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WAIVER OF PROTECTIVE COVENANTS

The undersigned, Kiewit Construction Company, 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, 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. 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 owned by BSDL, L.C., which real estate is legally described on Exhibit "A" attached hereto.

BSDL, L.C. has 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.

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 files 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 19, 1996

KIEWIT CONSTRUCTION COMPANY

By: 

Its: Vice President


STATE OF NEBRASKA)
) SS.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me by Thomas C. Stortz, Vice President of Kiewit Construction Company, a Delaware corporation, on behalf of the corporation this 19 day of September, 1996.

Witness my hand and official seal.

Karen Rickers
Notary Public

My commission expires:

 GENERAL NOTARY-State of Nebraska
KAREN RICKERS
My Comm. Exp. Sept. 16, 2000

NOTARIAL SEAL AFFIXED
REGISTER OF DEEDS

52-33030

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.

52-33030 Exhibit "B"

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