

NC45717

91-03950

FILED SARPY CO. NE.

INSTRUMENT NUMBER

91- 03950Prepared by and After
Recording, Return To:

91 MAR 27 PM 4:00

James D. Montgomery
Real Estate Legal Department
McDONALD'S CORPORATION
One McDonald's Plaza
Oak Brook, Illinois 60521Carol A. Savin
REGISTER OF DEEDS

Proof	<u>W</u>
D.E.	<u>L</u>
Verify	<u>WV</u>
Filmed	<u>LC</u>
Checked	<u> </u>
Fee \$	<u>32.50</u>

RESTRICTIVE COVENANT
(Individual)

22nd March, 1991

Under a contract dated the ~~1st~~ day of ~~November, 1990~~, WALLACE J. CURD, MARGIE F. CURD AND JUNCTION CORNER, INC., a Nebraska Corporation ("Grantor") agreed to convey to McDONALD'S CORPORATION, a Delaware corporation ("Grantee"), a parcel of real estate described on Exhibit A attached.

One of the terms of that contract required the Grantor to record a Restrictive Covenant affecting the use of Grantor's other property.

THEREFORE, in consideration of the terms and conditions contained in that contract, Grantor promises and declares that the property described on Exhibit B, attached, will not be used for a quick-serving limited menu restaurant deriving 25% or more of its gross annual sales from the sale of hamburger, ground beef products and/or french fries, including but limited to Burger King, Wendy's, Jack-in-the-Box, Burger Chef, Hardees and Runza for a period of 20 years from the date of the recording of this document. Grantor has an existing food service and convenient food store located in its truck stop plaza located on the property described on Exhibit C and Grantor has the intention of expanding such operation into a new truck plaza. This covenant shall not restrict Grantor from providing any menu or menu item for the truck stop or convenient food store on its adjacent parcel described in Exhibit C, which may include but shall not be limited to the regular or quick-serving sale of hamburgers, hamburger related products, hot dogs, french fries, fish, poultry, pizza, Mexican food, Italian Food, etc., and convenient store food items.

In determining a prior gross selling price or full price of any product containing hamburger, ground beef products, and/or french fries shall be included.

This restriction runs with the land described in Exhibits A and B and shall inure to the benefit of the Grantee and be binding upon the Grantor and the Grantor's heirs, successors and assigns.

Grantor has executed this Restrictive Covenant, this 22nd day of March, 19 91.

GRANTOR:

WITNESSES:

Wallace J. Curd Margie F. Curd
Wallace J. Curd Margie F. Curd
JUNCTION CORNER, INC.

By
75183/10Wallace J. Curd PresALT *ch*

03950

STATE OF NEBRASKACOUNTY OF DOUGLAS

AFFIDAVIT OF OWNERSHIP BY GRANTOR

The undersigned, being first duly sworn on oath, depose(s) and state(s) that he(she)(they) is(are) the owner(s) of the property described on Exhibit B attached and that he(she)(they) own(s) no other property within a two (2) mile radius of the property described on Exhibit A attached.

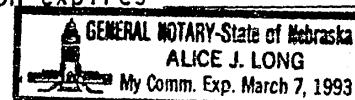
Wallace J. Curd
Wallace J. Curd

Margie F. Curd
Margie F. Curd Affiant

Subscribed and sworn to before me this 22nd day of March, 1991.

Alice J. Long
Notary Public

My commission expires



(PLEASE ATTACH EXHIBITS A AND B)

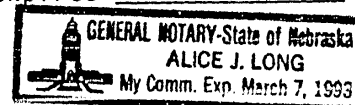
ACKNOWLEDGMENT CERTIFICATE

STATE OF NEBRASKACOUNTY OF DOUGLAS

The foregoing instrument was acknowledged before me on March 22, 1991 by Wallace J. Curd and Margie F. Curd.

Alice J. Long
Notary Public

My commission expires



SELLER'S AFFIDAVIT

March, 1991

Under a contract dated the ~~1st~~ day of ~~November, 1990~~, WALLACE J. CURD, MARGIE F. CURD, JUNCTION CORNER, INC. A NEBRASKA CORPORATION ("Seller") agreed to convey to McDONALD'S CORPORATION, a Delaware corporation ("Purchaser"), a parcel of real estate described in Exhibit A.

One of the terms of the contract required Seller to record a Restrictive Covenant affecting the use of Seller's other property located within two (2) miles of the property described in Exhibit A.

The undersigned, being first duly sworn on oath, depose(s) and state(s) that they own no other real property within a two-mile radius of the property described in Exhibit A.

Wallace J. Curd
Affiant Wallace J. Curd

JUNCTION CORNER, INC.

