

FIRST AMENDMENT TO DECLARATION OF  
RESTRICTIONS AND GRANT OF EASEMENTS

THIS FIRST AMENDMENT TO DECLARATION OF RESTRICTIONS AND GRANT OF EASEMENTS ("First Amendment") is made as of the 5th day of October, 1981, by and between KROH BROTHERS DEVELOPMENT COMPANY, a Missouri corporation ("Kroh") and ALBERTSON'S, INC., a Delaware corporation ("Albertson's").

RECITALS:

A. The parties previously executed that certain Declaration of Restrictions and Grant of Easements ("Declaration") covering real property located in Douglas County, Nebraska and more fully described on Schedule I attached hereto and made a part hereof which Declaration was recorded on January 9, 1981, in Book 644 at Page 705, in the real estate records of Douglas County, Nebraska.

B. The parties wish to add contiguous property owned by Kroh and more particularly described on Schedule II attached hereto and made a part hereof ("Parcel 4") to the Declaration and subject such property to all the terms and conditions of the Declaration.

AGREEMENTS:

NOW THEREFORE, in consideration of the premises and the mutual covenants and conditions herein contained, the parties do agree as follows:

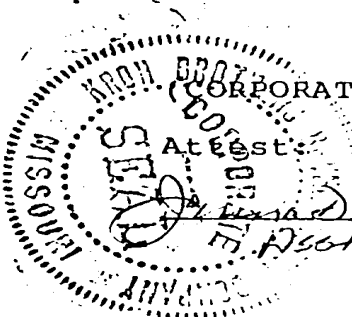
1. Parcel 4 is hereby added to the Declaration and shall be subject to and receive the benefit of all easements, restrictions, liens, charges, obligations, terms and conditions therein contained.

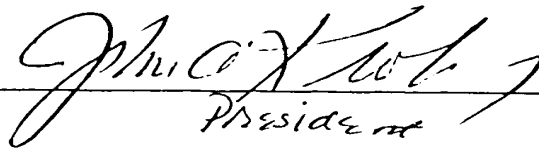
2. Exhibit "A" attached to the Declaration is hereby deleted and the Exhibit "A" attached hereto, which reflects the addition of Parcel 4, is substituted therefore.

3. Except as herein modified, the Declaration remains in full force and effect and the parties do ratify and confirm the same.

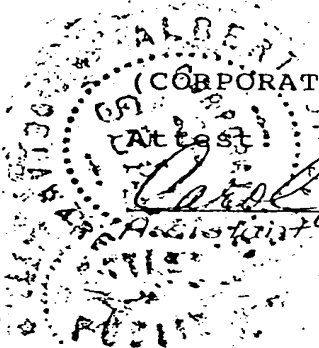
IN WITNESS WHEREOF, the parties have executed this First Amendment the day and year first above written.

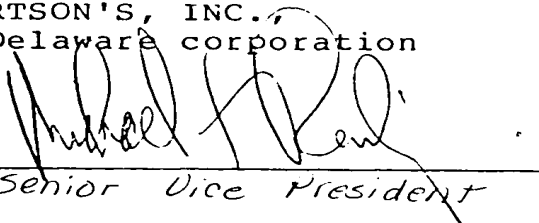
KROH BROTHERS DEVELOPMENT COMPANY,  
a Missouri corporation

  
Attest:  
James D. Hummel  
Notary Public

By:   
President

ALBERTSON'S, INC.,  
a Delaware corporation

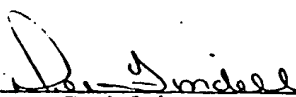
  
Attest:  
Carol J. Wood  
Assistant Secretary

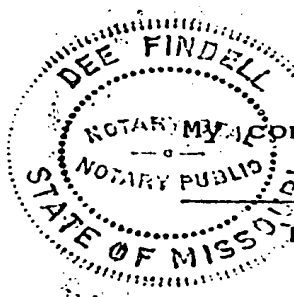
By:   
Senior Vice President

STATE OF MISSOURI )  
COUNTY OF JACKSON ) ss.

