORTH  $00^{\circ}05'57''$  WEST, A DISTANCE OF 130.08 FEET; THENCE NORTH  $52^{\circ}53'44''$  EAST ALONG A LINE 25 FEET SOUTHEASTERLY FROM AND PARALLEL TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF HIGHWAY NUMBER 50, A DISTANCE OF 95.87 FEET; THENCE SOUTH  $89^{\circ}10'20''$  EAST ALONG A LINE 189 FEET NORTHERLY FROM AND PARALLEL TO THE NORTHERLY RIGHT OF WAY LINE OF "U" STREET A DISTANCE OF 161.43 FEET; THENCE SOUTH  $00^{\circ}05'57''$  EAST A DISTANCE OF 189 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12-14-11 AND THE POINT OF BEGINNING.

## LEGAL DESCRIPTION

## PARCEL 5

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION TWELVE, TOWNSHIP FOURTEEN NORTH, RANGE ELEVEN EAST OF THE SIXTH P.M. DOUGLAS COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION TWELVE; THENCE SOUTH  $00^{\circ}08'06''$  EAST ALONG THE EAST LINE OF SAID NORTHWEST QUARTER, SECTION TWELVE, A DISTANCE OF 460.9 FEET; THENCE SOUTH  $86^{\circ}35'31''$  WEST, A DISTANCE OF 289.64 FEET; THENCE NORTH  $82^{\circ}46'04''$  WEST, A DISTANCE OF 152.62 FEET; THENCE NORTH  $89^{\circ}10'23''$  WEST, A DISTANCE OF 24.14 FEET; THENCE SOUTH  $67^{\circ}42'13''$  WEST A DISTANCE OF 63.66 FEET TO THE POINT OF BEGINNING; THENCE SOUTH  $00^{\circ}49'37''$  WEST, A DISTANCE OF 137.39 FEET; THENCE NORTH  $89^{\circ}10'23''$  WEST, A DISTANCE OF 145.57 FEET; THENCE NORTH  $00^{\circ}49'37''$  EAST, A DISTANCE OF 137.39 FEET; THENCE SOUTH  $89^{\circ}10'23''$  EAST, A DISTANCE OF 145.57 FEET TO THE POINT OF BEGINNING.

CONTAINING: 19999.86 SQUARE FEET OR 0.459 ACRES.



## EXHIBIT "C"

<u>Parcel No.</u>	<u>Owner</u>	<u>Percentage Share of Total Maintenance Expense of Common Streets</u>
6.	Millard Plaza Associates, a partnership	4.15%
7.	Millard Plaza Associates, a partnership	4.74%
8.	Millard Plaza Associates, a partnership	24.41%
9.	Millard Plaza Associates, a partnership	2.20%
10.	Millard Plaza Associates, a partnership	2.88%
11.	Millard Plaza Associates, a partnership	<u>37.78%</u>
	TOTAL	76.16

## LEGAL DESCRIPTION

## PARCEL 6

A TRACT OF LAND LYING IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12-14-11; THENCE NORTH  $89^{\circ}10'23''$  WEST ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER A DISTANCE OF 33 FEET; THENCE NORTH  $00^{\circ}08'06''$  WEST ALONG THE WEST RIGHT OF WAY LINE OF 138TH STREET A DISTANCE OF 25 FEET; THENCE NORTH  $89^{\circ}10'23''$  WEST A DISTANCE OF 237.03 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH  $89^{\circ}10'23''$  WEST ON LINE 25 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12-14-11, A DISTANCE OF 240.64 FEET TO A POINT ON A CURVE; THENCE NORTHERLY ALONG A 20 FOOT RADIUS CURVE TO THE RIGHT AN ARC DISTANCE OF 31.42 FEET (CHORD BEARING NORTH  $45^{\circ}49'36''$  EAST, CHORD DISTANCE 28.28 FEET) TO A POINT OF TANGENCY; THENCE NORTH  $00^{\circ}49'37''$  EAST A DISTANCE OF 147.50 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ALONG A 20.0 FOOT RADIUS CURVE TO THE RIGHT AN ARC DISTANCE OF 31.42 FEET TO A POINT OF TANGENCY; THENCE SOUTH  $89^{\circ}10'23''$  EAST A DISTANCE OF 219.16 FEET; THENCE SOUTH  $00^{\circ}08'06''$  EAST A DISTANCE OF 175.02 FEET TO THE POINT OF BEGINNING.

