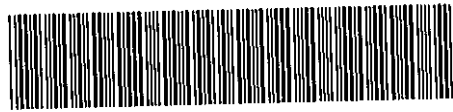


1261 233 MISC



12043 98 233-253

RICHARD N. TOMECH
REGISTER OF DEEDS
DOUGLAS COUNTY, NE

98 AUG 27 PM 3:22

RECEIVED

CHANNEL IMPROVEMENTS EASEMENT AGREEMENT DAM SITE 6 - BENNINGTON LAKE PROJECT

This Channel Improvements Easement Agreement (herein this "Easement Agreement") is made and entered into as of this 27th day of August, 1998, by and between the PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT (herein "the NRD"), HORGAN DEVELOPMENT COMPANY, a Nebraska corporation (herein "HDC"), and SANITARY AND IMPROVEMENT DISTRICT NO. 425 OF DOUGLAS COUNTY, NEBRASKA (herein "the SID").

Preliminary Statement

HDC is in the process of developing and platting a section of real property legally described as Section 9, Township 16 North, Range 11, East of the 6th P.M., Douglas County, Nebraska (herein the "Section 9 Property"), as part of a residential subdivision which will contain approximately two hundred ninety-four (294) residential lots. In conjunction with such development, HDC, the NRD and the SID are developing on the Section 9 Property and on adjacent property to the west, north, east and south, a dam, reservoir, and other improvements which will be a part of flood control facilities for the Big Papillion Creek Watershed. The entire project being undertaken by HDC, the NRD, and the SID is presently referred to as the Dam Site 6/Bennington Lake Project (herein the "Project").

HDC, the NRD, and the SID have entered into an Amended Agreement executed by the NRD on April 16, 1998, and by HDC and the SID on April 29, 1998 (herein the "Amended Agreement"). The Amended Agreement evidences the agreements and understandings between the NRD, HDC, and the SID concerning Project matters, including, without limitation, the construction, operation and maintenance of the Dam, the Reservoir, the Sediment Retention Structure, the Wetlands, the Trails System, the Channel Improvements, the Treatment Facility, the SID Open Space Improvements, the NRD Open Space Improvements, and the Fishing Facilities. The Amended Agreement further provides in Paragraphs 13 and 14 for certain land transfers. A Memorandum of the Amended Agreement was recorded with the Douglas County Register of Deeds on 8-27, 1998, in Book 1261, at Page 199.

12043
8-16-98
FEE 106
BR 9-15-11
DEL _____ SCAN dc FV _____
C/O _____ COMP MB

98250224-10

Immediately preceding the execution of this Easement Agreement, HDC, as Grantor, conveyed to the NRD by warranty deed the real property in Douglas County, Nebraska, which is legally described in Exhibits "C1A," "C1B," "C2," and "C3" attached hereto and incorporated herein by this reference. The real estate legally described in Exhibit "C1A" and "C1B" is hereinafter referred to as "the Dam Complex," the property legally described in Exhibit "C2" is hereinafter referred to as "the Improved Channel," and the property legally described in Exhibit "C3" is hereinafter referred to as "the Wetlands Complex."

In conjunction with the development of the Project, including the construction, maintenance and operation of the reservoir, dam, and other flood control improvements, it is necessary for HDC and the SID to reserve certain easements on, upon, across, and under the Dam Complex, Improved Channel, and Wetlands Complex. This Easement Agreement is entered into for purposes of reserving easements pertaining to the Improved Channel.

NOW, THEREFORE, in consideration of the foregoing, and for other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

ARTICLE I Channel Improvements Easements

A. The NRD hereby grants to HDC, and the successors and assigns of HDC, a perpetual right, privilege and easement to come upon and travel across that part of the Improved Channel as legally described on Exhibit "C4" attached hereto and incorporated herein by this reference.

B. The NRD hereby grants to the SID a temporary right, privilege and easement to construct the Channel Improvements contemplated by the Amended Agreement, on, across, upon, and under the Improved Channel, which easement will terminate upon certification of completion by the Engineers and final acceptance by the NRD of the contemplated improvements.

C. The NRD hereby grants to HDC, and the successors and assigns of HDC, a perpetual right, privilege and easement on, across, upon and under that part of the Improved Channel as legally described on Exhibit "C5," attached hereto and incorporated herein by this reference, to: (i) construct, operate, maintain, inspect, repair, and replace a weir and influent and effluent pipes which will be used to drain water from the Big Papillion Creek and pump water into the reservoir to be constructed on the Section 9 Property; and (ii) construct, operate, maintain, inspect, repair, and replace other improvements which may be necessary or appropriate for the operation of Treatment Facility which will be constructed, operated and maintained by HDC or the successors and assigns of HDC.

D. The NRD hereby grants to the SID and HDC, and their respective successors and assigns, a perpetual right, privilege and easement on, upon, across, and under that part of

the Improved Channel as legally described on Exhibit "C6," attached hereto and incorporated herein by this reference, to construct, operate, maintain, inspect, repair, and replace sanitary sewer, electricity, cable, gas, water, telephone, and other utilities and related facilities.

ARTICLE II Miscellaneous

A. Prior to performing any construction operation, maintenance, repair or replacement activity as described in the foregoing Article I which is not addressed by the Comprehensive Plan developed in accordance with the Amended Agreement (the "Comprehensive Plan") or the NRD approved Operations and Maintenance Manual (herein the "O&M Manual"), the SID or HDC, as applicable, shall give the NRD reasonable advance notice of the commencement of such activity, and shall prepare written plans and specifications, to be approved by the NRD in writing, for such activity, which approvals shall not be unreasonably withheld. Construction, operation, maintenance, repair or replacement activities, as described in the foregoing Article I, shall be performed in accordance with the Comprehensive Plan, O&M Manual or the respective plans and specifications, as applicable.

B. Nothing contained in this Easement Agreement shall be construed: (i) as limiting the right of the NRD to make necessary improvements or modifications to the Channel Improvements, provided, however, that prior to performing any improvements or modifications which are not contemplated by the Comprehensive Plan, the NRD shall give HDC and the SID reasonable advance notice of the commencement of such activity, shall prepare written plans and specifications for such improvements or modifications, and shall obtain the written approval of the plans and specifications by HDC or the board of directors for the homeowners association for the property in Section 9 which consent shall not be unreasonably withheld; (ii) as imposing a duty upon the NRD to operate, maintain, repair, or replace the aforementioned weir, influent and effluent pipes, or other portions of the Treatment Facilities or the aforementioned sanitary sewer, electricity, cable, gas, water, telephone and other utilities and related facilities; or (iii) imposing any duty upon the NRD to dredge or remove accumulated silt and other accumulated materials from the Channel Improvements or from the Reservoir.

C. HDC, at its own cost and expense, shall promptly repair any sloughing or erosion of the Channel Improvements caused solely by the operation, maintenance, repair or replacement of the Treatment Facility Improvements situated solely within or on that part of the Improved Channel as legally described on Exhibit "C5."

