

Return to:

Tim O'Neill

O'Neill, Heinrich, Damkroger,

Bergmeyer & Shultz, P.C., L.L.O.

800 Lincoln Square

121 South 13th Street

Lincoln, NE 68508

Acknowledgement

THIS Acknowledgement is made and entered into by Christoph Corp, a Nebraska corporation ("**Christoph**").

WITNESSETH:

1. Christoph is the owner of certain property in Lancaster County, Nebraska that is legally described on Exhibit A, which is attached hereto and by this reference incorporated herein (the "**Christoph Property**") and has been the owner and in possession of the Christoph Property since November 13, 2006.

2. The Christoph Property is subject to (A) that certain easement for roadway as set forth in the Sheriff's Deed, recorded on April 11, 1939, in Book 309, Page 604 of the Lancaster County, Nebraska Register of Deeds (the "**1939 Roadway Easement**") and (B) that certain easement for roadway as set forth in the Conveyance of Easement, recorded on April 1, 1942, in Book 21, Page 643 of the Lancaster County, Nebraska Register of Deeds (the "**1942 Roadway Easement**").

3. The 1939 Roadway Easement and the 1942 Roadway Easement each contain a provision that if such easements are not exercised by the owner of Lot A (as described in such documents) at any time for a period of three years, then such easements shall thereupon be wholly cancelled and annulled at the end of said period.

4. This instrument has been executed and recorded for the purpose of giving public notice of the facts that (A) the only use of the Christoph Property for a roadway known by the affiant during the ownership of the Christoph Property by Christoph has been the use of "South

EXHIBIT "A"

Tract 1:

A legal description for a tract of land composed of a part of Lot "D", in the subdivision of the East Half (E½) of Section Twenty-Six (26), Township Ten (10) North, Range Seven (7) East, of the 6th P.M., Lancaster County, Nebraska, and more particularly described as follows:

Commencing at the Southwest corner of the Southeast Quarter (SE¼) of said Section Twenty-Six (26); thence, on an assumed bearing of North 00 degrees 10 minutes 19 seconds East, along the West line of said Southeast Quarter (SE¼), a distance of 50.00 feet to a point on the North right-of-way line of "A" Street, said point being the point of beginning; thence, continuing, North 00 degrees 10 minutes 19 seconds East, along the West line of said Southeast Quarter (SE¼) and along the West line of said Lot "D", a distance of 758.74 feet to a point on the South line of the former Missouri Pacific Railroad (MOPACRR); thence South 37 degrees 12 minutes 22 seconds East, along the South line of said former MOPACRR, a distance of 126.73 feet to a point; thence around a curve in a counter-clockwise direction, having a radius of 1,495.18 feet a delta angle of 03 degrees 38 minutes 50 seconds, an arc length of 95.18 feet, along the South line of said former MOPACRR, a chord bearing of South 39 degrees 02 minutes 00 seconds East, and a chord distance of 95.16 feet to a point; thence North 49 degrees 16 minutes 01 seconds East, along the South line of said former MOPACRR, a distance of 12.50 feet to a point; thence around a curve in a counter-clockwise direction, having a radius of 1,482.68 feet, a delta angle of 35 degrees 05 minutes 57 seconds, an arc length of 908.28 feet, along a South line of said former MOPACRR, a chord bearing of South 58 degrees 26 minutes 10 seconds East, and a chord distance of 894.15 feet to a point; thence South 75 degrees 58 minutes 47 seconds East, along a South line of said MOPACRR, a distance of 574.07 feet to a point on the North right-of-way line of "A" Street; thence North 89 degrees 24 minutes 40 seconds West, along the North right-of-way line of "A" Street, said line being 50.00 feet North of and parallel with South line of said Southeast Quarter (SE¼), a distance of 1,467.22 feet to the point of beginning.