On this 5th day of October, 1981, before me appeared John A. Kroh, Sr., to me personally known, who being by me duly sworn did say that he is the President of Kroh Brothers Development Company, a Missouri corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and said John A. Kroh, Sr. 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 official seal the day and year last above written.

  
Notary Public

  
My Commission expires:  
**DEE FINDELL**  
Notary Public - State of Missouri  
Commissioned in Jackson County  
My Commission Expires November 2, 1984

STATE OF Idaho )  
COUNTY OF Ada ) ss.

On this 20th day of October, 1981, before me appeared Michael J. Reuling, to me personally known, who being by me duly sworn did say that he is the Senior Vice President of Albertson's, Inc., a Delaware corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and said Senior Vice President 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 official seal the day and year last above written.

Claudia C. Medina  
Notary Public

My commission expires:

10/30/81



SCHEDULE II

That part of Lot 30, Empire Park, as surveyed, platted, and recorded in Douglas County, Nebraska described as follows: Commencing at the S.E. corner of said Lot 30; thence N  $89^{\circ} 51' 46''$  W (assumed bearing) on the South line of said Lot 30, 730 feet; thence N  $00^{\circ} 08' 14''$  E. 480 feet to the Point of Beginning; thence continuing N  $00^{\circ} 08' 14''$  E. 291.50 feet, thence N  $34^{\circ} 58' 45''$  E, 60 feet; thence S  $55^{\circ} 01' 15''$  E, 35.43 feet to a point of curve; thence Southeasterly on a 400.00 foot radius curve to the left (chord bearing S  $64^{\circ} 13' 54''$  E, chord distance 128.05 feet) an arc distance of 128.61 feet; thence S  $34^{\circ} 08' 10''$  W 319.78 feet to the Point of Beginning. Containing 30,112 sq. feet more or less.

#1 LEGAL DESCRIPTION:

That part of Lot 30, Empire Park, as surveyed, platted and recorded in Douglas County, Nebraska, described as follows: Beginning at the Southeast corner of said Lot 30; thence N 89° 51' 46" W (Assumed bearing) on the South line of said Lot 30, 690.00 feet; thence N 00° 08' 14" E, 166.00 feet; thence S 89° 51' 46" E on a line 166.00 feet North of and parallel to the South line of said Lot 30, 292.00 feet; thence S 00° 08' 14" W, 38.00 feet; thence S 89° 51' 46" E on a line 128.00 feet North of and parallel to the South line of said Lot 30, 397.65 feet to a point on the East line of said Lot 30; thence S 00° 01' 15" E on the East line of said Lot 30, 128.00 feet to the point of beginning. (Containing 99,393 sq. ft. more or less.)

#2 LEGAL DESCRIPTION:

That part of Lot 30, Empire Park, as surveyed, platted and recorded in Douglas County, Nebraska, described as follows: Commencing at the S.E. corner of said Lot 30; thence N 89° 51' 46" W (Assumed bearing) on the South line of said Lot 30, 690.00 feet to the point of beginning; thence continuing N 89° 51' 46" W on the South line of said Lot 30, 40.00 feet; thence N 00° 08' 14" E, 480.00 feet; thence N 34° 08' 10" E, 53.82 feet; thence S 89° 51' 46" E on a line 524.62 feet North of and parallel to the South line of said Lot 30, 114.58 feet; thence S 00° 08' 14" W, 54.29 feet; thence S 89° 51' 46" E on a line 470.33 feet North of and parallel to the South line of said Lot 30, 194.00 feet; thence N 00° 08' 14" E, 39.82 feet, thence S 89° 51' 46" E on a line 510.15 feet North of and parallel to the South line of said Lot 30, 240.02 feet; thence S 00° 08' 14" W, 32.15 feet; thence S 89° 51' 46" E on a line 478.00 feet North of and parallel to the South line of said Lot 30, 149.98 feet to a point on the East line of said Lot 30; thence S 00° 01' 15" E on the East line of said Lot 30, 350.00 feet; thence N 89° 51' 46" W on a line 128.00 feet North of and parallel to the South line of said Lot 30, 397.65 feet; thence N 00° 08' 14" E, 38.00 feet; thence N 89° 51' 46" W on a line 166.00 feet North of and parallel to the South line of said Lot 30, 292.00 feet; thence S 00° 08' 14" W, 166.00 feet to the point of beginning. (Containing 261,532 sq. ft. more or less.)

