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SUBMITTED	ERICKSON & SEDERSTROM

FILED SARPY CO. NE.
INSTRUMENT NUMBER

2014-13621

2014 Jun 26 02:05:53 PM

Sheryl J. Riffel

REGISTER OF DEEDS



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FIRST ADDENDUM TO PERMANENT ROADWAY EASEMENT AGREEMENT

This First Addendum to Permanent Roadway Easement Agreement (this "Addendum") is made and entered into this 26th day of June, 2014, by and between ONEDMS, LLC, an Arizona limited liability company ("ONEDMS") and Norman D. Riffel, as Trustee under the Norman D. Riffel Revocable Trust and Joyce J. Riffel, as Trustee under the Joyce J. Riffel Revocable Trust (collectively "Riffel").

RECITALS

ONEDMS and Riffel entered into that certain Permanent Roadway Easement Agreement dated May 14, 2013 and recorded in the office of the Sarpy County Register of Deeds at Document Number 2013-16416 (the "Easement"), whereby ONEDMS, the owner of real property located in Sarpy County, Nebraska, more particularly described on Exhibit "A" (the "ONEDMS Property"), granted to Riffel, the owner of a neighboring parcel, more particularly described on Exhibit "B" (the "Riffel Property"), an easement over a portion of the ONEDMS Property more particularly described on Exhibit "C" (the "Easement Area"). ONEDMS and Riffel have agreed to additional terms and conditions related to the Easement as set forth in this Addendum. All capitalized terms in this Addendum shall have the meanings ascribed to them in the Easement, if not otherwise defined herein.


NOW, THEREFORE, in consideration of the foregoing Recitals, which are made a contractual part of this Addendum, and in consideration of the mutual covenants and agreements herein contained, ONEDMS and Riffel hereby agree as follows:

1. **Filing of Record.** Upon execution, this Addendum shall become effective and be filed of record with the Office of the Register of Deeds for Sarpy County, Nebraska.

2. **Use of Easement Area.** The rights granted to Riffel under the Easement shall specifically include the right for vehicular and pedestrian traffic to use the Easement Area to access the Riffel Property and to use the Easement Area to maintain, repair or replace any building located within the Riffel Property that abuts the Easement Area. These rights shall inure to Riffel, all current and subsequent owners of the Riffel Property, and their respective agents, employees, contractors, permittees, invitees, successors and assigns. The right of vehicular access shall include, but not be limited to, access by all vehicles, machinery, equipment, etc., seeking to access the Riffel Property for any purpose, including the purpose of repairing,

3. **Sign and Handicap Access Ramp.** Riffel and all current and subsequent owners of the Riffel Property shall have the right to maintain in the Easement Area, at such party's sole cost and expense, a pole sign and handicap access ramp. Riffel and all current and subsequent owners of the Riffel Property shall have the right to make repairs, improvements and replacements to the sign and handicap access ramp in such party's discretion, so long as such party is in substantial compliance with the Easement and this Addendum. Provided, however, the sign referenced herein shall at all times remain in its location as of the date of execution of this Addendum, as approximately depicted in the attached Exhibit "E," which is incorporated herein by this reference, and in the event Riffel or any current or subsequent owner of the Riffel Property shall at any time seek to move the sign from such location, all rights to maintain the sign within the Easement Area shall terminate, and the sign shall be removed at the cost and expense of the then-current owner of the Riffel Property.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

By: 
Daniel Ozban, Sole Member

By: Norman D. Riffel
Norman D. Riffel, Trustee

By: Joyce J. Riffel
Joyce J. Riffel, Trustee

STATE OF Arizona)
) SS.
COUNTY OF Maricopa)

First Addendum to Roadway Easement (Sign and Handicap Ramp - 629200

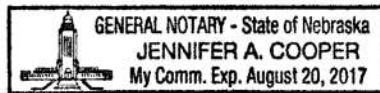


Dyann L. Blackham
Notary Public

My Commission expires: March 15, 2015

STATE OF Nebraska)
) SS.
COUNTY OF Douglas)

June The foregoing Permanent Roadway Easement Agreement was acknowledged before me on May 26, 2013 by Norman D. Riffel, Trustee under the Norman D. Riffel Revocable Trust.
2014

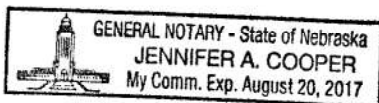


Jennifer A. Cooper
Notary Public

My Commission expires: 8-20-17

STATE OF Nebraska)
) SS.
COUNTY OF Douglas)

June The foregoing Permanent Roadway Easement Agreement was acknowledged before me on May 26, 2013 by Joyce J. Riffel, Trustee under the Joyce J. Riffel Revocable Trust.
2014



Jennifer A. Cooper
Notary Public

My Commission expires: 8-20-17

EXHIBIT "A"
LEGAL DESCRIPTION OF THE ONEDMS PROPERTY

Lot 1, in SWN INVESTMENTS NO. 3, a Subdivision as surveyed, platted and recorded, in Sarpy County, Nebraska.

