

AVIGATION AND NOISE EASEMENT AND COVENANT AGREEMENT

INDENTURE made this 19th day of August, 1976, between THE HIGHLANDS DEVELOPMENT CORP., a Nebraska Corporation, and Sanitary and Improvement District No. 7 of Lancaster County, Nebraska, and Traditional Homes Co., a Nebraska Corporation, hereinafter collectively referred to as "Grantor" and Airport Authority of the City of Lincoln, a public body corporate and politic, hereinafter called "Airport Authority":

WHEREAS, Grantor is the owner in fee simple of a certain tract of land situated in Lancaster County, State of Nebraska, more particularly described in Exhibits "A", "B", "C", & "D", attached hereto, said tract of land being hereinafter referred to as "Grantor's Land"; and,

WHEREAS, Airport Authority, as an agency of the City of Lincoln, Nebraska, is the owner and operator of a public airport known as Lincoln Municipal Airport situated on land adjacent or in close proximity to the above described property; and,

WHEREAS, Grantor has agreed in consideration of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, to grant Airport Authority and City of Lincoln, Nebraska, the following Avigation and Noise Easement and Covenant Agreement for the right of flight and consequent aircraft noise over Grantor's Land.

NOW THIS INDENTURE, WITNESSETH:

Grantor, for himself, his heirs, successors and assigns, for the said consideration, hereby grants and conveys to the City of Lincoln, Nebraska, for the use of Airport Authority, its successors and assigns, a perpetual easement and right-of-way for the unobstructed and unrestricted flight of aircraft in, through and across the navigable airspace, for the safe takeoff and landing at Lincoln Municipal Airport, over and above Grantor's Land, at any altitude, and the right to make noise and cause fumes and disturbance arising from the ground and flight operations of all

19278

civil and military aircraft to, from and upon Lincoln Municipal Airport, regardless of the means of propulsion.

The Grantor, for itself, successors, and assigns, for the said consideration, does hereby grant and convey to Airport Authority, its agents, servants and employees, a continuing right and easement to remove, mark, light, or to take any action necessary to prevent the erection or growth of, any structure, tree and other object into the navigable airspace above Grantor's Land which may constitute an obstruction to safe air navigation to, from or upon Lincoln Municipal Airport, together with the right of ingress to, egress from, and passage over Grantor's Land in any present or future clear zone approach area for said purposes.

The Grantor, for himself, his heirs, successors, and assigns, does hereby waive all right to and interest in any claim or cause of action against the Airport Authority or the City of Lincoln, arising out of or from, any noise, vibration, avigations, pollution or sonic disturbance of any description, caused by flight operations of civil and military aircraft regardless of the means of propulsion, to, from and upon Lincoln Municipal Airport, which may result in damage to land or to any person, structure or other property located upon Grantor's Land, excepting however, any claim or cause of action for any damage or injury to person or property resulting from any aircraft, or object therefrom, falling on, propelled into, or striking any person or property on the premises of the Grantor.

The Grantor, for the said consideration, further covenants and agrees, that if Grantor or his heirs, successors or assigns, should sell or alienate any portion of Grantor's Land, Grantor, his heirs, successors or assigns shall include in every deed or conveyance evidencing such sale or alienation, a recitation that the grant is subject to all covenants and conditions contained within this Avigation and Noise Easement and Covenant Agreement, and further as a condition of such transaction, Grantor shall require each Grantee to include such recitation in any subsequent

14278
deed or conveyance of any of the property herein above described as Grantor's Land.

In the event any covenant, condition or provision herein contained is held to be invalid by any court of competent jurisdiction, the invalidity of such covenant, condition or provision shall in no way affect any other covenant, condition or provision herein contained.

It is understood and agreed that these covenants and agreements shall be binding upon the heirs, administrators, successors, executors, and assigns of the Grantor, and that these covenants and agreements shall run with Grantor's Land.

TO HAVE AND TO HOLD said Avigation and Noise Easement and Covenant Agreement hereby granted unto the City of Lincoln for the use of the Airport Authority, its successors, and assigns, as appurtenant to the said Lincoln Municipal Airport and every part thereof.


IN WITNESS WHEREOF, the undersigned has caused his signature to be affixed this 19th day of August, 1976.