#3 LEGAL DESCRIPTION:

That part of Lot 30, Empire Park, as surveyed, platted and recorded in Douglas County, Nebraska, described as follows: Commencing at the Southeast corner of said Lot 30; thence N 00° 01' 15" W (Assumed bearing) on the east line of said Lot 30, 478.00 feet to the point of beginning; thence N 89° 51' 46" W on a line 478.00

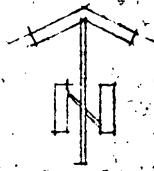
feet North of and parallel to the South line of said Lot 30, 149.98 feet; thence N 00° 08' 14" E, 32.15 feet; thence N 89° 51' 46" W on a line 510.15 feet North of and parallel to the South line of said Lot 30, 240.02 feet; thence S 00° 08' 14" W, 39.82 feet; thence N 89° 51' 46" W on a line 470.33 feet North of and parallel to the South line of said Lot 30, 194.00 feet; thence N 00° 08' 14" E, 54.29 feet; thence N 89° 51' 46" W on a line 524.62 feet North of and parallel to the South line of said Lot 30, 114.58 feet; thence N 34° 08' 10" E, 265.96 feet to a point on a curve; thence Southeasterly on a 400.00 foot radius curve to the left (chord bearing S 81° 43' 54" E chord distance 115.34 feet) an arc distance of 115.74 feet to a point of tangency; thence N 89° 58' 45" E, 435.00 feet to a point on the East line of said Lot 30; thence S 00° 01' 15" E on the East line of said Lot 30, 252.00 feet to the point of beginning. (Containing 150,449 sq. ft. more or less.)

SCHEDULE II

That part of Lot 30, Empire Park, as surveyed, platted, and recorded in Douglas County, Nebraska described as follows: Commencing at the S.E. corner of said Lot 30; thence N  $89^{\circ} 51' 46''$  W (assumed bearing) on the South line of said Lot 30, 730 feet; thence N  $00^{\circ} 08' 14''$  E. 480 feet to the Point of Beginning; thence continuing N  $00^{\circ} 08' 14''$  E. 291.50 feet, thence N  $34^{\circ} 58' 45''$  E, 60 feet; thence S  $55^{\circ} 01' 15''$  E, 35.43 feet to a point of curve; thence Southeasterly on a 400.00 foot radius curve to the left (chord bearing S  $64^{\circ} 13' 54''$  E, chord distance 128.05 feet) an arc distance of 128.61 feet; thence S  $34^{\circ} 08' 10''$  W 319.78 feet to the Point of Beginning. Containing 30,112 sq. feet more or less.

# POOR INSTRUMENT FILED

BOOK 661 PAGE 559



DRAWN WITHOUT BENEFIT OF SURVEY

IMPORTANT — DISTANCE BETWEEN REAR CURB & REAR OF ALBERTSON'S MAY VARY BASED ON LOADING RAMP REQUIREMENTS & GRADES. CONSEQUENTLY, ALBERTSON'S BUILDING MAY MOVE EAST A MAXIMUM OF 10'-0". TO BE VERIFIED WITH ALBERTSON'S PROJECT ARCHITECT.