D. All construction, repair or replacement activities described in the foregoing Article I shall be performed in conformance with such permits as may be necessary and which shall be the acting party's duty to obtain.

E. The easements granted herein shall run with the land, inure to the benefit of, and be binding upon, the parties and their respective heirs, personal representatives, successors, and assigns.

F. No waiver of any breach of any of the easements or agreements contained in this Easement Agreement shall be construed as or constitute a waiver of any other breach, or a waiver, acquiescence or consent to any further or succeeding breach of the same or any other easement or agreement.

G. If any term or provision of this Easement Agreement shall, to any extent, be held invalid or unenforceable, the remaining terms and provisions of this Easement Agreement shall not be affected thereby, but each remaining term or provision shall be valid and enforced to the fullest extent permitted by law.

H. All terms of this Easement Agreement with an initial capitalized letter which are not otherwise defined herein, shall have the meaning ascribed to them by the Amended Agreement. This Easement Agreement shall be construed and enforced in accordance with the laws of the State of Nebraska.

IN WITNESS WHEREOF, the parties have executed this Easement Agreement to be effective as of the date and year first above written.

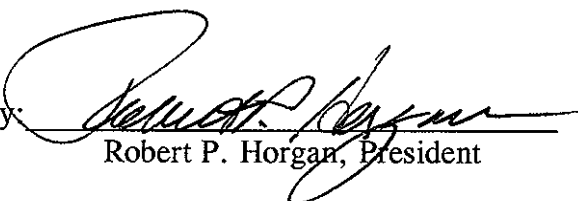
This Easement Agreement is executed by the NRD on this 26th day of August, 1998.

PAPIO-MISSOURI RIVER NATURAL
RESOURCES DISTRICT

By: 
Steven G. Oltmans, General Manager

This Easement Agreement is executed by HDC on this 13th day of August, 1998.

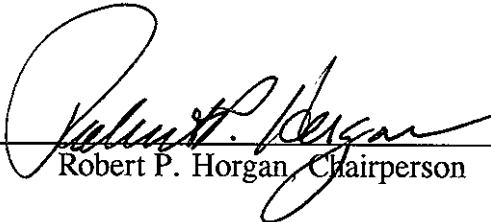
HORGAN DEVELOPMENT COMPANY,
a Nebraska corporation

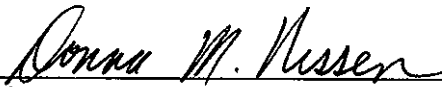
By: 
Robert P. Horgan, President

This Easement Agreement is executed by the SID on this 13th day of August, 1998.

SANITARY AND IMPROVEMENT
DISTRICT NO. 425 OF DOUGLAS
COUNTY, NEBRASKA

ATTEST:

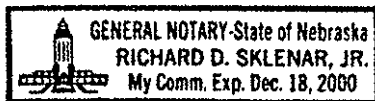
By: 
Robert P. Horgan, Chairperson

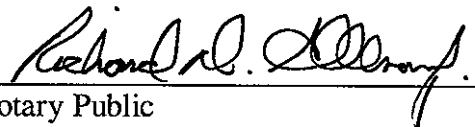

Clerk

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On this 26 day of AUGUST, 1998, before me, a Notary Public, personally came Steven G. Oltmans, General Manager of the PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT, to me personally known to be the identical person whose name is affixed to the above and foregoing instrument, and acknowledged the same to be his voluntary act and deed and the voluntary act and deed of said district.

WITNESS my hand and Notarial Seal the last date last aforesaid.

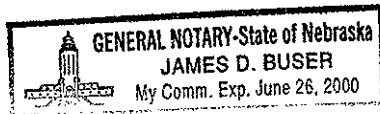



Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On this 13th day of August, 1998, Robert P. Horgan, President of HORGAN DEVELOPMENT COMPANY, a Nebraska corporation, to me personally known to be the identical person whose name is affixed to the above and foregoing instrument, and acknowledged the same to be his voluntary act and deed and the voluntary act and deed of said corporation.

WITNESS my hand and Notarial Seal the date last aforesaid.



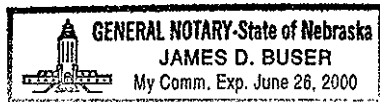
James D. Buser
Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

NOTARIAL SEAL AFFIXED
REGISTER OF DEEDS

On this 13th day of August, 1998, before me, a Notary Public, personally came Robert P. Horgan, Chairperson of the Board of Trustees of SANITARY AND IMPROVEMENT DISTRICT NO. 425 OF DOUGLAS COUNTY, NEBRASKA, to me personally known to be the identical person whose name is affixed to the above and foregoing instrument, and acknowledged the same to be his voluntary act and deed and the voluntary act and deed of said district.

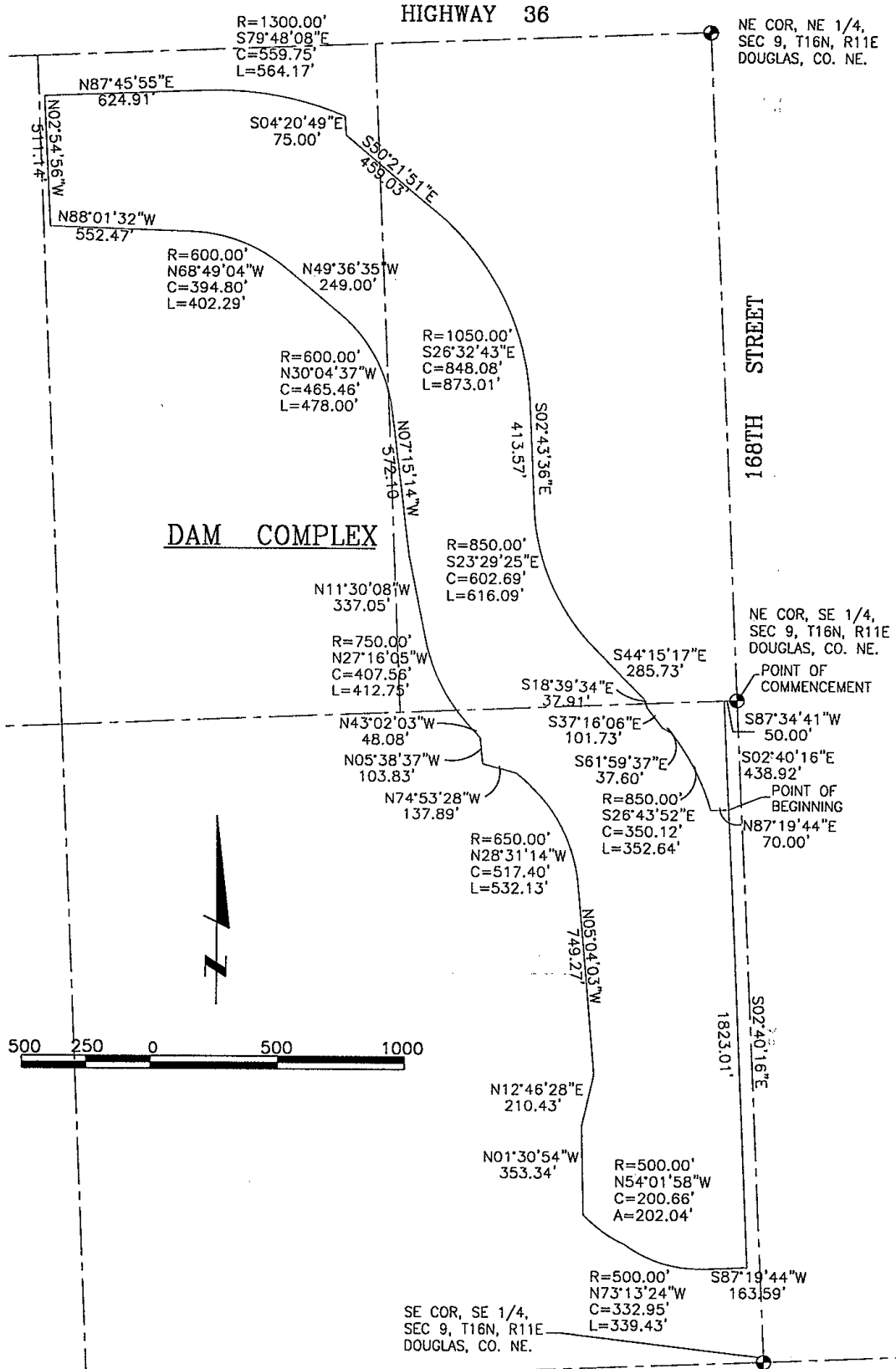
WITNESS my hand and Notarial Seal the last date last aforesaid.