ATTEST:	THE HIGHLANDS DEVELOPMENT CORP., a Nebraska Corporation
<u>Gordon H. Miles</u>	By <u>[Signature]</u>
ATTEST:	SANITARY AND IMPROVEMENT DISTRICT NO. 7 OF LANCASTER COUNTY, NEBRASKA
<u>Charles R. Clatterbuck</u>	By <u>[Signature]</u>
ATTEST:	TRADITIONAL HOMES CO.
<u>Linda Richter</u>	By <u>[Signature]</u>

STATE OF NEBRASKA)
) ss.
LANCASTER COUNTY)

On this 19th day of August, 1976, before me a duly appointed and qualified notary public, personally appeared Joel Katleman, President and Gordon H. Miles, Secretary, to me personally known to be the same and identical persons who signed the above and foregoing instrument and he did acknowledge the execution thereof to be the voluntary act and deed of said corporation.

Witness my hand and seal on the date last aforementioned.

 Karen K. Klingenberg Kula
General Notary State of Nebr.
My Commission Expires
July 26, 1977

Karen K. Klingenberg Kula
Notary Public

STATE OF NEBRASKA)
) ss.
LANCASTER COUNTY)

On this 19th day of August, 1976, before me a duly appointed and qualified notary public, personally appeared Ted Reeder, Chairman, and Charles R. Clatterbuck clerk to me personally known to be the same and identical persons who signed the above and foregoing instrument and he did acknowledge the execution thereof to be their voluntary act and deed.



Karen K. Klingenberg Kula
General Notary, State of Neb.
My Commission Expires
July 26, 1977

Karen K. Klingenberg Kula
Notary Public

STATE OF NEBRASKA)
) ss.
LANCASTER COUNTY)

On this 19th day of August, 1976, before me a duly appointed and qualified notary public, personally appeared Ewel J. Karnes and Linda J. Richter, to me personally known to be the same and identical persons who signed the above and foregoing instrument and he did acknowledge the execution thereof to be their voluntary act and deed.



Karen K. Klingenberg Kula
General Notary, State of Neb.
My Commission Expires
July 26, 1977

Karen K. Klingenberg Kula
Notary Public

APPROVED AS TO FORM:

[Signature]

Of Barney & Carter, P.C.,
Legal Counsel for the Airport
Authority of the City of Lincoln.

19018
HIGHLAND CONSOLIDATED MORTGAGE

BOUNDARY LEGAL DESCRIPTION

All of the SE 1/4 of the SE 1/4, and all of Lot 6, an irregular tract in said SE 1/4, Section 33, and all of Lot 3 of irregular tracts in the SW 1/4 and part of Lot 4 of irregular tracts in the SE 1/4, Section 34, all in Township 11 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska; also part of Section 4, and part of Section 3, and part of the North 1/2 of the North 1/2 of Section 10, all in Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska, said tract of land more particularly described as follows:

Commencing at the Southeast corner of the NE 1/4 of said Section 4; thence N89° 53'17"W (assumed bearing) along the South line of said NE 1/4 of Section 4 a distance of 33.00 feet to a point on the West right-of-way line of a County Road, said point also being the Point of Beginning; thence N00°02'10"W, along said West right-of-way line of a County Road, a distance of 1398.52 feet, thence N89°53'17"W a distance of 4294.99 feet, to a point on the Northeasterly right-of-way line of the Union Pacific Railroad; thence N42°56'17"E a distance of 578.03 feet; thence N34°26'43"W a distance of 804.28 feet, to a point on the proposed South right-of-way line of West Fletcher Avenue; thence S89°58'38"W, along said proposed South right-of-way line of West Fletcher Avenue, a distance of 662.12 feet to the point of intersection of said proposed South right-of-way line of West Fletcher Avenue and said North-easterly right-of-way line of the Union Pacific Railroad; thence Northwesterly, along said Northeasterly right-of-way line of the Union Pacific Railroad on a curve to the right with a radius of 2814.93 feet a distance of 53.11 feet, said curve having a long chord which bears N19°42'59"W a distance of 53.11 feet, to the point of inter-section of said Northeasterly right-of-way line of the Union Pacific Railroad and the North line of said Section 4; thence N89°58'38"E, along said North line of Section 4, a distance of 2,422.46 feet, to the Northwest corner of said NE 1/4 of Section 4; thence S89°59'53"E, along said North line of Section 4, a distance of 1,323.10 feet, to the Northeast corner of said NW 1/4 of the NE 1/4 of Section 4; thence N00° 20'11"E, along the West line of the East 1/2 of said SE 1/4 of Section 33, a distance of 2,286.88 feet, to a point on the Southerly right-of-way line of U.S. Highway No. 34; thence along said Southerly right-of-way line of U.S. Highway No. 34, on the following described courses, thence Southeasterly on a curve to the right with a radius of 11,284.16 feet, a distance of 1,543.23 feet, said curve having a long chord which bears S71°52'54"E, a distance of 1,542.02 feet; thence S68°29'56"E, a distance of 2,677.12 feet; thence S67°57'50"E, a distance of 1,983.25 feet, thence Southeasterly on a curve to the right with a radius of 1,759.86 feet, a distance of 70.50 feet, said curve having a long chord which bears S66°48'59"E, a distance of 70.50 feet, to the point of intersection of said Southerly right-of-way line of U.S. Highway No. 34 and the North right-of-way line of West Fletcher Avenue; thence S83° 20'21"W, along said North right-of-way line of West Fletcher Avenue, a distance of 184.70 feet; thence S00°00'01"W, a distance of 33.00 feet, to a point on the North line of said Section 3; thence S89°59'59"E, along said North line of Section 3, a distance of 50.00 feet, thence S00°00'01"W, a distance of 33.00 feet to the point of intersection of the South right-of-way line of West Fletcher Avenue and the Westerly right-of-way line of Interstate Highway No. 80; thence along said Westerly right-of-way line of Interstate Highway No. 80 on the following described courses; thence S84° 30'57"E, a distance of 196.71 feet; thence S71°16'15"E, a distance of 272.04 feet; thence S40°47'18"E, a distance of 294.08 feet, to the Northwesterly corner of Lot

4, a lot in the NE 1/4 of said NE 1/4 of Section 3; thence S00°00'26"E, along the West line of said Lot 4, a distance of 71.23 feet, to the Southwest corner of said Lot 4, thence N89°59'34"E, along the South line of said Lot 4, a distance of 217.80 feet, to a point on the East line of said Section 3; thence S00°00'26"E, along said East line of Section 3, a distance of 141.94 feet to the Southeast corner of the NE 1/4 of said Section 3; thence S89°38'33"W, along the South line of said NE 1/4 of Section 3, a distance of 280.59 feet; thence N28°35'12"W a distance of 1236.83 feet; thence N42°49'39"E a distance of 594.16 feet to a point on the centerline of the proposed Loop Street; thence Northwesterly along said centerline of the proposed Loop Street on a curve to the right with a radius of 1070.03 feet a distance of 88.95 feet, said curve having a long chord which bears N44°47'33"W a distance of 88.93 feet; thence N42°24'34"W, along said centerline of the proposed Loop Street, a distance of 1008.29 feet; thence Northwesterly, along said centerline of the proposed Loop Street on a curve to the left with a radius of 3514.17 feet a distance of 599.38 feet, said curve having a long chord which bears N47°17'46"W a distance of 598.66 feet; thence S37°49'05"W a distance of 596.65 feet; thence S77°36'57"W a distance of 406.42 feet; thence N28°50'18"W a distance of 300.50 feet; thence S69°42'30"W a distance of 410.93 feet; thence N75°14'07"W a distance of 844.12 feet to a point on said North line of Section 3; thence N89°59'50"W, along said North line of Section 3, a distance of 41.53 feet; thence N22°36'17"W a distance of 276.36 feet; thence S13°29'45"E a distance of 128.55 feet; thence S66°12'17"E a distance of 1008.75 feet; thence S77°24'33"E a distance of 701.88 feet; thence S12°55'27"W a distance of 487.35 feet; thence S88°40'26"W a distance of 216.06 feet; thence S45°04'00"W a distance of 608.82 feet; thence S82°10'43"W a distance of 183.71 feet; thence N37°06'49"W a distance of 376.20 feet; thence S69°50'38"W a distance of 731.46 feet to a point on the centerline of the proposed Collector Street; thence Southerly, along said centerline of the proposed Collector Street on a curve to the right with a radius of 2386.17 feet a distance of 224.71 feet, said curve having a long chord which bears S01°56'05"W a distance of 224.62 feet; thence S04°37'56"W, along said centerline of the proposed Collector Street, a distance of 352.00 feet; thence Southeasterly along said centerline of the proposed Collector Street on a curve to the left with a radius of 862.00 feet a distance of 649.08 feet, said curve having a long chord which bears S16°56'22"E a distance of 633.85 feet; thence N42°08'31"E a distance of 115.66 feet; thence N34°02'38"E a distance of 62.06 feet; thence N20°52'37"E a distance of 385.55 feet; thence N53°27'41"E a distance of 180.24 feet; thence S81°46'42"E a distance of 152.36 feet; thence S37°01'05"E a distance of 76.18 feet; thence S52°58'55"W a distance of 125.00 feet; thence Southeasterly on a curve to the right with a radius of 60.00 feet a distance of 26.00 feet, said curve having a long chord which bears S24°36'20"E a distance of 25.79 feet; thence N77°48'25"E a distance of 125.00 feet; thence S12°11'35"E a distance of 36.60 feet; thence S10°11'13"W a distance of 73.19 feet; thence S32°34'02"W a distance of 64.98 feet; thence S50°00'32"W a distance of 128.05 feet; thence S20°52'37"W a distance of 70.00 feet; thence S60°41'42"E a distance of 299.70 feet; thence N08°12'54"E a distance of 453.59 feet; thence S81°47'06"E a distance of 125.00 feet; thence N08°12'54"E a distance of 27.88 feet; thence Northeasterly on a curve to the right with a radius of 60.00 feet a distance of 6.32 feet, said curve having a long chord which bears N11°13'20"E a distance of 6.31 feet; thence N75°45'49"W a distance of 125.00 feet; thence N14°14'11"E a distance of 36.60 feet; thence N36°36'59"E a distance of 73.20 feet; thence N58°59'48"E a distance of 73.20 feet; thence N81°22'37"E a distance of 73.20 feet; thence S76°14'35"E a distance of 73.20 feet; thence S53°51'47"E a distance of 73.20 feet; thence S31°28'58"E a distance of 73.20 feet; thence S09°06'09"E a distance of 73.20 feet; thence S13°16'39"W a distance of 36.60 feet; thence N76°43'21"W a distance of 125.00 feet; thence Southwesterly on a curve to the right with a radius of 60.00 feet a distance of 19.09 feet; said curve having a long chord