## LEGAL DESCRIPTION

## PARCEL 7

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 12-14-11; THENCE SOUTH  $00^{\circ}08'06''$  EAST ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 12-14-11 (A.K.A. THE CENTER LINE OF 138TH STREET), A DISTANCE OF 460.9 FEET; THENCE SOUTH  $89^{\circ}51'54''$  WEST TO A POINT ON THE WEST RIGHT OF WAY LINE OF 138TH STREET, A DISTANCE OF 33 FEET; THENCE SOUTH  $86^{\circ}35'31''$  WEST, A DISTANCE OF 256.64 FEET; THENCE NORTH  $82^{\circ}46'04''$  WEST A DISTANCE OF 152.62 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH  $82^{\circ}46'04''$  WEST A DISTANCE OF 24.14 FEET; THENCE NORTH  $89^{\circ}10'23''$  WEST A DISTANCE OF 320.00 FEET; THENCE NORTH  $48^{\circ}38'44''$  EAST ALONG A LINE 25 FEET SOUTHEASTERLY OF AND PARALLEL TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF STATE HIGHWAY NUMBER 50 A DISTANCE OF 351.46 FEET; THENCE NORTH  $78^{\circ}04'56''$  WEST ALONG A LINE 25 FEET SOUTH OF AND PARALLEL TO THE SOUTH RIGHT OF WAY LINE OF "Q" STREET A DISTANCE OF 41.41 FEET; THENCE SOUTH  $61^{\circ}17'36''$  EAST A DISTANCE OF 29.22 FEET; THENCE SOUTH  $03^{\circ}24'29''$  EAST A DISTANCE OF 234.80 FEET TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION  
PARCEL 8

A TRACT OF LAND LYING IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE 6TH P.M.,

DOUGLAS COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12-14-11; THENCE NORTH  $89^{\circ}10'23''$  WEST ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER A DISTANCE OF 33 FEET; THENCE NORTH  $00^{\circ}08'06''$  WEST ALONG THE WEST RIGHT OF WAY LINE OF 138TH STREET A DISTANCE OF 225.02 FEET TO THE POINT OF BEGINNING; THENCE NORTH  $89^{\circ}10'23''$  WEST ON LINE 225 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12-14-11, A DISTANCE OF 455.77 FEET TO A POINT OF CURVATURE; THENCE WESTERLY AND NORTHERLY ALONG A 20.0 FOOT RADIUS CURVE TO THE RIGHT AN ARC DISTANCE OF 31.42 FEET TO A POINT OF TANGENCY; THENCE NORTH  $00^{\circ}49'37''$  WEST A DISTANCE OF 589.01 FEET; THENCE SOUTH  $89^{\circ}10'23''$  EAST A DISTANCE OF 32.15 FEET; THENCE SOUTH  $82^{\circ}46'04''$  EAST A DISTANCE OF 177.68 FEET; THENCE NORTH  $86^{\circ}35'31''$  EAST A DISTANCE OF 257.54 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF 138TH STREET; THENCE SOUTH  $00^{\circ}08'06''$  EAST ALONG SAID WESTERLY RIGHT OF WAY LINE A DISTANCE OF 455.78 FEET TO THE POINT OF BEGINNING.

## LEGAL DESCRIPTION

## PARCEL 9

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION TWELVE, TOWNSHIP FOURTEEN NORTH, RANGE ELEVEN EAST OF THE SIXTH P.M., DOUGLAS COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION TWELVE; THENCE SOUTH  $00^{\circ}08'06''$  EAST ALONG THE EAST LINE OF SAID NORTHWEST QUARTER, SECTION TWELVE, A DISTANCE OF 460.9 FEET; THENCE SOUTH  $86^{\circ}35'31''$  WEST, A DISTANCE OF 289.64 FEET; THENCE NORTH  $82^{\circ}46'04''$  WEST, A DISTANCE 152.62 FEET; THENCE NORTH  $89^{\circ}10'23''$  WEST, A DISTANCE OF 24.14 FEET; THENCE SOUTH  $67^{\circ}42'13''$  WEST A DISTANCE OF 63.66 FEET; THENCE SOUTH  $00^{\circ}49'37''$  WEST, A DISTANCE OF 137.39 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH  $00^{\circ}49'37''$  WEST, A DISTANCE OF 151.61 FEET; THENCE NORTH  $89^{\circ}10'23''$  WEST A DISTANCE OF 145.57 FEET; THENCE NORTH  $00^{\circ}49'37''$  EAST A DISTANCE OF 151.61 FEET; THENCE SOUTH  $89^{\circ}10'23''$  EAST A DISTANCE OF 145.57 FEET TO THE POINT OF BEGINNING.