James D. Buser
Notary Public

NOTARIAL SEAL AFFIXED
REGISTER OF DEEDS

EXHIBIT C1A



96009\9609L101 V1

BENNINGTON ROAD

PAGE 1 OF 2

Book _____ Page _____ Date JUNE 29, 1998 Dwn.By AET Job Number 96009.01-400

lamp, rynearson & associates, inc.
 engineers surveyors planners

14710 west dodge road, suite 100
 omaha, nebraska 68154-2029

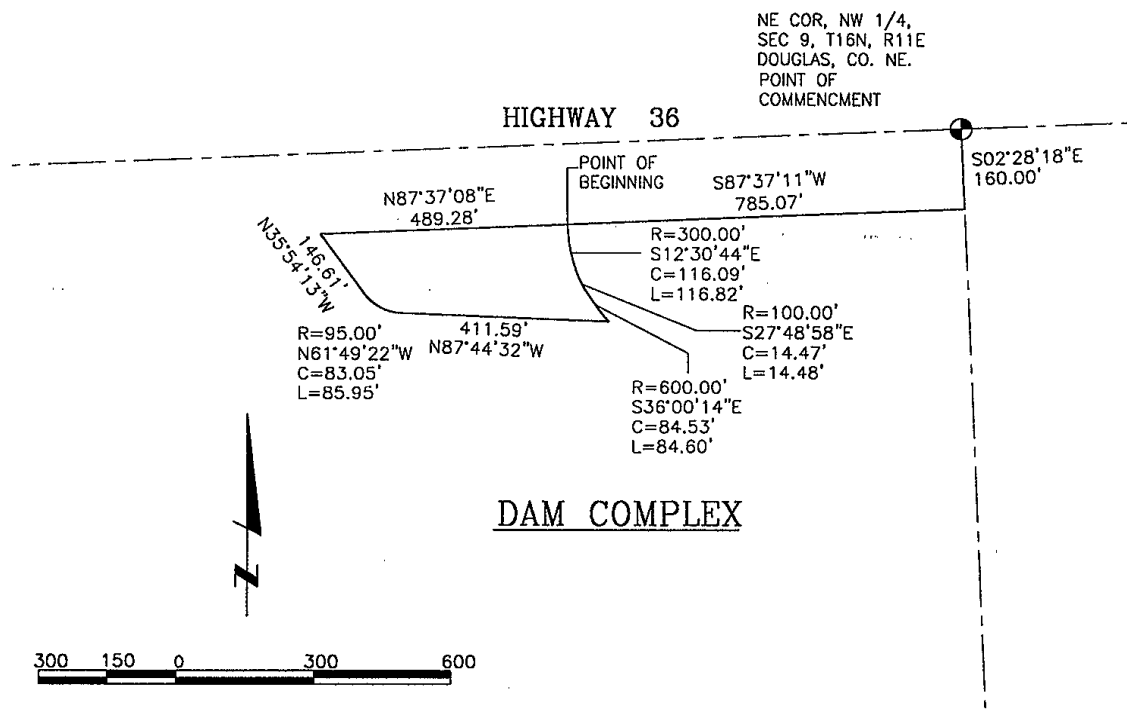
ph 402-496-2498
 fax 402-496-2730

LEGAL DESCRIPTION

That part of the East Half of Section 9, Township 16 North, Range 11 East of the 6th P.M., Douglas County, Nebraska, described as follows:
 Commencing at the northeast corner of the Southeast Quarter of Section 9;
 Thence South 87°34'41" West (assumed bearings) for 50.00 feet along the north line of the said Southeast Quarter of Section 9;
 Thence South 02°40'16" East for 438.92 feet parallel with and 50.00 feet west of the east line of the said Southeast Quarter of Section 9 to the TRUE POINT OF BEGINNING;
 Thence continuing South 02°40'16" East for 1823.01 feet parallel with and 50.00 feet west of the east line of the said Southeast Quarter of Section 9;
 Thence South 87°19'44" West for 163.59 feet;
 Thence along a curve to the right (having a radius of 500.00 feet and a long chord bearing North 73°13'24" West for 332.95 feet) for an arc length of 339.43 feet to a point in a non-radial curve;
 Thence along a curve to the right (having a radius of 500.00 feet and a long chord bearing North 54°01'58" West for 200.66 feet) for an arc length of 202.04 feet;
 Thence North 01°30'54" West for 353.34 feet;
 Thence North 12°46'28" East for 210.43 feet;
 Thence North 05°04'03" West for 749.27 feet;
 Thence along a curve to the left (having a radius of 650.00 feet and a long chord bearing North 28°31'14" West for 517.40 feet) for an arc length of 532.13 feet;
 Thence North 74°53'28" West for 137.89 feet;
 Thence North 05°38'37" West for 103.83 feet;
 Thence North 43°02'03" West for 48.08 feet;
 Thence along a curve to the right (having a radius of 750.00 feet and a long chord bearing North 27°16'05" West for 407.56 feet) for an arc length of 412.75 feet;
 Thence North 11°30'08" West for 337.05 feet;
 Thence North 07°15'14" West for 572.10 feet;
 Thence along a curve to the left (having a radius of 600.00 feet and a long chord bearing North 30°04'37" West for 465.46 feet) for an arc length of 478.00 feet;
 Thence North 49°36'35" West for 249.00 feet;
 Thence along a curve to the left (having a radius of 600.00 feet and a long chord bearing North 68°49'04" West for 394.80 feet) for an arc length of 402.29 feet;
 Thence North 88°01'32" West for 552.47 feet;
 Thence North 02°54'56" West for 511.14 feet;
