

36345.

T-10615

EASEMENT

Lincoln Lawn & Home Center, Inc., a corporation, is the owner of Parcels 2, 3 and 4 of the real estate described on attached Exhibit "A". LCM III, a Nebraska general partnership, is the owner of Parcel 1 of the real estate described on attached Exhibit "A". Cormack Real Estate, Inc., is the lessee of Parcel 1 of the real estate described on attached Exhibit "A".

All of the real estate described on attached Exhibit "A" (Property) is subject to a "Declaration of Easement" recorded in the office of the Register of Deeds for Lancaster County, Nebraska on October 3, 1984 as Instrument No. 84-24276, and Parcels 1, 2 and 3 of the Property described on attached Exhibit "A" are subject to an "Access Easement" recorded on January 23, 1985 as Instrument No. 85-1776.

THE PARTIES AGREE:

1. The "Declaration of Easement" and "Access Easement" should be modified to accommodate the development of the Property.

2. The site plan attached as Exhibit "B" identifies existing and contemplated development of buildings and parking lots on Parcels 1 and 2 and proposed access road on Parcel 3.

3. The "Declaration of Easement" and "Access Easement" referred to above are hereby modified to the extent necessary to conform any contemplated or described easement areas to the shaded areas as indicated on the attached site plan including the reduction of the width of the easement and to extinguish the Pioneers Blvd. curb cut onto Parcel 1 and the north-south driveway extending across Parcel 1 therefrom.

4. The owner of each parcel shall be responsible for the maintenance of that portion of the easement area which exists on that parcel. However, the owner of Parcel 2 shall be responsible for the maintenance of that portion of the easement area upon Parcel 3 until such time as Parcel 3 is conveyed by Lincoln Lawn to a third party, or improvements are constructed on Parcel 3 by Lincoln Lawn, whichever occurs first.

5. Paragraph number 4 of the "Declaration of Easement" shall no longer be applicable to the easement area illustrated on the site plan attached as Exhibit "B".

6. The "Declaration of Easement" and "Access Easement", except to the extent expressly modified herein, shall remain in full force and effect.

7. The Transportation Department of the City of Lincoln, Nebraska consents to this modification of the "Declaration of Easement".

DATED October 30, 1987.

LINCOLN LAWN & HOME CENTER, INC.
A Corporation

By: Kathleen M. Evans

LCM III, A Nebraska General
Partnership

By: [Signature]
PRESIDENT Lincoln Inc.

CORMACK REAL ESTATE, INC., LESSEE

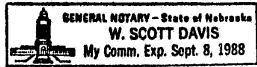
By: Craig Cormack

CITY OF LINCOLN, NEBRASKA
TRANSPORTATION DEPARTMENT

By: *Vivendaw A. Singh*
Authorized Representative

STATE OF NEBRASKA)
) ss:
COUNTY OF LANCASTER)

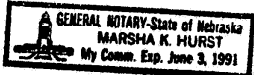
The foregoing instrument was acknowledged before me this 30 day of October, 1987, by Kathleen M. Evans, Vice-President Lincoln Lawn & Home Center, Inc. of , a Nebraska corporation, on behalf of the corporation.



W. Scott Davis
Notary Public

STATE OF NEBRASKA)
) ss:
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this 30th day of October, 1987, by Terry Paul, President of LCM III, a Nebraska general partnership, on behalf of the partnership.



Marsha K. Hurst
Notary Public

STATE OF NEBRASKA)
) ss:
COUNTY OF LANCASTER)

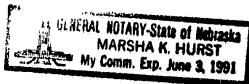
The foregoing instrument was acknowledged before me this 30th day of October, 1987, by Greg Carmack, President of Cormack Real Estate Inc., a Nebraska corporation, on behalf of the corporation.



Marsha K. Hurst
Notary Public

STATE OF NEBRASKA)
) ss:
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this
30th day of October, 1987, by VIRENDRA P. SINGH.,
TRAFFIC ENGR. authorized representative of the
Transportation Department of the City of Lincoln, Nebraska, a
municipal corporation.



