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FILED

AMENDED AND RESTATED ARTICLES OF ASSOCIATION

OF

06 NOV 20 PM 2:38

SANITARY AND IMPROVEMENT DISTRICT NO. 10
OF WASHINGTON COUNTY, NEBRASKA

CHARLOTTE L. PETERSEN
WASHINGTON COUNTY CLERK
BLAIR, NEBR.

KNOW ALL MEN BY THESE PRESENTS: THAT, the undersigned, being the owner having an interest in real property within the limits thereof, hereby associates itself for the formation of a sanitary and improvement district under the provisions of Sections 31-727 to 31-793, Reissue Revised Statutes of Nebraska, 1943, as amended, and all other applicable provisions of law and do hereby adopt these Amended and Restated Articles of Association, to-wit:

ARTICLE I.

Name

The name of the District is "Sanitary and Improvement District No. 10 of Washington County, Nebraska."

ARTICLE II.

Existence

The existence of the District is perpetual.

ARTICLE III.

Limits

The limits of the District are described as follows:

See Exhibit 1 attached hereto and incorporated herein by this reference.
{the sole reason for amending the formational proceedings is to correct the legal description in Exhibit 1}

ARTICLE IV.

Owner

The undersigned developer is the owner of property in said proposed District and its name and business address is set forth herein, as follows:

NAME

ADDRESS

LoHo, LLC

13215 Birch Drive, Suite 103
Omaha, NE 68164

200604942

STATE OF NEBRASKA COUNTY OF WASHINGTON)SS
ENTERED IN NUMERICAL INDEX AND FILED FOR RECORD
THIS 20th DAY OF November A.D. 2006
AT 2:38 O'CLOCK p M AND RECORDED IN BOOK
500 AT PAGE 269-279
COUNTY CLERK Charlotte & Petersen
DEPUTY Karen Madsen

Recorded ✓
General ✓
Numerical ✓
Photostat _____
Printed _____

STATE OF NEBRASKA)
WASHINGTON COUNTY) ss.
I, Susan Paulsen, Clerk of the District Court of Washington County, Nebraska, do hereby certify that the above and foregoing is a true and correct copy of the original record as recorded in this office.
WITNESS my hand and official seal of the District Court of Washington County, Nebraska this 14 day of Nov 2006

Susan Paulsen
Clerk of the District Court
By Deputy *Karen Madsen*

269

2006 NOV -9 PM 3:41
WASHINGTON COUNTY, NE
SUSAN PAULSEN
CLERK OF DISTRICT COURT

FILED

ARTICLE V.
Purposes and Powers

The purposes for which the District is organized are, in general, to acquire, build, improve, install, maintain, remove, renew, repair, replace, or otherwise conduct or operate electric service lines and conduits, a system of sanitary and storm sewers, a water system, a civil defense warning system, a system of sidewalks, public highways, roads, and streets, public waterways, docks or wharfs, and related appurtenances, dikes and levees for flood protection, and public parks, playgrounds and other recreational facilities, to contract with any one or more corporations, municipalities, or persons for electricity for illumination of public highways, roads, and streets, for gas, for police protection and security services, for water for fire protection and resale to or use by residents within the district, and for disposal of or use of facilities for disposal or refuse, sewage, or other wastes, to contract with other governmental authorities and subdivisions in accordance with the provisions of the Interlocal Cooperation Act (Sections 23-2001 to 23-2007, Reissue Revised Statutes of Nebraska, 1943) as now in effect or as may be hereafter amended, and to perform any one or more other functions now or hereafter permitted under the provisions of Section 31-727 to 31-793, Reissue Revised Statutes of Nebraska, 1943, as amended, or any other applicable provisions of law; and, for the effectuation of its purposes, the powers of the district include without limitation all powers now or hereafter granted to under said provisions and all other powers now or hereafter granted to public corporations under the law of Nebraska appropriate, convenient, or necessary to said purposes.

ARTICLE VI.
Liabilities of Owners

The undersigned, being the owner of real estate within the District, is willing to obligate itself to pay the tax or taxes hereafter levied against such property and the special assessment or assessments against real property benefited hereafter assessed against them and also to pay the expenses necessary for installing a sewer, or water system, or both a sewer and water system, the cost of water for fire protection, the cost of grading, changing grade, paving, repairing, graveling, regravelling, widening, or narrowing sidewalks and roads, resurfacing or relaying existing pavement, or otherwise improving any public roads, streets, or highways within the District, the cost of constructing public waterways, docks or wharfs, and related appurtenances, the cost of constructing or contracting for the construction of dikes and levees for flood protection for the District, the cost of contracting for water for fire protection and for resale to residents of the District, the cost of contracting for police protection and security services, and the cost of electricity for street lighting for the public streets and highways within the district, the cost of civil defense warning system, the cost of installing gas and electric service lines and conduits, the cost of acquiring, improving and operating public parks, playgrounds, and recreation facilities, and, where permitted by this section, the cost of contracting for building, acquiring, improving, and operating public parks, playgrounds, and recreational facilities, as provided by the law of Nebraska.

ARTICLE VII.
Board of Trustees

The following named persons are proposed as designated representative Trustees to serve on behalf of LoHo, LLC, owner of the property within the District and as described on Exhibit 1 attached hereto, as a Board of Trustees of the District until their successors are elected and qualified:

Robert P. Horgan
Donna M. Nissen
Darrell J. Logemann
Coe Leta F. Logemann
Greg L. Nissen

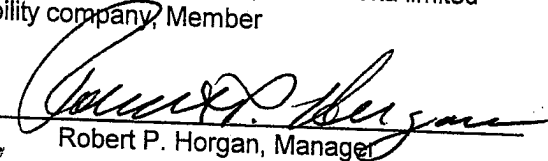
ARTICLE VIII.
Adoption and Amendment

These **Amended and Restated** Articles of Association take effect from and after their execution by the undersigned and the determination by the District Court of Washington County, Nebraska, of the District to be a public corporation of Nebraska; and thereafter the Board of Trustees has authority from time to time, with or without approval of the District Court of Washington County, Nebraska, as provided by the law of Nebraska, to alter, amend, or revoke all or any part of these **Amended and Restated** Articles of Association.

