



MISC 2009069262



JUN 30 2009 15:01 P 4

*K# misc*  
FEE 35.00 FE see below  
C/O \_\_\_\_\_ COMP \_\_\_\_\_  
30 HL \_\_\_\_\_ SCAN \_\_\_\_\_ FV \_\_\_\_\_

Received - DIANE L. BATTIATO  
Register of Deeds, Douglas County, NE  
6/30/2009 15:01:21.51



2009069262

(The above space for use of Register of Deeds.)

**FIRST AMENDMENT TO  
DECLARATION OF UTILITIES EASEMENT**

THIS FIRST AMENDMENT TO DECLARATION OF UTILITIES EASEMENT (the "First Amendment to Easement Declaration") is made this 30<sup>th</sup> day of June, 2009, by Connectivity Solutions Manufacturing, Inc., a Delaware corporation ("Declarant") and Omaha Works Industrial Park Property Owners Association, a Nebraska non-profit corporation ("Association").

RECITALS

✓ WHEREAS, Declarant is the current owner of the real estate legally described as Lots 1, 3, 4, 5, 8, 10, 11, 12, 14, 15, 25 and Outlots 1, 2 and 3, Omaha Works Industrial Park, an addition to the City of Omaha, Douglas County, Nebraska ("OWIP") and Lots 1, 2, Omaha Works Industrial Park Replat 4, an addition to the City of Omaha, Douglas County, Nebraska being a replat of Lots 6 and 7 in OWIP ("OWIP 4"); *61-28703*

✓ WHEREAS, Millard Lumber Inc. is the current owner of the real estate legally described as Lot 2, 20, 21, 22, 23 and 24 in OWIP; *61-28706*

✓ WHEREAS, TRP Properties, L.L.C. is the current owner of the real estate legally described as Lots 16, 17, 18, 19 in OWIP;

✓ WHEREAS, LGM Investments, LLC is the current owner of the real estate legally described as Lot 13 in OWIP;

✓ WHEREAS, 121 Court, LLC is the current owner of the real estate legally described as Lot 3 in OWIP 4;

WHEREAS, Sportscenter Properties, LLC is the current owner of the real estate legally described as Lot 1, Omaha Works Industrial Park Replat 5, an addition to the City of Omaha, Douglas County, Nebraska being a replat of Lot 9 in OWIP ("OWIP 5"); *61-28735*

WHEREAS, Baseball Land, LLC is the current owner of the real estate legally described as Lot 2 in OWIP 5;

WHEREAS, Declarant and the Association created a formal easement for utilities easement pursuant to that certain Declaration of Utilities Easement dated September 29, 2006 and recorded October 3, 2006 as Instrument No. 2006113609 in the Office of the Register of Deeds of Douglas County, Nebraska (the "Easement Declaration"), pursuant to which the Association, for the benefit of the owners of certain real property described therein, agrees to

RETURN: MARK BRASSE  
409 S. 17<sup>th</sup> ST. #500  
OMAHA NE 68102

Ⓢ

V144233

install and maintain certain utility lines for the benefit of the Owners of the Real Estate (described in the Easement Declaration, as amended hereby); and

WHEREAS, the parties desire to amend the Easement Declaration to add additional real property to the definition of the Real Estate.

NOW, THEREFORE, in consideration of the above premises and of the covenants herein contained, receipt and sufficiency of which is hereby acknowledged, the parties hereto covenant and agree as follows:

1. **Real Estate and Easement Area.** The definition of "Real Estate" and "Easement Area" under the Easement Declaration shall be amended to add the real property depicted on Exhibit A attached here to and by this reference made a part hereof.

2. **Binding Effect.** All of the covenants, agreements, conditions, and restrictions set forth in this First Amendment to Easement Declaration are intended to be and shall be construed as covenants running with the land, inuring to the benefit of, binding upon and enforceable by the parties hereto, and their respective successors, assigns, grantees, representatives, tenants and invitees.

3. **Miscellaneous.** The provisions of this First Amendment to Easement Declaration shall run with the land and be binding on the successors and assigns of the parties hereto. Except as modified by this First Amendment to Easement Declaration, the Easement Declaration contains the entire agreement of the parties regarding the Utilities Easement. This First Amendment to Easement Declaration shall be construed and governed by the laws of the State of Nebraska. The paragraph headings in this First Amendment to Easement Declaration are for convenience only, shall in no way define or limit the scope or content of this First Amendment to Easement Declaration, and shall not be considered in any construction or interpretation of this First Amendment to Easement Declaration or any part thereof.

IN WITNESS WHEREOF, the Declarant and the Association have executed this instrument as of the date first stated above.

CONNECTIVITY SOLUTIONS MANUFACTURING, INC., a Delaware corporation

By: *Al Cruz*  
Al Cruz, Facilities Manager

STATE OF NEBRASKA     )  
  )ss  
COUNTY OF DOUGLAS    )



The foregoing instrument was acknowledged before me on the 30<sup>th</sup> day of June, 2009, by Al Cruz, Facilities Manager of Connectivity Solutions Manufacturing, Inc., a Delaware corporation, on behalf of the corporation.