## EXHIBIT-A PAGE 1 # 2201

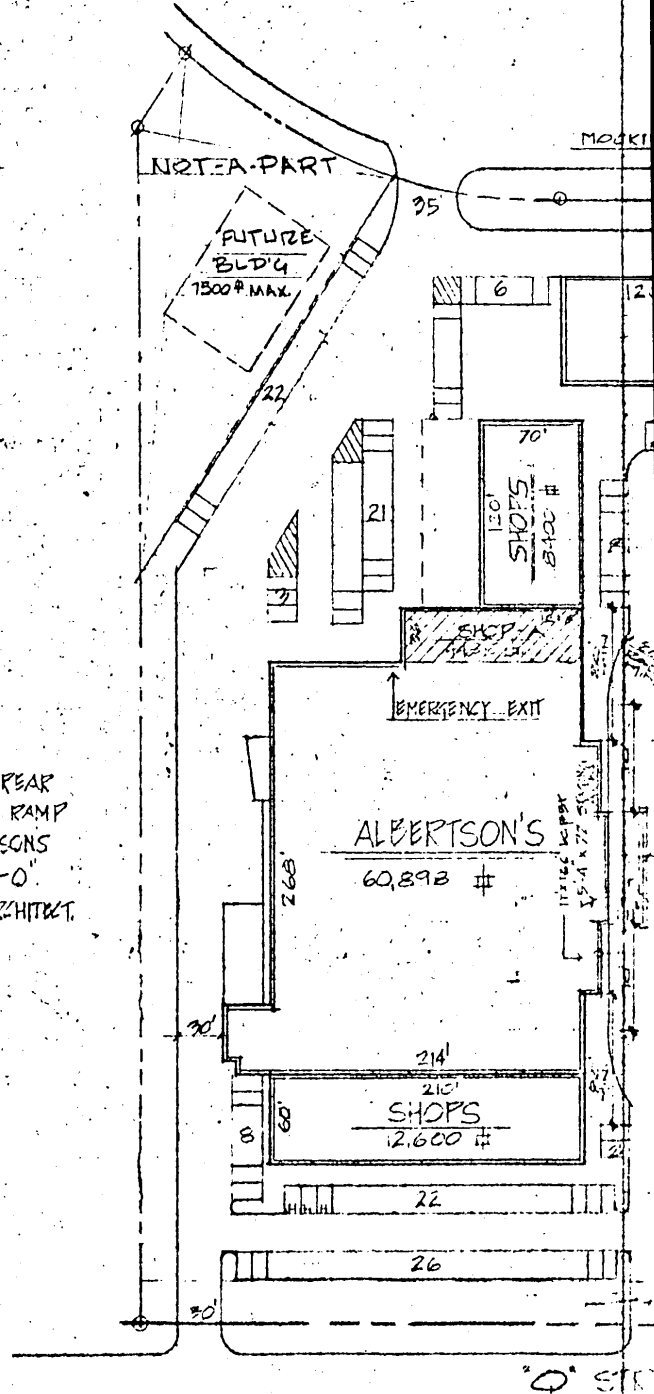
N.W. 1st STREET  
N.W. 2nd STREET  
CANTON, NEBRASKA

3RD BUILDING AREA = 118,133 #  
ALBERTSON'S BLDG AREA = 60,898 #  
TOTAL CALL AREA = 584  
CANTON WIN 201 15422154

REV. 12, 1980 S.P.A.  
REV. NOV. 15, 1980 DRW.  
REV. DEC. 1, 1980 DRW.  
REV. DEC. 10, 1980 DRW.  
REV. DEC. 22, 1980 DRW.  
REV. JAN. 22, 1981  
REV. MAY 26, 1981

ADD AREA OF FUTURE BUILDING SITE - P.R.W.  
REV. JULY 14, 1981  
ADD PLACED PREMISES - DRW.

