



BK 1351 PG 578-581



MISC 2000 12405

Nebr Stamp	Doc Tax
Date	
\$	
By	

RICHARD N TAKECHI
REGISTER OF DEEDS
DOUGLAS COUNTY, NE

00 SEP 18 AM 8:01

RECEIVED

**THIS PAGE INCLUDED FOR INDEXING
PAGE DOWN FOR BALANCE OF INSTRUMENT**

MISC F
4
3

FEE	21.50	FB	
EXP		CO	COMP
DEL		SCAN	ds PV

RETURN: ~~_____~~
~~_____~~
~~_____~~

Exhibit "B"

WHEN RECORDED RETURN TO: Julie Dermody
Cox Communications Omaha, Inc.
11505 W. Dodge Rd.
Omaha NE 68154

MEMORANDUM OF AGREEMENT
(NEBRASKA)

PLEASE TAKE NOTICE that Greenhouse Apartments, ("Owner") and CoxCom, Inc. d/b/a Cox Communications Omaha, Inc., a Nebraska corporation ("Cox Communications") have entered into a Telecommunications Agreement ("Agreement") dated September 1, 2000, which, in accordance with its terms, entitles Cox Communications to provide cable television services throughout the property described on Schedule C attached hereto and incorporated herein by this reference. Among other things, the Agreement provides Cox Communications with rights of ingress and egress to the property necessary or useful to provide such service and maintain its facilities on the property used in providing such services. The Agreement binds any successors and assigns of the Owner in accordance with its terms. A copy of relevant provisions of the Agreement will be provided to any properly interested person upon written request.

Cox Communications requests that it receive notice of any pending trustee or foreclosure sale or receivership, bankruptcy or other proceeding affecting the property, sent to the address above.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized representatives as of the date and year first above written.

Cox Communications Omaha
A Nebraska corporation

By: J. Barnard
Its: VP/Gen
Print Name: Janet Barnard



STATE OF NEBRASKA
COUNTY OF DOUGLAS

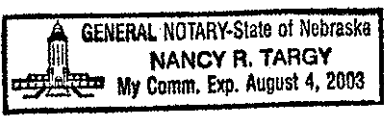
The foregoing instrument was acknowledged before me this 14th day of Sept, 2000 by Janet Barnard VP/Gen of Cox Communications Omaha, Inc. a Nebraska corporation, on behalf of said corporation.

Julie A. Dermody
NOTARY PUBLIC
My Commission Expires: 4-1-02

America First Properties
By: Mark A. Hiatt
Its: COO
Print Name: Mark A. Hiatt

STATE OF Nebraska
The foregoing instrument was acknowledged before me this 6th day of Sept, 2000 by Mark A. Hiatt as COO of America First Properties a Nebraska LLC, on behalf of said company.

Nancy R. Targy
NOTARY PUBLIC
My Commission Expires: 8/4/03



LEGAL DESCRIPTION OF THE LAND

The East 3.5 feet of Lot 6, and all of Lots 7 and 8, in Block 124, in the ORIGINAL CITY OF OMAHA, as surveyed and lithographed, in Douglas County, Nebraska, together with the South 2.00 feet of the vacated alley adjacent thereto on the North, and together with the vacated West 0.75 feet of 9th Street adjacent thereto on the East, and together with the vacated North 0.75 feet of Farnam Street adjacent thereto on the South, all being more particularly described as follows:

Beginning at a point that is 3.50 feet West of and 0.75 feet South of the Southeast corner of Lot 6, said Block 124, Original City of Omaha; thence North 0°00'00" E (assumed bearing) for 134.75 feet parallel with and 3.50 feet West of the East line of said Lot 6; thence North 89°58'29" East for 136.25 feet, parallel with and 2.00 feet North of the North line of Lots 6, 7, and 8, said Block 124; thence South 0°00'00" West, for 134.75 feet, parallel with and 0.75 feet East of the East line of said Lot 8; thence South 89°58'29" West, for 136.25 feet, parallel with and 0.75 feet South of the South line of Lots 8, 7 and 6, said Block 124 to the Point of Beginning.

