



MISC 2009045753



MAY 08 2009 10:52 P 5

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 FEE 25.00 FV 9-6000
 Y BKP 11-15-10 C/O _____ COMP _____
 DEL _____ SCAN _____ FV _____

Received - DIANE L. BATTIATO
 Register of Deeds, Douglas County, NE
 5/8/2009 10:52:30.42

 2009045753

COVENANT OF DEDICATION

Gottsch Feeding Corp. now stipulates to the following statements of fact, and further agrees to restrict the use and title of the realty described in Attachment 1 to this document (hereinafter referred to as the "Land") in accordance with the terms and conditions set forth herein.

STIPULATIONS OF FACT

1. That Gottsch Enterprises is the applicant for Department of the Army permit number NE 2005-10416 to place fill material in the wetlands located in the vicinity of the southwest quarter of Sec. 18, T15N, R11E, Douglas County, Nebraska; and that the U.S. Army Corps of Engineers has regulatory jurisdiction over the discharge of dredged or fill material into said wetlands pursuant to Section 404 of the Clean Water Act (33 USC 1344).
2. That Gottsch Feeding Corp. is the owner in fee of the real estate described in Attachment 1.
3. That Gottsch Enterprises and the Omaha District of the U.S. Army Corps of Engineers have reached an agreement whereby Gottsch Enterprises will be permitted to discharge fill material in wetlands in accordance with the terms and conditions of Department of the Army permit number NE 2005-10416; and that in consideration for said discharge of fill material in the wetland, Gottsch Feeding Corp. will provide mitigation for the adverse environmental effects resulting from the placement of fill material in the wetland by dedicating the realty described in Attachment 1 for perpetual use as a conservancy area in accordance with the terms and conditions of this document and the above-mentioned permit.
4. That the above-mentioned dedication shall consist of the execution of this document by all parties necessary to restrict the use and title of the land; and that this document shall be recorded in the Office of the Register of Deeds for Douglas County, Nebraska.
5. That upon receipt of a certified copy of this document, as recorded in the Office of the County Register of Deeds for Douglas County, Nebraska, the District Engineer of the Omaha District of the U.S. Army Corps of Engineers will issue a validated permit, number NE 2005-10416 to Gottsch Enterprises; and that said permit shall be issued in consideration for the execution of this Covenant.
6. That the terms and conditions of this Covenant of Dedication shall, as of the date of execution of this document, bind Gottsch Feeding Corp. to the extent of their legal and/or equitable interest in the land; and that this Covenant shall run with the land and be binding on Gottsch Feeding Corp. and its successors and assigns forever.
7. That the terms and conditions of this Covenant shall be both implicitly and explicitly included in any transfer, conveyance, or encumbrance of the Land or any part thereof, and that any instrument of transfer, conveyance, or encumbrance affecting all or any part of the Land shall set forth the terms and conditions of this document either by reference to this document or set forth in full text.

DEED AND USE RESTRICTIONS

Gottsch Feeding Corp. hereby warrants that they are the owner in fee of the realty described in Attachment 1; and that the Land is hereby dedicated in perpetuity for use as a conservancy area.

Gottsch Feeding Corp. hereby agrees to restrict the use and title of the Land as follows:

- A. There shall be no construction or placement of buildings or mobile homes, fences, signs (excepting those perimeter signs required by the Corps of Engineers), billboards or other advertising material, or other structures, whether temporary or permanent, on the land.
- B. There shall be no filling, draining, excavating, dredging, mining, drilling, or removal of topsoil, loam, peat, sand, gravel, rock, minerals, or other materials.
- C. There shall be no building of roads or paths for vehicular or pedestrian travel or any change in the topography of the land.
- D. During the establishment of native grasses, spraying, mowing, and other mechanical means may be used to control noxious weeds and invasive annual species. After establishment of native grasses, noxious weeds will continue to be controlled through chemical or mechanical means. The buffer zone and stream banks may be mowed annually between July 15 and the start of the next growing season if necessary for maintenance.
- E. No motorized vehicles will be allowed within the buffer zone and stream banks except for those that are used for mowing or spraying noxious weeds.
- F. There shall be no grazing of animals, farming, tilling of soil, or other agricultural activity in the buffer zone or stream bank areas.
- G. The easement or deed restriction document, etc., may be changed modified or revoked only upon written approval of the District Engineer of the Omaha District of the US Army Corps of Engineers. To be effective, such approval must be witnessed, authenticated, and recorded pursuant to the law of the State of Nebraska. The appropriate documents shall be reviewed by the Corps of Engineers prior to signature to assure compliance with permit conditions.

