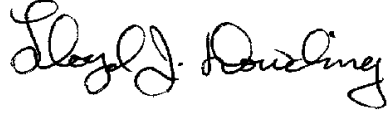


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VERIFY LM
FEES \$ 40.00
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SUBMITTED NEBRASKA TITLE COMPANY-ON

FILED SARPY CO. NE. INSTRUMENT NUMBER <b>2018-03823</b> 2018 Feb 23 09:24:55 AM  REGISTER OF DEEDS
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### AGREEMENT REGARDING ALLOWABLE FILL

This Agreement (“Agreement”) is made and entered into as of February 21, 2018, by and between E&M Iverson Family Partnership, Ltd, a Nebraska limited partnership (“Iverson”), and Safe Harbour EAT – XXVIII, L.L.C., a Kansas limited liability company (“Safe Harbor”).

WHEREAS, Iverson owns certain real property legally described on Exhibit A attached hereto (the “Iverson Property”);

WHEREAS, Iverson has sold to Safe Harbor that certain real property legally described on Exhibit B attached hereto (the “Safe Harbor Property”);

WHEREAS, as part of the consideration to Iverson to sell the Safe Harbor Property to Safe Harbor, Safe Harbor agreed to enter into this Agreement to decrease the amount of acres of the floodway fringe permitted to be filled (the “Allowable Fill”) on the Safe Harbor Property by 1.25 acres; and

WHEREAS, Iverson and Safe Harbor hereby execute this Agreement to memorialize and evidence their agreement with respect to the Allowable Fill on the Safe Harbor Property.

NOW, THEREFORE, in consideration of the foregoing recitals and other valuable consideration, and in consideration of the mutual covenants and agreements set forth in this Agreement, the receipt and sufficiency of which are hereby acknowledged, Iverson and Safe Harbor agree as follows:

1. **Decrease in Allowable Fill.** Iverson and Safe Harbor hereby acknowledge and agree that the total acres of floodway fringe that may be filled on the Safe Harbor Property shall be decreased by 1.25 acres and transferred to the Iverson Property. Safe Harbor will, upon request of Iverson, execute such additional documents as may be reasonable and necessary to effectuate such transfer, provided, however, that Safe Harbor’s obligations to execute such documents shall not require Safe Harbor to expend any funds or create any obligations but shall be perfunctory in nature.

2. **Covenant Running with the Land.** All the covenants, agreements, conditions and restrictions set forth in this Agreement are intended to be, and shall be construed as, covenants running with the land, binding upon, inuring to the benefit of, and enforceable by, each of the parties hereto and their respective successors, assigns, tenants and licensees.

*(The remainder of this page left intentionally blank; signatures appear on the following page.)*

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the date set forth above.

E&M IVERSON FAMILY PARTNERSHIP, LTD.,  
a Nebraska limited partnership

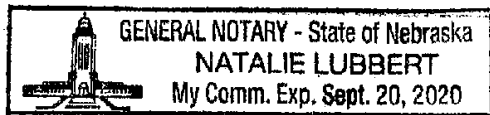
By: Eldon O. Iverson Family Trust  
under Second Restated Trust Agreement  
dated February 10, 2004, General Partner

By: Donald E. Iverson TIEE  
Donald E. Iverson, Trustee

STATE OF NEBRASKA     )  
  ) ss.  
COUNTY OF Douglas     )

On this 20th day of February 2018, before me, the undersigned a Notary Public in and for said county and state, personally appeared Donald E. Iverson, Trustee of the Eldon O. Iverson Family Trust under Second Restated Trust Agreement dated February 10, 2004, General Partner of E&M Iverson Family Partnership, Ltd., a Nebraska limited partnership, who is personally known to me to be the same person who executed, in such capacity, the within instrument on behalf of said entity and who duly acknowledged the execution of the same to be the voluntary act and deed of said limited partnership.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.



Natalie Lubbert  
Notary Public

My Commission Expires: 9/20/2020

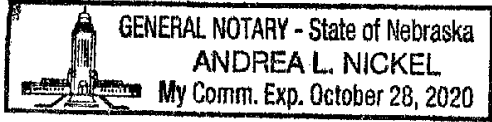
Safe Harbor EAT – XXVIII, L.L.C,  
a Kansas limited liability company

By: [Signature]  
Name: Jennifer Strawn  
Title: Manager

STATE OF NEBRASKA )  
COUNTY OF Buffalo ) ss.

On this 21 day of Feb, 2018, before me, the undersigned a Notary Public in and for said county and state, personally appeared Jennifer Strawn Manager, Safe Harbor EAT – XXVIII, L.L.C., a Kansas limited liability company, who is personally known to me to be the same person who executed, in such capacity, the within instrument on behalf of said entity and who duly acknowledged the execution of the same to be the voluntary act and deed of said limited liability company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.