 Thence North 87°45'55" East for 624.91 feet;
 Thence along a curve to the right (having a radius of 1300.00 feet and a long chord bearing South 79°48'08" East for 559.75 feet) for an arc length of 564.17 feet;
 Thence South 04°20'49" East for 75.00 feet;
 Thence South 50°21'51" East for 459.03 feet;
 Thence along a curve to the right (having a radius of 1050.00 feet and a long chord bearing South 26°32'43" East for 848.08 feet) for an arc length of 873.01 feet;
 Thence South 02°43'36" East for 413.57 feet;
 Thence along a curve to the left (having a radius of 850.00 feet and a long chord bearing South 23°29'25" East for 602.69 feet) for an arc length of 616.09 feet;
 Thence South 44°15'17" East for 285.73 feet;
 Thence South 18°39'34" East for 37.91 feet;
 Thence South 37°16'06" East for 101.73 feet;
 Thence South 61°59'37" East for 37.60 feet;
 Thence along a curve to the right (having a radius of 850.00 feet and a long chord bearing South 26°43'52" East for 350.12 feet) for an arc length of 352.64 feet;
 Thence North 87°19'44" East for 70.00 feet to the Point of Beginning.
 Contains 74.73 acres.

June 29, 1998
 LAMP, RYNEARSON & ASSOCIATES, INC.
 96009 (Dam Complex in E 1/2, 9-16-11)

NW }
 NE } NE }
 SW } SE }
 SE }



lamp, rynearson & associates, inc.
engineers surveyors planners

14710 west dodge road, suite 100
omaha, nebraska 68154-2029

ph 402-496-2498
fax 402-496-2730

LEGAL DESCRIPTION

That part of the Northwest Quarter of Section 9, Township 16 North, Range 11 East of the 6th P.M., Douglas County, Nebraska, described as follows:

Commencing at the northeast corner of the Northwest Quarter of Section 9;

Thence South 02°28'18" East (assumed bearings) for 160.00 feet along the east line of the Northwest Quarter of Section 9;

Thence South 87°37'11" West for 785.07 feet to the TRUE POINT OF BEGINNING;

Thence along a curve to the left (having a radius of 300.00 feet and a long chord bearing South 12°30'44" East for 116.09 feet) for an arc length of 116.82 feet;

Thence along a curve to the left (having a radius of 100.00 feet and a long chord bearing South 27°48'58" East for 14.47 feet) for an arc length of 14.48 feet;

Thence along a curve to the left (having a radius of 600.00 feet and a long chord bearing South 36°00'14" East for 84.53 feet) for an arc length of 84.60 feet;

Thence North 87°44'32" West for 411.59 feet;

Thence along a curve to the right (having a radius of 95.00 feet and a long chord bearing North 61°49'22" West for 83.05 feet) for an arc length of 85.95 feet;

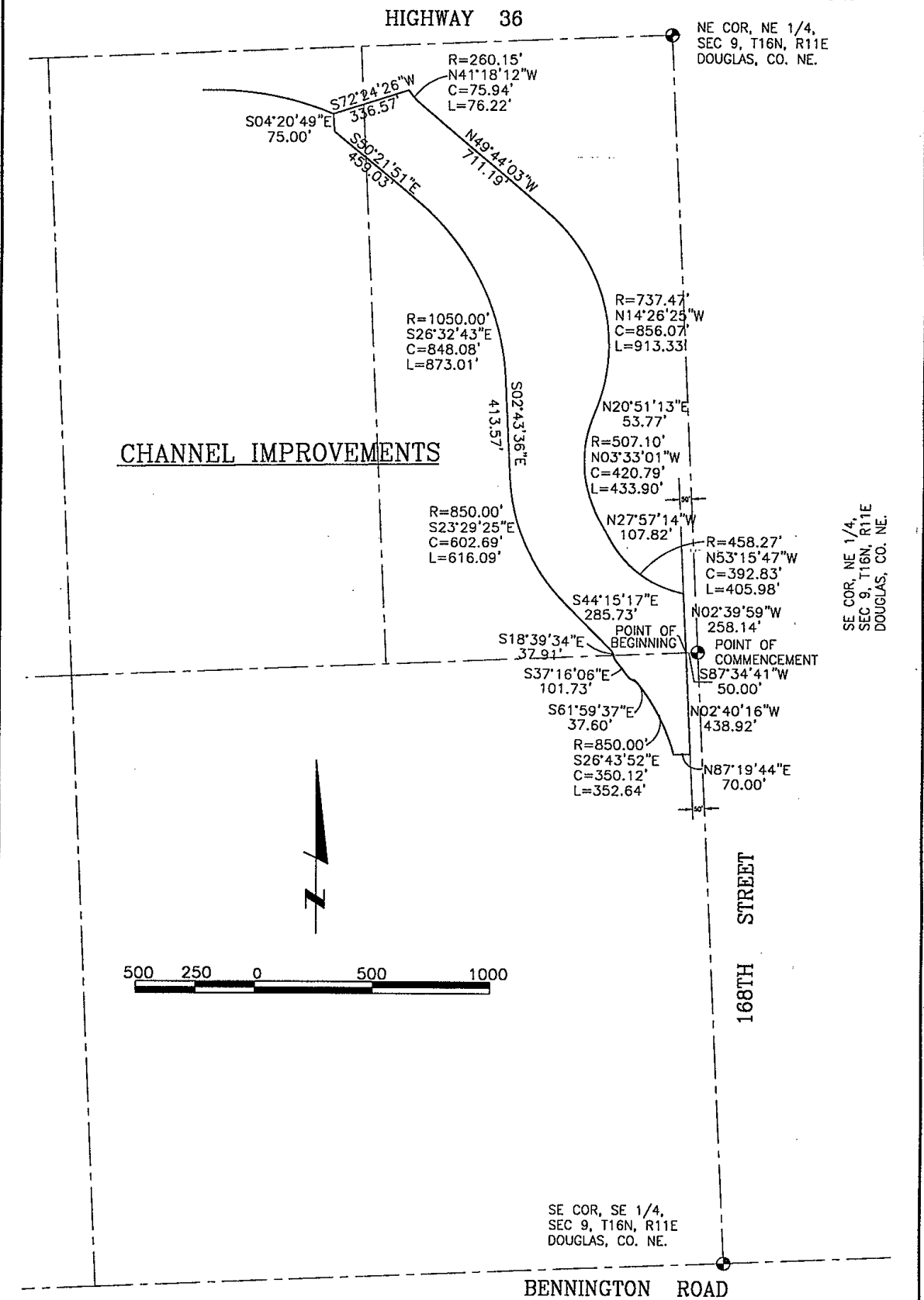
Thence North 35°54'13" West for 146.61 feet;

Thence North 87°37'08" East for 489.28 feet to the Point of Beginning.

