

FIRST AMENDMENT TO DECLARATION OF  
RESTRICTIONS AND GRANT OF EASEMENTS

THIS FIRST AMENDMENT TO DECLARATION OF RESTRICTIONS AND GRANT OF EASEMENTS ("First Amendment") is made as of the 14th day of July, 1981, by and between KROH BROTHERS DEVELOPMENT COMPANY, a Missouri corporation ("Kroh") and ALBERTSON'S, INC., a Delaware corporation ("Albertson's").

RECITALS:

A. The parties previously executed under date of May 22, 1981 that certain Declaration of Restrictions and Grant of Easements ("Declaration") covering real property located in Douglas County, Nebraska, which Declaration was recorded on June 8, 1981, in Book 653 at Page 34, in the real estate records of Douglas County, Nebraska.

B. The legal descriptions of the three parcels comprising the property being the subject of the Declaration were incorrect and the parties now desire to correct such error.

AGREEMENTS:

NOW THEREFORE, in consideration of the premises and the mutual covenants and conditions herein contained, the parties do agree as follows:

1. The legal descriptions attached to the Declaration and identified as Exhibit "A" are hereby deleted and the legal descriptions attached hereto and identified as Exhibit "A" shall be substituted therefor.

2. Except as herein modified, the Declaration remains in full force and effect and the parties do ratify and confirm the same.

IN WITNESS WHEREOF, the parties have executed this  
First Amendment the day and year first above written.



KROH BROTHERS DEVELOPMENT COMPANY,  
a Missouri corporation

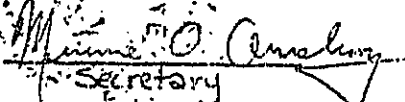
By: 

ALBERTSON'S, INC.,  
a Delaware corporation

By:  Senior Vice President

(CORPORATE SEAL)

Attest:

  
Secretary

STATE OF Missouri )

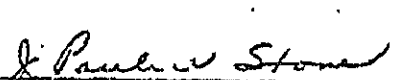
COUNTY OF Jackson )

SS.

On this 17th day of July, 1981, before me  
appeared George P. Kunk, to me personally known,  
who being by me duly sworn did say that he is the Executive  
Vice President of Kroh Brothers Development Company, a  
Missouri corporation, and that the seal affixed to the  
foregoing instrument is the corporate seal of said cor-  
poration, and that said instrument was signed and sealed in  
behalf of said corporation by authority of its Board of  
Directors, and said George P. Kunk acknow-  
ledged said instrument to be the free act and deed of said  
corporation.

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

SEAL

  
Notary Public

My commission expires:

J. PAULINE STONE  
Notary Public in and for said County and State  
My Commission Expires October 5, 1982

STATE OF )

COUNTY OF )

SS.

On this \_\_\_\_\_ day of \_\_\_\_\_, 1981, before me  
appeared \_\_\_\_\_, to me personally known,

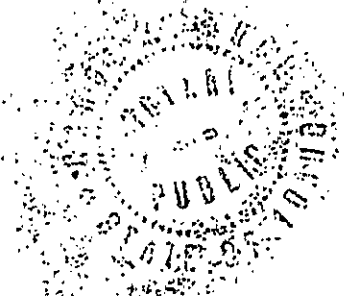
STATE OF IDAHO

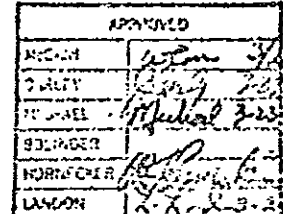
)  
: ss.  
)

County of Ada

On this 20th day of July, 1981, before me, the undersigned Notary Public in and for said State, personally appeared Michael F. Reuling and Minnie O. Armstrong, known to me to be the Senior Vice President and Secretary, respectively, of Albertson's, Inc., the corporation that executed the foregoing instrument, and acknowledged to me that the said instrument is the free and voluntary act and deed of such corporation, for the uses and purposes mentioned therein, and on oath stated that they are authorized to execute the said instrument on behalf of such corporation and that the seal affixed is the corporate seal of such corporation.

WITNESS MY HAND AND OFFICIAL SEAL affixed hereto the day and year in this certificate first above written.