[Signature]  
Notary Public

My Commission Expires: Oct. 28, 2020

**EXHIBIT A**

**Iverson Property**

**PARCEL 1:**

TAX LOT 7A, LOCATED IN THE EAST HALF OF THE NORTHEAST QUARTER (E 1/2 NE 1/4) OF SECTION TWENTY-EIGHT TOWNSHIP FOURTEEN (14) NORTH, RANGE TWELVE (12) EAST, SARPY COUNTY, NEBRASKA, EXCEPTING THAT PART DESCRIBED AS: PART OF TAX LOT 7A IN THE NORTHEAST QUARTER (NE 1/4) OF SECTION TWENTY-EIGHT (28), TOWNSHIP FOURTEEN (14) NORTH, RANGE TWELVE (12) EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION TWENTY-EIGHT (28); THENCE ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER (NE 1/4), BEARING SOUTH 87 DEGREES 31 MINUTES 04 SECONDS WEST (AN ASSUMED BEARING) FOR 909.19 FEET TO THE POINT OF BEGINNING; THENCE ALONG SAID SOUTH LINE; BEARING SOUTH 87 DEGREES 31 MINUTES 04 SECONDS WEST FOR 406.61 FEET TO A POINT ON THE WEST PROPERTY LINE OF SAID TAX LOT 7A; THENCE ALONG SAID WEST LINE, BEARING NORTH 02 DEGREES 31 MINUTES 12 SECONDS WEST FOR 33.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF LINCOLN ROAD; THENCE CONTINUING ALONG SAID WEST LINE, BEARING NORTH 02 DEGREES 31 MINUTES 12 SECONDS WEST FOR 17.00 FEET TO A POINT BEING 50.00 FEET NORTH OF THE SOUTH LINE OF SAID NORTHEAST QUARTER (NE 1/4); THENCE ALONG A LINE 50.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID NORTHEAST QUARTER, BEARING NORTH 87 DEGREES 31 MINUTES 04 SECONDS EAST FOR 406.64 FEET; THENCE BEARING SOUTH 02 DEGREES 28 MINUTES 56 SECONDS EAST FOR 17.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF LINCOLN ROAD; THENCE CONTINUING

BEARING SOUTH 02 DEGREES 28 MINUTES 56 SECONDS EAST FOR 33.00 FEET TO THE POINT OF BEGINNING.

**PARCEL 2:**

TAX LOT 9A1, LYING SOUTH OF THE PAPILLION CREEK, IN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION TWENTY-ONE (21), TOWNSHIP FOURTEEN (14) NORTH, RANGE TWELVE (12) EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA.

## EXHIBIT B

### Safe Harbor Property

That part of Tax Lot 14B1 in the Northwest Quarter (NW¼) of Section Twenty-Seven (27), Township Fourteen (14) North, Range Twelve (12) East of the 6th P.M., Sarpy County, Nebraska, described as follows:

Commencing at the Northwest corner of said Northwest Quarter (NW¼); thence South 02 degrees 31 minutes 37 seconds East (bearing referenced to the Nebraska State Plane System, NAD 1988) 1,837.48 feet on the West line of said Northwest Quarter (NW¼) to the point of beginning, said point being on the East line of 96th Street; thence continuing South 02 degrees 31 minutes 37 seconds East 94.16 feet to the approximate centerline of Walnut Creek; thence Northeasterly on the approximate centerline of Walnut Creek on the following 63 courses: thence North 73 degrees 25 minutes 00 seconds East 60.40 feet; thence South 33 degrees 35 minutes 00 seconds East 101.00 feet; thence South 60 degrees 19 minutes 00 seconds East 70.00 feet; thence South 37 degrees 41 minutes 00 seconds East 52.00 feet; thence North 73 degrees 57 minutes 00 seconds East 36.00 feet; thence North 20 degrees 06 minutes 00 seconds East 28.00 feet; thence North 19 degrees 03 minutes 00 seconds West 25.00 feet; thence North 38 degrees 38 minutes 00 seconds West 64.00 feet; thence North 52 degrees 30 minutes 00 seconds East 118.00 feet; thence North 78 degrees 37 minutes 00 seconds East 71.00 feet; thence North 21 degrees 21 minutes 00 seconds East 44.00 feet; thence North 15 degrees 13 minutes 00 seconds West 92.00 feet; thence North 00 degrees 25 minutes 00 seconds West 67.00 feet; thence North 19 degrees 32 minutes 00 seconds West 52.00 feet; thence North 76 degrees 17 minutes 00 second West 74.00 feet; thence North 09 degrees 09 minutes 00 seconds East 52.00 feet; thence North 62 degrees 44 minutes 00 seconds East 85.00 feet; thence North 10 degrees 15 minutes 00 seconds West 71.00 feet; thence North 55 degrees 18 minutes 00 seconds East 78.00 feet; thence South 71 degrees 29 minutes 00 seconds East 80.00 feet; thence North 00 degrees 29 minutes 00 seconds West 28.00 feet; thence North 41 degrees 33 minutes 00 seconds West 61.00 feet; thence North 10 degrees 23 minutes 50 seconds East 56.81 feet; thence North 45 degrees 40 minutes 00 seconds West 57.00 feet; thence North 27 degrees 09 minutes 00 seconds East 87.00 feet; thence North 83 degrees 24 minutes 00 seconds East 78.00 feet; thence North 46 degrees 14 minutes 00 seconds East 45.00 feet; thence North 15 degrees 18 minutes 00 seconds West 79.00 feet; thence North 85 degrees 52 minutes 00 seconds West 197.00 feet; thence North 07 degrees 18 minutes 00 seconds West 93.00 feet; thence North 80 degrees 47 minutes 00 seconds East 151.00 feet; thence South 76 degrees 41 minutes 00 seconds East 128.00 feet; thence South 58 degrees 47 minutes 00 seconds East 79.00 feet; thence North 60 degrees 20 minutes 00 seconds East 29.00 feet; thence North 06 degrees 52 minutes 00 seconds West 54.00 feet; thence North 27 degrees 09 minutes 00 seconds West 178.00 feet; thence North 69 degrees 10 minutes 00 seconds East 35.00 feet; thence South 58 degrees 07 minutes 00 seconds East 74.00 feet; thence South 76 degrees 18 minutes 00 seconds East 51.00 feet; thence North 06 degrees 28 minutes 00 seconds East 71.00 feet; thence North 66 degrees 53 minutes 00 seconds West 142.00 feet; thence North 26 degrees 08 minutes 00 seconds West 107.00 feet; thence North 69 degrees 59 minutes 00 seconds West 65.00 feet; thence North 23 degrees 02 minutes 00 seconds East 28.00 feet; thence North 69 degrees 31 minutes 00 seconds East 89.00 feet; thence South 89 degrees 53 minutes 00 seconds East 73.00 feet; thence North 17 degrees 01 minutes 00 seconds West 86.00 feet; thence