Contains 1.84 acres.

NE NW

EXHIBIT C2



96009\9609L101 V2

PAGE 1 OF 2

Book _____ Page _____ Date JUNE 29, 1998 Dwn.By AET Job Number 96009.01-400

lamp, rynearson & associates, inc.
 engineers surveyors planners

14710 west dodge road, suite 100
 omaha, nebraska 68154-2029

ph 402-498-2498
 fax 402-498-2730

EXHIBIT C 2

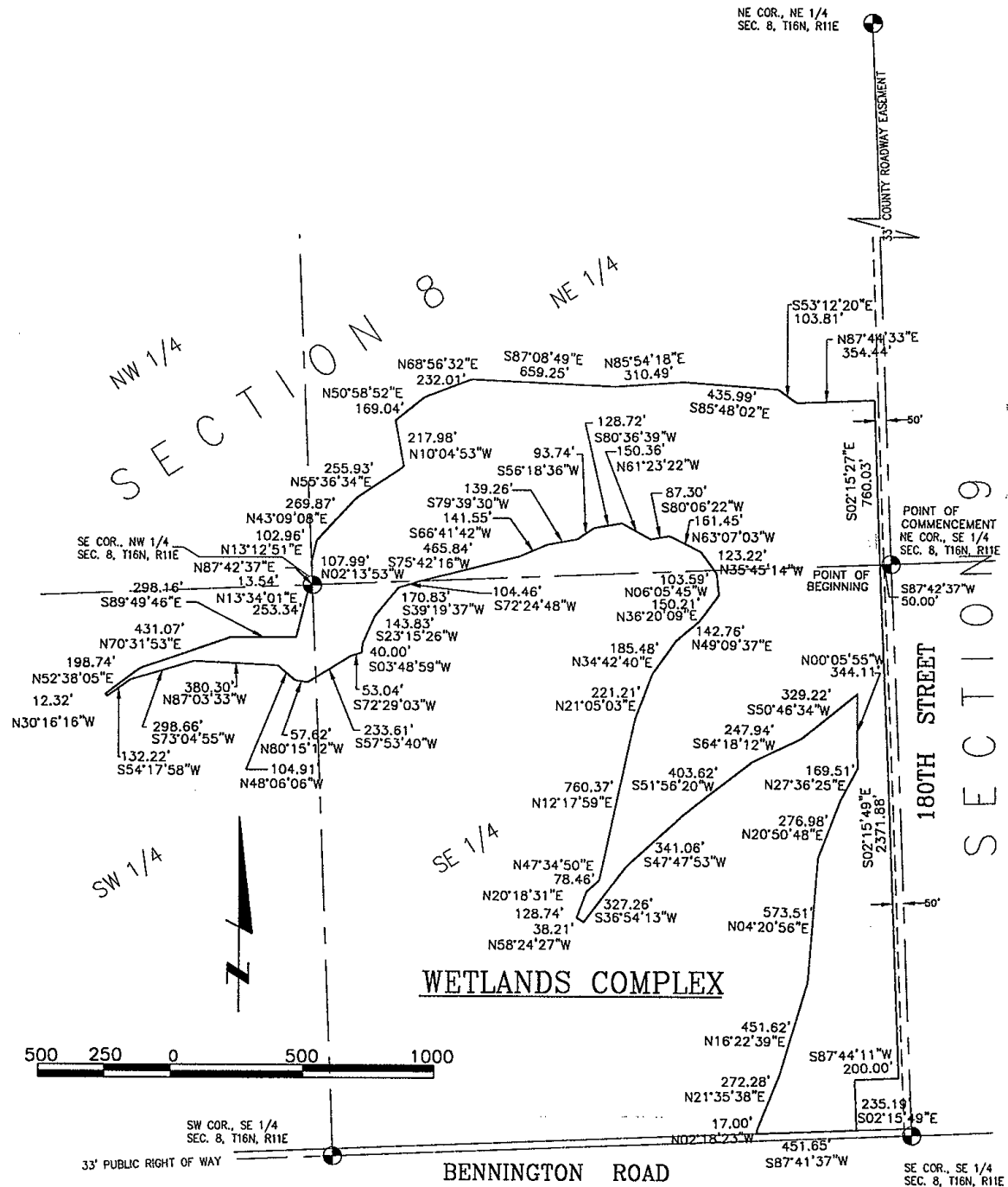
LEGAL DESCRIPTION

That part of the East Half of Section 9, Township 16 North, Range 11 East of the 6th P.M., Douglas County, Nebraska, described as follows:

Commencing at the southeast corner of the Northeast Quarter of Section 9;
Thence South 87°34'41" West (assumed bearings) for 50.00 feet along the south line of the said Northeast Quarter of Section 9 to the TRUE POINT OF BEGINNING;
Thence North 02°39'59" West for 258.14 feet parallel with and 50.00 feet west of the east line of the Northeast Quarter of Section 9;
Thence along a curve to the right (having a radius of 458.27 feet and a long chord bearing North 53°15'47" West for 392.83 feet) for an arc length of 405.98 feet;
Thence North 27°57'14" West for 107.82 feet;
Thence along a curve to the right (having a radius of 507.10 feet and a long chord bearing North 03°33'01" West for 420.79 feet) for an arc length of 433.90 feet;
Thence North 20°51'13" East for 53.77 feet;
Thence along a curve to the left (having a radius of 737.47 feet and a long chord bearing North 14°26'25" West for 856.07 feet) for an arc length of 913.33 feet;
Thence North 49°44'03" West for 711.19 feet;
Thence along a curve to the right (having a radius of 260.15 feet and a long chord bearing North 41°18'12" West for 75.94 feet) for an arc length of 76.22 feet;
Thence South 72°24'26" West for 336.57 feet;
Thence South 04°20'49" East for 75.00 feet;
Thence South 50°21'51" East for 459.03 feet;
Thence along a curve to the right (having a radius of 1050.00 feet and a long chord bearing South 26°32'43" East for 848.08 feet) for an arc length of 873.01 feet;
Thence South 02°43'36" East for 413.57 feet;
Thence along a curve to the left (having a radius of 850.00 feet and a long chord bearing South 23°29'25" East for 602.69 feet) for an arc length of 616.09 feet;
Thence South 44°15'17" East for 285.73 feet;
Thence South 18°39'34" East for 37.91 feet;
Thence South 37°16'06" East for 101.73 feet;
Thence South 61°59'37" East for 37.60 feet;
Thence along a curve to the right (having a radius of 850.00 feet and a long chord bearing South 26°43'52" East for 350.12 feet) for an arc length of 352.64 feet;
Thence North 87°19'44" East for 70.00 feet;
Thence North 02°40'16" West for 438.92 feet parallel with and 50.00 feet west of the east line of the Southeast Quarter of Section 9 to the Point of Beginning.
Contains 25.06 acres.