Formerly known as:

A Tract of land located in the Southwest Quarter of Section 26 and the Southeast Quarter of Section 27, Township 14 North, Range 11 East of the 6th P.M., Sarpy County, Nebraska, being all of Tax Lot 6 and a part of Tax Lot 4A1 in said Section 26 and a portion of Tax Lots 4A and 9 in Section 27 and more particularly described as follows:

Referring to the Southeast corner of Section 27, Township 14 North, Range 11 East of the 6th P.M., Sarpy County, Nebraska; thence due North (Assumed Bearing) along the East line of said Section 27 a distance of 1,002.00 feet to the Point of Beginning; thence along the Southerly right-of-way line of a dedicated Frontage Road on the following two courses: thence due East 160.22 feet; thence Northeasterly along a 421.67 feet radius curve to the left an arc distance of 393.84 feet to a point on the Northwesternly right-of-way line on the following three courses: thence South $36^{\circ}30'05''$ W 209.42 feet; thence Southwesterly along a 1,045.92 feet radius curve to the right an arc distance of 503.85 feet; thence South $64^{\circ}24'27''$ W 14.60 feet; thence North $29^{\circ}38'21''$ W 312.49 feet to a point on the Southerly right-of-way line of a dedicated Frontage Road; thence along said right-of-way line on the following three courses: thence North $60^{\circ}21'40''$ E 13.23 feet; thence along a 269.28 feet radius curve to the right an arc distance of 139.30 feet; thence due East 33.00 feet to a point on the East line of said Section 27; thence due North 8.00 feet along the East line of said Section 27 to the Point of Beginning. 2.44 Acres

EXHIBIT "B"
LEGAL DESCRIPTION OF THE RIFFEL PROPERTY

Lot 1, Riffel's First, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska.

Formerly known as:

A tract of land consisting of 1.74 acres, located in the Southeast Quarter of Section 27, Township 14 North, Range 11 East of the 6th P.M., Sarpy County, Nebraska, more particularly described as follows: Referring to the Southeast corner of said Section 27; thence due North (assumed bearing) along the East line of the Southeast Quarter of said Section 27, a distance of 994.00 feet to a point on the South right-of-way line of the Interstate Frontage Road; thence West a distance of 33.00 feet to a point of curve, thence Southwesterly along a curve to the left, having a property line radius of 269.23 feet, an arc distance of 139.30 feet with a chord bearing of South 75°10'50" West, a distance of 137.75 feet; thence South 60°21'40" West, a distance of 13.23 feet to the point of beginning. Said point also being the Northwest corner of Lot 1 SWN Investments No. 3; thence continuing South 60°21'40" West along the Southerly right-of-way line of the Interstate Frontage Road, a distance of 249.13 feet; thence South 29°38'00" East, a distance of 295.43 feet to a point on the Interstate #80, right-of-way line; thence North 64°24'27" East along the Interstate #80 right-of-way line a distance of 249.75 feet to the Southwest corner of Lot 1, SWN Investments No. 3; thence North 29°38'00" West along the Westerly lot line of Lot 1 SWN Investments No. 3 a distance of 313.05 feet to the point of beginning containing 75.845 square feet.

EXHIBIT "C"
LEGAL DESCRIPTION OF THE EASEMENT AREA

THAT PART OF LOT 1, SWN INVESTMENTS NO. 3, A SUBDIVISION IN SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: BEGINNING AT THE NW CORNER OF SAID LOT 1; THENCE S29°38'00"E 313.25 FEET ON THE WEST LINE OF SAID LOT 1 TO THE SW CORNER THEREOF; THENCE N64°24'27"E 14.33 FEET ON THE SOUTH LINE SAID LOT 1; THENCE NORTHWESTERLY ON THE SOUTH LINE OF SAID LOT 1 ON A 1045.92 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING N63°56'29"E, CHORD DISTANCE 10.73 FEET AN ARC DISTANCE OF 10.73 FEET; THENCE N29°38'00"W 227.33 FEET ON A LINE 25.00 FEET EASTERLY OF AND PARALLEL WITH THE WESTERLY LINE OF SAID LOT 1; THENCE N60°22'00"E 2.00 FEET; THENCE N29°38'00"W 60.00 FEET ON A LINE 27.00 FEET EASTERLY OF AND PARALLEL WITH THE WESTERLY LINE OF SAID LOT 1; THENCE N60°22'00"E 60.00 FEET; THENCE N29°38'00"W 17.36 FEET TO THE NORTHERLY LINE OF SAID LOT 1; THENCE SOUTHWESTERLY ON THE NORTHERLY LINE OF SAID LOT 1 ON A 269.28 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING S68°17'18"W, CHORD DISTANCE 74.29 FEET AN ARC DISTANCE OF 74.53 FEET; THENCE S60°21'40"W 13.28 FEET ON THE NORTHERLY LINE OF SAID LOT 1 TO THE POINT OF BEGINNING.