



Amendment to Easement Agreement

This Amendment to Easement Agreement is made and entered into this 25 day of January, 1994 by and between the County of Douglas, Nebraska ("Douglas County") and Thomas L. Egan ("Egan") (Douglas County and Egan are together referred to as "Grantor"), and Enterprise Properties, Inc. ("Grantee").

WHEREAS, the parties entered into an Easement Agreement dated October 26, 1993 and recorded with the Register of Deeds of Douglas County, Nebraska on November 2, 1993 at Miscellaneous Book 1101, Page 437 ("Easement Agreement");

WHEREAS, the parties desire to amend the legal description of the easement area;

NOW THEREFORE, for good and valuable consideration herein received, the parties agree as follows:

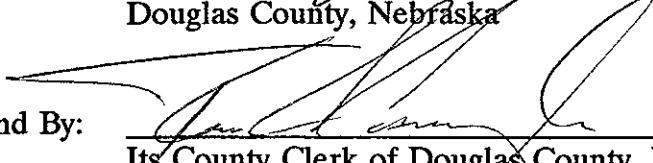
1. Exhibit C attached hereto is hereby substituted for the Exhibit C which was attached to the Easement Agreement.
2. Exhibits A and B attached hereto are identical to Exhibits A and B of the Easement Agreement and are attached hereto solely for recording purposes.
3. All of the remaining terms and conditions of the Easement Agreement remain in full force and effect.

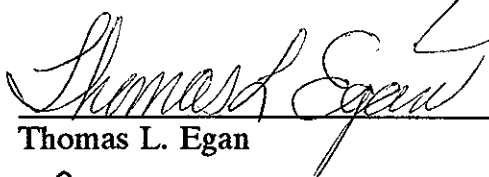
County of Douglas, Nebraska

By:


Its Chairman of the Board of Commissioners of
Douglas County, Nebraska

and By:


Its County Clerk of Douglas County, Nebraska


Thomas L. Egan

9401 14 01-60000
FEE 31.00 R 3-442 FB
DEL C/O COMP 8
LEGAL PG 73 SCAN AM-FV

GEORGE J. BUCLEWICZ
REGISTER OF DEEDS
DOUGLAS COUNTY, NE

AUG 4 8 45 AM '94

RECEIVED

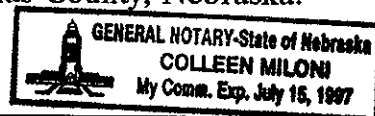
Enterprise Properties, Inc.

By: Thomas L. Egan
Its: President

STATE OF NEBRASKA)
: SS.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 25th day of January, 1993, by Ray Simon, Chairman of the Board of Commissioners of Douglas County, Nebraska and Thomas F. Cavanaugh, the County Clerk of Douglas County, Nebraska.

Colleen Miloni
Notary Public



STATE OF NEBRASKA)
: SS.
COUNTY OF DOUGLAS)

NOTARIAL SEAL AFFIXED
REGISTER OF DEEDS

The foregoing instrument was acknowledged before me this 13 day of December, 1993, by Thomas L. Egan.

Pamela J. Sutton
Notary Public

STATE OF NEBRASKA)
: SS.
COUNTY OF DOUGLAS)



NOTARIAL SEAL AFFIXED
REGISTER OF DEEDS

The foregoing instrument was acknowledged before me this 13 day of December, 1993, by Thomas L. Egan, President of Enterprise Properties, Inc., a corporation, on behalf of the corporation.

Pamela J. Sutton
Notary Public



NOTARIAL SEAL AFFIXED
REGISTER OF DEEDS

Consent of Mortgagee

First National Bank of Omaha, as Trustee under the Mortgage and Trust Indenture dated June 15, 1981 and recorded June 23, 1981 at Mortgage Book 2453; Page 290 of the Register of Deeds, Douglas County, Nebraska, for good and valuable consideration herein received, hereby consents to the terms of the Easement Agreement and agrees that the rights of Grantee under the Easement Agreement shall be superior to the rights of the Trustee under the Mortgage and Trust Indenture.

Dated this 16th day of DECEMBER, 1993.

First National Bank of Omaha, Trustee

By:

Its:

J. C. Smith

CORP TRUST ADMIN. OFFICER

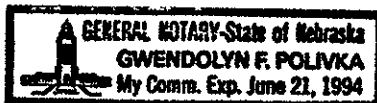
STATE OF NEBRASKA)

:

SS.

COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 16th day of December, 1993, by John B. Lenihan, Corp Trust Admin. Officer of First National Bank of Omaha, Trustee, a corporation, on behalf of the corporation.



