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Carol Hivens

DODGE COUNTY
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RECIPROCAL EASEMENT AGREEMENT

AGREEMENT MADE this 29th day of October, 2002, between the City of Fremont, Nebraska, a City of the First Class ("City") and MDI Limited Partnership # 36, a Nebraska limited partnership ("MDI"). In consideration of the mutual promises and covenants herein contained and for the sum of \$1.00 paid each to the other, the parties agree as follows:

1. MDI is the owner of the following described real estate:

Lots 1, 2, 3, and 4, Block 113, Original Town, now City of Fremont, together with all of the vacated alley between Lots 2 and 3, and the North one-half of the vacated alley adjacent to Lots 1, 2, 3, and 4 and the vacated alley between Lots 2 and 3 on the south, Dodge County, Nebraska.

MDI hereby grants and conveys to City, its successors and assigns, an easement for an access roadway over the south eighteen (18) feet of the above-described property, such access being for the purpose of passage of vehicles and for ingress and egress to property of the City more particularly described hereafter in this Agreement.

MDI further grants and conveys to City a utility easement over the south three (3) feet of the above described property for the operation, maintenance, reconstruction and inspection of existing overhead utility lines, and over the south eighteen (18) feet of the above described property for the operation, maintenance, construction, reconstruction and inspection of public underground utilities, including any necessary pipes, conduit, cables, fixtures or pedestals (not exceeding 3 feet in height) under, on or through the said south eighteen (18) feet of the above described property, **PROVIDED HOWEVER**, that any exercise by the City of such underground easement rights shall not interfere with or encroach on MDI's use of its existing underground vaults located under said south eighteen (18) feet.

MDI further gives and grants to City, its successors and assigns, an underground utility easement over the east twenty (20) feet of the above-described property for the construction, maintenance, operation, reconstruction and inspection of underground lines for public utility purposes.

City shall have the obligation to reasonably repair any damage to MDI's property occasioned by the exercise of City's easement rights.

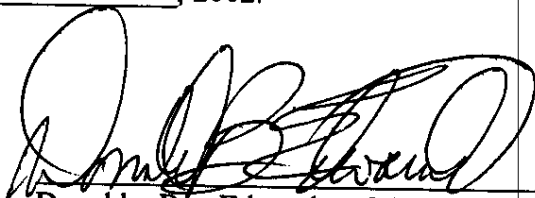
2. City is the owner of the following described real estate:

The North twenty-two (22) feet of Lot 6 , the North twenty-two (22) feet of the West one-half of the vacated alley between Lots 6 and 7 and the South one-half of the vacated alley adjacent to the North of Lot 6 and the West half of the vacated alley between Lot 6 and Lot 7, Block 113, Original Town, now City of Fremont, Dodge County, Nebraska .

City hereby grants and conveys to MDI, its successors and assigns, a perpetual easement under City's property to the extent, and for the continued use, of any encroachment on said property of existing underground vaults associated with the structure or improvements located on MDI's property as more particularly described above in this agreement.


3. It is further understood and agreed that the easements granted herein are to be held by the respective grantees, their heirs, successors and assigns as appurtenant to the land owned by each of them.

Dated this 29th day of October, 2002.



Donald B. Edwards, Mayor, City of Fremont, Nebraska

MDI Limited Partnership # 36

By: 
 metropolns Properties, Inc. General Partner
 Rob McCready, v.p.

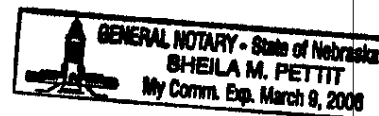
STATE OF NEBRASKA)
)ss:
 COUNTY OF DODGE)

The foregoing instrument was acknowledged before me this 29th day of October, 2002, by Donald B. Edwards, known to me to be the Mayor of the City of Fremont.

28789

Sheila M. Pettit

Notary Public



STATE OF Minnesota)
COUNTY OF Ramsey) ss:

The foregoing instrument was acknowledged before me this 29 day of October, 2002 by Bob McCready, General Partner of MDI Limited Partnership No. 36, on behalf of the limited partnership.

Gerri A. Conway

Notary Public