REV. OCT. 14, 1981  
ADD FUTURE BUILDING - S.B.H. W.L.M. 10/14

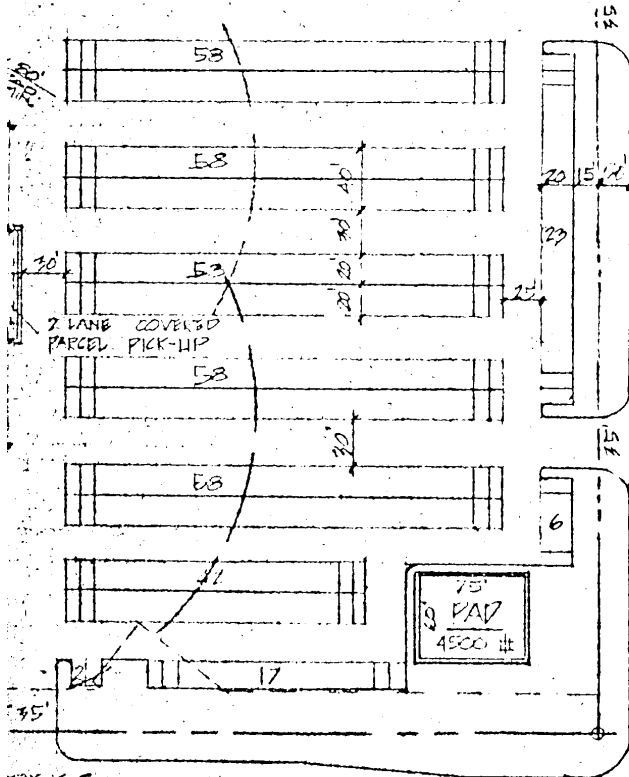
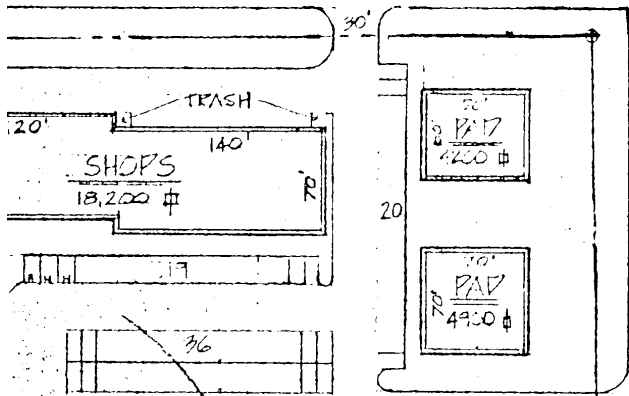




# POOR INSTRUMENT FILED

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KINGBIRD DR.

