

67-392

COVENANT

THIS INDENTURE made this 20th day of December, 1973, between VERNON KENT, hereinafter called covenantor, and MEREDITH CORPORATION (successor to Meredith W.O.W., Inc.), MAY BROADCASTING COMPANY, a corporation, and THE HERALD CORPORATION, d/b/a KETV, hereinafter called covenantees.

W I T N E S S E T H :

WHEREAS, covenantor owns and has title to certain real property located in Omaha, Douglas County, Nebraska, to-wit:

Lot 14, Block 2, Kroeger's Addition, in Douglas County, Nebraska,

AND, WHEREAS, the covenantees own and have title to certain real property located in Omaha, Douglas County, Nebraska, to-wit:

A. MEREDITH CORPORATION title to and owns the following described property:

Commencing at a point which is the southeast corner of the Southeast Quarter (SE 1/4) of Section 35, Township 16 North, Range 12 East of the 6th Principal Meridian, all in Douglas County, Nebraska; thence, assuming that the west property line of the East half (E 1/2) of said Southeast Quarter (SE 1/4) is bearing due North and South, on a bearing of S 89°50'18" W and running southwesterly along the South property line of said Southeast Quarter (SE 1/4) for a distance of 33.00 feet to a point, thence on a bearing of N 0°06'12" W and running northwesterly for a distance of 1402.85 feet to the true point of beginning; thence on a bearing of S 89°53'48" W and running southwesterly for a distance of 1284.24 feet to a point which is a point on the West property line of said East Half (E 1/2); thence on a bearing of N 0°00'00" E and running northerly along the West property line of said East Half (E 1/2) for a distance of 760.17 feet to a point, said point being a point 33.00 feet South of the center line of Crownpoint Avenue as surveyed, platted and recorded; thence on a bearing of N 89°41'08" E and running Northeasterly, 33.00 feet south of and parallel to the center line of said Crownpoint Avenue for a distance of 1282.88 feet to a point which is a point 33.00 feet west of the east property line of said Southeast Quarter (SE 1/4); thence on a bearing of S 0°06'12" E and running southeasterly along a line 33.00 feet West of and parallel to the East property line of said Southeast Quarter (SE 1/4) for a distance of 764.89 feet to the true point of beginning.

together with certain easements on other contiguous real property in Omaha, Douglas County, Nebraska, said real property being included in the tract described as follows:

All that part of the East One-half (East 1/2) of the Southeast Quarter (SE 1/4) of Section 35 in Township 16 North, Range 12 East of the 6th P.M. lying South of centerline of County Road Number 3-E in Douglas County, Nebraska, and the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section 2 in Township 15 North, Range 12 East of the 6th P.M., formerly Block 101 Benson, together with all of vacated Fort Street and 1/2 of vacated Browne, 73rd and 75th Streets adjoining said block in Douglas County, Nebraska.

B. MAY BROADCASTING COMPANY has title to and owns the following described property:

Commencing at a point which is the Southeast corner of the Southeast Quarter (SE 1/4) of Section 35, Township 16 North, Range 12 East of the 6th Principal Meridian, all in Douglas County, Nebraska; thence, assuming that the west property line of the East Half (E 1/2) of said Southeast Quarter (SE 1/4) is bearing due North and South, on a bearing of S 89°50'18" W and running southwesterly along the south property line of said Southeast Quarter (SE 1/4) for a distance of 33.00 feet to a point, said point being the true point of beginning; thence continuing southwesterly along the south property line of said Southeast Quarter (SE 1/4) for a distance of 1286.77 feet to a point which is the southwest corner of said East Half (E 1/2); thence on a bearing of N 0°00'00" E and running northerly along the west property line of said East Half (E 1/2) for a distance of 639.27 feet to a point; thence on a bearing of N 89°53'48" E and running northeasterly for a distance of 1285.62 feet to a point, said point also being a point 33.00 feet west of the east property line of said Southeast Quarter (SE 1/4); thence on a bearing of S 0°06'12" E and running southeasterly 33.00 feet west of and parallel to the east property line of said Southeast Quarter (SE 1/4) for a distance of 637.96 feet to the true point of beginning, together with the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section 2 in Township 15 North, Range 12 East of the 6th P.M., formerly Block 101, Benson, now vacated, together with all of vacated Fort Street and 1/2 of vacated Browne, 73rd and 75th Streets adjoining said block, in Douglas County, Nebraska.

together with certain easements on other contiguous real property in Omaha, Douglas County, Nebraska, said real property being included in the tract described as follows:

All that part of the East One-half (E 1/2) of the Southeast Quarter (SE 1/4) of Section 35 in Township 16 North, Range 12 East of the 6th P.M. lying South of centerline of County Road Number 3-E in Douglas County, Nebraska, and the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section 2 in Township 15 North, Range 12 East of the 6th P.M., formerly Block 101 Benson together with all of vacated Fort Street and 1/2 of vacated Browne, 73rd and 75th Streets adjoining said block in Douglas County, Nebraska.