EX A

19078

which bears S22°23'30"W a distance of 191.1 feet; thence S58°29'38"E a distance of 125.22 feet; thence S28°43'42"W a distance of 128.77 feet; thence S08°12'54"W a distance of 140.00 feet; thence N79°18'09"E a distance of 94.90 feet; thence N04°02'37"E a distance of 39.64 feet; thence N20°55'15"E a distance of 78.64 feet; thence N44°55'15"E a distance of 39.32 feet; thence S45°04'45"E a distance of 125.00 feet; thence Northeasterly on a curve to the right with a radius of 60.00 feet a distance of 31.56 feet, said curve having a long chord which bears N59°59'31"E a distance of 31.20 feet; thence N14°56'13"W a distance of 125.00 feet; thence N75°03'47"E a distance of 39.32 feet; thence S80°56'13"E a distance of 78.64 feet; thence S56°56'13"E a distance of 78.64 feet; thence S32°56'16"E a distance of 78.64 feet; thence S08°56'13"E a distance of 65.54 feet; thence S07°11'30"W a distance of 270.08 feet; thence S15°03'54"W a distance of 75.54 feet; thence S26°49'27"W a distance of 90.60 feet; thence S38°35'00"W a distance of 90.60 feet; thence S00°20'33"W a distance of 45.30 feet; thence N39°39'27"W a distance of 21.29 feet to a point on the West line of the SE 1/4 of said Section 3; thence S00°12'46"W along said West line of the SE 1/4 of Section 3 a distance of 229.12 feet; thence S76°56'55"E a distance of 21.61 feet; thence S72°00'41"E a distance of 263.03 feet; thence S17°59'19"W a distance of 125.00 feet; thence S72°00'41"E a distance of 37.80 feet; thence N17°59'19"E a distance of 258.05 feet; thence N52°13'03"E a distance of 191.24 feet; thence N68°31'45"E a distance of 279.19 feet; thence N10°38'51"W a distance of 1000.00 feet; thence N31°21'09"E a distance of 570.00 feet; thence S73°38'51"E a distance of 450.00 feet; thence S28°38'51"E a distance of 500.00 feet; thence S00°38'51"E a distance of 350.00 feet; thence S75°38'51"E a distance of 169.10 feet; thence S09°57'07"E a distance of 978.51 feet to a point on said centerline of the proposed Loop Street; thence along said centerline of the proposed Loop Street on the following described courses; thence Northeasterly on a curve to the right with a radius of 1923.79 feet a distance of 48.43 feet, said curve having a long chord which bears N80°46'00"E a distance of 48.43 feet; thence N81°29'26"E a distance of 100.00 feet; thence Northeasterly on a curve to the left with a radius of 1060.80 feet a distance of 725.56 feet, said curve having a long chord which bears N61°53'45"E a distance of 711.50 feet to a point on said East line of Section 3; thence S00°01'25"E, along said East line of Section 3, a distance of 785.49 feet to the point of intersection of said East line of Section 3 and the Northwesterly right-of-way line of Interstate Highway No. 80; thence S37°02'24"W, along said Northwesterly right-of-way line of Interstate Highway No. 80, a distance of 1,140.18 feet, to the point of intersection of said Northwesterly right-of-way line of Interstate Highway No. 80 and the South line of said Section 3; thence N89°36'27"E, along said South line of Section 3, a distance of 219.80 feet to the point of intersection of said South line of Section 3 and said Northwesterly right-of-way line of Interstate Highway No. 80; thence S28°19'34"W, along said Northwesterly right-of-way line of Interstate Highway No. 80, a distance of 164.82 feet; thence S37°02'24"W, along said Northwesterly right-of-way line of Interstate Highway No. 80, a distance of 508.74 feet, thence S89°54'36"W, a distance of 4169.44 feet; thence N00°05'24"W, a distance of 2720.72 feet; thence Westerly on a curve to the left with a radius of 451.77 feet, a distance of 708.05 feet, said curve having a long chord which bears N44°59'21"W a distance of 637.77 feet, to a point on said South line of the NE 1/4 of Section 4; thence S89°53'17"E, along said South line of the NE 1/4 of Section 4, a distance of 163.89 feet to the Point of Beginning.