Together with the following easements, rights and appurtenances:

DESCRIPTION B-1: EAST BALCONY

The air rights for a rectangular structure at the North face of a structure known as "The Greenhouse" described as follows:

From a point at the Northeast corner of The Greenhouse, as measured at the finish grade of Central Park Mall, a distance of 47'-0" Westerly along the face of said building, to the Point of Beginning; thence 4'-0" North from the face of the masonry wall of said Greenhouse; thence Westerly 10'-0" parallel to said building; thence Southerly 4'-0" to the face of said building; thence Easterly along the masonry face of said building, a distance of 10'-0" to the Point of Beginning. Also, vertically from the finish grade of said Central Park Mall, a distance of 11'-3" to the bottom of the air rights and 126'-0" from the bottom to the top of said air rights.

DESCRIPTION B-2: WEST BALCONY

The air rights for a rectangular structure at the North face of a structure known as "The Greenhouse" described as follows:

From a point at the Northeast corner of The Greenhouse, as measured at the finish grade of Central Park Mall, a distance 77'-0" Westerly along the face of said building, to the Point of Beginning; thence 4'-0" North from the face of the masonry wall of said Greenhouse; thence Westerly 10'-0" parallel to said

building; thence Southerly 4'-0" to the face of said building; thence Easterly along the masonry face of said building a distance of 10'-0" to the Point of Beginning. Also, vertically from the finish grade of said Central Park Mall a distance of 11'-3" to the bottom of the air rights and 126'-0" from the bottom to the top of said air rights.

LEGAL DESCRIPTION:

An Easement for pedestrian ingress and egress on, over and/or under that part of 9th Street described as follows: Beginning at a point that is 17.70 feet South of and 0.75 feet East of the Northeast corner of Lot 8, in Block 124, in the ORIGINAL CITY OF OMAHA, as surveyed and lithographed, in Douglas County, Nebraska; thence East, perpendicular to the East line of said Lot 8, for 10.00 feet; thence North, parallel with the East line of said Lot 8, for 8.30 feet; thence East, perpendicular to the East line of said Lot 8, for 20.00 feet; thence South, parallel with the East line of said Lot 8, for 23.00 feet; thence West perpendicular to the East line of said Lot 8, for 30.00 feet; thence North, parallel with and 0.75 feet East of the East line of said Lot 8, for 14.70 feet, to the Point of Beginning.

DESCRIPTION C: GLASS BOX (RECTANGULAR STRUCTURE)

The air rights for a rectangular structure at the North face of a structure known as "The Greenhouse" described as follows:

From a point at the Northeast corner of The Greenhouse, as measured at the finish grade of Central Park Mall, a distance 58'-6" Westerly, along the face of said building, to the Point of Beginning; thence 4'-10" North from the face of the masonry wall of said Greenhouse; thence Westerly 16'-0" parallel to said building; thence Southerly 4'-10" to the face of said building; thence Easterly, along the masonry face of said building, a distance of 16'-0" to the Point of Beginning. Also, vertically from the finish grade of said Central Park Mall a distance of 28'-0" to the bottom of the air rights and 114'-0" from the bottom to the top of said air rights.

DESCRIPTION D: SERVICE LIFT

A ground level encroachment at the East face of a structure known as "The Greenhouse" (McKesson-Robbins Building) containing a structure, and described as follows:

From a point at the Southeast corner of The Greenhouse, as measured at the finish grade, a distance of 18'-9" Northerly, along the face of said building, to the Point of Beginning; thence 11'-2" North, along the face of the masonry wall of said building; thence East 7'-10" perpendicular to said building; thence South 11'-2", parallel to said building, thence West 7'-10" to the Point of Beginning.

DESCRIPTION OF LEASEHOLD RIGHTS

All of the leasehold rights in and to that certain parking garage which were created in that certain Parking Lease dated November 14, 1985 and recorded in Book 811 at Page 13, which parking garage is situated on Block "F", ORIGINAL CITY OF OMAHA, and more particularly described as follows:

At a point of beginning, 30 feet East and 5 feet North of the Southeast corner of Lot 8, Block 124, Original City of Omaha, in vacated 9th Street right-of-way, thence North 118 feet, thence East 224 feet, thence South 6 feet 6 inches, thence East 13 feet 6 inches, thence South 6 feet 6 inches, thence East 13 feet, thence South 6 feet 6 inches, thence East 13 feet, thence South 98 feet 6 inches, thence West 263 feet 6 inches back to the Point of Beginning.