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By

RICHARD M. TAKECHI
REGISTER OF DEEDS
DOUGLAS COUNTY, NE

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AFTER RECORDING RETURN TO:

CROKER, HUCK, KASHER, DeWITT,
ANDERSON & GONDERINGER, P.C. (RJH)
2120 SO. 72 STREET, SUITE 1250
OMAHA, NE 68124-2356

FEE 15.50 FB _____
BKP _____ C/O _____ COMP _____
DEL _____ SCAN ds FV _____

**STATEMENT OF FORMATION
SANITARY AND IMPROVEMENT DISTRICT NO. 459
OF DOUGLAS COUNTY, NEBRASKA**

CAROLE J. HUNSLEY, being first duly sworn, states that she is the Clerk of Sanitary and Improvement District No. 459 of Douglas County, Nebraska, and makes the following statement regarding same:

1. District Number: 459.
2. Outer boundaries: The same as are described on Exhibit "A" attached hereto and by this reference incorporated herein.
3. The purposes of the District are: to acquire, install, repair, maintain, renew, reconstruct, and replace a sanitary and storm sewer system, disposal plants, a water system, a system of sidewalks, public roads, streets, highways, public waterways, docks or wharfs and related appurtenances; to provide for collection and disposal of drainage, waste, and sewage in a satisfactory manner; to install an emergency management warning system; to contract for water for fire protection and for resale to residents of the District; to contract for police protection and security services, and to contract for gas and for electricity for street lighting for the public streets and highways within the District; to construct electric service lines and conduits, and gas mains, or to contract for the installation and operation thereof; to acquire, build, improve and operate, or, where permitted by law, to contract with other sanitary and improvement districts to acquire, build, improve, and operate public parks, playgrounds and recreational facilities for the joint use of the residents of the contracting districts; and to construct and to contract for the construction of dikes and levees for flood protection for the District. In lieu of establishing its own water system, the District may contract with any utilities district, municipality or corporation for the installation of a water system and to provide water service for fire

protection and for use of the residents of the District. The District may contract with the city or county within whose zoning jurisdiction it is located for intersection and traffic control improvements, which improvements serve or benefit the district and which may be within or without the corporate boundaries of the district and for any of the purposes for which it is formed. The District may also enter into agreements with other public agencies in order to accomplish the purposes of, and pursuant to, the provisions of the Nebraska Interlocal Cooperation Act; and do any and all other activities or functions allowed by the Reissued, Revised Statutes of Nebraska as the same may be amended from time to time.

4. The District has power to levy an unlimited property tax to pay its debt and its expenses of operation and maintenance, subject to limitations imposed by statute.

5. The District is required by statute to levy special assessments on property in the district to the full extent of special benefits arising by reason of improvements installed by it.

6. In all years when a budget is required by law, the District's annual budget is filed with the County Clerk, which budget shows anticipated revenue and expenses, tax levy, and indebtedness of the District.

7. The actual current tax levy of the District may be obtained from the Douglas County Clerk.

8. A copy of the District's annual financial audit is on file with the Clerk of the District and the State Auditor of Public Accounts.

DATED: April 24, 2000.

Carole J. Hunsley

Carole J. Hunsley, Clerk
SID No. 459 of Douglas County, Nebraska

68741.1

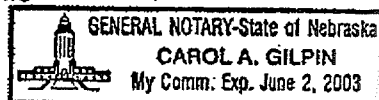
STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

SUBSCRIBED and sworn to before me this 24 day of April, 2000.