IN WITNESS WHEREOF, the undersigned has executed these **Amended and Restated** Articles of Association on November 7, 2006.

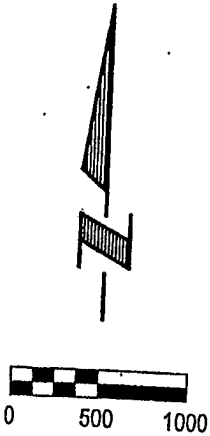
LoHo, LLC, a Nebraska limited liability company

By: CJ INVESTMENTS, LLC, a Nebraska limited liability company, Member

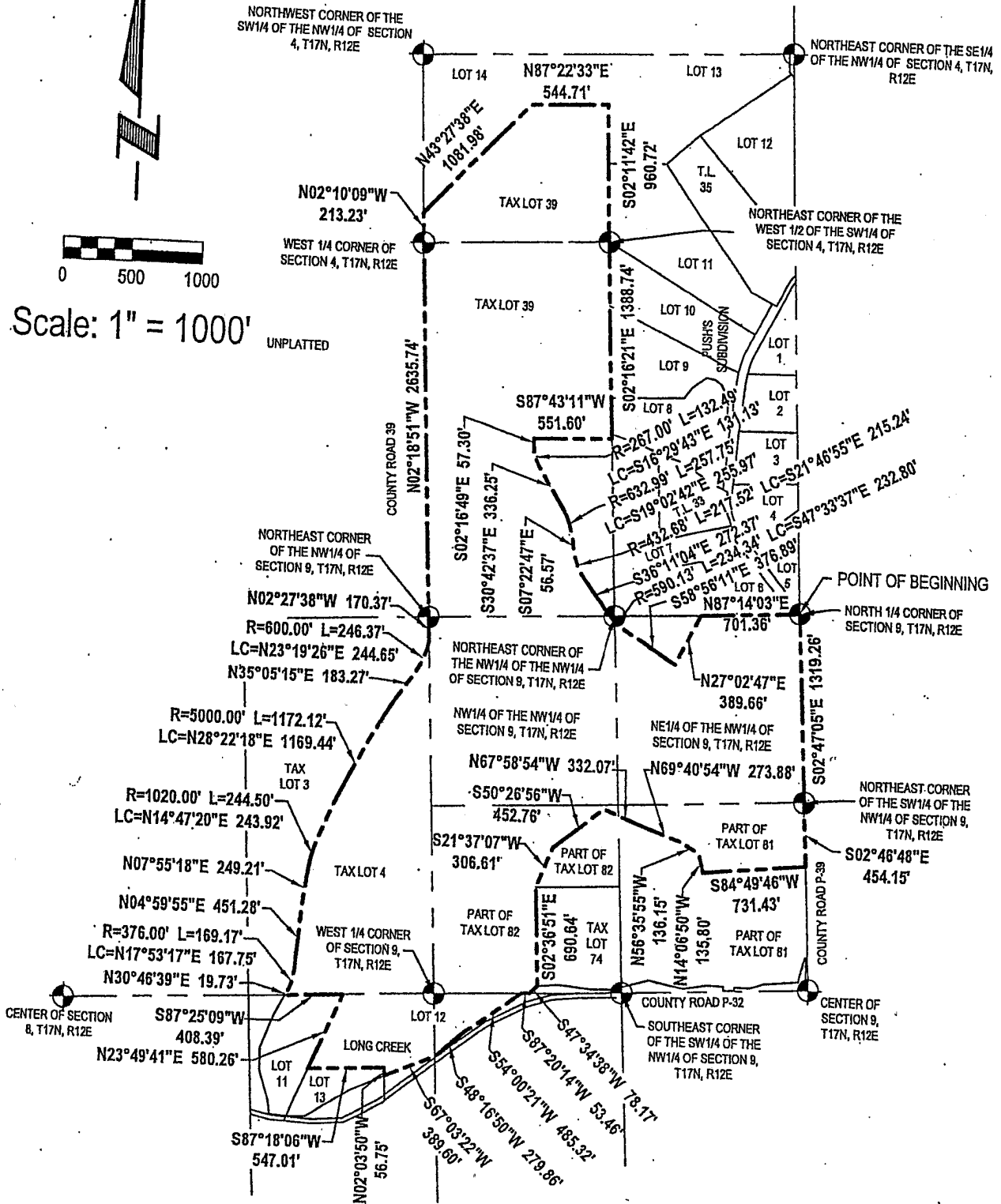
By 
Robert P. Horgan, Manager


Darrell J. Logemann, Member

EXHIBIT "1"



Scale: 1" = 1000'



SEE SHEETS 2 OF 3 AND 3 OF 3 FOR LEGAL DESCRIPTION



E&A CONSULTING GROUP, INC.
 ENGINEERING • PLANNING • FIELD SERVICES
 330 NORTH 117TH STREET OMAHA, NE 68154 PHONE (402) 695-4700

Drawn by: DAS Chkd by: *wac 11-9-06* Chkd by: _____

Job No.: 2005097.01 Date: 09/13/2006 SHEET 1 OF 3

DISTRICT BOUNDARY
 WASHINGTON COUNTY
 S. & I. D. NO. 10

273

EXHIBIT "1"

LEGAL DESCRIPTION:

PART OF TAX LOT 39, A TAX LOT LOCATED IN THE NW1/4, AND ALSO THE SW1/4 OF SECTION 4; AND ALSO TOGETHER WITH ALL OF TAX LOT 4, A TAX LOT LOCATED IN THE NE1/4 OF SECTION 8; AND ALSO TOGETHER WITH PART OF TAX LOTS 81 AND 82, TAX LOTS LOCATED IN THE NW1/4 OF SECTION 9; AND ALSO TOGETHER WITH PART OF THE NORTH 1/2 OF THE NW1/4 OF SAID SECTION 9; AND ALSO TOGETHER WITH PART OF LOT 12, LONG CREEK, A SUBDIVISION LOCATED IN THE SE1/4 OF SAID SECTION 8, AND ALSO THE SW1/4 OF SAID SECTION 9; ALL LOCATED IN TOWNSHIP 17 NORTH, RANGE 12 EAST OF THE 6TH P.M., WASHINGTON COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SW1/4 OF SECTION 4, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID NW1/4 OF SECTION 9; THENCE S02°47'05"E (ASSUMED BEARING) ALONG THE EAST LINE OF SAID NW1/4 OF SECTION 9, A DISTANCE OF 1319.26 FEET TO THE NORTHEAST CORNER OF SAID TAX LOT 81; THENCE S02°46'48"E ALONG THE EAST LINE OF SAID TAX LOT 81, A DISTANCE OF 454.15 FEET; THENCE S84°49'46"W, A DISTANCE OF 731.43 FEET; THENCE N14°06'50"W, A DISTANCE OF 135.80 FEET; THENCE N56°35'55"W, A DISTANCE OF 136.15 FEET; THENCE N69°40'54"W, A DISTANCE OF 273.88 FEET; THENCE N67°58'54"W, A DISTANCE OF 332.07 FEET; THENCE S50°26'56"W, A DISTANCE OF 452.76 FEET; THENCE S21°37'07"W, A DISTANCE OF 306.61 FEET TO THE NORTHWEST CORNER OF TAX LOT 74, A TAX LOT LOCATED IN SAID NW1/4 OF SECTION 9, SAID POINT ALSO BEING ON THE EASTERLY LINE OF SAID TAX LOT 82; THENCE S02°36'51"E ALONG THE WEST LINE OF SAID TAX LOT 74, SAID LINE ALSO BEING SAID EASTERLY LINE OF TAX LOT 82, A DISTANCE OF 690.64 FEET TO THE SOUTHWEST CORNER OF SAID TAX LOT 74, SAID POINT ALSO BEING ON THE SOUTHERLY LINE OF SAID TAX LOT 82, SAID POINT ALSO BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD P-32; THENCE S47°34'38"W ALONG THE SOUTHERLY LINE OF SAID TAX LOT 82, SAID LINE ALSO BEING SAID NORTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD P-32, A DISTANCE OF 78.17 FEET TO A POINT ON THE SOUTH LINE OF SAID NW1/4 OF SECTION 9, SAID POINT ALSO BEING ON THE NORTH LINE OF SAID SW1/4 OF SECTION 9; THENCE S87°20'14"W ALONG SAID SOUTHERLY LINE OF TAX LOT 82, SAID LINE ALSO BEING SAID NORTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD P-32, SAID LINE ALSO BEING SAID SOUTH LINE OF THE NW1/4 OF SECTION 9, SAID LINE ALSO BEING SAID NORTH LINE OF THE SW1/4 OF SECTION 9, A DISTANCE OF 53.46 FEET TO THE NORTHEAST CORNER OF SAID LOT 12, LONG CREEK; THENCE S54°00'21"W ALONG THE SOUTHERLY LINE OF SAID LOT 12, LONG CREEK, SAID LINE ALSO BEING SAID NORTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD P-32, A DISTANCE OF 485.32 FEET; THENCE S48°16'50"W ALONG SAID SOUTHERLY LINE OF LOT 12, LONG CREEK, SAID LINE ALSO BEING SAID NORTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD P-32, A DISTANCE OF 279.86 FEET; THENCE S67°03'22"W ALONG SAID SOUTHERLY LINE OF LOT 12, LONG CREEK, SAID LINE ALSO BEING SAID NORTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD P-32, A DISTANCE OF 389.60 FEET TO THE SOUTHEAST CORNER OF LOT 13, SAID LONG CREEK; THENCE N02°03'50"W ALONG SAID SOUTHERLY LINE OF LOT 12, LONG CREEK, SAID LINE ALSO BEING THE EAST LINE OF SAID LOT 13, LONG CREEK, A DISTANCE OF 56.75 FEET TO THE NORTHEAST CORNER OF SAID LOT 13, LONG CREEK; THENCE S87°18'06"W ALONG SAID SOUTHERLY LINE OF LOT 12, LONG CREEK, SAID LINE ALSO BEING THE NORTH LINE OF SAID LOT 13, LONG CREEK, A DISTANCE OF 547.01 FEET TO THE SOUTHWEST CORNER OF SAID LOT 12, LONG CREEK, SAID POINT ALSO BEING THE NORTHWEST CORNER OF SAID LOT 13, LONG CREEK, SAID POINT ALSO BEING ON THE EASTERLY LINE OF LOT 11, SAID LONG CREEK; THENCE N23°49'41"E ALONG THE WESTERLY LINE OF SAID LOT 12, LONG CREEK, SAID LINE ALSO BEING SAID EASTERLY LINE OF LOT 11, LONG CREEK, A DISTANCE OF 580.26 FEET TO THE NORTHWEST CORNER OF SAID LOT 12, LONG CREEK, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID LOT 11, LONG CREEK, SAID POINT ALSO BEING ON THE SOUTH LINE OF SAID TAX LOT 4; THENCE S87°25'09"W ALONG THE NORTH LINE OF SAID LOT 11, LONG CREEK, SAID LINE ALSO BEING SAID SOUTH LINE OF TAX LOT 4, A DISTANCE OF 408.39 FEET TO THE NORTHWEST CORNER OF SAID LOT 11, LONG CREEK, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF SAID TAX LOT 4, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF TAX LOT 3, A TAX LOT LOCATED IN SAID NE1/4 OF SECTION 8; THENCE NORTHEASTERLY ALONG THE WESTERLY LINE OF SAID TAX LOT 4, SAID LINE ALSO BEING THE EASTERLY LINE OF SAID TAX LOT 3 ON THE FOLLOWING DESCRIBED COURSES; THENCE N30°46'39"E, A DISTANCE OF 19.73 FEET; THENCE NORTHEASTERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 376.00 FEET, A DISTANCE OF 169.17 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS N17°53'17"E, A DISTANCE OF 167.75 FEET; THENCE N04°59'55"E, A DISTANCE OF 451.28 FEET; THENCE N07°55'18"E, A DISTANCE OF 249.21 FEET; THENCE NORTHEASTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 1020.00 FEET, A DISTANCE OF 244.50 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS N14°47'20"E, A DISTANCE OF 243.92 FEET; THENCE NORTHEASTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 5000.00 FEET, A DISTANCE OF 1172.12 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS N28°22'18"E, A DISTANCE OF 1169.44 FEET; THENCE N35°05'15"E, A DISTANCE OF 183.27 FEET;