*Connie Carlson*  
Notary Public

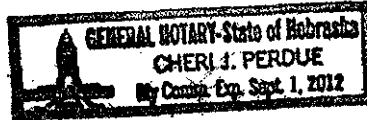
OMAHA WORKS INDUSTRIAL PARK PROPERTY OWNERS ASSOCIATION, a Nebraska non-profit corporation

By: David M. Anderson  
David M. Anderson, President

STATE OF NEBRASKA     )  
                                  )ss  
COUNTY OF DOUGLAS    )

The foregoing instrument was acknowledged before me on the 25 day of June, 2009, by David M. Anderson, the President of Omaha Works Industrial Park Property Owners Association, a Nebraska non-profit corporation, on behalf of the corporation.

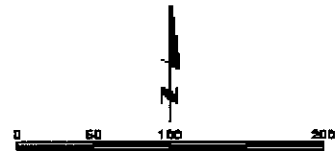
Cheri J. Perdue  
Notary Public



# EXHIBIT A

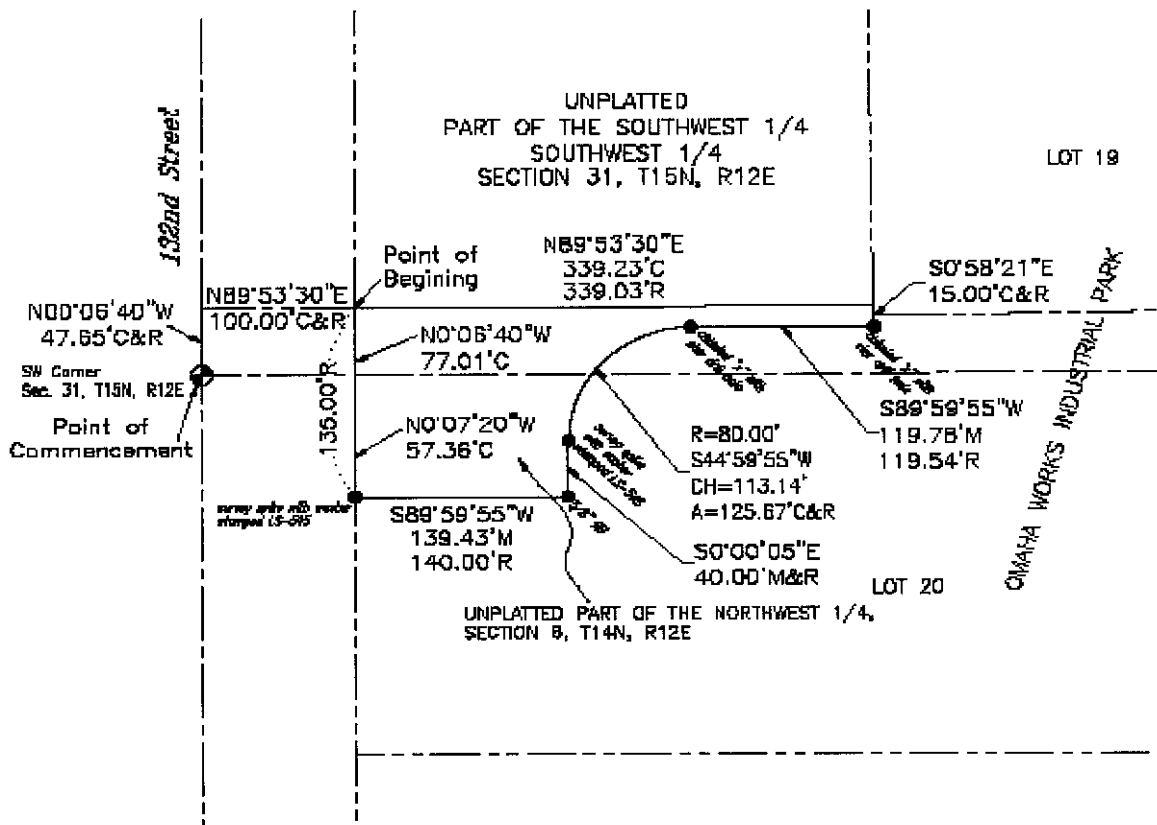
## LEGAL DESCRIPTION

A tract of land located in the South Half of the Southwest Quarter of Section 31, Township 15 North, Range 12 East of the 6th PM, and the North Half of the Northwest Quarter of the Northwest Quarter of Section 8, Township 14 North, Range 12 East of the 6th PM, all located in Douglas County, Nebraska. Contains 23,103 square feet.



## LEGEND

- SECTION CORNER
- CORNERS FOUND
- M** MEASURED DIMENSIONS
- P** PLAT DIMENSIONS
- L** LEGAL DIMENSIONS
- C** COMPUTED DIMENSIONS
- SECTION LINE
- - - ADJACENT PROPERTY LINE



**Lamp, Rynesson & Associates, Inc.**

14718 West Dodge Road, Suite 102  
Omaha, Nebraska 68134-3027

WWW.LRA-INC.COM

(Ph) 402.496.2498  
(Fax) 402.496.2730

drawn by: JLK  
checked by: TLW  
job number: 0101087.1B-003  
date: June 24, 2009  
brw/ky  
file name: 01087R00exhibit.dwg