Except for the following described tract of land; all of Lots 3,4,5,7 and 9 of C.W. Lyman's Subdivision, a subdivision located in the East 1/2 of the SW 1/4 of Section 3, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska, more particularly described as follows:

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Beginning at the Northeast corner of said Lot 9; thence $S00^{\circ}12'46''W$, (assumed bearing), along the East line of said $\frac{1}{4}$ of Section 3, a distance of 1632.19 feet, to a point on the North right-of-way line of West Superior Street, thence $N89^{\circ}36'47''W$, along said North right-of-way line of West Superior Street, a distance of 635.99 feet, to the Southwest corner of said Lot 3; thence $N00^{\circ}24'07''E$, along the West line of said Lots 3, 5, 7 and 9, a distance of 1632.45 feet, to the Northwest corner of said Lot 9; thence $N89^{\circ}37'53''E$, along the North line of said Lot 9, a distance of 630.60 feet, to the Point of Beginning.

Said tract of land contains an area of 721.274 acres, more or less.

EX A

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LEGAL DESCRIPTION
WEST 134.923 ACRES OF ABEL INVESTMENT COMPANY

Part of the SE 1/4 of the SE 1/4 and all of Lot 6 an irregular tract in said SE 1/4 all in Section 33, Township 11 North, Range 6 East of the 6th P.M., and part of Lot 3 of irregular tracts in the SW 1/4 of Section 34, Township 11 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska, more particularly described as follows:

Commencing at the Southeast corner of said Section 33; thence N00°22'52"E, (assumed bearing), along the East line of said Section 33, a distance of 33.00 feet, to a point on the North right-of-way line of West Fletcher Avenue, said point being the Point of Beginning; thence N89°59'53"W, along said North right-of-way line of West Fletcher Avenue, a distance of 1322.92 feet, to a point on the West line of the East 1/2 of said SE 1/4 of Section 33; thence N00°20'11"E, along said West line of the East 1/2 of said SE 1/4 of Section 33, a distance of 2253.88 feet, to a point on the Southerly right-of-way line of U.S. Highway No. 34; thence Southeasterly along said Southerly right-of-way line of U.S. Highway No. 34 on a curve to the right with a radius of 11289.16 feet, a distance of 1543.23 feet, said curve having a long chord which bears S71°52'54"E, a distance of 1542.02 feet; thence S68°29'56"E, along said Southerly right-of-way line of U.S. Highway No. 34, a distance of 2290.52 feet; thence S00°27'23"W, a distance of 934.97 feet to a point on said North right-of-way line of West Fletcher Avenue; thence N89°59'50"W, along said North right-of-way line of West Fletcher Avenue, a distance of 2279.55 feet, to the Point of Beginning.

