

THIS PAGE INCLUDED FOR INDEXING

PAGE DOWN FOR BALANCE OF INSTRUMENT

1 2hsc1

MEMORANDUM OF LEASE AND OPTION AGREEMENT

This Memorandum, dated for reference purposes only, Srfember 15, 1989 (the "Effective Date"), is made by and between OPUS CORPORATION, a Minnesota corporation ("Opus") and CONAGRA, INC., a Delaware corporation ("ConAgra").

- 1. Lease. Opus hereby leases to ConAgra, on the terms and conditions of that certain Lease Agreement (Refrigerated Foods Building) between the parties hereto, of even date herewith (the "Lease"), that certain property, and all improvements thereon, described as Lot 17, Central Park East, an Addition to the City of Omaha, as surveyed, platted, recorded in Douglas County, Nebraska. The terms and conditions of the Lease are incorporated by this reference.
- 2. <u>Terms</u>. The term of the Lease is for twenty-five (25) years, commencing on the Commencement Date (as defined in the Lease), subject to earlier termination pursuant to the terms of the Lease.
- 3. Option. Opus hereby grants to ConAgra the option to purchase that property described as Lots 13. It and 17, Central Park East, an Addition to the City of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska, together with all buildings and improvements thereon (the "Option Property"), pursuant to the terms of that certain Option Agreement (the "Option Agreement"), of even date herewith, made by and between Opus and ConAgra. ConAgra has been granted the option to purchase the Option Property on the last day of the twenty-fifth Lease Year (as that term is defined in the Lease).
 - 4. Addresses. The addresses of the parties are:

Opus:

Opus Corporation P.O. Box 150

Minneapolis, Minnesota 55440 Attn: Gene Haugland, President

ConAgra:

ConAgra, Inc. ConAgra Center

One Central Park Plaza Omaha, Nebraska 68102 Attn: Controller

- 5. <u>Purpose of Memorandum</u>. This Memorandum is prepared for the purpose of recordation and it in no way modifies the Lease or the Option Agreement.
- 6. Restrictive Covenants. The parties hereto recognize that ConAgra previously conveyed to Opus Lot 17, Central Park East, an Addition to the City of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska, and in conjunction with

	вк <u>899</u> n	
Adag ka	PG33 -34 N	DEL MG MC
1989 SEP 18 AMIT: 14 .	OF Muschscomp	18 23 - 6176
Pro Maria - T		

BOOK 899 PAGE 34

such conveyance, ConAgra retained the right to serve on any Architectural Review Committee established for Central Park East.

EXECUTED as of the Effective Date.

OPUS CORPORATION

Title:

CONAGRA, INC.

By: Sefer Ontroller
Title: The Tresident Controller

COUNTY OF HENNEPIN

On this SIST day of JULY, 1989, before me a Notary Public in and for said County and State, personally appeared SENE HAUGLAND, to me known to be the identical person who subscribed the name of OPUS CORPORATION, a Minnesota corporation, thereof to the foregoing instrument as its PRESIDENT and acknowledged to me that he executed the same as his free and voluntary act and deed, and as the free and voluntary act and deed of such corporation.

Witness my hand and official seal the day and year last above written. $\hfill \alpha$

STATE OF NEBRASKA)

COUNTY OF DOUGLAS)

On this /7 day of August , 1989, before me a Notary Public in and for said County and State, personally appeared of the little , to me known to be the identical person who subscribed the name of CONAGRA, INC., a Delaware corporation, thereof to the foregoing instrument as its fire and acknowledged to me that he executed the same as his free and voluntary act and deed, and as the free and voluntary act and deed of such corporation.

Witness my hand and official seal the day and year last above written.

GENERAL MOTARY-State of Metrasia LORETTA M. LEGBAND My Comm. Eqs. May 4, 1993

NOTARY PUBLIC

NOTARY TUBLIC

Judy M. Schmitz

NOTARY PUBLIC — MINNESOTA
HENNEPIN COUNTY
My commission expires 1-31-93