Marsha K. Hurst
Notary Public.

(MH26:3)

EXHIBIT "A"

PARCEL 1:

Lot 48, I.T., more particularly described as: Beginning at a point 75.00 feet East and 33.00 feet North of the Southwest corner of Section 1, Township 9 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska. Thence in a Northerly direction along the East right-of-way line of South 14th Street on an assumed bearing of N 25°31'00" W a distance of 48.70 feet; thence continuing along the East right-of-way line of South 14th Street on a bearing of N 2°00'05" W a distance of 109.11 feet; thence on a bearing of N 90°00'00" E a distance of 213.79 feet; thence on a bearing of S 0°00'00" W a distance of 153.00 feet; thence along the North right-of-way line of Pioneers Blvd. on a bearing of S 90°00'00" W a distance of 189.00 feet to the point of beginning and containing a calculated area of 0.73 acres.

PARCEL 2:

Lot 49, I.T., more particularly described as: Commencing at a point 75.00 feet East and 33.00 feet North of the Southwest corner of Section 1, Township 9 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska. Thence in a Northerly direction along the East right-of-way line of South 14th Street on an assumed bearing of N 25°31'00" W a distance of 48.70 feet; thence continuing along the East right-of-way line of South 14th Street on a bearing of N 2°00'05" W a distance of 109.11 feet to the point of beginning; thence continuing along said East right-of-way of South 14th Street on said bearing of N 2°00'05" W a distance of 135.65 feet; thence continuing along said East right-of-way line of South 14th Street on a bearing of N 3°19'17" W a distance of 100.70 feet to a point on the Southwesterly 50 foot right-of-way line of the Burlington Northern Railroad as the same is now located, constructed and in operation over and across said Southwest Quarter, thence in a Southeasterly direction on a 2914.93 foot radius curve to the left on a chord bearing of S 59°59'05" E a chord distance of 259.11 feet (arc distance 259.19 feet) to a point on the curve the Southwesterly railroad right-of-way line; thence on a bearing of S 0°00'00" W a distance of 106.48 feet; thence on a bearing of S 90°00'00" W a distance of 213.79 feet to the point of beginning and containing a calculated area of 0.84 acres.

PARCEL 3:

Lot 50, I.T., more particularly described as: Commencing at a point 75.00 feet East and 33.00 feet North of the Southwest corner of Section 1, Township 9 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska. Thence in an Easterly direction along the North right-of-way line of Pioneers Blvd., on an assumed bearing of N 90°00'00" E a distance of 189.00 feet to the point of beginning; thence on a bearing of N 0°00'00" E a distance of 259.48 feet to a point on the Southwesterly 50 foot

right-of-way line of the Burlington Northern Railroad as the same is now located, constructed and in operation over and across said Southwest Quarter; thence in a Southeasterly direction on a 2914.93 radius curve to the left on a chord bearing of S 64°51'28" E a chord distance of 182.27 feet (arc distance 182.30 feet) to a point on the curve of the Southwesterly railroad right-of-way line; thence on a bearing of S 0°00'00" W a distance of 182.04 feet; thence along the North right-of-way line of Pioneers Blvd. on a bearing of S 90°00'00" W a distance of 165.00 feet to the point of beginning and containing a calculated area of 0.83 acres.

