

FILED SARPY CO. NE.
INSTRUMENT NUMBER
2006-20129

2006 JUN 15 P 3:23 R

Glenn J. Dowling

REGISTER OF DEEDS

COUNTER LM C.E. D
VERIFY P D.E. P
PROOF P
FEES \$ 21.50
CHECK # 58432
CHC _____ CASH _____
REFUND _____ CREDIT _____
SHORT 1.50 NCR _____

RELEASE OF EASEMENTS

This Release of Easements (this "Release") is made as of this 7th day of June, 2006, by and between Dillon Companies, Inc., a Kansas corporation ("Baker's") and Target Corporation, a Minnesota corporation ("Target").

RECITALS:

WHEREAS, TWIN CREEK, L.P., a Nebraska limited partnership ("Twin Creek") executed a certain Declaration of Restrictions - Adjacent Property, dated May 1, 1997, recorded in the office of the Register of Deeds of Sarpy County, Nebraska as Instrument Number 97-08316 on or about May 2, 1997, as amended by that certain First Modification and Partial Termination of Declaration of Restrictions - Adjacent Property (collectively, the "Declaration of Restrictions");

WHEREAS, pursuant to Paragraph 5 of the Declaration of Restrictions, certain view corridor restrictions were imposed against Lot 7, TWINCREEK Plaza ("Lot 7") and Lot 8, TWINCREEK Plaza ("Lot 8"), specifically, no building or other structure shall be constructed on Lot 7 (the "Building Restriction"), and the buildings to be constructed on Lot 8 and Lot 6, TWINCREEK Plaza, shall be placed at least three hundred (300) feet apart (the "300 Foot Restriction");

WHEREAS, the Building Restriction and the 300 Foot Restriction are sometimes collectively referred to herein as the "Easements";

WHEREAS, the Easements run to the benefit of the owner of Lots 19 and 22, TWINCREEK Plaza ("Parcel 2") and to the benefit of the owner of Lot 2, TWINCREEK Plaza Replat V ("Parcel 1");

WHEREAS, Baker's is the owner of Parcel 2, and TARGET is the owner of Parcel 1;

WHEREAS, the westerly portion of Lot 7 and the easterly portion of Lot 8 have been replatted as Lot 2, TWINCREEK Plaza Replat VII, as surveyed, platted, and recorded in Sarpy County, Nebraska (the "Replat VII Parcel");

R+R^(E)

Rembolt Ludtke LLP
1201 Lincoln Mall, Ste 102
Lincoln, NE 68508

RECORDED NOTE: INDEXED AGAINST LOTS 19 + 22 TWIN CREEK PLAZA + LOT 2 TWIN CREEK PLAZA REPLAT VII LAL CIV CC

A

WHEREAS, Twin Creek has requested that Baker's and Target release and terminate certain portions of the Building Restriction and the 300 Foot Restriction, and Baker's and Target have agreed to release and terminate certain portions of such restrictions, as more particularly described herein; and

WHEREAS, Pursuant to Paragraph 11 of the Declaration of Restrictions – Adjacent Property and Paragraph 6 of the First Modification and Partial Termination of Declaration of Restrictions – Adjacent Property, Baker's and Target have the right to modify or terminate the Declaration of Restrictions.