Said tract of land contains an area of 134.923 acres, more or less.

EXHIBIT "B"

LEGAL DESCRIPTION

HIGHLAND NORTH - GOLF COURSE

OUTLOT "R"

Part of the South 1/2 of the South 1/2 of Section 34, Township 11 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska; also part of Section 3 and part of the West 1/2 of the West 1/2 of Section 2, all in Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska, said tract of land more particularly described as follows:

Commencing at the North 1/4 corner of said Section 3; thence S89°59'59"E, (assumed bearing), along the North line of said Section 3 a distance of 622.99 feet; thence S00°00'01"W, a distance of 248.62 feet to the Point of Beginning; thence N37°49'05"E a distance of 596.95 feet to a point on the centerline of the proposed Loop Street, thence Southeasterly along said centerline of the proposed Loop Street on a curve to the right with a radius of 3514.17 feet a distance of 599.38 feet, said curve having a long chord which bears S47°17'46"E a distance of 598.66 feet; thence S42°24'34"E, along said centerline of the proposed Loop Street, a distance of 1008.29 feet; thence Southeasterly along said centerline of the proposed Loop Street, on a curve to the left with a radius of 1070.03 feet a distance of 88.95 feet, said curve having a long chord which bears S44°47'33"E a distance of 88.93 feet; thence S42°49'39"W a distance of 594.16 feet; thence S28°35'12"E a distance of 1236.83 feet to a point on the South line of the NE 1/4 of said Section 3; thence N89°38'33"E, along said South line of the NE 1/4 of Section 3 a distance of 280.59 feet to the Southeast corner of said NE 1/4 of Section 3; thence S89°44'33"E along the South line of the NW 1/4 of said Section 2, a distance of 370.60 feet to a point on said centerline of the proposed Loop Street; thence Southwesterly along said centerline of the proposed Loop Street on a curve to the right with a radius of 1587.62 feet a distance of 263.11 feet, said curve having a long chord which bears S11°50'42"W a distance of 262.82 feet; thence S16°35'36"W along said centerline of the proposed Loop Street a distance of 294.87 feet; thence Southwesterly along said centerline of the proposed Loop Street on a curve to the right with a radius of 1060.80 feet a distance of 1201.54 feet; thence S81°29'26"W along said centerline of the proposed Loop Street a distance of 100.00 feet; thence Southwesterly along said centerline of the proposed Loop Street on a curve to the left with a radius of 1923.79 feet a distance of 48.43 feet, said curve having a long chord which bears S80°46'00"W a distance of 48.43 feet; thence N09°57'07"W a distance of 978.51 feet; thence N75°38'51"W a distance of 169.10 feet; thence N00°38'51"W a distance of 350.00 feet; thence N28°38'51"W a distance of 500.00 feet; thence N73°38'51"W a distance of 450.00 feet; thence S31°21'09"W a distance of 570.00 feet; thence S10°38'51"E a distance of 1000.00 feet; thence S68°31'45"W a distance of 279.19 feet; thence S52°13'03"W a distance of 191.24 feet; thence N47°28'23"W a distance of 367.33 feet; thence N38°35'00"E a distance of 45.30 feet; thence N26°49'27"E a distance of 90.60 feet; thence N15°03'54"E a distance of 75.54 feet; thence N07°11'30"E a distance of 270.08 feet, thence N08°56'13"W a distance of 65.54 feet, thence N32°56'16"W a distance of 78.64 feet; thence N56°56'13"W a distance of 78.64 feet; thence N80°56'13"W a distance of 78.64 feet; thence S75°03'47"W a distance of 78.64 feet; thence N53°22'09"W a distance of 126.13 feet; thence N13°16'39"E a distance of 71.64 feet; thence N09°06'09"W a distance of 73.20 feet; thence N31°28'58"W a distance of 73.20 feet; thence N53°51'47"W a distance of 73.20 feet, thence N76°14'35"W a distance of 73.20 feet; thence S81°22'37"W a distance of 73.20 feet; thence S58°59'48"W a distance of 73.20 feet; thence S36°36'59"W a distance of 73.20 feet; thence S14°14'11"W a distance of 36.60 feet; thence N80°37'05"W a distance of 206.56 feet; thence N37°01'05"W a distance of 76.18 feet; thence N81°46'42"W a distance of 152.36 feet; thence S53°27'41"W a distance of 180.24 feet; thence