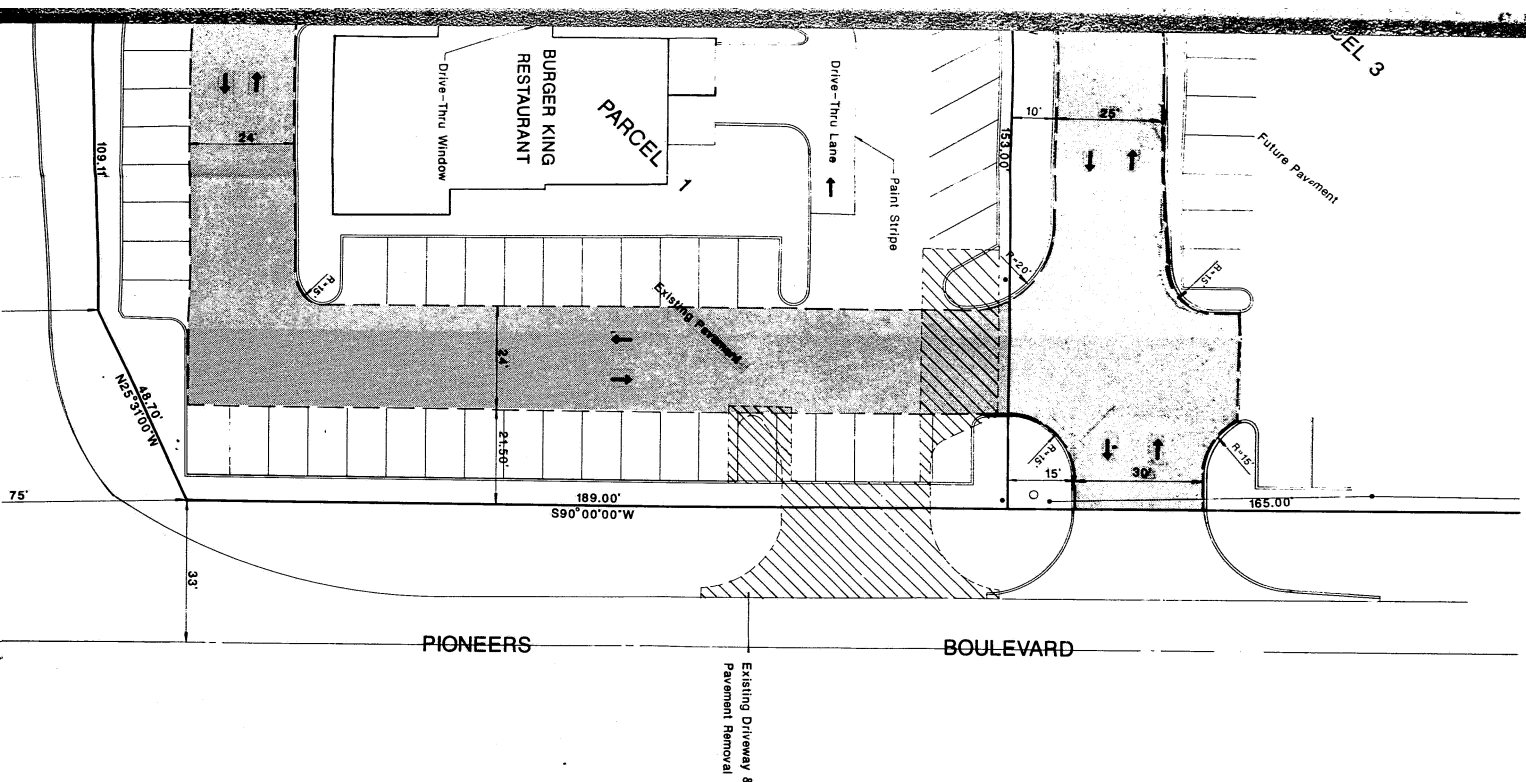
PARCEL 4:

Lot 51, I.T., more particularly described as: Commencing at a point 75.00 feet East and 33.00 feet North of the Southwest corner of Section 1, Township 9 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska. Thence in an Easterly direction along the North right-of-way line of Pioneers Blvd. on an assumed bearing of S 90°00'00" W a distance of 354.00 feet to the point of beginning; thence on a bearing of N 0°00'00" E a distance of 182.04 feet to a point on the Southwesterly 50 foot right-of-way line of the Burlington Northern Railroad as the same is now located, constructed and in operation over and across said Southwest Quarter; thence in a Southeasterly direction along a chord bearing of S 72°31'41" E a chord distance of 606.31 feet to a point on the curve of the Southwesterly railroad right-of-way line, said point also being on the North right-of-way line of Pioneers Blvd. thence on a bearing of S 90°00'00" W a distance of 578.34 feet to the point of beginning and containing a calculated area of 1.06 acres.