Gwendolyn F. Polivka
Notary Public

EXHIBIT A

Description of Real Estate:

A tract of land in the Northwest Quarter (NW $\frac{1}{4}$) of Section 3, Township 14 North, Range 12 East of the 6th P.M. in Douglas County, Nebraska, the boundaries of which are more particularly described as follows:

Commencing at the Southeast (SE) corner of the Northwest Quarter (NW $\frac{1}{4}$) of Section 3, T14N, R12E, thence North along the East line of the NW $\frac{1}{4}$ of said Section 3 (centerline of 90th Street) 90.02 feet to a point on the extended North right-of-way line of "L" Street, thence North 88° 56' 00" West along the North right-of-way line of "L" Street 608.01 feet to the Point of Beginning, thence continuing North 88° 56' 00" West along the North right-of-way line of "L" Street 400.00 feet, thence due North 470.00 feet to a point on the South right-of-way line of "J" Street; thence South 88° 56' 00" East along the South right-of-way line of "J" Street 400.00 feet, thence due South 470.00 feet to the Point of Beginning.

SE $\frac{1}{4}$ NW $\frac{1}{4}$

In this description, the East line of the NW $\frac{1}{4}$ of Section 3, T14N, R12E (centerline of 90th Street) is assumed to bear due North and South.

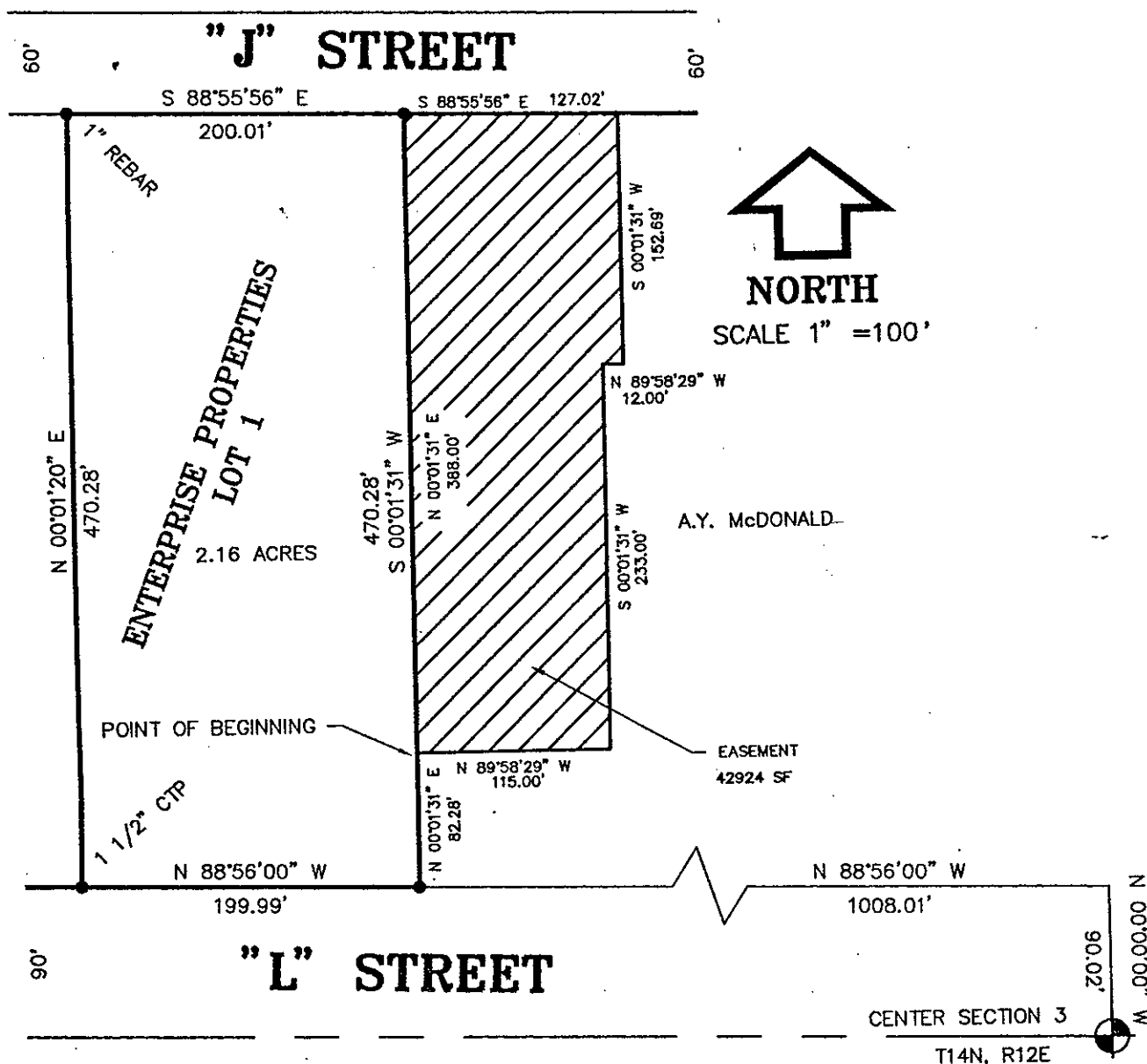
Lot 1, Enterprise Properties, Omaha, Douglas County, Nebraska more particularly described as:

A tract of land located in the Northwest Quarter (NW 1/4) of Section 3, Township 14 North, Range 12 East of the 6th P.M., in the City of Omaha, in Douglas County, Nebraska, the boundaries of which are described as follows:

Commencing at the center of said Section 3, which point is the intersection of the Centerlines of 90th Street and "L" Street; thence due North, along the East Line of the Northwest Quarter (NW 1/4) of said Section 3, which is also the Centerline of 90th Street, 90.02 feet to a point on the extended North right-of-way line of "L" Street; thence North $88^{\circ}56'00''$ West, along the North right-of-way line of "L" Street and that line extended 1008.01 feet to the Point of Beginning, which point is also the Southwest corner of a tract of land heretofore conveyed to the A.Y. McDonald Company; thence North $88^{\circ}56'00''$ West, continuing along the North right-of-way line of "L" Street, 199.99 feet to a point; thence North $00^{\circ}01'20''$ East for a distance of 470.28 feet to a point on the South right-of-way line of "J" Street, thence South $88^{\circ}55'56''$ East, along the South right-of-way line of "J" Street, 200.01 feet to the Northwest corner of the McDonald Tract; thence South $00^{\circ}01'31''$ West, along the West line of the McDonald Tract, 470.28 feet to the Point of Beginning.

In this description the East Line of the Northwest Quarter of Section 3-14-12 is assumed to bear due North and South.

Exhibit "C"

**EASEMENT DESCRIPTION**

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE SIXTH PRINCIPLE MERIDIAN, IN DOUGLAS COUNTY, NEBRASKA, THE BOUNDARIES OF WHICH ARE DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SAID SECTION 3, WHICH POINT IS THE INTERSECTION OF THE CENTER LINES OF 90th STREET AND "L" STREET; THENCE DUE NORTH, ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 3, WHICH IS ALSO THE CENTERLINE OF 90th STREET, 90.02 FEET TO A POINT ON THE EXTENDED NORTH RIGHT-OF-WAY LINE OF "L" STREET; THENCE NORTH 88°56'00" WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF "L" STREET AND THAT LINE EXTENDED 1008.01 FEET TO THE THE SOUTHWEST CORNER OF A TRACT OF LAND HERETOFORE CONVEYED TO THE A.Y. McDONALD COMPANY; THENCE NORTH 00°01'31" EAST ALONG THE WEST LINE OF SAID McDONALD TRACT 82.28 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID LINE, 388.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF "J" STREET; THENCE SOUTH 88°55'56" EAST, ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 127.02 FEET; THENCE SOUTH 00°01'31" WEST, 152.69 FEET; THENCE NORTH 89°58'29" WEST, 12.00 FEET; THENCE SOUTH 00°01'31" WEST, 233.00 FEET; THENCE NORTH 89°58'29" WEST, 115.00 FEET TO THE POINT OF BEGINNING. CONTAINING 46333 SF.

LAND SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT, MAP, SURVEY, OR REPORT WAS MADE BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA AND THAT I HAVE SURVEYED AND PLACED PERMANENT MARKERS AT ALL CORNERS OF ALL LOTS BEING SURVEYED.

REVISED
DATE: 12/3/93

Mark E. Ehrhart
Mark E. Ehrhart

LEGEND:

- - FOUND SURVEY POINT
- - SET SURVEY POINT
- P - PLAT DISTANCE
- A - ACTUAL DISTANCE
- R - RECORDED DISTANCE
- C.T.P. - CRIMPED TOP PIPE
- O.T.P. - OPEN TOP PIPE
- I.P. - IRON PIPE

EHRHART
GRIFFIN &
ASSOCIATES

ENGINEERING PLANNING LAND SURVEYING
3915 Cuming Street • Omaha, Nebraska 68131 • 402 / 551-063