SEE SHEET 1 OF 3 FOR DRAWING
SEE SHEET 3 OF 3 FOR LEGAL DESCRIPTION



E&A CONSULTING GROUP, INC.
ENGINEERING • PLANNING • FIELD SERVICES
330 NORTH 117TH STREET OMAHA, NE 68154 PHONE: (402) 895-4700

Drawn by: DAS Chkd by: 11-9-06 wac Chkd by: _____

Job No.: 2005097.01 Date: 09/13/2006 SHEET 2 OF 3

DISTRICT BOUNDARY
WASHINGTON COUNTY
S. & I. D. NO. 10

EXHIBIT "1"

THENCE NORTHEASTERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 600.00 FEET, A DISTANCE OF 246.37 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS N23°19'26"E, A DISTANCE OF 244.65 FEET TO THE NORTHERLY CORNER OF SAID TAX LOT 4, SAID POINT ALSO BEING ON THE WEST LINE OF SAID NORTH 1/2 OF THE NW1/4 OF SECTION 9; THENCE N02°27'38"W ALONG SAID EASTERLY LINE OF TAX LOT 3, SAID LINE ALSO BEING SAID WEST LINE OF THE NORTH 1/2 OF THE NW1/4 OF SECTION 9, A DISTANCE OF 170.37 FEET TO THE NORTHEAST CORNER OF SAID TAX LOT 3, SAID POINT ALSO BEING THE NORTHWEST CORNER OF SAID SECTION 9, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF SAID SECTION 4, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID SECTION 8, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SECTION 5, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF SAID TAX LOT 39; THENCE N02°18'51"W ALONG THE WEST LINE OF SAID TAX LOT 39, SAID LINE ALSO BEING THE WEST LINE OF SAID SW1/4 OF SECTION 4, SAID LINE ALSO BEING THE EAST LINE OF THE SE1/4 OF SAID SECTION 5, A DISTANCE OF 2635.74 FEET TO THE NORTHWEST CORNER OF SAID SW1/4 OF SECTION 4, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF SAID NW1/4 OF SECTION 4, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID SE1/4 OF SECTION 5, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF THE NE1/4 OF SAID SECTION 5; THENCE N02°10'09"W ALONG THE WEST LINE OF SAID NW1/4 OF SECTION 4, SAID LINE ALSO BEING SAID WEST LINE OF TAX LOT 39, SAID LINE ALSO BEING THE EAST LINE OF SAID NE1/4 OF SECTION 5, A DISTANCE OF 213.23 FEET TO THE NORTHWEST CORNER OF SAID TAX LOT 39, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LOT 14, PUSH'S SUBDIVISION, A SUBDIVISION LOCATED IN THE WEST 1/2 OF SAID SECTION 4; THENCE N43°27'38"E ALONG THE NORTHERLY LINE OF SAID TAX LOT 39, SAID LINE ALSO BEING THE SOUTHERLY LINE OF SAID LOT 14, PUSH'S SUBDIVISION, A DISTANCE OF 1081.98 FEET; THENCE N87°22'33"E ALONG SAID NORTHERLY LINE OF TAX LOT 39, SAID LINE ALSO BEING SAID SOUTHERLY LINE OF LOT 14, PUSH'S SUBDIVISION, AND ALSO THE SOUTHERLY LINE OF LOT 13, SAID PUSH'S SUBDIVISION, A DISTANCE OF 544.71 FEET TO THE NORTHEAST CORNER OF SAID TAX LOT 39; THENCE S02°11'42"E ALONG THE EAST LINE OF SAID TAX LOT 39, SAID LINE ALSO BEING SAID SOUTHERLY LINE OF LOT 13, PUSH'S SUBDIVISION, SAID LINE ALSO BEING THE WESTERLY LINE OF LOT 11, SAID PUSH'S SUBDIVISION, A DISTANCE OF 960.72 FEET TO THE SOUTHWEST CORNER OF SAID LOT 11, PUSH'S SUBDIVISION, SAID POINT ALSO BEING THE NORTHWEST CORNER OF LOT 10, SAID PUSH'S SUBDIVISION, SAID POINT ALSO BEING THE NORTHEAST CORNER OF THE WEST 1/2 OF THE SW1/4 OF SAID SW1/4 OF SECTION 4; THENCE S02°16'21"E ALONG SAID EAST LINE OF TAX LOT 39, SAID LINE ALSO BEING THE WEST LINE OF SAID LOT 10, PUSH'S SUBDIVISION, AND ALSO THE WEST LINE OF LOTS 9, 8, AND 7, SAID PUSH'S SUBDIVISION, A DISTANCE OF 1388.74 FEET; THENCE S87°43'11"W, A DISTANCE OF 551.60 FEET; THENCE S02°16'49"E, A DISTANCE OF 57.30 FEET; THENCE SOUTHEASTERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 267.00 FEET, A DISTANCE OF 132.49 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S16°29'43"E, A DISTANCE OF 131.13 FEET; THENCE S30°42'37"E, A DISTANCE OF 336.25 FEET; THENCE SOUTHERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 632.99 FEET, A DISTANCE OF 257.75 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S19°02'42"E, A DISTANCE OF 255.97 FEET; THENCE S07°22'47"E, A DISTANCE OF 56.57 FEET; THENCE SOUTHEASTERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 432.68 FEET, A DISTANCE OF 217.52 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S21°46'55"E, A DISTANCE OF 215.24 FEET; THENCE S36°11'04"E, A DISTANCE OF 272.37 FEET; THENCE SOUTHEASTERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 590.13 FEET, A DISTANCE OF 234.34 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S47°33'37"E, A DISTANCE OF 232.80 FEET; THENCE S58°56'11"E, A DISTANCE OF 376.89 FEET; THENCE N27°02'47"E, A DISTANCE OF 389.66 FEET TO A POINT ON THE NORTH LINE OF SAID NW1/4 OF SECTION 9, SAID POINT ALSO BEING ON THE SOUTH LINE OF LOT 6, SAID PUSH'S SUBDIVISION; THENCE N87°14'03"E ALONG THE NORTH LINE OF SAID NW1/4 OF SECTION 9, SAID LINE ALSO BEING THE SOUTH LINE OF SAID LOT 6, PUSH'S SUBDIVISION, AND THE EASTERLY EXTENSION THEREOF, A DISTANCE OF 701.36 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS AN AREA OF 11,099,718 SQUARE FEET OR 254.814 ACRES, MORE OR LESS.

