

SECOND AMENDMENT TO DECLARATION OF
RESTRICTIONS AND GRANT OF EASEMENTS

THIS SECOND AMENDMENT TO DECLARATION OF RESTRICTIONS AND GRANT OF EASEMENTS is made as of the 5th day of October, 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 covering real property located in Douglas County, Nebraska, which Declaration was recorded on June 8, 1981, in Book 653 at Page 434, in the real estate records of Douglas County, Nebraska, as amended by the First Amendment to Declaration of Restrictions and Grant of Easements dated as of July 14, 1981 and recorded on August 11, 1981 in Book 657 at Page 122 (the "Declaration") covering real property located in Douglas County, Nebraska and more fully described on Schedule I attached hereto and made a part hereof.

B. Kroh is the owner of contiguous property which the parties desire to add to the Declaration which property is more particularly described on Schedule II attached hereto and made a part hereof (the "State Property").

AGREEMENTS:

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

1. The State Property is hereby added to the Declaration and shall be subject to and receive the benefit of all easements, restrictions, liens, charges, obligations, terms and conditions therein contained.

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 Second Amendment the day and year first above written.

KROH BROTHERS DEVELOPMENT COMPANY,
a Missouri corporation

(CORPORATE SEAL)

Attest:

James D. Kernerding
Asst Secy

By:

John A. Kroh, Jr.
President

ALBERTSON'S, INC.,
a Delaware corporation

(CORPORATE SEAL)

Attest:

By:

Lee V. Ladd

Senior Vice President

By:

Minnie O. Armstrong
Secretary

STATE OF MISSOURI)

COUNTY OF JACKSON)

ss.

On this 5th day of October, 1981, before me appeared John A. Kroh, Jr., to me personally known, who being by me duly sworn did say that he is the President of Kroh Brothers Development Company, a Missouri corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and said John A. Kroh, Jr. acknowledged 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.

Dee Findell
Notary Public

My commission expires:

DEE FINDELL
Notary Public - State of Missouri
Commissioned in Jackson County
My Commission Expires November 2, 1984

STATE OF IDAHO)
) ss.
County of Ada)

On this 13th day of October, 19 81, before me, the undersigned Notary Public in and for said State, personally appeared Lee V. Landon 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 said corporation, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute the said instrument, and that the seal affixed is the corporate seal of said corporation.

WITNESS MY HAND and official seal hereto affixed the day and year in this certificate first above written.

My Commission expires:

10/30/84

Claudia C. Davis
Notary Public for Idaho
Residing at Boise, Idaho

LEGAL DESCRIPTION:

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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.)

SCHEDULE 11

A tract of land located in the Southwest Quarter of the Northwest Quarter of Section 9, Township 15 North, Range 12 East of the Sixth Principal Meridian, Douglas County, Nebraska, described as follows:

Referring to the Southwest Corner of said Quarter Quarter Section; thence northerly a distance of 306.03 feet along the West Line of said Quarter Quarter Section; thence easterly deflecting 090 degrees, 00 minutes right, a distance of 50.00 feet to the point of beginning; thence easterly deflecting 000 degrees, 00 minutes, a distance of 85.00 feet; thence northerly deflecting 090 degrees, 00 minutes left, a distance of 352.67 feet; thence easterly deflecting 090 degrees, 14 minutes right, a distance of 44.40 feet; thence easterly deflecting 022 degrees, 41 minutes right, a distance of 525.28 feet; thence northerly deflecting 112 degrees, 55 minutes left, a distance of 64.05 feet; thence westerly deflecting 067 degrees, 05 minutes left, a distance of 512.18 feet; thence westerly deflecting 022 degrees, 41 minutes left, a distance of 141.47 feet; thence southerly deflecting 090 degrees, 14 minutes left, a distance of 412.02 feet to the point of beginning containing 68,587.74 square feet, more or less.

RECEIVED
 OCT 28 AM 10:00
 CLARENCE E. HARRIS
 REGISTER OF DEEDS
 DOUGLAS COUNTY, NEBR.

1981 OCT 28 AM 10:00

RECEIVED

27. Name

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