This Covenant needs to be reviewed by the Corps of Engineers prior to signature to assure compliance with permit conditions.

COE representative's initial

LB

H. This Covenant is made in perpetuity such that the present owner and its heirs and assigns forever shall be bound by the terms and conditions set forth herein.

GOTTSCH FEEDING CORP.

By: _____

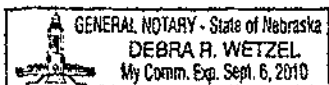
Brett A. Gottsch, President

Executed before me this 6th day of May, 2009, by Brett A. Gottsch, who is personally known to me to be the President of Gottsch Feeding Corp.

Debra R. Wetzel
Notary Public

My commission expires

9-6-2010



LEGAL DESCRIPTION

A PERMANENT EASEMENT TO GOTTSCH FEEDING CORP. FOR USE AS A CONSERVANCY AREA OVER PART OF THE SOUTH HALF OF SECTION 11, TOWNSHIP 15 NORTH, RANGE 10 EAST OF THE 6TH P.M. DOUGLAS COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 11; THENCE NORTH 2°28'33" WEST (ASSUMED BEARING) FOR 99.91 FEET ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE NORTH 88°17'34" EAST FOR 20.55 FEET PARALLEL TO THE SOUTH LINE OF SAID SOUTHEAST QUARTER TO THE POINT OF BEGINNING; THENCE NORTH 61°58'10" EAST FOR 148.15 FEET; THENCE ALONG A CURVE TO THE LEFT (HAVING A RADIUS OF 345.00 FEET AND A LONG CHORD BEARING NORTH 32°06'35" EAST FOR 343.54 FEET) FOR AN ARC LENGTH OF 359.60 FEET; THENCE NORTH 2°14'59" EAST FOR 129.36 FEET TO A POINT ON THE ADJACENT UNION PACIFIC RAILROAD PROPERTY LINE; THENCE NORTH 41°45'14" WEST FOR 130.63 FEET ALONG SAID PROPERTY LINE; THENCE NORTH 3°13'28" EAST FOR 120.62 FEET ALONG SAID PROPERTY LINE; THENCE NORTH 74°40'50" WEST FOR 167.22 FEET; THENCE ALONG A CURVE TO THE RIGHT (HAVING A RADIUS OF 1504.52 FEET AND A LONG CHORD BEARING SOUTH 43°11'03" WEST FOR 829.96 FEET) FOR AN ARC LENGTH OF 840.86 FEET; THENCE SOUTH 1°52'56" EAST FOR 229.66 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF BLONDO STREET; THENCE NORTH 88°07'04" EAST FOR 290.00 FEET ALONG SAID NORTHERLY RIGHT OF WAY TO A POINT ON THE ADJACENT UNION PACIFIC RAILROAD PROPERTY LINE; THENCE NORTH 50°28'41" EAST FOR 195.96 FEET ALONG SAID PROPERTY LINE; THENCE SOUTH 39°31'19" EAST FOR 66.72 FEET ALONG SAID PROPERTY LINE TO THE POINT OF BEGINNING.

