

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: _____

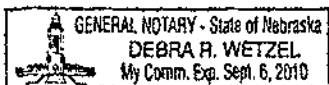
Brett A. Gottsch, President

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

