

AMENDMENT TO ANNEXATION AGREEMENT

THIS AMENDMENT TO ANNEXATION AGREEMENT (the "Amendment") is made and entered into as of the ___ day of _____ 2009 by and between by and between the **CITY OF LINCOLN, NEBRASKA**, a municipal corporation (the "City"); **FIRETHORN GOLF COMPANY, L.L.C.**, a Nebraska limited liability company; and **FIRETHORN UTILITY SERVICE COMPANY** (hereinafter "FUSC"). Firethorn Golf Company, L.L.C. and FUSC are hereinafter collectively referred to as "Firethorn."

RECITALS

WHEREAS, the City and Firethorn entered into an Annexation Agreement dated June 13, 2007 (the "Agreement"), with respect to the real property legally described therein (the "Property"); and

WHEREAS, the City and Firethorn desire to amend the Agreement to revise the terms set forth therein with respect to the water distribution system, subject to the terms and conditions set forth herein.

NOW THEREFORE, in consideration of the foregoing Recitals and the mutual promises and agreements set forth in the Agreement, and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, and intending to be legally bound, the parties agree as follows:

1. Defined Terms. All capitalized terms not otherwise defined herein shall have the meaning ascribed to such term(s) in the Agreement.

2. Water. Section 5(a) of the Agreement is hereby deleted in its entirety and replaced with the following:

(a) Water System. Firethorn shall construct the water distribution system to serve the Property as shown on Attachment B attached hereto and incorporated herein by this reference, including a 16-inch water main in Pioneers Boulevard from 85th Street to 95th Street adequate to loop all parts of the system serving the Property. Attachment B reflects (i) the new water mains to be constructed (Attachment B-1), (ii) the existing water mains to remain (Attachment B-2), and (iii) the existing water mains to be abandoned (Attachment B-3). At such time as City water begins to flow through such existing water mains, FUSC shall be deemed to have transferred ownership thereof to the City. The City agrees to accept ownership of the existing water mains to remain as shown on Attachment B-2 and incorporate such mains into the City's water distribution system. The City agrees to permit branched service lines for Lots 9 through 24, Block 2, Firethorn 2nd Addition and Lots 5, 6 and 7, Block 1, Firethorn 15th Addition. Notwithstanding the foregoing, all service connections to the water main which do not conform to City standards shall be required to be replaced by the homeowner. Firethorn shall cause all service connections to be inspected by excavating at the curb stop to determine the type of material of the service line. In the event the water service pipe is copper the connection will be deemed to

meet City standards. If the water service pipe is not copper, Firethorn shall excavate further to confirm whether the connection to the water main meets City standards. If the connection does not meet City standards the water service shall be reconstructed from the water main to the curb stop.

The design, including a street grade study in Pioneers Boulevard to determine an acceptable location for installation of the 16" main with respect to future street alignment and grades, shall be performed under design contracts approved by Public Works Engineering Services. The construction shall be performed under the City's Executive Order process for Public Facilities. All costs to construct the water distribution system and connect the Property to the City water system shall be borne by Firethorn, except that the City agrees to subsidize Firethorn for the costs of the 12-inch water main in the amount of \$67,639.30 for Phase I (88th Street) and \$89,910.70 for Phase II (Firethorn) within sixty (60) days following completion of construction of the 12-inch water mains (except for the City's fixed fee for engineering services). The City also agrees to reimburse Firethorn for the cost of the street grade study in the amount of \$47,000 and construction of the 16-inch water main in the amount of \$199,084 from Directed Water Distribution and/or Arterial Street Impact Fees, as appropriate, from existing and new residences within the Property, and any additional property developed which is served by such 16-inch water main. Reimbursement with respect to the cost of the street grade study and the 16-inch water main shall be subject to the following conditions:

- (i) The reimbursement shall be paid quarterly from the Water Distribution Impact Fees and/or Arterial Street Impact Fees, as appropriate, collected from the Property;
- (ii) Firethorn shall not be entitled to any reimbursement of said costs in excess of the Water Distribution Impact Fees and/or Arterial Street Impact Fees, as appropriate, actually received; and
- (iii) Any reimbursement to be paid from such Impact Fees shall not constitute a general obligation of the City.

Notwithstanding the foregoing, the City agrees to use its best efforts to reimburse Firethorn for the cost of the street grade study and 16-inch water main within seven (7) years from the date the Property is annexed if funding for such improvements is included in the City's Six-Year Capital Improvement Program. Firethorn understands and agrees that if the amount of construction of any portion of the water mains performed under the City's Executive Order process for Public Facilities exceeds \$100,000, the contract for the construction of that portion of the water mains shall be awarded only after competitive bidding in accordance with City procedures. Firethorn agrees to complete said work on or before October 1, 2009.