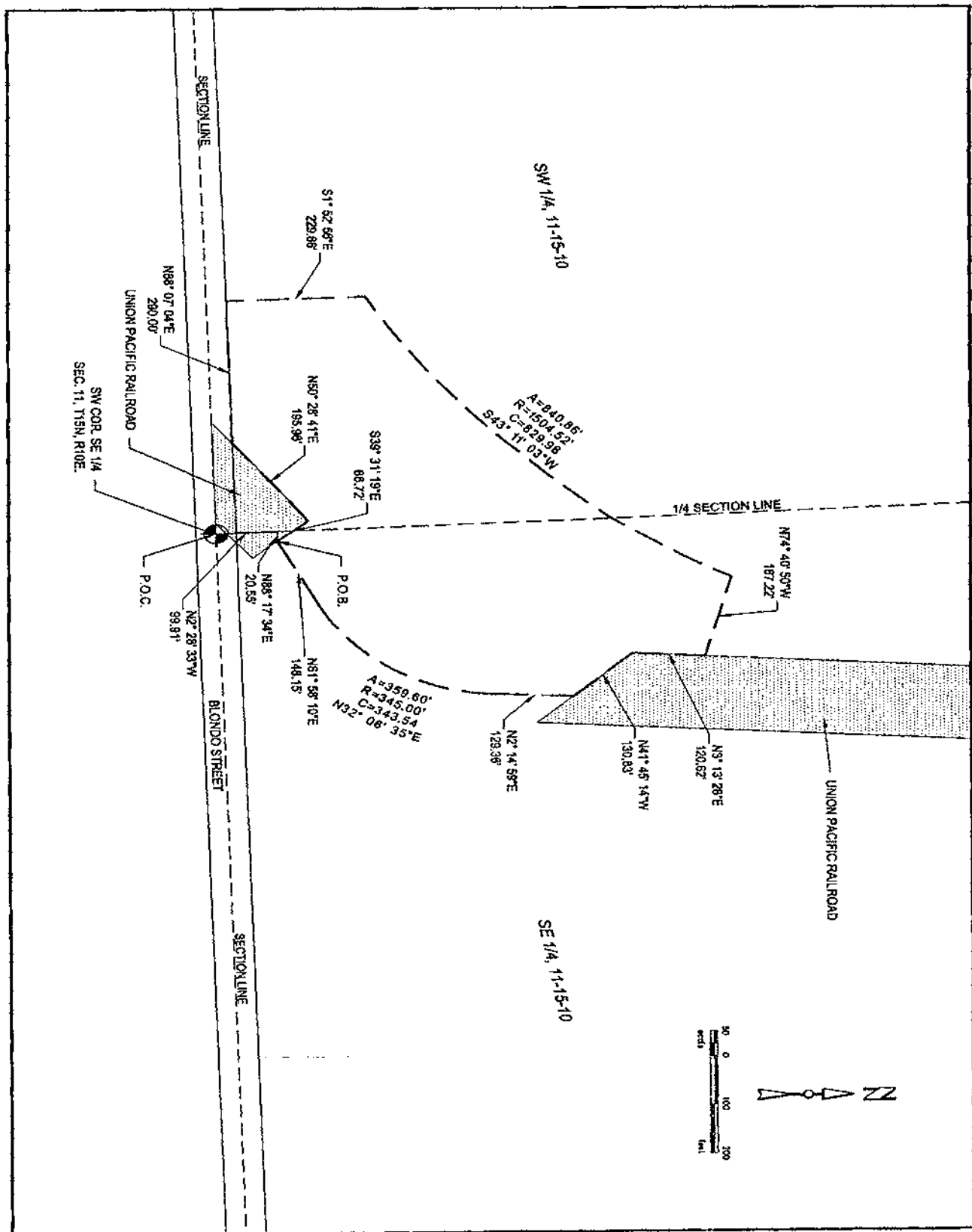
SAID EASEMENT CONTAINS AN AREA OF 370,538 SQUARE FEET (8.51 ACRES), MORE OR LESS.

HIGHPOINT REPLAT 7
OMAHA, NEBRASKA
GOTTSCH LAND CO.
PERMANENT EASEMENT

PROJECT	05017		
SHEET	1 OF 2		
20-09-2009	MR	DHP	CAC
DATE	DRAWN	DESIGN	CHECK

UNITED ENGINEERING
Surveying & Engineering Services

30527 NICHOLAS CIRCLE • OMAHA, NE 68122 • (402) 793-6476



HIGHPOINT REPLAT 7
OMAHA, NEBRASKA
GOTTSCHE LAND CO.
PERMANENT EASEMENT

PROJECT #		05017	
SHEET		2 OF 2	
03-05-2000	ENG	DRP	CAC
DATE	DRAWN	DESIGN	CHECK

UNITED ENGINEERING
Surveying & Engineering Services

20607 NICHOLAS CIRCLE • OMAHA, NE 68132 • (402) 763-8478