  
*Carol J. Wood*  
Notary Public for Idaho  
Residing at Boise, Idaho.  
My commission expires: Lifetime



APPROVED	
MOORE	W. L. Moore
SMITH	W. L. Smith
WHEELER	W. L. Wheeler
BOYD	W. L. Boyd
NORRIS	W. L. Norris
LANSON	W. L. Lanson

## LEGAL DESCRIPTION:

① That part of the W $\frac{1}{2}$  of Section 9, T15N, R12E of the 6th P.M., Douglas County, Nebraska described as follows: Commencing at the N.W. corner of the SW $\frac{1}{4}$  of said Section 9; thence S 89° 52' 45" E (assumed bearing) on the North line of the SW $\frac{1}{4}$  of said Section 9, 50.00 feet; thence N 00° 00' 00" E on a line 50.00 feet East of and parallel to the West line of the NW $\frac{1}{4}$  of said Section 9, 1.82 feet to the point of beginning; thence S 00° 00' 00" W on a line 50.00 feet East of and parallel to the West line of said Section 9, 281.32 feet; thence S 89° 52' 45" E on a line 279.50 feet South of and parallel to the North line of the SW $\frac{1}{4}$  of said Section 9, 346.00 feet; thence N 00° 00' 00" E on a line 396.00 feet East of and parallel to the West line of the SW $\frac{1}{4}$  of said Section 9, 282.04 feet; thence N 90° 00' 00" W, 346.00 feet to the point of beginning. (Containing 2.24 acres more or less.)

## LEGAL DESCRIPTION:

② That part of the W $\frac{1}{2}$  of Section 9, T15N, R12E of the 6th P.M., Douglas County, Nebraska described as follows: Commencing at the N.W. corner of the SW $\frac{1}{4}$  of said Section 9; thence S 89° 52' 45" E (assumed bearing) 50.00 feet; thence N 00° 00' 00" E on a line 50.00 feet East of and parallel to the West line of said Section 9, 1.82 feet to the point of beginning; thence continuing N 00° 00' 00" E on a line 50.00 feet East of and parallel to the West line of said Section 9, 304.79 feet; thence N 90° 00' 00" E, 85.00 feet; thence N 00° 00' 00" E on a line 135.00 feet East of and parallel to the West line of said Section 9, 196.37 feet; thence N 90° 00' 00" E, 104.26 feet; thence S 00° 00' 00" W on a line 239.26 feet East of and parallel to the West line of said Section 9, 196.83 feet; thence N 90° 00' 00" E, 160.00 feet; thence N 00° 00' 00" E on a line 399.26 feet East of and parallel to the West line of said Section 9, 260.53 feet to a point on the Southerly R.O.W. line of West Maple Road; thence S 67° 18' 54" E on the Southerly R.O.W. line of said West Maple Road, 197.26 feet; thence S 00° 00' 00" W on a line 581.26 feet East of and parallel to the West line of said Section 9, 491.72 feet to a point on the North line of the SW $\frac{1}{4}$  of said Section 9; thence N 89° 52' 45" W on the North line of the SW $\frac{1}{4}$  of said Section 9, 48.26 feet; thence S 00° 00' 00" W on a line 533.00 feet East of and parallel to the West line of said Section 9, 279.50 feet; thence N 89° 52' 45" W on a line 279.50 feet South of and parallel to the North line of the SW $\frac{1}{4}$  of said Section 9, 137.00 feet; thence N 00° 00' 00" E on a line 396.00 feet East of and parallel to the West line of said Section 9, 282.04 feet; thence N 90° 00' 00" W, 346.00 feet to the point of beginning. (Containing 261,532 Sq. Ft. more or less.)

## LEGAL DESCRIPTION:

③ That part of the NW $\frac{1}{4}$  of Section 9, T15N, R12E of the 6th P.M., Douglas County, Nebraska described as follows: Commencing at the N.W. corner of the SW $\frac{1}{4}$  of said Section 9; thence S 89° 52' 45" E (assumed bearing) on the North line of the SW $\frac{1}{4}$  of said Section 9, 50.00 feet; thence N 00° 00' 00" E on a line 50.00 feet East of and parallel to the West line of the NW $\frac{1}{4}$  of said Section 9, 306.61 feet; thence N 90° 00' 00" E, 85.00 feet; thence N 00° 00' 00" E on a line 135.00 feet East of and parallel to the West line of the NW $\frac{1}{4}$  of said Section 9, 196.37 feet to the point of beginning; thence continuing N 00° 00' 00" E on a line 135.00 feet East of and parallel to the West line of the NW $\frac{1}{4}$  of said Section 9, 155.64 feet to a point on the Southerly R.O.W. line of West Maple Road; thence S 89° 56' 26" E on the Southerly R.O.W. line of said West Maple Road, 44.40 feet; thence S 67° 18' 54" E on the Southerly R.O.W. line of West Maple Road, 238.29 feet; thence S 00° 00' 00" W on a line 399.26 feet East of and parallel to the West line of the NW $\frac{1}{4}$  of said Section 9, 260.53 feet; thence S 90° 00' 00" W, 160.00 feet; thence N 00° 00' 00" E on a line 239.26 feet East of and parallel to the West line of the NW $\frac{1}{4}$  of said Section 9, 196.83 feet; thence S 90° 00' 00" W, 104.26 feet to the point of beginning. (Containing 1.44 acres more or less.)

RECEIVED

1991 AUG 11 AM 10:51

C. HAROLD OSTLER  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NEBR.

Exhibit A, Pg. 2

Book 657

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