(MH26:4)

Scott Davis

SBS 6



LEGAL DESCRIPTION

LOT 48 1.T. - PARCEL 1

Beginning at a point 75.00' East and 33.00' North of the southwest corner of section 1, T9N, R6E of the 6th P.M., Lancaster County, Nebraska. Thence in a northerly direction along the east right-of-way line of South 14th Street on an assumed bearing of N 25°31'00" W a distance of 48.70'; thence continuing along the east right-of-way line of South 14th Street on a bearing of N 2°00'05" W a distance of 109.11'; thence on a bearing of N 2°00'05" W a distance of 109.11'; thence on a bearing of N 2°00'05" W a distance of 153.00'; thence on a bearing of S 0°00'00" W a distance of 165.00'; thence along the north right-of-way line of Pioneer Blvd. on a bearing of S 90°00'00" W a distance of 189.00' to the point of beginning and containing a calculated area of 0.73 acres.

LOT 49 1.T. - PARCEL 2

Commencing at a point 75.00' East and 33.00' North of the southwest corner of section 1, T9N, R6E of the 6th P.M., Lancaster County, Nebraska. Thence in a northerly direction along the east right-of-way line of South 14th Street on an assumed bearing of N 25°31'00" W a distance of 48.70'; thence continuing along the east right-of-way line of South 14th Street on a bearing of N 2°00'05" W a distance of 109.11' to the point of beginning; thence continuing along said east right-of-way line of South 14th Street on said bearing of N 2°00'05" W a distance of 135.65'; thence continuing along said east right-of-way line of South 14th Street on a bearing of N 3°19'11" W a distance of 100.70' to a point on the southwestly 50' right-of-way line of the Burlington Northern Railroad as the same is now located, constructed and in operation over and across said Southwest Quarter; thence in a southeasterly direction on a bearing of N 2°00'05" W a distance of 182.27' to a point on the S 0°00'00" W a distance of 182.27' (arc distance) 182.30' to a point on the S 0°00'00" W a distance of 182.27' (arc distance) 182.30' to a point on the S 0°00'00" W a distance of 182.27' (arc distance) 182.30' to a point on the S 0°00'00" W a distance of 182.27' (arc distance) 182.30' to a point on the S 0°00'00" W a distance of 182.27' (arc distance) 182.30' to the point of beginning and containing a calculated area of 0.64 acres.

LOT 50 1.T. - PARCEL 3

Commencing at a point 75.00' East and 33.00' North of the southwest corner of section 1, T9N, R6E of the 6th P.M., Lancaster County, Nebraska. Thence in a northerly direction along the north right-of-way line of Pioneer Blvd. on an assumed bearing of N 90°00'00" E a distance of 189.00' to the point of beginning; thence continuing along the north right-of-way line of Pioneer Blvd. on a bearing of N 90°00'00" E a distance of 189.00' to a point on the southwestly 50' right-of-way line of the Burlington Northern Railroad as the same is now located, constructed and in operation over and across said Southwest Quarter; thence in a southeasterly direction on a bearing of N 2°00'05" W a distance of 182.27' to a point on the S 0°00'00" W a distance of 182.27' (arc distance) 182.30' to a point on the S 0°00'00" W a distance of 182.27' (arc distance) 182.30' to a point on the S 0°00'00" W a distance of 182.27' (arc distance) 182.30' to a point on the S 0°00'00" W a distance of 182.27' (arc distance) 182.30' to a point on the S 0°00'00" W a distance of 182.27' (arc distance) 182.30' to the point of beginning and containing a calculated area of 0.63 acres.

MON. ACCESS
MENT EXHIBIT

**LOT 43 1.T.
SEC. 1-T9N-R6E**

Job No.	408-1
File No.	140
Field Book	EPB
Date	Oct. 20, 1987

Scale	1"=20'
Drawn	PSD
Checked	MJR
Approved	RER

Revisions:	10-23-87 PSD
△	
△	
△	

Ross Engineering, Inc.
 Engineers • Surveyors • Planners
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 Lincoln, Nebraska 68506