Tract 2:

A legal description for a tract of land composed of a part of Lot "D", in the subdivision of the East Half (E½) of Section Twenty-Six (26), Township Ten (10) North, Range Seven (7) East, of the 6th P.M., Lancaster County, Nebraska, and more particularly described as follows:

Commencing at the Southeast corner of the Southeast Quarter (SE¼) of said Section Twenty-Six (26); thence, on an assumed bearing of North 89 degrees 24 minutes 40 seconds West, along the South line of said Southeast Quarter (SE¼), a distance of 95.85 feet to a point; thence North 00 degrees 35 minutes 20 seconds East, a distance of 50.00 feet to a point on the North right-of-way line of "A" Street, said point being the point of beginning; thence North 89 degrees 24 minutes 40 seconds West, along the North right-of-way line of "A" Street, said line being 50.00 feet North of and parallel with the South line of said Southeast Quarter (SE¼), a distance of 570.31 feet to a point on the North line of the former Missouri Pacific Railroad (MOPACRR); thence around a curve in a counter-clockwise direction, having a radius of 1,532.69 feet, a delta angle of 11 degrees 47 minutes 17 seconds, an arc length of 315.33 feet, along a North line of said former MOPACRR, a chord bearing of North 70 degrees 04 minutes 24 seconds West, and a chord distance of 314.78 feet to a point; thence North 75 degrees 57 minutes 50 seconds West, along the North line of said former MOPACRR, a distance of 95.04 feet to a point; thence South 14 degrees 01 minutes 13 seconds West, along a West line of said former MOPACRR, a distance of 50.19 feet to a point; thence North 75 degrees 58 minutes 47 seconds West, along the North line of said former MOPACRR, a distance of 659.07 feet to a point; thence around a curve in a clockwise direction, having a radius of 1,382.68 feet, a delta angle of 03 degrees 25 minutes 01 seconds, an arc length of 82.46 feet, along a North line of said former MOPACRR, a chord bearing of North 74 degrees 16 minutes 39 seconds West, and a chord distance of 82.45 feet to a point on the centerline of an existing easement as referred to in Book 44, Page 461, records of Lancaster County; thence North 02 degrees 53 minutes 28 seconds East, along the centerline of an existing easement as referred to in said Book 44, Page 461, a distance of 700.88 feet to a point on the North line of said Lot "D", said line being the South line of Lot "A", in the subdivision of the East Half (E½) of Section Twenty-Six (26), Township Ten (10) North, Range Seven (7) East, said point being located 520.22 feet Easterly from the Southwest corner of said Lot "A" thence South 85 degrees 27 minutes 21 seconds East, along the North line of said Lot "D", said line being the South line of said Lot "A", a distance of 170.32 feet to a point; thence North 87 degrees 21 minutes 26 seconds East, along the North line of said Lot "D" said line being the South line of said Lot "A", a distance of 1,514.12 feet to a point on the West right-of-way line of 98th Street, as referred to in Inst. No. 2007-56307, records of Lancaster County, said point being 60.00 feet West of the East line of said Southeast Quarter (SE¼); thence South 00 degrees 22 minutes 29 seconds East, along the West right-of-way line of said 98th Street, said line being 60.00 feet West of and parallel with the East line of said Southeast Quarter (SE¼), a distance of 325.94 feet to a point; thence South 89 degrees 37 minutes 31 seconds West, along the West right-of-way line of 98th Street, a distance of 10.00 feet to a point that is 70.00 feet West of the East line of said Southeast Quarter (SE¼); thence South 00 degrees 22 minutes 29 seconds East, along the West right-of-way line of 98th Street, said line being 70.00 feet West of and parallel with the East line of said Southeast Quarter (SE¼), a distance of 665.09 feet to a point that is 85.00 feet North of the South line of said Southeast Quarter (SE¼); thence South 45 degrees 06 minutes 36 seconds West, along the West right-of-way line of 98th Street, a distance of 35.06 feet to a point that is 60.00 feet North of the South line of said Southeast Quarter (SE¼) and 95 feet West of the East line of said Southeast Quarter (SE¼); thence South 00 degrees 22 minutes 29 seconds East, along the West right-of-way line of 98th Street, said line being 95.00 feet West of and parallel with the East line of said Southeast Quarter (SE¼), a distance of 10.00 feet to the point of beginning.

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