SEE SHEET 1 OF 3 FOR DRAWING
SEE SHEET 2 OF 3 FOR LEGAL DESCRIPTION



E&A CONSULTING GROUP, INC.
ENGINEERING • PLANNING • FIELD SERVICES

330 NORTH 117TH STREET OMAHA, NE 68154 PHONE: (402) 895-4700

Drawn by: DAS Chkd by: WAC 11-9-06 Chkd by: _____

Job No.: 2005097.01 Date: 09/13/2006 SHEET 3 OF 3

DISTRICT BOUNDARY
WASHINGTON COUNTY
S. & I. D. NO. 10

275

J

IN THE DISTRICT COURT OF WASHINGTON COUNTY, NEBRASKA

IN THE MATTER OF)
)
SANITARY AND IMPROVEMENT DISTRICT)
NO. 10 OF WASHINGTON COUNTY, NEBRASKA)

CASE NO. CI 06

AMENDED DECREE

WASHINGTON COUNTY, NEB.
SUSAN PAULSEN
CLERK OF DISTRICT COURT

2006 NOV 13 PM 1:55

FILED

This matter having come on for hearing upon the **Amended** Petition filed on behalf of the owner having an interest in real property within the limits of proposed Sanitary and Improvement District No. 10 of Washington County, Nebraska, the boundaries to which are more particularly described in Exhibit A thereto attached and by this reference herein incorporated, together with **Amended and Restated** Articles of Association executed by the owner, as more particularly described in Exhibit B attached to the **Amended** Petition and by this reference herein incorporated, the Court, being fully advised in the premises and having considered the evidence, finds generally that the allegations of the **Amended** Petition are true and that the prayer thereof should be granted and finds specifically:

1. That the owner of all of the real estate included within the limits of such district has duly authorized the execution of the **Amended** Petition on its behalf and has duly executed and filed in the office of the Clerk of the Court **Amended and Restated** Articles of Association as required by Section 31-727 to 31-793, Reissue Revised Statutes of Nebraska, 1943, as amended, and all other applicable provisions of law; and that, there being no known or unknown owners of real property nor residents nor nonresidents of Nebraska who will be benefited by the formation of such district and who have not joined in its organization and the execution of such **Amended and Restated** Articles of Association, issuance and service of summons, notice, or other process may and should be dispensed with as unnecessary;

2. That the Court has personal jurisdiction of the Petitioner in this matter and also jurisdiction of its subject matter pursuant to the provisions of Sections 31-727 to 31-793, Reissue Revised Statutes of Nebraska, 1943, as amended, and all other applicable provisions of law;

3. That the formation and organization of such district is and will be conducive to the public convenience, health, and welfare of all of the present and future owners having an interest in real property within its limits and all residents or other occupants within its limits;

4. That no part of the real property within the limits of such district is located within the limits of any municipal corporation or used for industrial purposes; and

STATE OF NEBRASKA)
WASHINGTON COUNTY) ss.
I, Susan Paulsen, Clerk of the District Court of said County hereby certify
that the above and foregoing is a true and correct copy of the original now on
record in this office.
WITNESS my hand and official seal of the District Court of Washington
County, Nebraska this 14 day of Nov, 2006

Susan Paulsen
Clerk of the District Court
By Deputy *J. H. Paulson*

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5. That the five persons designated in the **Amended and Restated** Articles of Association as initial Trustees are suitable persons, are the designated representative Trustees of the owner of real property within the limits of such district, and may and should be declared to constitute the Board of Trustees of such district to serve until their successors are elected and qualified.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED:

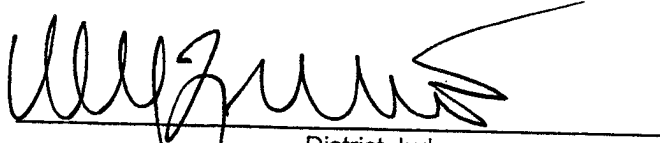
1. That the Sanitary and Improvement District No. 10 of Washington County, Nebraska, having been duly formed and organized as provided by law, be, and it hereby is, declared to be a public corporation of Nebraska under the provisions of Sections 31-727 to 31-793, Reissue Revised Statutes of Nebraska, 1943, as amended, and all other applicable provisions of law and under the **Amended and Restated** Articles of Association and with the real property within its limits as in this Decree above-described and to be entitled to exercise all of the powers, privileges, and rights thereto granted by law;

2. That the five (5) Trustees nominated be, and they hereby are, approved, confirmed and declared to be and constitute the Board of Trustees of such district to serve until their successors are elected and qualified; and

3. That the Clerk of the Court be, and he hereby is, directed within twenty (20) days hereafter to transmit to the Secretary of State of Nebraska, for filing in the office thereof as provided by law, a certified copy of the record hereto relating and to provide, for filing in the office of the County Clerk of Washington County, Nebraska, together with a plat of the real property within the limits of said district, an additional certified copy of said record.

DATED: Nov 13, 2006.

BY THE COURT:


District Judge

PREPARED AND SUBMITTED BY:

James D. Buser (#19020)
PANSING HOGAN ERNST & BACHMAN LLP
10250 Regency Circle, Suite 300
Omaha, NE 68114 (402) 397-5500
Attorneys for the Petitioner

277

STATE OF NEBRASKA)
WASHINGTON COUNTY) ss.

I, Susan Paulsen, Clerk of the District Court of said County hereby certify that the above and foregoing is a true and correct copy of the original now of record in this office.