C. THE HERALD CORPORATION, d/b/a KETV, has title to and owns the following described property:

Commencing at a point which is the southeast corner of the Southeast Quarter (SE 1/4) of Section 35, Township 16 North, Range 12 East of the 6th Principal Meridian, all in Douglas County, Nebraska; thence, assuming that the West property line of the East Half (E 1/2) of said Southeast Quarter (SE 1/4) is bearing due North and South, on a bearing of S 89°50'18" W and running southwesterly along the south property line of said Southeast Quarter (SE 1/4) for a distance of 33.00 feet to a point, thence on a bearing of N 0°06'12" W and running northwesterly for a distance of 637.96 feet to the true point of beginning; thence on a bearing of S 89°53'48" W and running southwesterly for a distance of 1285.62 feet to a point which is a point on the west property line of said East Half (E 1/2); thence on a bearing of N 0°00'00" E and running northerly along the west property line of said East Half (E 1/2) for a distance of 764.89 feet to a point; thence on a bearing of N 89°53'48" E and running northeasterly for a distance of 1284.24 feet to a point, said point being a point 33.00 feet West of the east property line of said Southeast Quarter (SE 1/4); thence on a bearing of S 0°06'12" E and running southeasterly 33.00 feet west of and parallel to the east property line of said Southeast Quarter (SE 1/4) for a distance of 764.89 feet to the true point of beginning.

together with certain easements on other contiguous real property in Omaha, Douglas County, Nebraska, said real property being included in the tract described as follows:

All that part of the East One-half (East 1/2) of the Southeast Quarter (SE 1/4) of Section 35 in Township 16 North, Range 12 East of the 6th P.M. lying South of centerline of County Road Number 3-E in Douglas County, Nebraska, and the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section 2 in Township 15 North, Range 12 East of the 6th P.M., formerly Block 101 Benson. together with all of vacated Fort Street and 1/2 of vacated Browne, 73rd and 75th Streets adjoining said block in Douglas County, Nebraska.

AND WHEREAS, said covenantees have caused to be constructed on said properties certain television transmitter towers and cables appurtenant thereto.

AND WHEREAS, the said covenantors allege that said transmitter towers and cables tend to collect ice, sleet, snow and other forms of water upon them and that said ice, sleet, snow and water is often carried by the wind and other forces of nature onto the said property of covenantors and the appurtenances located thereon, and said covenantors further allege that the guy wires which criss-cross immediately to the east of, or in the area nearest to their property, whine or hum and emit loud sounds which unreasonably interfere with covenantors use and enjoyment of their land and home.

AND WHEREAS, covenantees deny each of the allegations of covenantors contained in the preceding paragraph, however covenantees

wish to settle any and all disputes arising from said allegations without the necessity of litigation.

NOW, THEREFORE, in consideration of the sum of one dollar and other good and valuable consideration, the receipt of which is hereby acknowledged, covenantors, their heirs and assigns, do hereby covenant and agree with covenantees, their successors and assigns, now and forever, not to sue or molest covenantees, or any of them, to dismiss forthwith any and all suits or proceedings as may now or hereafter be pending upon, and to forever refrain from instituting, pressing, collecting or in any way aiding or proceeding upon, any and all claims, demands, causes of action, suits, proceedings or adjudications whatsoever which covenantor ever had, now has or may ever have against covenantees, or any of covenantees' heirs, successors or legal representatives arising out of any ice, sleet, snow, or water being carried from the aforesaid tower and cables to the aforesaid property or any appurtenances located thereon of the covenantors and there deposited by the wind or any and all other forces of nature.

Without limiting the generality of the foregoing whatsoever, covenantors expressly agree to the dismissal with prejudice of a suit previously filed in the District Court in and for Douglas County, Nebraska, styled "William J. Chapman and Ann Chapman, Plaintiffs, vs. Meredith W.O.W., Inc., a corporation; May Broadcasting Company, a corporation, and KETV, a corporation, Defendants, Doc. 633, No. 81," and his petition in intervention filed in said action. Covenantors further agree never to bring a suit or other proceedings seeking the same or similar relief as was sought in the aforesaid action by reason of the presence or use of the said television transmitter towers and cables pertinent thereto located upon the property owned by covenantees as described herein.

It is hereby expressly understood and agreed that these presents may be pleaded by covenantees, or any of them, their heirs and assigns, in bar of all suits or other proceedings whatsoever hereafter instituted or pending against covenantees, or any of them, in breach of this covenant.

All of the limitations and restrictions contained herein shall extend to and include the heirs, assigns, devisees, lessees and holders of every kind, of and under all who may purchase or acquire any interest in any portion of covenantor's said tract of real property from the said covenantors or their successors or assigns.