North 55 degrees 00 minutes 00 seconds West 23.00 feet; thence North 28 degrees 32 minutes 00 seconds West 14.00 feet; thence North 17 degrees 45 minutes 00 seconds East 69.00 feet; thence North 50 degrees 21 minutes 00 seconds East 70.00 feet; thence North 61 degrees 09 minutes 00 seconds East 24.00 feet; thence North 84 degrees 44 minutes 00 seconds East 19.00 feet; thence South 88 degrees 03 minutes 00 seconds East 29.00 feet; thence South 86 degrees 14 minutes 00 seconds East 15.00 feet; thence North 50 degrees 06 minutes 00 seconds East 20.00 feet; thence North 30 degrees 18 minutes 00 seconds East 30.00 feet; thence North 58 degrees 19 minutes 57 seconds East 6.91 feet; thence North 86 degrees 19 minutes 03 seconds East 64.45 feet; thence South 62 degrees 29 minutes 11 seconds East 180.99 feet; thence North 61 degrees 26 minutes 01 seconds East 83.58 feet; thence North 30 degrees 26 minutes 38 seconds East 73.05 feet; thence North 73 degrees 38 minutes 55 seconds East 101.18 feet to the final point on the centerline of said Walnut Creek, said point being on the South line of a parcel of land as described on Exhibit "E" of a "Warranty Deed" recorded as Inst. No. 2005-36961 of the Sarpy County records and hereinafter called Tract "A"; thence North 84 degrees 19 minutes 14 seconds West 51.84 feet on the South line of said Tract "A"; thence North 05 degrees 40 minutes 46 seconds East 85.20 feet on the South line of said Tract "A"; thence South 88 degrees 59 minutes 09 seconds West 112.52 feet on the South line of said Tract "A"; thence North 85 degrees 08 minutes 30 seconds West 219.33 feet on the South line of said Tract "A"; thence North 83 degrees 10 minutes 38 seconds West 678.26 feet on the South line of said Tract "A"; thence South 12 degrees 39 minutes 26 seconds West 93.23 feet on the South line of said Tract "A"; thence North 77 degrees 20 minutes 34 seconds West 84.08 feet on the South line of said Tract "A" to the East line of a parcel of land as described on Exhibit "G" of the previously mentioned "Warranty Deed" recorded as Inst. No. 2005-36961 of the Sarpy County records and hereinafter called Tract "B"; thence South 42 degrees 17 minutes 34 seconds West 179.05 feet on the East line of said Tract "B" and on the East line of 96th Street; thence South 02 degrees 31 minutes 06 seconds East 1,168.95 feet on the East line of said Tract "B" and on the East line of 96th Street; thence Southwesterly on the East line of said Tract "B" and on the East line of 96th Street on a 1,470.00 foot radius curve to the right, chord bearing South 06 degrees 21 minutes 24 seconds West, chord distance 454.50 feet, an arc distance of 456.33 feet to the West line of said Northwest Quarter (NW<sup>1</sup>/<sub>4</sub>) and the point of beginning.

(Also known as Tax Lot 14B1B)