ELLIOTT AND BLANK
 Suite 100 8001 BLOC.
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 Omaha, Nebraska 68124

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S20°52'37"W a distance of 385.55 feet; thence S34°02'38"W a distance of 62.06 feet; thence S42°08'31"W a distance of 115.66 feet to a point on the centerline of the proposed Collector Street; thence Northerly along said centerline of the proposed Collector Street on a curve to the right with a radius of 862.00 feet a distance of 649.08 feet, said curve having a long chord which bears N16°56'22"W a distance of 633.85 feet; thence N04°37'56"E along said centerline of the proposed Collector Street a distance of 352.00 feet; thence Northerly along said centerline of the proposed Collector Street on a curve to the left with a radius of 2386.17 feet a distance of 224.71 feet, said curve having a long chord which bears N01°56'05"E a distance of 224.62 feet; thence N69°50'38"E a distance of 731.46 feet; thence S37°06'49"E a distance of 376.20 feet; thence N82°10'43"E a distance of 183.71 feet; thence N45°04'00"E a distance of 608.82 feet; thence N88°40'26"E a distance of 216.06 feet; thence N12°55'27"E a distance of 487.35 feet; thence N77°24'33"W a distance of 701.88 feet; thence N66°12'17"W a distance of 1008.75 feet; thence N13°29'45"W a distance of 128.55 feet; thence N22°36'17"E a distance of 276.36 feet to a point on said North line of Section 3; thence S89°59'50"E along said North line of Section 3, a distance of 41.53 feet; thence S75°14'07"E, a distance of 844.12 feet; thence N69°42'30"E, a distance of 410.93 feet; thence S28°50'18"E, a distance of 300.50 feet; thence N77°36'57"E, a distance of 406.42 feet to the Point of Beginning.

Said tract of land contains an area of 182.000 acres, more or less.

EX

EXHIBIT "W" D

All of the following real property located in Lancaster County, Nebraska, more particularly described as follows:

All of Lots 3, 4, 5, 7 and 9 of C. W. Lyman's Subdivision, a subdivision located in the East 1/2 of the SW 1/4 of Section 3, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska, more particularly described as follows:

Beginning at the Northeast corner of said Lot 9; thence S00°12'46"W, (assumed bearing), along the East line of said SW 1/4 of Section 3, a distance of 1632.19 feet, to a point on the North right-of-way line of West Superior Street; thence N89°36'47"W, along said North right-of-way line of West Superior Street, a distance of 635.99 feet, to the Southwest corner of said Lot 3; thence N00°24'07"E, along the West line of said Lots 3, 5, 7, and 9, a distance of 1632.45 feet, to the Northwest corner of said Lot 9; thence N89°37'53"E, along the North line of said Lot 9, a distance of 630.60 feet, to the Point of Beginning. Said tract of land contains an area of 23.730 acres, more or less.

and

All of Lot 30 of irregular tracts in the SW 1/4 of Section 2, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska, more particularly described as follows:

Beginning at the Northwest corner of said SW 1/4 of Section 2; thence S 89° 44'33"E, (assumed bearing), along the North line of said SW 1/4 of Section 2, a distance of 627.85 feet, to a point on the Westerly right-of-way line of Interstate Highway No. 80; thence along said Westerly right-of-way line of Interstate Highway No. 80, on the following described courses: thence Southerly on a curve to the right with a radius of 566.24 feet, a distance of 33.02 feet, said curve having a long chord which bears S01°43'41"E, a distance of 33.02 feet, thence Southwesterly on a curve to the right with a radius of 327.73 feet, a distance of 157.30 feet, said curve having a long chord which bears S13°41'35"W, a distance of 155.79 feet; thence S27°42'09"W, a distance of 352.48 feet; thence S16°35'17"W, a distance of 399.71 feet; thence S07°34'33"E, a distance of 606.10 feet; thence S34°47'33"W, a distance of 402.16 feet; thence N52°32'51"W, a distance of 206.24 feet, to a point on the West line of said Section 2; thence N00°01'25"W, along said West line of Section 2, a distance of 1687.99 feet, to the Point of Beginning. Said tract of land contains an area of 16.304 acres, more or less.