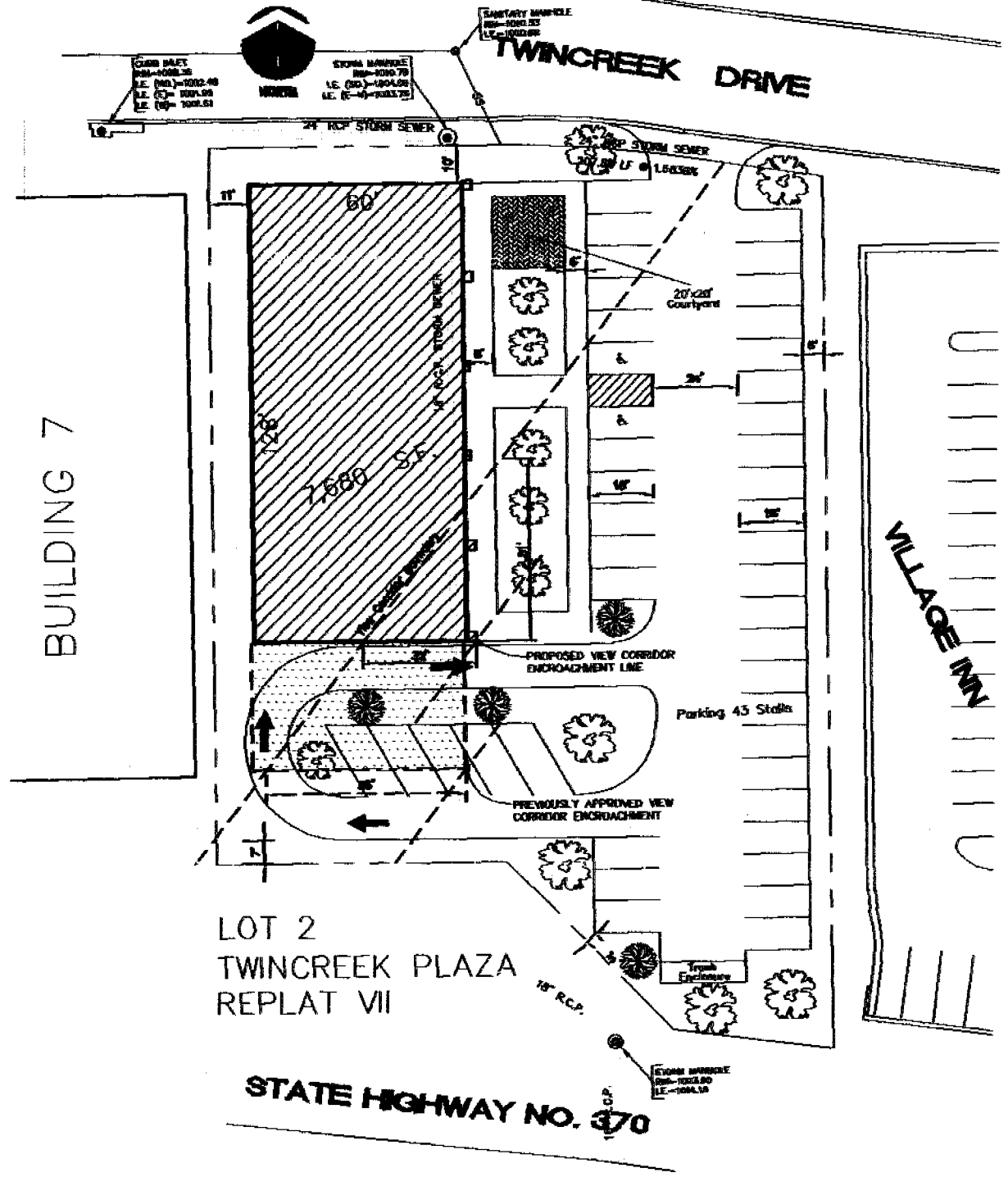
NOW, THEREFORE, in consideration of the premises contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Release and Termination of Easements. The Building Restriction and the 300 Foot Restriction are hereby released and terminated to the extent that they affect the real property described on Exhibit "A" attached hereto and incorporated herein by this reference.
2. Other Terms Unchanged. All other terms and provisions of the Declaration of Restrictions, including the rights of the undersigned to further modify or terminate the restrictions contained herein, shall remain unchanged.
3. Counterparts. This Release may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.
4. Recordation. This Release shall be recorded in the office of the Register of Deeds of Sarpy County, Nebraska.
5. Successors and Assigns. This Release shall run with the land and shall be binding on and inure to the benefit of the parties hereto and their successors and assigns.

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2006-20129C

Exhibit "A"



Apr 06, 2006 - 11:53am @ D:\10\2006MARCH\A0804 Jeff Keller - Twin Creek\Starbucks Prelim Site.dwg (replat)

LOT 2
TWINCREEK PLAZA
REPLAT VII

STATE HIGHWAY NO. 370

DESIGNED: DRAWN: CHECKED: DATE: PROJECT NO. SHEET NO.



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 Architects • Engineers • Surveyors
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