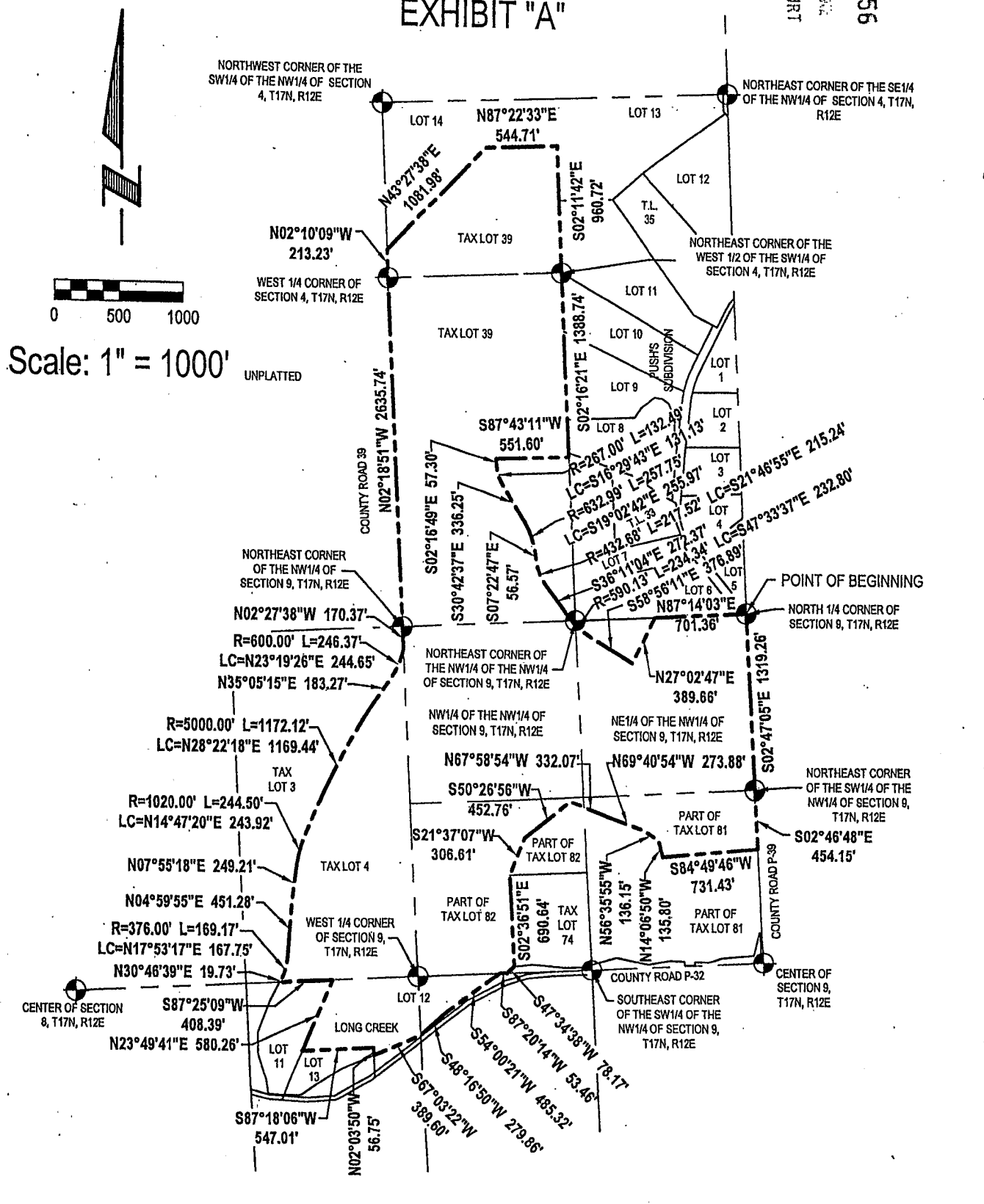
WITNESS my hand and official seal of the District Court of Washington County, Nebraska this 14 day of Nov 2006

Susan Paulsen
Clerk of the District Court

By Deputy *Janet Paulsen*

2006 NOV 13 PM 2:56
WASHINGTON COUNTY
SUSAN PAULSEN
CLERK OF DISTRICT COURT
FILED

EXHIBIT "A"



SEE SHEETS 2 OF 3 AND 3 OF 3 FOR LEGAL DESCRIPTION

e+a E&A CONSULTING GROUP, INC.
ENGINEERING • PLANNING • FIELD SERVICES
330 NORTH 117TH STREET OMAHA, NE 68164 PHONE (402) 895-4700

DISTRICT BOUNDARY
WASHINGTON COUNTY
S. & I. D. NO. 10

Drawn by: DAS Chkd by: *wac 11-9-06* Chkd by: _____
Job No.: 2005097.01 Date: 09/13/2006 SHEET 1 OF 3

EXHIBIT "A"

LEGAL DESCRIPTION:

PART OF TAX LOT 39, A TAX LOT LOCATED IN THE NW1/4, AND ALSO THE SW1/4 OF SECTION 4; AND ALSO TOGETHER WITH ALL OF TAX LOT 4, A TAX LOT LOCATED IN THE NE1/4 OF SECTION 8; AND ALSO TOGETHER WITH PART OF TAX LOTS 81 AND 82, TAX LOTS LOCATED IN THE NW1/4 OF SECTION 9; AND ALSO TOGETHER WITH PART OF THE NORTH 1/2 OF THE NW1/4 OF SAID SECTION 9; AND ALSO TOGETHER WITH PART OF LOT 12, LONG CREEK, A SUBDIVISION LOCATED IN THE SE1/4 OF SAID SECTION 8, AND ALSO THE SW1/4 OF SAID SECTION 9; ALL LOCATED IN TOWNSHIP 17 NORTH, RANGE 12 EAST OF THE 6TH P.M., WASHINGTON COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SW1/4 OF SECTION 4, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID NW1/4 OF SECTION 9; THENCE S02°47'05"E (ASSUMED BEARING) ALONG THE EAST LINE OF SAID NW1/4 OF SECTION 9, A DISTANCE OF 1319.26 FEET TO THE NORTHEAST CORNER OF SAID TAX LOT 81; THENCE S02°46'48"E ALONG THE EAST LINE OF SAID TAX LOT 81, A DISTANCE OF 454.15 FEET; THENCE S84°49'46"W, A DISTANCE OF 731.43 FEET; THENCE N14°06'50"W, A DISTANCE OF 135.80 FEET; THENCE N56°35'55"W, A DISTANCE OF 136.15 FEET; THENCE N69°40'54"W, A DISTANCE OF 273.88 FEET; THENCE N67°58'54"W, A DISTANCE OF 332.07 FEET; THENCE S50°26'56"W, A DISTANCE OF 452.76 FEET; THENCE S21°37'07"W, A DISTANCE OF 306.61 FEET TO THE NORTHWEST CORNER OF TAX LOT 74, A TAX LOT LOCATED IN SAID NW1/4 OF SECTION 9, SAID POINT ALSO BEING ON THE EASTERLY LINE OF SAID TAX LOT 82; THENCE S02°36'51"E ALONG THE WEST LINE OF SAID TAX LOT 74, SAID LINE ALSO BEING SAID EASTERLY LINE OF TAX LOT 82, A DISTANCE OF 690.64 FEET TO THE SOUTHWEST CORNER OF SAID TAX LOT 74, SAID POINT ALSO BEING ON THE SOUTHERLY LINE OF SAID TAX LOT 82, SAID POINT ALSO BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD P-32; THENCE S47°34'38"W ALONG THE SOUTHERLY LINE OF SAID TAX LOT 82, SAID LINE ALSO BEING SAID NORTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD P-32, A DISTANCE OF 78.17 FEET TO A POINT ON THE SOUTH LINE OF SAID NW1/4 OF SECTION 9, SAID POINT ALSO BEING ON THE NORTH LINE OF SAID SW1/4 OF SECTION 9; THENCE S87°20'14"W ALONG SAID SOUTHERLY LINE OF TAX LOT 82, SAID LINE ALSO BEING SAID NORTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD P-32, SAID LINE ALSO BEING SAID SOUTH LINE OF THE NW1/4 OF SECTION 9, SAID LINE ALSO BEING SAID NORTH LINE OF THE SW1/4 OF SECTION 9, A DISTANCE OF 53.46 FEET TO THE NORTHEAST CORNER OF SAID LOT 12, LONG CREEK; THENCE S54°00'21"W ALONG THE SOUTHERLY LINE OF SAID LOT 12, LONG CREEK, SAID LINE ALSO BEING SAID NORTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD P-32, A DISTANCE OF 485.32 FEET; THENCE S48°16'50"W ALONG SAID SOUTHERLY LINE OF LOT 12, LONG CREEK, SAID LINE ALSO BEING SAID NORTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD P-32, A DISTANCE OF 279.86 FEET; THENCE S67°03'22"W ALONG SAID SOUTHERLY LINE OF LOT 12, LONG CREEK, SAID LINE ALSO BEING SAID NORTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD P-32, A DISTANCE OF 389.60 FEET TO THE SOUTHEAST CORNER OF LOT 13, SAID LONG CREEK; THENCE N02°03'50"W ALONG SAID SOUTHERLY LINE OF LOT 12, LONG CREEK, SAID LINE ALSO BEING THE EAST LINE OF SAID LOT 13, LONG CREEK, A DISTANCE OF 56.75 FEET TO THE NORTHEAST CORNER OF SAID LOT 13, LONG CREEK; THENCE S87°18'06"W ALONG SAID SOUTHERLY LINE OF LOT 12, LONG CREEK, SAID LINE ALSO BEING THE NORTH LINE OF SAID LOT 13, LONG CREEK, A DISTANCE OF 547.01 FEET TO THE SOUTHWEST CORNER OF SAID LOT 12, LONG CREEK, SAID POINT ALSO BEING THE NORTHWEST CORNER OF SAID LOT 13, LONG CREEK, SAID POINT ALSO BEING ON THE EASTERLY LINE OF LOT 11, SAID LONG CREEK; THENCE N23°49'41"E ALONG THE WESTERLY LINE OF SAID LOT 12, LONG CREEK, SAID LINE ALSO BEING SAID EASTERLY LINE OF LOT 11, LONG CREEK, A DISTANCE OF 580.26 FEET TO THE NORTHWEST CORNER OF SAID LOT 12, LONG CREEK, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID LOT 11, LONG CREEK, SAID POINT ALSO BEING ON THE SOUTH LINE OF SAID TAX LOT 4; THENCE S87°25'09"W ALONG THE NORTH LINE OF SAID LOT 11, LONG CREEK, SAID LINE ALSO BEING SAID SOUTH LINE OF TAX LOT 4, A DISTANCE OF 408.39 FEET TO THE NORTHWEST CORNER OF SAID LOT 11, LONG CREEK, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF SAID TAX LOT 4, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF TAX LOT 3, A TAX LOT LOCATED IN SAID NE1/4 OF SECTION 8; THENCE NORTHEASTERLY ALONG THE WESTERLY LINE OF SAID TAX LOT 4, SAID LINE ALSO BEING THE EASTERLY LINE OF SAID TAX LOT 3 ON THE FOLLOWING DESCRIBED COURSES; THENCE N30°46'39"E, A DISTANCE OF 19.73 FEET; THENCE NORTHEASTERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 376.00 FEET, A DISTANCE OF 169.17 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS N17°53'17"E, A DISTANCE OF 167.75 FEET; THENCE N04°59'55"E, A DISTANCE OF 451.28 FEET; THENCE N07°55'18"E, A DISTANCE OF 249.21 FEET; THENCE NORTHEASTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 1020.00 FEET, A DISTANCE OF 244.50 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS N14°47'20"E, A DISTANCE OF 243.92 FEET; THENCE NORTHEASTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 5000.00 FEET, A DISTANCE OF 1172.12 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS N28°22'18"E, A DISTANCE OF 1169.44 FEET; THENCE N35°05'15"E, A DISTANCE OF 183.27 FEET;

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DISTRICT BOUNDARY
WASHINGTON COUNTY
S. & I. D. NO. 10



E&A CONSULTING GROUP, INC.
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Drawn by: DAS Chkd by: 11-9-06 WAC Chkd by: _____

Job No.: 2005097.01 Date: 09/13/2006 SHEET 2 OF 3

EXHIBIT "A"