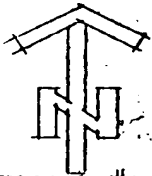
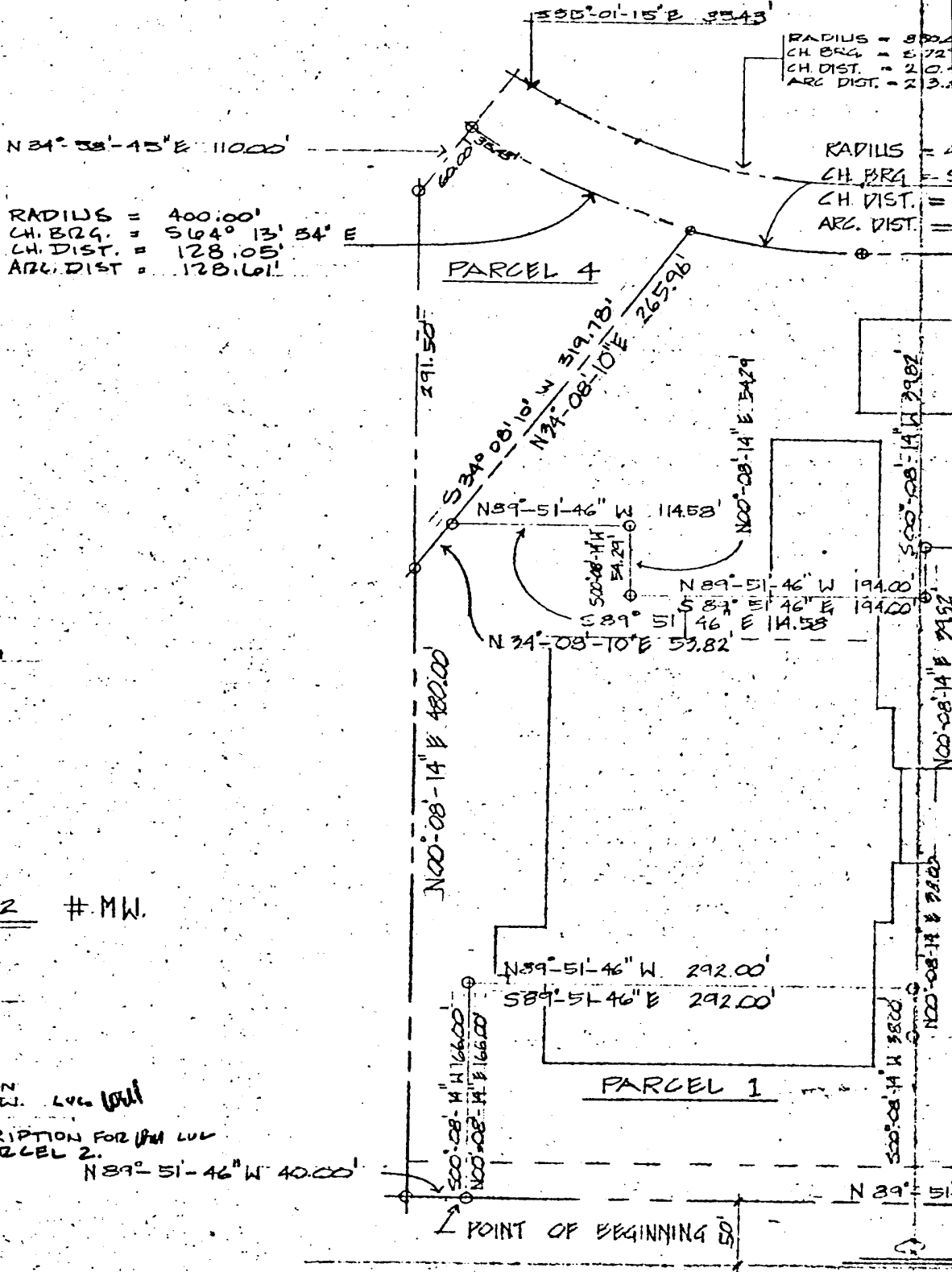


FEET

LEASED PREMISES

APPROVED	
MAYOR	<i>Michael</i>
COUNCIL	<i>Michael</i>
PLANNING	<i>Michael</i>
ENGINEER	<i>Michael</i>
INSPECTOR	<i>Michael</i>
DATE	6/11/00

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SCALE 1" = 100'

EXHIBIT-A PAGE 2 # MW.

N.W. 108<sup>th</sup> STREET  
 & Q STREET  
 OMAHA, NEBRASKA

DEC. 29, 1980 D.R.W.