3. Private Water Distribution System. Section 5(d) of the Agreement is hereby deleted in its entirety and replaced with the following:

(d) Private Water Distribution System. FUSC may convert the existing heat pump return main system into a private water distribution system to be owned, maintained and operated by FUSC, but only for irrigation (including the use thereof as a supply source for the irrigation pond located on the golf course), restrooms, swimming pool, and heat pump use; provided, however, that the use of such private water distribution system for residential purposes shall be discontinued not later than October 1, 2029. Every property connected to the private water systems for either irrigation or heat pump purposes shall have a backflow preventer installed behind the new water meter at no cost to the City. A backflow preventer shall also be required for any property served by a private well, in addition to the City's public water system. After the use of the private system for residential purposes is discontinued, Firethorn shall be permitted to continue to use the private water distribution system for irrigation of the golf course (including as a supply source for the irrigation pond), restrooms, swimming pool, and heat pump use associated with the clubhouse. Until such time as the use of the private system for residential purposes is discontinued, Firethorn shall indemnify and hold the City harmless from and against all claims, liabilities, and expenses relating to accidents, injuries, loss, or damage to any person or property arising from or in any manner relating to the use of such private water distribution system, except as may result from the negligence or intentional misconduct of the City.

4. Easements. Section 5(e) of the Agreement is hereby amended to provide that Firethorn shall grant easements to the City, without cost, for the public water distribution system as reflected on Attachments B-1 and B-2.

5. Sanitary Sewer. The last sentence of Section 4(b) of the Agreement is revised to provide that the change in billing is estimated to occur in Fall 2009 with wastewater fees based on the 2008-09 winter water usage.

6. Roads. Section 6(a) of the Agreement is hereby amended to provide that Firethorn shall complete construction of the intersection improvements described therein by November 30, 2009.

7. Full Force and Effect. Except as amended by this Amendment, the Agreement is and shall remain in full force and effect.

8. Counterparts. This Amendment may be executed in counterparts, each of which shall be deemed an original but all of which shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed on the date first written above.

CITY OF LINCOLN, NEBRASKA,
a municipal corporation

By: _____
Chris Beutler, Mayor of Lincoln

FIRETHORN GOLF COMPANY, L.L.C.,
a Nebraska limited liability company

By: _____
Mark A. Wible, Manager

FIRETHORN UTILITY SERVICE COMPANY,
a Nebraska corporation

By: _____
Mark A. Wible, President

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this ____ day of _____, 2009, by Chris Beutler, Mayor of the City of Lincoln, Nebraska, a municipal corporation.

Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this ____ day of _____, 2009, by Mark A. Wible, Manager of Firethorn Golf Company, L.L.C., a Nebraska limited liability company, on behalf of the limited liability company.

Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this ____ day of _____, 2009, by Mark A. Wible, President of Firethorn Utility Service Co., a Nebraska corporation, on behalf of the corporation.