CONTAINING: 22069.87 SQUARE FEET OR 0.507 ACRES.

## LEGAL DESCRIPTION

## PARCEL 10

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

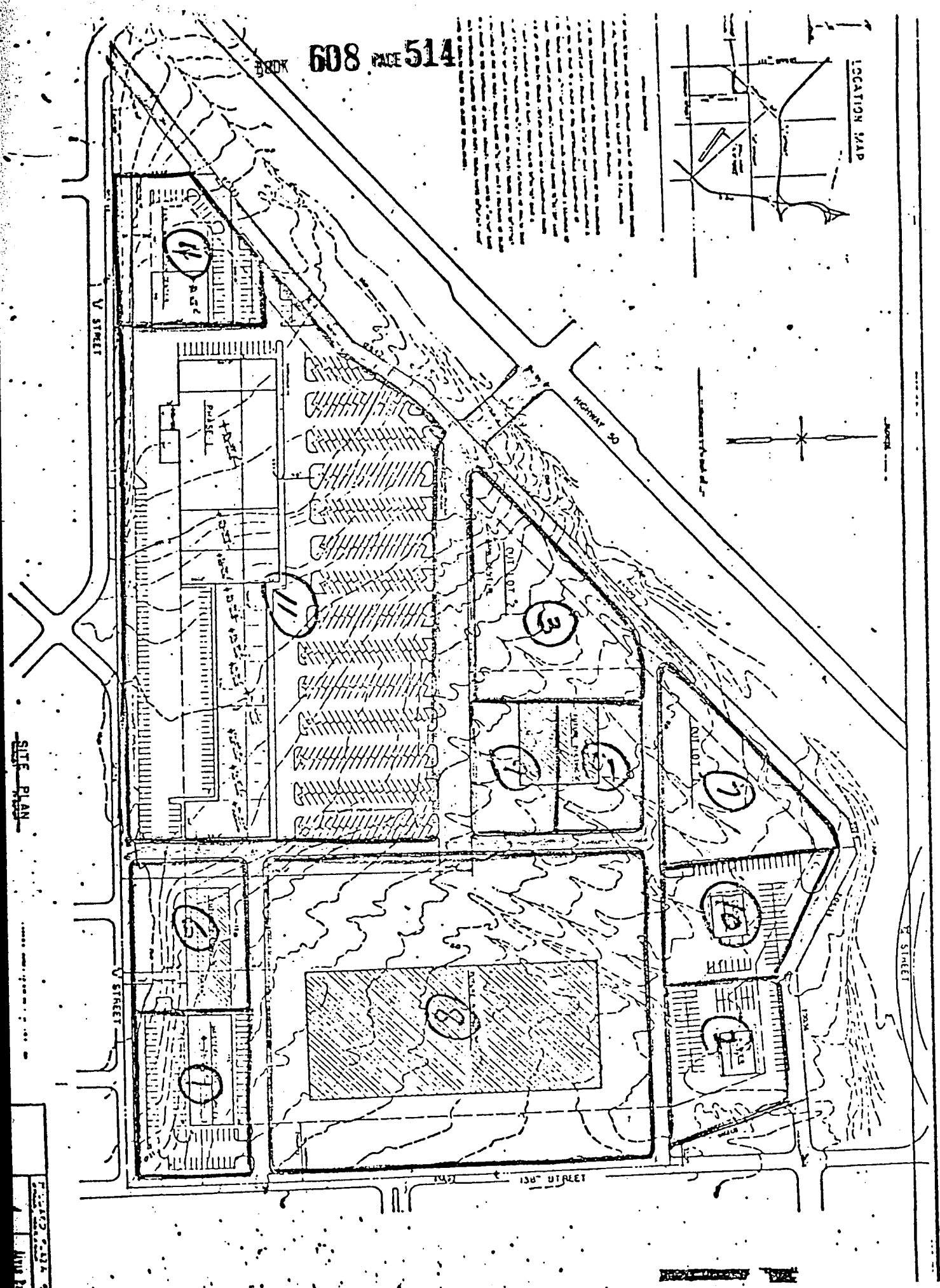
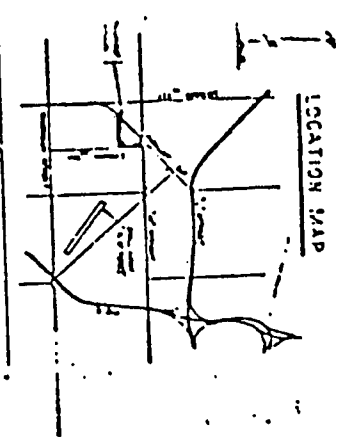
COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 12-14-11; THENCE SOUTH 00°08'06" EAST ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 12-14-11 (A.K.A. THE CENTER LINE OF 138TH STREET), A DISTANCE OF 460.9 FEET; THENCE SOUTH 89°51'54" WEST TO A POINT ON THE WEST RIGHT OF WAY LINE OF 138TH STREET, A DISTANCE OF 33 FEET; THENCE SOUTH 86°35'31" WEST, A DISTANCE OF 256.64 FEET TO THE POINT OF BEGINNING; THENCE NORTH 82°46'04" WEST A DISTANCE OF 152.62 FEET; THENCE NORTH 03°24'29" WEST, A DISTANCE OF 234.80 FEET; THENCE SOUTH 61°17'36" EAST ON A LINE 25 FEET SOUTHWESTERLY OF AND PARALLEL TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF "Q" STREET A DISTANCE OF 171.42 FEET; THENCE NORTH 86°35'31" EAST ON A LINE 24 FEET SOUTHERLY OF AND PARALLEL TO THE SOUTH RIGHT OF WAY LINE OF "Q" STREET, A DISTANCE OF 4.80 FEET; THENCE SOUTH 03°24'29" EAST A DISTANCE OF 171.86 FEET TO THE POINT OF BEGINNING.

