

FILED SARPY CO. NE.
INSTRUMENT NUMBER
2007 - 12652

2007 MAY -2 A 10: 05

Glenn J. Lawburg
REGISTER OF DEEDS

COUNTER Pa C.E. Ph
VERIFY Ph D.E. Ph
PROOF Ph
FEES \$ 25.50
CHECK # 027683
CHG. CASH
REFUND CREDIT
SHORT NCR

AGREEMENT AND BILL OF SALE

This Agreement is entered into between the Metropolitan Utilities District of Omaha ("District") and Lavista Lodging Investors, LLC ("Lavista Lodging"), a Wisconsin limited liability company.

WHEREAS, Lavista Lodging owns and maintains a six-inch water service which connects to a District main in Southport Parkway and extends through Lot 1 of Southport East Replat Two, in Sarpy County, Nebraska; and

WHEREAS, the water service is no longer required by Lavista Lodging as a private water service and the District desires to own and maintain the water service as a water main in connection with the District's operation of its water main system.

THEREFORE, in consideration of performance of the conditions set forth in this Agreement, Lavista Lodging hereby quit claims all its right, title and interest in the following described water service to the District:

A water service line located in Lot 1 of Southport East Replat Two, described as a six-inch water service, identified as WS 1544, located from a starting point at the connection of this water service in the northwest corner of Lot 1, with a 12-inch north-south water main which is located in Southport Parkway, then approximately 401.12 feet southeast along the northeasterly lot line and then 412.98 feet southwest along the southeasterly lot line, together with all appurtenances attached to the water service. The approximate location is set forth in the attached drawing, marked **Exhibit "A"**, all in Sarpy County, Nebraska.

This conveyance is subject to the following conditions:

1. The water service shall be the property of the District and shall hereafter be regarded as a water main that is part of the District's water main system.
2. The District shall assume responsibility for any future liability and maintenance responsibility for the water service as of the date of this Agreement.
3. The District and Lavista Lodging acknowledge that the attached Exhibit "A" relies upon information obtained from the time of earlier main installations and that

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Metropolitan Utilities District
1723 Harney Street • Omaha NE 68102-1960

A

changes may have occurred and actual locations may be different though the description is reasonably accurate. The parties' intention is to describe the approximate location of the water service.

4. The District may permit others to tap the former water service to serve properties abutting the water main. The District shall collect the connection charge from such other users in accordance with the District's established procedure. Amounts collected shall be refunded annually to Lavista Lodging in compensation for Lavista Lodging's costs and expenses incurred in constructing the water service. No refunds shall be made by the District to Lavista Lodging more than twenty (20) years after the date hereof. The District does not guarantee collection of the connection charge for purposes of reimbursing Lavista Lodging, but the District shall refuse connection to the water service by such other users until the connection charge is agreed to be paid. Notwithstanding anything to the contrary set forth above, the District shall not collect a connection charge from either: (a) Lavista Lodging; or (b) the land described as Lot 2, Southport East Replat Two, in Sarpy County, Nebraska, the owner of which the parties acknowledge and agree contributed funds to Lavista Lodging toward the construction of the water main.

DATED this 26 day of April, 2007.

GRANTEE:

METROPOLITAN UTILITIES DISTRICT OF OMAHA, a political subdivision,

Daniel G Crouchley
Signature

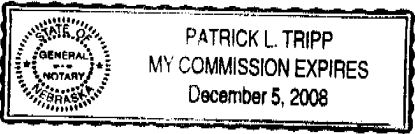
Daniel G Crouchley
Printed Name

Senior Vice President, General Counsel
Title

ACKNOWLEDGMENT

STATE OF NEBRASKA)
) ss
COUNTY OF DOUGLAS)

This Agreement was acknowledged before me on April 26, 2007,
by Daniel G. Croubley, Sr. V. Pres, General Counsel of Metropolitan
Utilities District, on behalf of the political subdivision.



(Signature)

Notary Public

DATED this 24th day of April, 2007.

GRANTOR:

LAVISTA LODGING INVESTORS, LLC,
a Wisconsin limited liability company,

By: OMAHA SW LODGING INVESTORS,
LLC, sole member
By: DSL Investments, LLC, managing member

(Signature)

Signature

Jeff Lenz

Printed Name

Sole Managing Member

Title

C

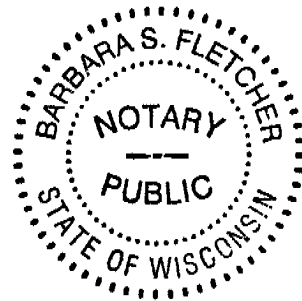
ACKNOWLEDGMENT

STATE OF WISCONSIN)
) ss
COUNTY OF DANE)

This Agreement was acknowledged before me on April 24, 2007,
by Jeff Lenz, Sole member of JSL Investments, LLC,
a managing member of Omaha
SW Lodging Investors, LLC, the sole member of Lavista Lodging Investors, LLC, on
behalf of the limited liability company.

Barbara S. Fletcher
Notary Public

My commission expires March 1, 2009



2007-12652 D

METROPOLITAN

UTILITIES
DISTRICT
OMAHA, NEBRASKA

EASEMENT
ACQUISITION

FOR
WC 10336

LAND OWNER
LAVista Lodging c/o North Central
Group Hotel Investors, LLC

1800 Aspen Commons Suite 200
Middleton, Wisconsin 53562-0894

TOTAL ACRE 0.54 ±
PERMANENT NA ±
TEMPORARY NA ±

LEGEND
PERMANENT EASEMENT [diagonal lines]
TEMPORARY EASEMENT [dotted pattern]

PAGE 1 OF 1

DRAWN BY MKM
DATE 1/19/2007
CHECKED BY MKM
DATE 1/19/2007
APPROVED BY MKM
DATE 1/19/2007
REVISED BY
DATE
REV. CHK'D. BY
DATE
REV. APPROV. BY
DATE