All of the privileges contained herein shall extend to and include the successors, assigns, devisees, lessees and holders of every kind, of and under all who may purchase or acquire any interest in any portion of covenantees' said tracts of real property, easements or towers from the said covenantees, or any of them, or their successors or assigns.

It is distinctly covenanted and agreed between the parties hereto that all the covenants and agreements above expressed shall be held to run with and bind the aforesaid property, and all subsequent owners and occupants thereof.

IN WITNESS WHEREOF, the parties have set their hands hereunto this 20th day of December, 1973.

Vernon C. Kent

MEREDITH CORPORATION (successor to Meredith W.O.W., Inc.)

By Edward Stahuber

MAY BROADCASTING COMPANY, a corporation

By Allen L. Dugan

KETV, a corporation,

By Kenneth H. Jones

STATE OF NEBRASKA]
] SS:
COUNTY OF DOUGLAS]

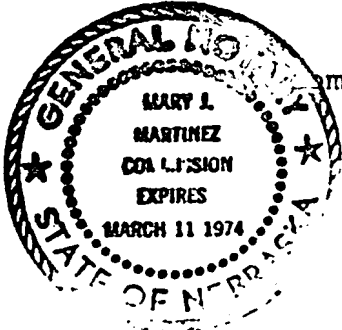
Before me, a notary public qualified for in said county, personally came Vernon Kent, known to me to be the identical person

or persons who signed the foregoing instrument and acknowledged the execution thereof to be his, her or their voluntary act and deed.

Witness my hand and notarial seal on May 11, 1973.

Mary J. Martinez
Notary Public

My commission expires March 11, 1974.



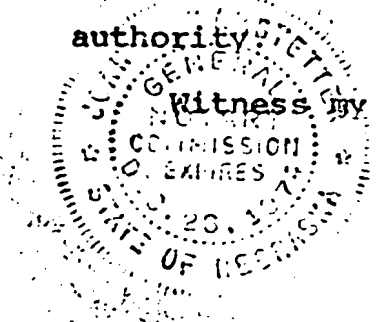
STATE OF NEBRASKA)
) SS:
COUNTY OF DOUGLAS)

Before me, a notary public qualified in said county, personally came Howard Stulover, Vice, President of Meredith Corporation (Successor to Meredith W.O.W., Inc.), known to me to be the President and identical person who signed the foregoing instrument, and acknowledged the execution thereof to be his voluntary act and deed as such officer and the voluntary act and deed of said corporation and that its corporate seal was thereto affixed by its authority.

Witness my hand and notarial seal on February 25, 1974.

Jean M. Kauttler
Notary Public

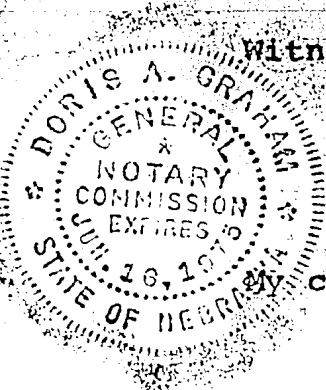
My commission expires December 28, 1974.



STATE OF NEBRASKA)
) SS:
COUNTY OF DOUGLAS)

Before me, a notary public qualified in said county, personally came Owen L. Saddler, Vice, Executive President of May Broadcasting Company, a corporation, known to me to be the President and identical person who signed the foregoing instrument, and acknowledged the execution thereof to be his voluntary act and deed as such officer and the voluntary act and deed of said corporation and that its corporate seal was thereto affixed by its authority.

Witness my hand and notarial seal on March 12, 1974.



Doris A. Graham
Notary Public

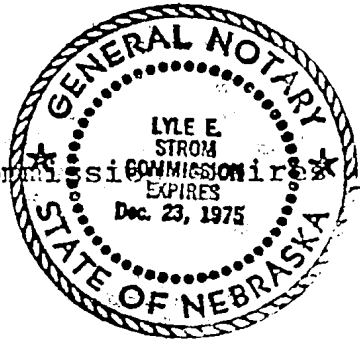
My commission expires June 16, 1975.

STATE OF NEBRASKA]
] SS:
COUNTY OF DOUGLAS]

Before me, a notary public qualified in said county, personally came Kenneth H. James, President of KETV, a corporation, known to me to be the President and identical person who signed the foregoing instrument, and acknowledged the execution thereof to be his voluntary act and deed as such officer and the voluntary act and deed of said corporation and that its corporate seal was thereto affixed by its authority.

Witness my hand and notarial seal on February 8, 1974.

Lyle E. Strom
Notary Public



My commission expires December 23, 1975.

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ENTERED TO NUMERICAL INDEX AND RECORDED IN THE REGISTER OF DEEDS OFFICE IN DOUGLAS COUNTY, NEBRASKA

28 DAY OF March 1974 AT 3:54 P M. C. HAROLD OSTLER, REGISTER OF DEEDS 2150