## LEGAL DESCRIPTION

## PARCEL 11

A TRACT OF LAND LOCATED IN PART OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12-14-11; THENCE NORTH  $89^{\circ}10'20''$  WEST (ASSUMED BEARING) A DISTANCE OF 37.33 FEET; THENCE NORTH  $00^{\circ}05'57''$  WEST A DISTANCE OF 189 FEET; THENCE NORTH  $89^{\circ}10'20''$  WEST A DISTANCE OF 161.43 FEET; THENCE NORTH  $52^{\circ}53'44''$  EAST ON A LINE 25 FEET SOUTHEASTERLY OF AND PARALLEL TO THE SOUTHEASTERLY RIGHT LINE OF HIGHWAY NUMBER 50, A DISTANCE OF 271.58 FEET; THENCE NORTH  $35^{\circ}14'36''$  EAST ON SAID PARALLEL LINE A DISTANCE OF 130.35 FEET; THENCE NORTH  $48^{\circ}38'44''$  EAST ON A LINE 25 FEET SOUTHEASTERLY OF AND PARALLEL TO THE SOUTHEASTERLY RIGHT OF WAY OF HIGHWAY NUMBER 50, A DISTANCE OF 102.06 FEET; THENCE SOUTH  $41^{\circ}21'16''$  EAST, A DISTANCE OF 49.96 FEET; THENCE SOUTH  $89^{\circ}10'23''$  EAST ALONG A LINE 495 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12-14-11, A DISTANCE OF 588.76 FEET; THENCE SOUTH  $00^{\circ}49'37''$  WEST, A DISTANCE OF 462.51 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY ALONG A 20 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 7.69 FEET (CHORD BEARING SOUTH  $11^{\circ}50'12''$  WEST, CHORD DISTANCE OF 7.64 FEET) TO A POINT LOCATED ON THE NORTHERLY RIGHT OF WAY LINE OF "U" STREET; THENCE NORTH  $89^{\circ}10'23''$  WEST ALONG THE SAID NORTHERLY RIGHT OF WAY LINE OF "U" STREET, A DISTANCE OF 259.84 FEET; THENCE SOUTH  $43^{\circ}39'45''$  WEST ALONG THE RIGHT OF WAY LINE OF "U" STREET, A DISTANCE OF 34.09 FEET TO A POINT LOCATED ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12-14-11; THENCE NORTH  $89^{\circ}10'23''$  WEST ALONG THE SAID LINE, A DISTANCE OF 499.53 FEET TO THE POINT OF BEGINNING.



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