NW }
NE } NE SE
SE }

EXHIBIT C3



lamp, ryneason & associates, inc.
 engineers surveyors planners
 14710 west dodge road, suite 100 omaha, nebraska 68154-2029
 ph 402-496-2498 fax 402-496-2730

LEGAL DESCRIPTION

That part of the Southeast Quarter, Southwest Quarter AND Northeast Quarter of Section 8, Township 16 North, Range 11 East of the 6th P.M., Douglas County, Nebraska, described as follows:

Commencing at the northeast corner of the said Southeast Quarter of Section 8;

Thence South 87°42'37" West (assumed bearings) for 50.00 feet along the north line of the said Southeast Quarter of Section 8 to the TRUE POINT OF BEGINNING;

Thence South 02°15'49" East for 2371.88 feet parallel with and 50.00 feet west of the east line of the Southeast Quarter of Section 8;

Thence South 87°44'11" West for 200.00 feet;

Thence South 02°15'49" East for 235.19 feet to the north right of way line of Bennington Road;

Thence South 87°41'37" West for 451.65 feet along said north right of way line parallel with and 33.00 feet north of the south line of the said Southeast Quarter of Section 8;

Thence North 02°18'23" West for 17.00 feet;

Thence North 21°35'38" East for 272.28 feet;

Thence North 16°22'39" East for 451.62 feet;

Thence North 04°20'56" East for 573.51 feet;

Thence North 20°50'48" East for 276.98 feet;

Thence North 27°36'25" East for 169.51 feet;

Thence North 00°05'55" West for 344.11 feet;

Thence South 50°46'34" West for 329.22 feet;

Thence South 64°18'12" West for 247.94 feet;

Thence South 51°56'20" West for 403.62 feet;

Thence South 47°47'53" West for 341.06 feet;

Thence South 36°54'13" West for 327.26 feet;

Thence North 58°24'27" West for 38.21 feet;

Thence North 20°18'31" East for 128.74 feet;

Thence North 47°34'50" East for 78.46 feet;

Thence North 12°17'59" East for 760.37 feet;

Thence North 21°05'03" East for 221.21 feet;

Thence North 34°42'40" East for 185.48 feet;

Thence North 49°09'37" East for 142.76 feet;

Thence North 36°20'09" East for 150.21 feet;

Thence North 06°05'45" West for 103.59 feet;

Thence North 35°45'14" West for 123.22 feet;

Thence North 63°07'03" West for 161.45 feet;

Thence South 80°06'22" West for 87.30 feet;

Thence North 61°23'22" West for 150.36 feet;

Thence South 80°36'39" West for 128.72 feet;

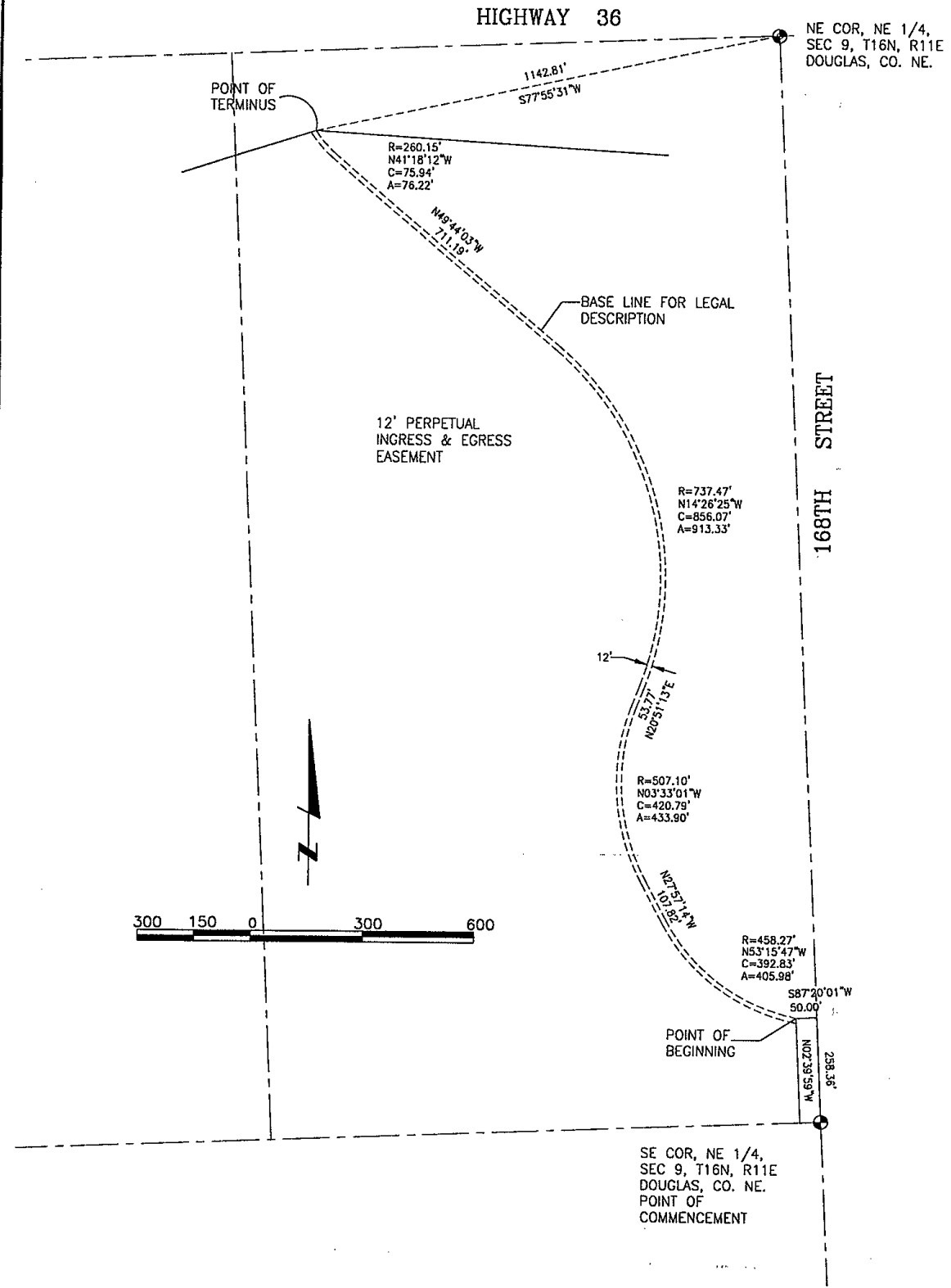
Thence South 56°18'36" West for 93.74 feet;