and

Part of Lot 33 of irregular tracts in the NW 1/4 of Section 2, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska, more particularly described as follows:

Commencing at the Northwest corner of said Section 2; thence S00°00'26"E, (assumed bearing), along the West line of said Section 2, a distance of 913.30 feet; thence N89°59'34"E, a distance of 33.00 feet, to a point on the East right-of-way line of North 1st Street said point also being the Point of Beginning; thence N10°56'30"E, along said East right-of-way line of North 1st Street, a distance of 194.78 feet to the point of intersection of said East right-of-way line of North 1st Street and the Westerly right-of-way line of Interstate Highway No. 80; thence Southeasterly along said Westerly right-of-way line of Interstate Highway No. 80 on a curve to the right with a radius of 1734.86 feet, a distance of 306.22 feet, said curve having a long chord which bears S23°24'57"E, a distance of 305.83 feet; thence S18°21'31"E, along said Westerly right-of-way line of Interstate Highway No. 80, a distance of 114.28 feet; thence S89°59'34"W, a distance of 194.48 feet, to a point on said East right-of-way line of North 1st Street; thence N00°00'26"W, along said East right-of-way line of North 1st Street, a distance of 197.90 feet to the Point of Beginning. Said tract of land contains an area of 1.020 acres, more or less.

(CONTINUED)

EXHIBIT "A" (CONTINUED)

D

Part of Lot 34 of irregular tracts in the NW 1/4 of Section 2, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska, more particularly described as follows:

Commencing at the Northwest corner of said Section 2; thence S00°00'29"E, (assumed bearing) along the West line of said Section 2, a distance of 111.20 feet; thence N89°59'34"E, a distance of 33.00 feet to a point on the East right-of-way line of North 1st Street, said point also being the Point of Beginning; thence continuing N89°59'34"E, a distance of 194.48 feet to a point on the Westerly right-of-way line of Interstate Highway No. 80; thence S18°21'31"E, along said Westerly right-of-way line of Interstate Highway No. 80, a distance of 204.61 feet; thence S89°59'34"W, a distance of 258.90 feet to a point on said East right-of-way line of North 1st Street; thence N00°00'26"W, along said East right-of-way line of North 1st Street, a distance of 194.20 feet to the Point of Beginning. Said tract of land contains an area of 1.011 acres more or less.

and

All of Lot 35 of irregular tracts in the NW 1/4 of Section 2, Township 10 North Range 6 East of the 6th P.M., Lancaster County, Nebraska, more particularly described as follows:

Beginning at the Southwest corner of said NW 1/4 of Section 2; thence N00°00'26"W, (assumed bearing), along the West line of said Section 2, a distance of 1205.54 feet; thence N89°59'34"E, a distance of 291.90 feet to a point on the Westerly right-of-way line of Interstate Highway No. 80; thence along said Westerly right-of-way line of Interstate Highway No. 80, on the following described courses; thence S18°21'31"E, a distance of 652.81 feet; thence S13°13'01"E, a distance of 478.43 feet; thence Southeasterly on a curve to the right with a radius of 566.24 feet, a distance of 125.10 feet, said curve having a long chord which bears S09°43'37"E, a distance of 124.34 feet, to a point on the South line of said NW 1/4 of Section 2; thence N89°44'33"W, along said South line of the NW 1/4 of Section 2, a distance of 627.85 feet to the Point of Beginning. Said tract of land contains an area of 13.247 acres, more or less.

CERTIFICATE

I, the undersigned President of Highlands Development Corp., a Nebraska corporation, do hereby certify that the description of lands contained in an Avigation and Noise Easement today granted to Airport Authority of the City of Lincoln, Nebraska, is intended to be all property contained in the Highlands North subdivision. If other lands are added to the subdivision they will be subjected to the same easement.

Dated this 19 day of August, 1976.

THE HIGHLANDS DEVELOPMENT CORP.,
a Nebraska corporation,

By *Joe Mall* President

INDEXED
MICRO-FILED
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64-421-425
26-50

6-572
6-567
6-563

LANDS DEVELOPMENT CORP.
REGISTER OF DEEDS

1976 AUG 23 AM 10:53

ENTERED IN
MICROFILM INDEX
FILED FOR RECORD AS:
INST. NO. 78-19078

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Barney + Carter
911 Parkview Bldg. 08
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