Carol A. Gilpin

Notary Public

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LEGAL DESCRIPTION - S.I.D. BOUNDARY

BEING A PART OF NORTH HALF OF SECTION 33, TOWNSHIP 15 NORTH, RANGE 11 EAST OF THE 6TH P.M. DOUGLAS COUNTY, NEBRASKA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 33; THENCE S87°41'43"W (ASSUMED BEARING) ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 33, 33.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF 168TH STREET, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING S87°41'43"W ALONG THE SOUTH LINE THE NORTHEAST QUARTER OF SAID SECTION 33, 2282.13 FEET TO A POINT ON THE CORPS OF ENGINEERS, DAM SITE 18 PROPERTY LINE; THENCE ALONG SAID CORPS OF ENGINEERS, DAM SITE 18 PROPERTY LINE THE FOLLOWING EIGHT (8) COURSES: (1) THENCE N46°55'45"W, 463.63 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 33; (2) THENCE N47°10'09"W, 593.00 FEET; (3) THENCE N47°10'30"W, 247.72 FEET; (4) THENCE N05°58'27"W, 1057.35 FEET; (5) THENCE S44°09'27"W, 708.96 FEET; (6) THENCE S44°10'24"W, 203.40; (7) THENCE N36°40'13"W, 1165.00 FEET; (8) THENCE N18°49'19"W, 256.90 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF NEBRASKA STATE HIGHWAY 92; THENCE ALONG THE SOUTH RIGHT-OF-WAY OF SAID NEBRASKA STATE HIGHWAY 92, THE FOLLOWING ELEVEN (11) COURSES, (1) THENCE N72°47'36"E, 185.54 FEET; (2) THENCE N87°39'35"E, 1200.03 FEET; (3) THENCE S82°28'52"E, 202.74 FEET; (4) THENCE N86°23'23"E, 505.42 FEET TO A POINT ON THE WEST LINE OF NORTHEAST QUARTER OF SAID SECTION 33; (5) THENCE N85°24'32"E, 295.12 FEET; (6) THENCE N89°58'43"E, 454.39 FEET; (7) THENCE S89°58'04"E, 42.55 FEET; (8) THENCE N86°22'13"E, 806.42 FEET; (9) THENCE N86°23'11"E, 524.39 FEET; (10) THENCE N87°22'37"E, 172.05 FEET (11) THENCE S88°14'39"E, 268.55 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF 168TH STREET; THENCE ALONG THE WEST RIGHT-OF-WAY OF SAID 168TH STREET THE FOLLOWING THREE (3) COURSES, (1) THENCE S04°43'10"E, 462.91 FEET; (2) THENCE N88°39'23"E, 28.12 FEET; (3) THENCE S01°25'00"E, 2127.72 FEET TO THE POINT OF BEGINNING AND CONTAINING 209.36 ACRES MORE OR LESS.

TOGETHER WITH;

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE S01°34'00"E (ASSUMED BEARING) ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 33, 547.72 FEET TO THE POINT OF BEGINNING; THENCE N88°26'00"E, 33.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF 180TH STREET; THENCE N01°34'00"W, ALONG SAID EAST RIGHT-OF-WAY LINE OF 180TH STREET, 500.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF NEBRASKA STATE HIGHWAY 92; THENCE S87°32'27"E, ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID NEBRASKA STATE HIGHWAY 92, 376.43 FEET TO A POINT ON THE CORPS OF ENGINEERS, DAM SITE 18 PROPERTY LINE; THENCE ALONG THE CORPS OF ENGINEERS PROPERTY LINE THE FOLLOWING FOUR (4) COURSES: (1) THENCE S19°52'38"W, 265.94 FEET; (2) THENCE S21°08'24"E, 1014.89 FEET; (3) THENCE S42°48'53"W, 466.66 FEET; (4) THENCE S87°39'35"W, 324.92 FEET TO A POINT ON THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE N01°34'00"W ALONG SAID WEST LINE, 1068.11 FEET TO THE POINT OF BEGINNING AND CONTAINING 16.120 ACRES INCLUDING 0.81 ACRES OF 180TH STREET RIGHT-OF-WAY MORE OR LESS.

EXHIBIT "A"

OUTER BOUNDARY - SID 459 OF DOUGLAS COUNTY, NEBRASKA