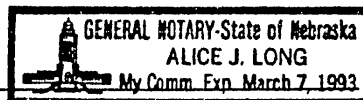
By: Wallace J. Curd Pres

Margie F. Curd x
Affiant Margie F. Curd

Subscribed and sworn to before me this 22nd day of March, 1991.

Alice J. Long
Notary Public

My Commission Expires: _____



(ATTACH EXHIBIT A)

91-03950C

EXHIBIT 'A'

File #: C911275

That part of Lot 8, The Meadows II, Replat I, a Subdivision, as surveyed, platted and recorded in Sarpy County, Nebraska, described as follows: Commencing at the Southwest corner of said Lot 8, thence North $00^{\circ}31'23''$ West (assumed bearing) 28.83 feet on the West line of said Lot 8 to the point of beginning; thence continuing North $00^{\circ}31'23''$ West 221.24 feet on the West line of said Lot 8, thence North $89^{\circ}28'10''$ East 160.00 feet on a line 57.98 feet South of and parallel to the North line of said Lot 8; thence South $00^{\circ}31'23''$ East 250.00 feet on a line 160.00 feet East of and parallel to the West line of said Lot 8 to the South line of said Lot 8; thence South $89^{\circ}26'43''$ West 124.80 feet on the South line of said Lot 8 to a point 35.20 feet East of the Southwest corner of said Lot 8, thence North $51^{\circ}13'24''$ West 45.49 feet to the point of beginning. Now known as Lot 8A of Lot Split of Lot 8, The Meadows II, Replat I, a subdivision, as surveyed, platted and recorded, in Sarpy County, Nebraska.

Legal description of the access easement Parcel No. 2

+ Lot 8B, Lot SPLIT OF LOT 8
THE MEADOWS II,
REPLAT I

The north 57.98 feet of the Lots 7 and 8, The Meadows II, Replat I, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska, all more particularly described as follows: Beginning at the NW corner of said Lot 8; Thence N89°28'10"E (assumed bearing) 417.20 feet on the North line of said Lots 7 and 8; Thence S00°29'40"E 57.98 feet on the East line of said Lot 7; Thence S89°28'10"W 417.17 feet on a line 57.98 feet South of and parallel to the North line of said Lots 7 and 8 to the west line of said Lot 8; Thence N00°31'23"W 57.98 feet on the West line of said Lot 8 to the point of beginning.

Containing 24,189 square feet or 0.56 acres more or less.

Legal description of the parking easement Parcel No. 3

That part of Lots 5 and 6, the Meadows II, Replat I, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska, described as follows: Beginning at NW corner of said Lot 6; Thence N89°28'10"E (assumed bearing) 407.59 feet on the North line of said Lot 5 on a 364.31 foot radius curve to the right, chord bearing S35°34'19"W, chord distance 178.03 feet, an arc distance of 179.85 feet to a point of tangency; Thence S49°42'55"W 192.33 feet on the Southeasterly line of said Lots 5 and 6, to a point on the Easterly extension of the South line of the North 57.98 feet of Lots 7 and 8 of said the Meadows II, Replat I; Thence S89°28'10"W 155.00 feet on the Easterly extension of the North 57.98 feet of Lots 7 and 8 of said The Meadows II, Replat I, to the West line of said Lot 6; Thence N00°29'40"W 266.83 feet on the West line of said Lot 6 to the point of beginning.

Containing 80,557 square feet or 1.85 acres more or less.

91-03950E

LEGAL DESCRIPTION

+ Wt 88 of lot split of lot 8, THE
MEADOWS II Replat I

That part of Lots 6, 7 and ~~8~~ The Meadows II, Replat I, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska, described as follows: Commencing at the SW corner of said Lot 8; thence N89°26'43"E (assumed bearing) 160.00 feet on the South line of said Lot 8 to the point of beginning; thence continuing N89°26'43"E 22.55 feet on the South line of said Lot 8 to a point of curve; thence Northeasterly on the Southerly line of said Lots 7 and 8 on a 246.78 foot radius curve to the left, chord bearing N69°34'49"E, chord distance 167.71 feet, an arc distance of 171.12 feet to a point of tangency; thence N49°42'55"E 301.70 feet on the Southerly line of said Lots 6 and 7; thence S89°28'10"W 412.17 feet on a line 57.98 feet South of and parallel to the North line of said Lots 7 and 8 and their Easterly extension; thence S00°31'23"E 250.00 feet on a line 160.00 feet East of and parallel to the West line of said Lot 8 to the point of beginning.

MCDONALDS CORPORATION
March 15, 1991

TD2 FILE NO. 200-176-22

Exhibit C