Thence South 79°39'30" West for 139.26 feet;

NW }
NE } SE
SW }
SE }
SW }
SE } NE

EXHIBIT C 3

Thence South 66°41'42" West for 141.55 feet;
Thence South 75°42'16" West for 465.84 feet;
Thence South 72°24'48" West for 104.46 feet;
Thence South 39°19'37" West for 170.83 feet;
Thence South 23°15'26" West for 143.83 feet;
Thence South 03°48'59" West for 40.00 feet;
Thence South 72°29'03" West for 53.04 feet;
Thence South 57°53'40" West for 233.61 feet;
Thence North 80°15'12" West for 57.62 feet;
Thence North 48°06'06" West for 104.91 feet;
Thence North 87°03'33" West for 380.30 feet;
Thence South 73°04'55" West for 298.66 feet;
Thence South 54°17'58" West for 132.22 feet;
Thence North 30°16'16" West for 12.32 feet;
Thence North 52°38'05" East for 198.74 feet;
Thence North 70°31'53" East for 431.07 feet;
Thence South 89°49'46" East for 298.16 feet;
Thence North 13°34'01" East for 253.34 feet to the north line of the said Southwest Quarter of Section 8;
Thence North 87°42'37" East for 13.54 feet to the northeast corner of the said Southwest Quarter of Section 8;
Thence North 02°13'53" West for 107.99 feet along the west line of the said Northeast Quarter of Section 8;
Thence North 13°12'51" East for 102.96 feet;
Thence North 43°09'08" East for 269.87 feet;
Thence North 55°36'34" East for 255.93 feet;
Thence North 10°04'53" West for 217.98 feet;
Thence North 50°58'52" East for 169.04 feet;
Thence North 68°56'32" East for 232.01 feet ;
Thence South 87°08'49" East for 659.25 feet;
Thence North 85°54'18" East for 310.49 feet;
Thence South 85°48'02" East for 435.99 feet;
Thence South 53°12'20" East for 103.81 feet;
Thence North 87°44'33" East for 354.44 feet;
Thence South 02°15'27" East for 760.03 feet parallel with and 50.00 feet west of the east line of the Northeast Quarter of Section 8 to the Point of Beginning.
Contains 84.24 acres.



lamp, rynearson & associates, inc.
 engineers surveyors planners

14710 west dodge road, suite 100 ph 402-496-2498
 omaha, nebraska 68154-2029 fax 402-496-2730

LEGAL DESCRIPTION

A twelve foot (12.00') wide strip over that part of the Northeast Quarter of Section 9, Township 16 North, Range 11 East of the 6th P.M., Douglas County, Nebraska, the north and east line of which is described as follows:

Commencing at the southeast corner of the said Northeast Quarter of Section 9;

Thence North 02°39'59" West (assumed bearings) for 258.36 feet along the east line of the said Northeast Quarter of Section 9;

Thence South 87°20'01" West for 50.00 feet to the TRUE POINT OF BEGINNING;

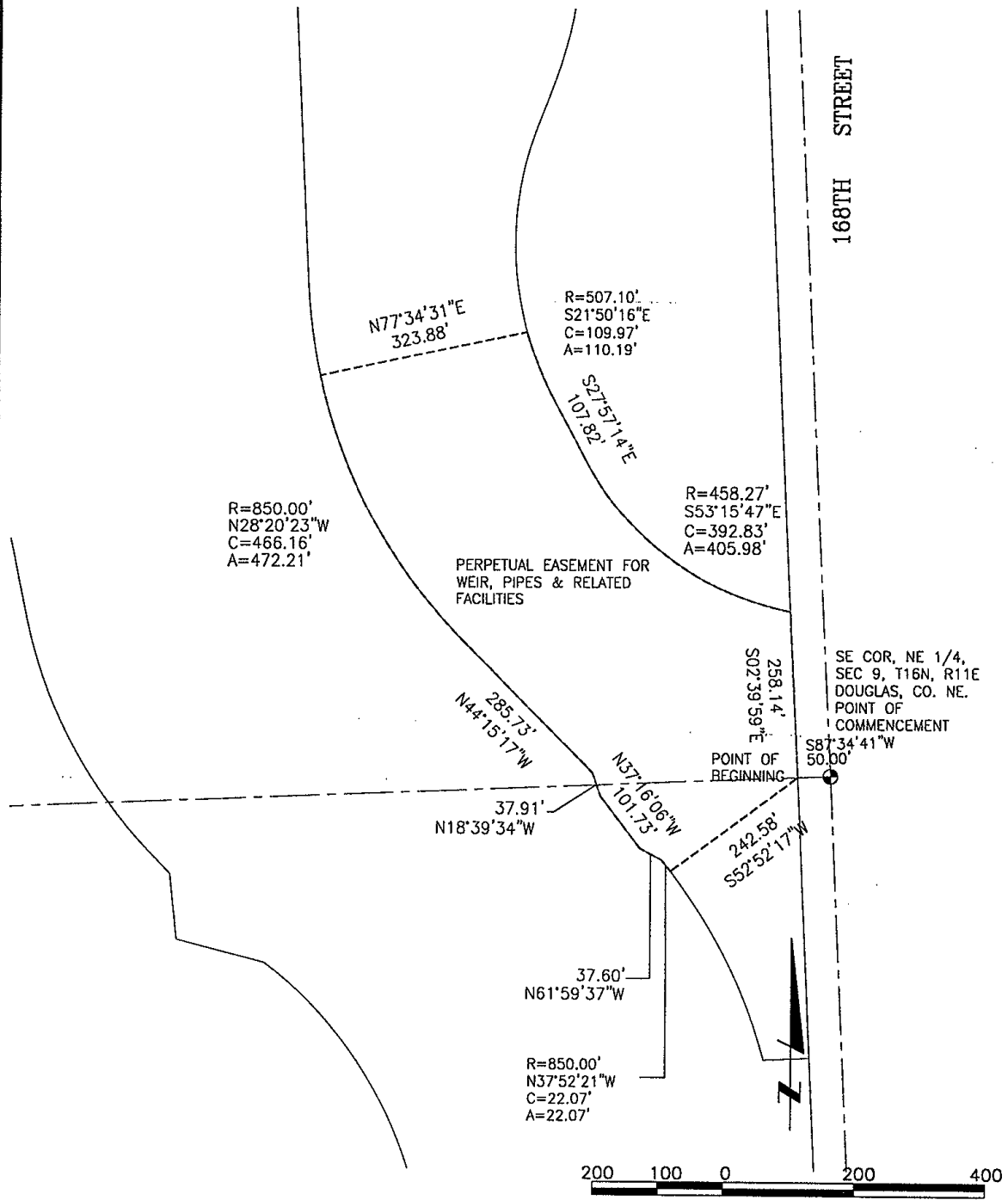
Said strip lying twelve foot (12') west and south of the following described line for the next seven (7) courses:

- 1) Thence along a curve to the right (having a radius of 458.27 feet and a long chord bearing North 53°15'47" West for 392.83 feet) for an arc length of 405.98 feet;
- 2) Thence North 27°57'14" West for 107.82 feet;
- 3) Thence along a curve to the right (having a radius of 507.10 feet and a long chord bearing North 03°33'01" West for 420.79 feet) for an arc length of 433.90 feet;
- 4) Thence North 20°51'13" East for 53.77 feet;
- 5) Thence along a curve to the left (having a radius of 737.47 feet and a long chord bearing North 14°26'25" West for 856.07 feet) for an arc length of 913.33 feet;
- 6) Thence North 49°44'03" West for 711.19 feet;
- 7) Thence along a curve to the right (having a radius of 260.15 feet and a long chord bearing North 41°18'12" West for 75.94 feet) for an arc length of 76.22 feet to the POINT OF TERMINUS.

Said Point of Terminus lying South 77°55'31" West for 1142.81 feet from the northeast corner of the said Northeast Quarter of Section 9.

NE } SE
SE }
NW } NE
NE }
SW }
SE }


EXHIBIT C5



96009\9609L102 V1

PAGE 1 OF 2

Book _____ Page _____ Date JUNE 29, 1998 Dwn.By AET Job Number 96009.01-400


lamp, rynearson & associates, inc.
 engineers surveyors planners

14710 west dodge road, suite 100
 omaha, nebraska 68154-2029

ph 402-496-2498
 fax 402-496-2730

LEGAL DESCRIPTION

That part of the East Half of Section 9, Township 16 North, Range 11 East of the 6th P.M., Douglas County, Nebraska, described as follows:

Commencing at the southeast corner of the Northeast Quarter of Section 9;

Thence South 87°34'41" West (assumed bearings) for 50.00 feet to the TRUE POINT OF BEGINNING;

Thence South 52°52'17" West for 242.58 feet radial to the following curve;

Thence along a curve to the left (having a radius of 850.00 feet and a long chord bearing North 37°52'21" West for 22.07 feet) for an arc length of 22.07 feet;

Thence North 61°59'37" West for 37.60 feet;

Thence North 37°16'06" West for 101.73 feet;

Thence North 18°39'34" West for 37.91 feet;

Thence North 44°15'17" West for 285.73 feet;

Thence along a curve to the right (having a radius of 850.00 feet and a long chord bearing North 28°20'23" West for 466.16 feet) for an arc length of 472.21 feet;

Thence North 77°34'31" East for 323.88 feet;

Thence along a curve to the left (having a radius of 507.10 feet and a long chord bearing South 21°50'16" East for 109.97 feet) for an arc length of 110.19 feet;

Thence South 27°57'14" East for 107.82 feet;

Thence along a curve to the left (having a radius of 458.27 feet and a long chord bearing South 53°15'47" East for 392.83 feet) for an arc length of 405.98 feet;

Thence South 02°39'59" East for 258.14 feet parallel with and 50.00 feet west of the east line of the Northwest Quarter of Section 9 to the Point of Beginning.

Contains 6.65 acres.

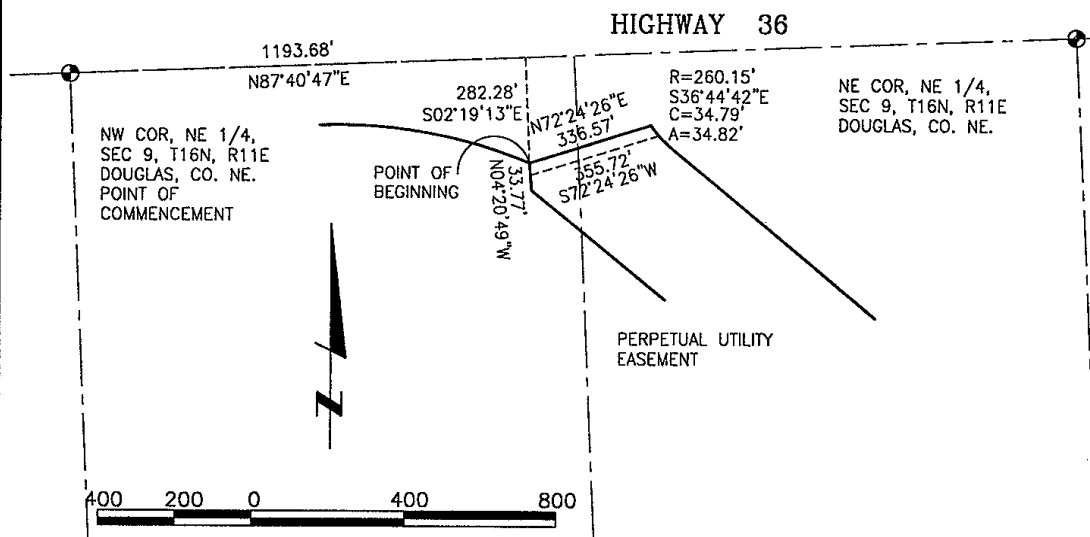
SE NE
NE SE

June 29, 1998

LAMP, RYNEARSON & ASSOCIATES, INC.

96009


(Pipe and Weir Easement granted by P/MR NRD)



96009\9609L102 V8

PAGE 1 OF 2

Book _____ Page _____ Date JUNE 29, 1998 Dwn.By AET Job Number 96009.01-400


lamp, rynearson & associates, inc.
 engineers surveyors planners

14710 west dodge road, suite 100
 omaha, nebraska 68154-2029

ph 402-496-2498
 fax 402-496-2730

LEGAL DESCRIPTION

That part of the Northeast Quarter of Section 9, Township 16 North, Range 11 East of the 6th P.M., Douglas County, Nebraska, described as follows:
Commencing at the northwest corner of the said Northeast Quarter of Section 9;
Thence North 87°40'47" East for 1193.68 feet along the north line of the Northeast Quarter of Section 9;
Thence South 02°19'13" East for 282.28 feet to the TRUE POINT OF BEGINNING;
Thence North 72°24'26" East for 336.57 feet;
Thence along a curve to the left (having a radius of 260.15 feet and a long chord bearing South 36°44'42" East for 34.79 feet) for an arc length of 34.82 feet;
Thence South 72°24'26" West for 355.72 feet;
Thence North 04°20'49" West for 33.77 feet to the POINT OF TERMINUS.
Said Point of Terminus lying South 79°00'56" West for 1226.60 feet from the northwest corner of the said Northeast Quarter of Section 9.
Contains 0.26 acre.

NW }
NE } NE