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LANCASTER COUNTY, NE

AGREEMENT TO RELEASE ANNEXED PROPERTY

This Agreement to Release Annexed Property ("Agreement") is entered into by and between Rural Water District #1, Lancaster County, Nebraska, a rural water district formed under the provisions of Neb. Rev. Stat. §46-1001 et seq. ("Rural Water District"), and Ridge Development Company, a Nebraska corporation and Southview, Inc., a Nebraska corporation (collectively "Developers").

RECITALS

A. Developers are the owners of a large portion of the real estate legally described as the East 1/2 of Section 19, Township 9 North, Range 7 East of the 6<sup>th</sup> P.M., Lincoln, Lancaster County, Nebraska (the "Property").

B. The Property is located within the boundaries of the Rural Water District pursuant to Lancaster County Board Resolution No. 2881 dated June 18, 1974 ("County Board Resolution"), which was filed of record with the Lancaster County Register of Deeds as Instrument No. 74-10174, and requires the abandonment of any facility of the Rural Water District being used to supply water to any structure or water tap upon the Property at the time of annexation.

C. Developers are developing the Property for commercial and residential purposes and in connection therewith requested and received approval of annexation of a large portion of the Property by the City of Lincoln, Nebraska on February 1, 1999 ("City").

D. As part of their negotiations for annexation, the Developers worked with the Rural Water District to abandon, at Developers' cost, Rural Water District facilities located within the Property. In conjunction with these negotiations, Rural Water District executed a Release and Relinquishment, dated September 16, 1999, which was filed of record with the Lancaster County Register of Deeds as Instrument No. 99-051673, releasing and relinquishing its Right of Way Easement in the Property.

E. The parties acknowledge that the provisions of 7 U.S.C. 1926(b) have the effect of protecting the Rural Water District from loss of its rate-paying base in the event of annexation of the Property by the City.

Seacrest Kalkowski  
1111 Lincoln Mall  
Suite 350  
Lincoln, NE 68508

F. The parties wish to enter into this Agreement to clarify Rural Water District's release of the Property from any potential liability to the City which may arise under the provisions of 7 U.S.C. 1926(b) or the County Board Resolution.

NOW THEREFORE, in consideration of the above, the parties hereby agree as follows:

1. The Rural Water District hereby releases and relinquishes any rights, reservations, and franchises, that it may have to exclusively provide water and water services to any existing or potential customer located within the boundaries of the Property including those rights that accrue to the Rural Water District under 7 U.S.C. 1926(b) and the County Board Resolution. The Rural Water District hereby releases the Developers, their successors and assigns, and the City from any liability, statutory or otherwise, which may arise or have arisen as the result of the annexation of the Property into the City.

2. An original, executed, and acknowledged copy of the Agreement shall be filed of record with the office of the Register of Deeds of Lancaster County Nebraska and indexed against the Property.

3. This Agreement shall be binding upon and inure to the benefit of the respective parties and their successors and assigns.

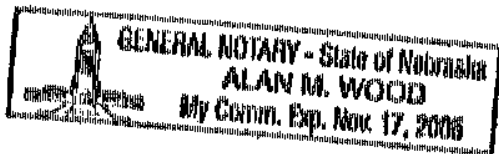
IN WITNESS WHEREOF, the parties hereto have caused to be executed by their duly authorized officers or agents this Agreement in triplicate, each of which shall be deemed an original, the same being accomplished on the date first above written.

**RURAL WATER DISTRICT NO. 1,  
LANCASTER COUNTY, NEBRASKA**

By Claude F. Jensen  
Claude F. Jensen  
Chair of the Board of Directors

STATE OF NEBRASKA     )  
  )ss.  
COUNTY OF LANCASTER)

The foregoing was acknowledged before me this 12<sup>th</sup> day of February, 2003 by Claude F. Jensen, Chairman Board of Directors of Rural Water District No. 1, Lancaster County, Nebraska, on behalf of the Rural Water District.



Alan M. Wood  
Notary Public

**RIDGE DEVELOPMENT COMPANY,**  
a Nebraska corporation

By Thomas E. White  
Thomas E. White  
President of Development

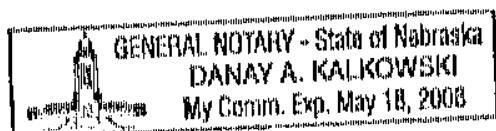
By John C. Brager  
John C. Brager  
President of Construction

**SOUTHVIEW, INC.,** a Nebraska  
corporation

By Gerald L. Schleich  
Gerald L. Schleich, President

STATE OF NEBRASKA     )  
  )ss.  
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this 4<sup>th</sup> day of February, 2003, by Thomas E. White, President of Development of **Ridge Development Company**, a Nebraska corporation, on behalf of the corporation.



Danay A. Kalkowski  
Notary Public



EXHIBIT "A"

Outlots "G" and "H", Pine Lake Heights South 4<sup>th</sup> Addition, Lincoln, Lancaster County, Nebraska.