

EASEMENT

WHEREAS, Turtle Creek Joint Venture, a Nebraska Joint Venture, which joint venture is composed of Turtle Creek Company, Inc., a Nebraska corporation, and Rickurt Company, a Delaware corporation (said joint venture being herein referred to as the "Grantor") desires to grant a perpetual easement for sign construction and landscaping over certain property owned by the Grantor to SID #295 (herein collectively referred to as the "Grantee" except as otherwise noted),

NOW, THEREFORE, in consideration of One Dollar and other valuable consideration, receipt of which is hereby acknowledged, the Grantor, being the owner of the property described in Exhibit "1" does herewith give and grant unto the Grantee, its successors and assigns, a perpetual easement for sign construction and landscaping in the northwest corner of the property as shown on Exhibit "1" attached hereto and incorporated herein by reference as all set out herein.

1. The scope and purpose of the easement is for the repair, maintenance, replacement, landscaping and construction of a sign, including all necessary and related appurtenances. The Grantee shall have the full right and authority to enter upon said easement way in order to perform any of the acts and functions described within the scope and purpose of said easement.

2. By accepting and recording this perpetual easement, said Grantee agrees to make good or cause to be made good to the owner or owners of the property in which the same were constructed, any or all damage that may be done by reason of negligent changes, alterations, maintenance, inspection, repairs or construction in the way of damage to trees, grounds, buildings or other improvements abutting thereon, including crops, vines and gardens; provided, however, that this provision does not apply to any of the aforesaid located in, on, over or across said easement or any part thereof.

3. Grantor herein for itself, its successors and assigns, does hereby covenant and agree with the said Grantee and its successors and assigns that at the time of the execution and delivery of these presents, Grantor is lawfully seized of such premises, that the Grantor has good right and lawful authority to grant said easement way, and that the Grantor further hereby covenants to warrant and defend said easement way against the lawful claims of all persons whomsoever.

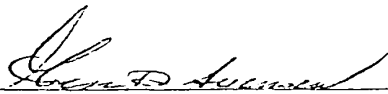
4. This Easement shall be binding upon and shall benefit and run to the successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the Grantor herein, for itself, its successors and assigns, has caused the due execution hereof as of the date and year first above written.

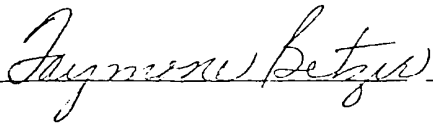
TURTLE CREEK JOINT VENTURE, a  
Nebraska Joint Venture

By: TURTLE CREEK, INC., a Nebraska corporation, a joint venturer, signing in behalf of all of the joint venturers pursuant to the power granted to Turtle Creek, Inc., the developer, as contained in Paragraph 8 (b) of the Joint Venture Agreement, dated January 30, 1978, by and between Rickurt Company, a Delaware corporation, and Turtle Creek, Inc., a Nebraska corporation,

By:

  
\_\_\_\_\_  
President


ATTEST:

  
\_\_\_\_\_

STATE OF NEBRASKA )  
 ) SS  
COUNTY OF DOUGLAS )

On this 9 day of April, 1979, before me the undersigned a Notary Public in and for said county, personally came Gene D. Svensen, President of Turtle Creek, Inc., personally known to me to be the President and identical person whose name is affixed to the foregoing instrument and he acknowledged the execution thereof to be his voluntary act and deed as such person, his voluntary act and deed as the officer of said corporation, the voluntary act and deed of said corporation, and the voluntary act and deed of said joint venture, and the corporate seal of said corporation was affixed thereto by its authority.

Witness my hand and notarial seal in said county the day and year last above written.

 **GENERAL NOTARY - State of Nebraska**  
**BARBARA L. BROPHY**  
My Comm. Exp. June 24, 1982

Barbara L. Brophy  
Notary Public

EASEMENT DESCRIPTION

A TRACT OF LAND FOR SIGN CONSTRUCTION AND LANDSCAPING IN THE NORTHWEST CORNER OF LOT 1 TURTLE CREEK A SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE SOUTH ALONG THE WEST LINE OF SAID LOT 1 A DISTANCE OF 15.0 FEET; THENCE NORTHEAST A DISTANCE OF 21.21 FEET TO A POINT 15.0 FEET EAST OF THE NORTHWEST CORNER OF SAID LOT 1 SAID POINT BEING ON THE NORTH LINE OF SAID LOT 1; THENCE WEST ALONG THE NORTH LINE OF SAID LOT 1 A DISTANCE OF 15.0 FEET TO THE POINT OF BEGINNING.

*1 Bail.*

RECEIVED

1979 APR 13 PM 3:08

C. HAROLD OSTLER  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NEBR.

Book 613  
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Fee 12.22  
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Compd ✓  
N 85-489

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Exhibit 1