THENCE NORTHEASTERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 600.00 FEET, A DISTANCE OF 246.37 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS $N23^{\circ}19'26''E$, A DISTANCE OF 244.65 FEET TO THE NORTHERLY CORNER OF SAID TAX LOT 4, SAID POINT ALSO BEING ON THE WEST LINE OF SAID NORTH 1/2 OF THE NW1/4 OF SECTION 9; THENCE $N02^{\circ}27'38''W$ ALONG SAID EASTERLY LINE OF TAX LOT 3, SAID LINE ALSO BEING SAID WEST LINE OF THE NORTH 1/2 OF THE NW1/4 OF SECTION 9, A DISTANCE OF 170.37 FEET TO THE NORTHEAST CORNER OF SAID TAX LOT 3, SAID POINT ALSO BEING THE NORTHWEST CORNER OF SAID SECTION 9, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF SAID SECTION 4, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID SECTION 8, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SECTION 5, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF SAID TAX LOT 39; THENCE $N02^{\circ}18'51''W$ ALONG THE WEST LINE OF SAID TAX LOT 39, SAID LINE ALSO BEING THE WEST LINE OF SAID SW1/4 OF SECTION 4, SAID LINE ALSO BEING THE EAST LINE OF THE SE1/4 OF SAID SECTION 5, A DISTANCE OF 2635.74 FEET TO THE NORTHWEST CORNER OF SAID SW1/4 OF SECTION 4, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF SAID NW1/4 OF SECTION 4, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID SE1/4 OF SECTION 5, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF THE NE1/4 OF SAID SECTION 5; THENCE $N02^{\circ}10'09''W$ ALONG THE WEST LINE OF SAID NW1/4 OF SECTION 4, SAID LINE ALSO BEING SAID WEST LINE OF TAX LOT 39, SAID LINE ALSO BEING THE EAST LINE OF SAID NE1/4 OF SECTION 5, A DISTANCE OF 213.23 FEET TO THE NORTHWEST CORNER OF SAID TAX LOT 39, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LOT 14, PUSH'S SUBDIVISION, A SUBDIVISION LOCATED IN THE WEST 1/2 OF SAID SECTION 4; THENCE $N43^{\circ}27'38''E$ ALONG THE NORTHERLY LINE OF SAID TAX LOT 39, SAID LINE ALSO BEING THE SOUTHERLY LINE OF SAID LOT 14, PUSH'S SUBDIVISION, A DISTANCE OF 1081.98 FEET; THENCE $N87^{\circ}22'33''E$ ALONG SAID NORTHERLY LINE OF TAX LOT 39, SAID LINE ALSO BEING SAID SOUTHERLY LINE OF LOT 14, PUSH'S SUBDIVISION, AND ALSO THE SOUTHERLY LINE OF LOT 13, SAID PUSH'S SUBDIVISION, A DISTANCE OF 544.71 FEET TO THE NORTHEAST CORNER OF SAID TAX LOT 39; THENCE $S02^{\circ}11'42''E$ ALONG THE EAST LINE OF SAID TAX LOT 39, SAID LINE ALSO BEING SAID SOUTHERLY LINE OF LOT 13, PUSH'S SUBDIVISION, SAID LINE ALSO BEING THE WESTERLY LINE OF LOT 11, SAID PUSH'S SUBDIVISION, A DISTANCE OF 960.72 FEET TO THE SOUTHWEST CORNER OF SAID LOT 11, PUSH'S SUBDIVISION, SAID POINT ALSO BEING THE NORTHWEST CORNER OF LOT 10, SAID PUSH'S SUBDIVISION, SAID POINT ALSO BEING THE NORTHEAST CORNER OF THE WEST 1/2 OF THE SW1/4 OF SAID SW1/4 OF SECTION 4; THENCE $S02^{\circ}16'21''E$ ALONG SAID EAST LINE OF TAX LOT 39, SAID LINE ALSO BEING THE WEST LINE OF SAID LOT 10, PUSH'S SUBDIVISION, AND ALSO THE WEST LINE OF LOTS 9, 8, AND 7, SAID PUSH'S SUBDIVISION, A DISTANCE OF 1388.74 FEET; THENCE $S87^{\circ}43'11''W$, A DISTANCE OF 551.60 FEET; THENCE $S02^{\circ}16'49''E$, A DISTANCE OF 57.30 FEET; THENCE SOUTHEASTERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 267.00 FEET, A DISTANCE OF 132.49 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS $S16^{\circ}29'43''E$, A DISTANCE OF 131.13 FEET; THENCE $S30^{\circ}42'37''E$, A DISTANCE OF 336.25 FEET; THENCE SOUTHERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 632.99 FEET, A DISTANCE OF 257.75 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS $S19^{\circ}02'42''E$, A DISTANCE OF 255.97 FEET; THENCE $S07^{\circ}22'47''E$, A DISTANCE OF 56.57 FEET; THENCE SOUTHEASTERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 432.68 FEET, A DISTANCE OF 217.52 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS $S21^{\circ}46'55''E$, A DISTANCE OF 215.24 FEET; THENCE $S36^{\circ}11'04''E$, A DISTANCE OF 272.37 FEET; THENCE SOUTHEASTERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 590.13 FEET, A DISTANCE OF 234.34 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS $S47^{\circ}33'37''E$, A DISTANCE OF 232.80 FEET; THENCE $S58^{\circ}56'11''E$, A DISTANCE OF 376.89 FEET; THENCE $N27^{\circ}02'47''E$, A DISTANCE OF 389.66 FEET TO A POINT ON THE NORTH LINE OF SAID NW1/4 OF SECTION 9, SAID POINT ALSO BEING ON THE SOUTH LINE OF LOT 6, SAID PUSH'S SUBDIVISION; THENCE $N87^{\circ}14'03''E$ ALONG THE NORTH LINE OF SAID NW1/4 OF SECTION 9, SAID LINE ALSO BEING THE SOUTH LINE OF SAID LOT 6, PUSH'S SUBDIVISION, AND THE EASTERLY EXTENSION THEREOF, A DISTANCE OF 701.36 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS AN AREA OF 11,099,718 SQUARE FEET OR 254.814 ACRES, MORE OR LESS.

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Chkd by: WOC 11-9-06

Chkd by:

Job No.: 2005097.01

Date: 09/13/2006

SHEET 3 OF 3

DISTRICT BOUNDARY
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S. & I. D. NO. 10