

AFTER RECORDING, RETURN TO:  
Kathleen M. Kuta, Regional Attorney  
Real Estate/Legal Department  
McDonald's Corporation  
One McDonald's Plaza  
Oak Brook, Illinois 60521

BOOK 677 PAGE 387

DECLARATION OF RESTRICTIVE COVENANT

WHEREAS, under contract dated the 17th day of February, 1982, McCann Concrete Company, a Nebraska Corporation (hereinafter referred to as "Seller") agreed to convey to McDonald's Corporation, a(n) Delaware corporation, (hereinafter referred to as "Purchaser") a parcel of real estate described on Exhibit A attached hereto and made a part hereof; and

WHEREAS, one of the terms of said contract states that Seller shall record a Restrictive Covenant affecting Seller's property;

NOW THEREFORE, Seller hereby covenants and agrees, in consideration of the terms and conditions recited in said contract, that the property described on Exhibit B, attached hereto, will not be used for a restaurant or food service establishment deriving 50% or more of its gross annual sales from the sale of hamburgers, including, but not limited to Hardees, Wendv's, Burger Chef, and Burger King for a period of twenty (20) years from the date this document is recorded.

This covenant shall run with the land described in Exhibits A and B and shall inure to the benefit of and shall be binding upon the Purchaser and Seller, their heirs, administrators, grantees, assigns and successors.

IN WITNESS WHEREOF, Seller has executed this DECLARATION OF RESTRICTIVE COVENANT, this 16 day of July, 1982.

SELLER: McCann Concrete Company  
By: [Signature] V. Pres.

WITNESS:  
\_\_\_\_\_  
\_\_\_\_\_

ATTEST: \_\_\_\_\_

STATE OF:

COUNTY OF:

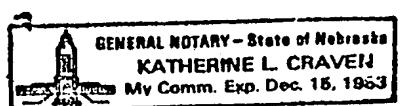
AFFIDAVIT OF OWNERSHIP  
(Corporation or Partnership)

[Signature] HYLE HAUGEN, being first duly sworn on oath, deposes and states that he (she) is a (the) VICE PRESIDENT of McCann Concrete Company and as such has access to the records of McCann Concrete Company and knows of his (her) personal knowledge that McCann Concrete Company has title to all of the property described on Exhibit B attached and that McCann Concrete Co. owns no other property within a two (2) mile radius of the property described on Exhibit A attached.

IN WITNESS WHEREOF, affiant has set his (her) hand this 16 day of July, 1982.

[Signature]  
AFFIANT

Subscribed and sworn to before me this 16 day of July, 1982.



[Signature]  
NOTARY PUBLIC

(PLEASE ATTACH PROPER ACKNOWLEDGEMENT FOR STATE WHERE DOCUMENT IS TO BE RECORDED)

## BOOK 677 PAGE 388

## EXHIBIT A

A tract of land located in the Southwest Quarter of the Northeast Quarter and also in the Southeast Quarter of the Northwest Quarter of Section 23, Township 15 North, Range 12 East of the 6th P. M., Douglas County, Nebraska, more particularly described as follows:

Beginning at a point on the South R. O. W. Line of Dodge Street, 206.87 feet West of and 60.0 feet South of the Northeast corner of the Southeast Quarter of the Northwest Quarter of Section 23-15-12; thence Southeast on a 763.94 foot Radius Curve to the Left (Chord bearing S 9°57'53" E for 179.50 feet) for an Arc Distance of 179.92 feet; thence N 87°00' 08" E for 320.17 feet to the Westerly R.O.W. of 77th Street, thence N 32°45'10" W along said Westerly R.O.W. for 200.00 feet to the South R. O. W. of Dodge Street, thence S 88°04'30" W along said South R. O.W. for 242.73 feet to the point of beginning.

