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WAIVER OF PROTECTIVE COVENANTS

The undersigned, SAM J. SAAD, JR. \*, being the record owner of certain real estate located in Riverfront Industrial Park, hereby waives for the benefit of BSDL, L.C., an Iowa limited liability company, and Pomerantz Diversified Services, Inc., an Iowa corporation, and their successors and assigns, the terms of the "Protective Covenants" (as defined below), to the extent such Protective Covenants may be inconsistent with or conflict with that certain Site Plan dated September 12, 1996, prepared by Avant Architects, which Site Plan has been revised following discussions among BSDL, L.C., Pomerantz Diversified Services, Inc., and the other record owners of real estate located in Riverfront Industrial Park on August 29, 1996. Said Site Plan relates to certain improvements to be placed on the real estate legally described on Exhibit "A" attached hereto.

BSDL, L.C. and Pomerantz Diversified Services, Inc. have informed the undersigned, and the undersigned is aware, that the proposed improvements under the Site Plan will conflict with the Protective Covenants in the following respects:

- 1. Paragraph V.1 of the Protective Covenants states that loading docks on Lot 1 are not permitted to face Airport Drive. The Site Plan calls for loading docks which will face Airport Drive.
- 2. Paragraph X.A of the Protective Covenants states that facades of any building on Lot 1 shall not be more than 70% metal. The Site Plan calls for an approximately 83% metal exterior on the proposed building.

BSDL, L.C. and Pomerantz Diversified Services, Inc. hereby expressly acknowledge and agree that they shall comply with and adhere to the landscaping plans and specifications set forth in the Site Plan: EXHIBIT A AS WITNESSED BY JEAN W. CROSS AND STEVE ROSENBLATT. THIS

For purposes of this Waiver, the term "Protective Covenants" means those certain Protective Covenants for Riverfront Industrial Park, originally filed May 6, 1974 in Book 535, Page 684, Miscellaneous Records, which relate to certain real estate legally described on Exhibit "B" attached hereto, as such Protective Covenants have been amended by the following instruments: Amendment to Protective Covenants filed April 24, 1978 in Book 596, Page 451, Miscellaneous Records; Modification of Protective Covenants filed January 23, 1985 in Book 729, Page 511, Miscellaneous Records; Modification of Protective Covenants filed June 19, 1986 in Book 778, Page 261, Miscellaneous Records; Revision and Amendment to Protective Covenants filed June 19, 1986 in Book 778, Page 287, Miscellaneous Records; and Modification of Protective Covenants filed June 19, 1986 in Book 778, Page 319, Miscellaneous Records.

Date: SEPTEMBER, 18, 1996

\* SAM J. SAAD, JR. (SAAD ENTERPRISES)  
(print or type name of owner)

Attach Seal

By: [Signature]  
OWNER  
(print or type name and title)

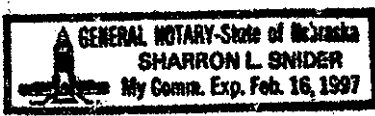
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LANDSCAPING MUST BE MAINTAINED AT ALL TIMES AS DRAWN. THIS WAIVER IS CONTINGENT ON ALL COVENANTS BEING FULLY ADHERED TO EXCEPT AS EXPRESSLY MENTIONED ABOVE.

[Signature]

And: \_\_\_\_\_

NOTARIAL SEAL AFFIXED  
REGISTER OF DEEDS



STATE OF Nebraska )  
 ) ss.  
COUNTY OF Douglas )

This instrument was acknowledged before me on September 18, 1996, by  
\_\_\_\_\_ and \_\_\_\_\_, as the  
\_\_\_\_\_ and \_\_\_\_\_, respectively,  
of \_\_\_\_\_.

Sharron L. Snider  
\_\_\_\_\_, Notary Public  
in and for said State  
My commission expires: 2/16/97

## Exhibit 'A'

Part of Lot 1, Riverfront Industrial Park, a subdivision located in Section 35, Township 16 North, Range 13 East of the 6th P.M., Douglas County, Nebraska, more particularly described as follows:

Beginning at the Northwest corner of Lot 7, Riverfront Industrial Park Replat I, a subdivision located in said Section 35, said point also being on the Easterly right-of-way line of Lindbergh Drive, said point also being on the Westerly line of said Lot 1, Riverfront Industrial Park; thence  $N24^{\circ}37'57''W$  (assumed bearing) along said Easterly right-of-way line of Lindbergh Drive, said line also being said Westerly line of Lot 1, Riverfront Industrial Park, a distance of 104.97 feet; thence Northwesterly along said Easterly right-of-way of Lindbergh Drive, said line also being said Westerly line of Lot 1, Riverfront Industrial Park, on a curve to the right with a radius of 1095.92 feet, a distance of 413.38 feet, said curve having a long chord which bears  $N13^{\circ}49'36''W$ , a distance of 410.93 feet; thence  $N03^{\circ}01'14''W$  along said Easterly right-of-way line of Lindbergh Drive, said line also being the Westerly line of Lot 1, Riverfront Industrial Park, a distance of 126.28 feet to the point of intersection of said Easterly right-of-way of Lindbergh Drive and the Southerly right-of-way line of Hartman Avenue; thence  $N41^{\circ}58'46''E$  along said Southerly right-of-way line of Hartman Avenue, said line also being the North line of said Lot 1, Riverfront Industrial Park, a distance of 14.14 feet; thence  $N86^{\circ}58'45''E$ , along said Southerly right-of-way line of Hartman Avenue, said line also being said Northerly line of Lot 1, Riverfront Industrial Park, a distance of 144.59 feet; thence Southeasterly along said Southerly right-of-way line of Hartman Avenue, said line also being said Northerly line of Lot 1, Riverfront Industrial Park, on a curve to the right with a radius of 547.96 feet, a distance of 548.13 feet, said curve having a long chord which bears  $S64^{\circ}21'50''E$ , a distance of 525.56 feet; thence  $S35^{\circ}42'26''E$  along said Southerly right-of-way of Hartman Avenue, said line also being said Northerly line of Lot 1, Riverfront Industrial Park, a distance of 220.03 feet to the Northeast corner of Lot 8, said Riverfront Industrial Park Replat I; thence  $S54^{\circ}23'02''W$  along the North line of said Lot 8, Riverfront Industrial Park Replat I, a distance of 259.92 feet to the Northeast corner of said Lot 7, Riverfront Industrial Park Replat I; thence  $S78^{\circ}24'30''W$ , along the North line of said Lot 7, Riverfront Industrial Park Replat I, a distance of 404.43 feet to the point of beginning.

Said part of Lot 1, Riverfront Industrial Park, contains an area of 7.641 acres, more or less.

Exhibit "B"

Lots One (1) through Nineteen (19), Riverfront Industrial Park, a subdivision located in Section 35, Township 16 North, Range 13 East of the 6th P.M., Douglas County, Nebraska.