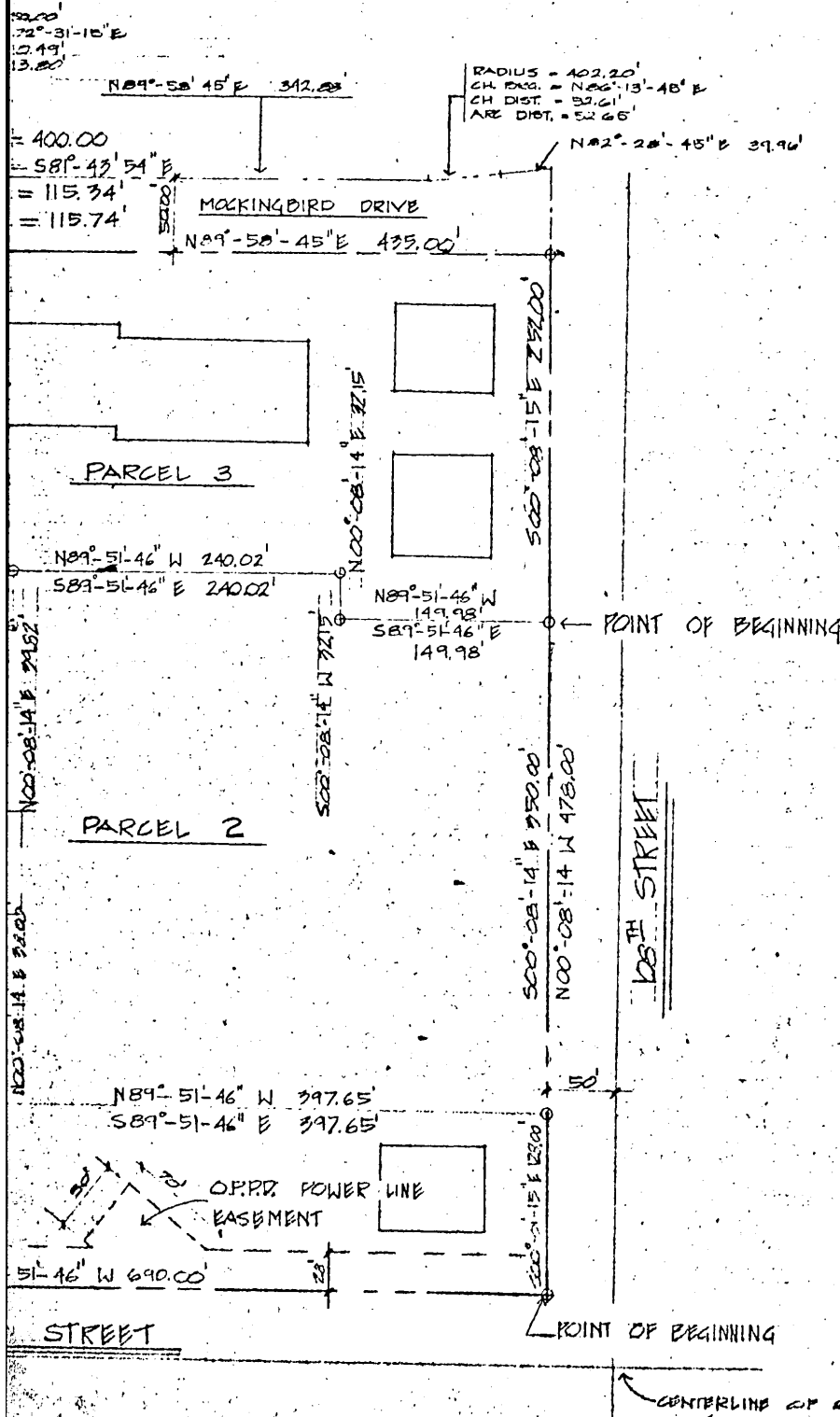
REV. MAY 26, 1981  
 ADD LEGAL DESCRIPTION  
 FOR PARCEL 4. - D.R.W. LVL LVL

REV. OCT. 14, 1981  
 ADJUST LEGAL DESCRIPTION FOR THE LVL  
 PARCEL 4. NOTE PARCEL 2.

N 89° 51' 46" W 40.00'

# POOR INSTRUMENT FILED

BOOK 661 PAGE 562



*38 min*

RECEIVED  
 1991 OCT 27 PM 12:08  
 C. HAROLD GILLER  
 REGISTER OF DEEDS  
 DOUGLAS COUNTY, WISN

Loc: 661  
 Page: 552  
 of: Misc  
 -12-

Geo: 33.75  
 In Cox: ✓  
 Comped: ✓  
 # 81