That part of the Southwest Quarter of the Northeast Quarter and the Southeast Quarter of the Northwest Quarter, all in Section 23, Township 15 North, Range 12, East of the 6th P.M., described as follows, to wit:

Commencing at a point on the North line of the Southwest Quarter of the Northeast Quarter of said Section 23, distant 40 feet West, measured at right angles, from the center line of the main track of the Chicago and North Western Railway Company, as said main track is now located and established; thence Southeasterly parallel with the center line of said main track a distance of 69.90 feet to the Southerly line of Dodge Street, for the point of beginning of the land herein to be described; thence continue Southeasterly parallel with said center line of the main track a distance of 359.92 feet; thence Southeasterly in a straight line to a point distant 81 feet Southwesterly, measured at right angles, from said center line of the main track and distance 698 feet Southeasterly as measured along the center line of said main track from its intersection with said North line of the Southwest Quarter of the Northeast Quarter; thence Southeasterly parallel with said center line of the main track a distance of 120 feet, more or less, to a line drawn Southwesterly from and at right angles to the center line of said main track at a point distant 818 feet Southeasterly, as measured along the center line of said main track from its intersection with the North line of the Southwest Quarter of the Northeast Quarter; thence Southwesterly along said line drawn at right angles to the center line of the main track a distance of 340 feet, more or less, to the center line of Little Papillion Creek; thence Northwesterly along the center line of said Little Papillion Creek, following the meander thereof, to a point on said Southerly line of Dodge Street; thence Easterly along said Southerly line of Dodge Street to the point of beginning. Excepting, however, the Easterly 43 feet of said above described premises.

EXCEPT:

A tract of land located in the Southwest Quarter of the Northeast Quarter and also in the Southeast Quarter of the Northwest Quarter of Section 23, Township 15 North, Range 12, East of the 6th P.M., Douglas County, Nebraska more particularly described as follows:

Beginning at a point on the South line of Dodge Street, 206.87 feet West of and 60.0 feet South of the Northeast Corner of the Southeast Quarter of the Northwest Quarter of Section 23-15-12; thence Southeast on a curve to the left whose radius is 763.94 feet with a degree of curve of 7°30' for an arc length of 569.53 feet; thence S45°55'58" E for a distance of 290.44 feet to a point of curve; thence Southeast along a curve to the right whose radius is 279.49 feet with a degree of curve of 20°30' for an arc length of 89.0 feet to a point 298.28 feet from the centerline of the C. & N.W. Railroad main track on the South line of the property which is a line described as being perpendicular to the center line of the C. & N.W. main track at a point 818.0 feet Southeast of the point of intersection of the centerline of Dodge Street and the centerline of said main track as measured along the centerline of track; thence Southwest along the above described South property line for a distance of 115.0 feet more or less to the centerline of the Little Papillion Creek; thence Northwest along said center of creek for a distance of 990.0 feet more or less to a point on the South line of Dodge Street; thence East along the South line of Dodge Street for a distance of 78.0 feet more or less to the point of beginning.

AND EXCEPT:

A tract of land located in the Southwest Quarter of the Northwest Quarter and also in the Southeast Quarter of the Northwest Quarter of Section 23, Township 15 North, Range 12 East of the 6th P.M., Douglas County, Nebraska, more particularly described as follows:

Beginning at a point on the South R. O. W. Line of Dodge Street, 206.87 feet West of and 60.0 feet South of the Northeast corner of the Southeast Quarter of the Northwest Quarter of Section 23-15-12; thence Southeast on a 763.94 foot Radius Curve to the left (chord bearing S9°57'53" E for 179.50 feet) for an arc distance of 179.92 feet; thence N87°00'08" E for 320.17 feet to the Westerly R.O.W. of 77th Street, thence N32°45'10" W along said Westerly R.O.W. for 200.00 feet to the South R.O.W. of Dodge Street, thence S88°04'30" W along said South R.O.W. for 242.73 feet to the point of beginning.

11 Mail

RECEIVED  
1982 SEP 21 PM 4: 25

2002 677  
P-30 387  
no. 11200  
-190

INDEXED  
FILED  
29-15-82