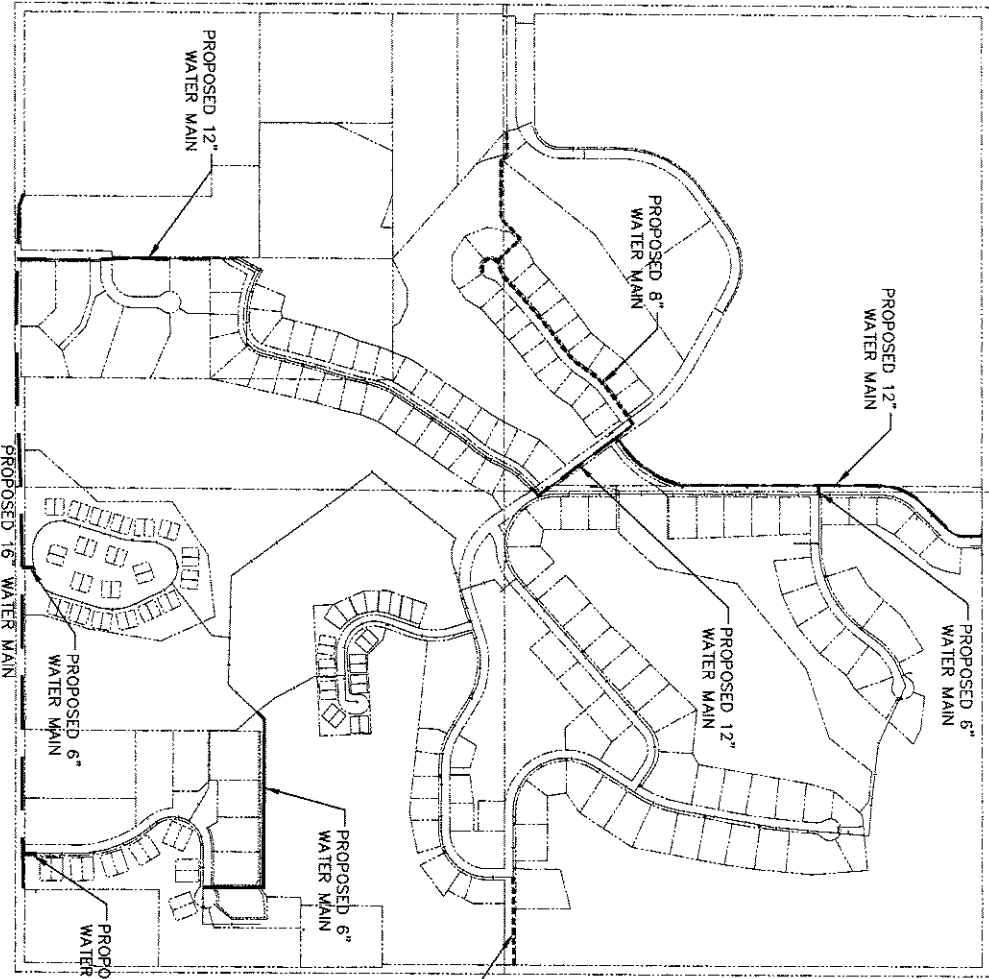
Notary Public

PROJECT NO: 009-0250
 DRAWN BY: BAL
 DATE: 3.3.08

**FIRETHORN PROPOSED WATER MAINS
 ATTACHMENT B-1**

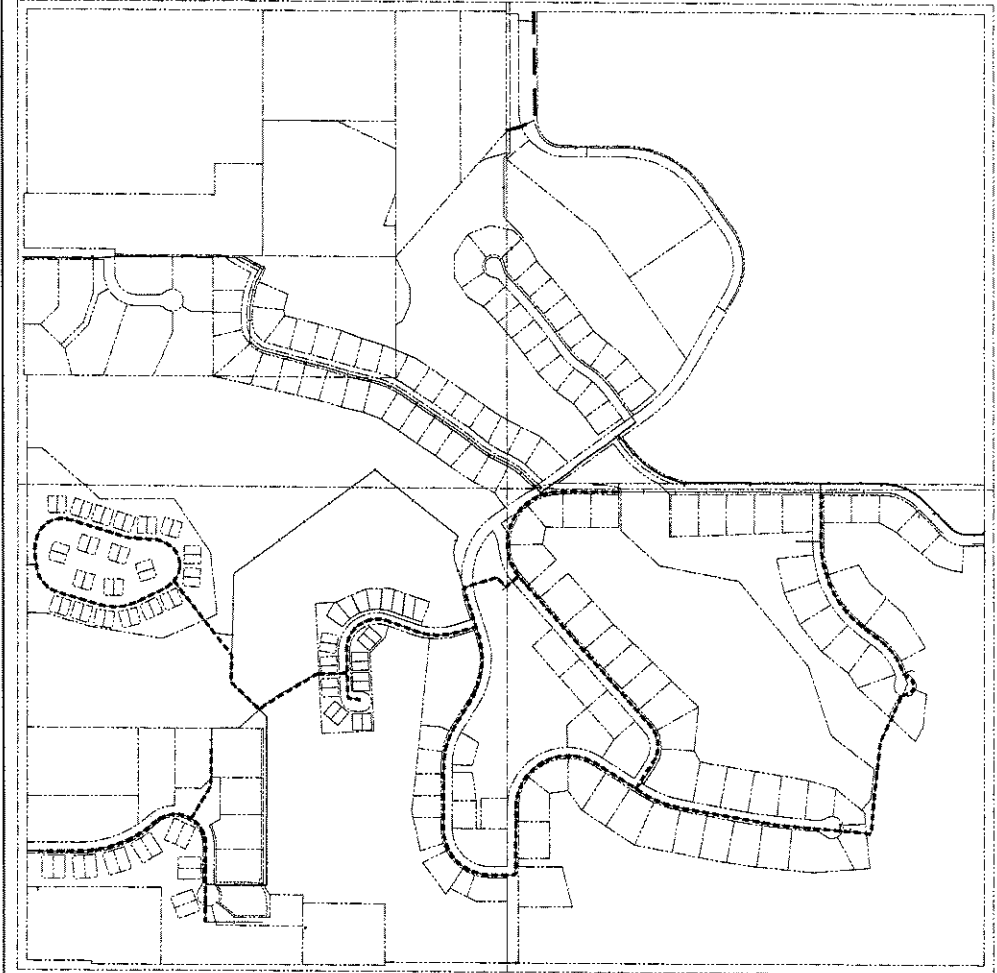
OLSSON ASSOCIATES
 1111 BRONX PARK DRIVE, 111
 P.O. BOX 4600
 BOSTON, MA 02217-0460
 TEL: 617.637.6000
 FAX: 617.637.5100

EXHIBIT
B-1



LEGEND

16" WATER MAIN	3,800 LF
12" WATER MAIN	3,800 LF
8" WATER MAIN	2,900 LF
6" WATER MAIN	1,500 LF



**EXISTING FIREHORN WATER MAINS
ATTACHMENT B-2**

- LEGEND**
- EXISTING 6" WATER MAIN TO REMAIN
 - EXISTING 8" WATER MAIN TO REMAIN

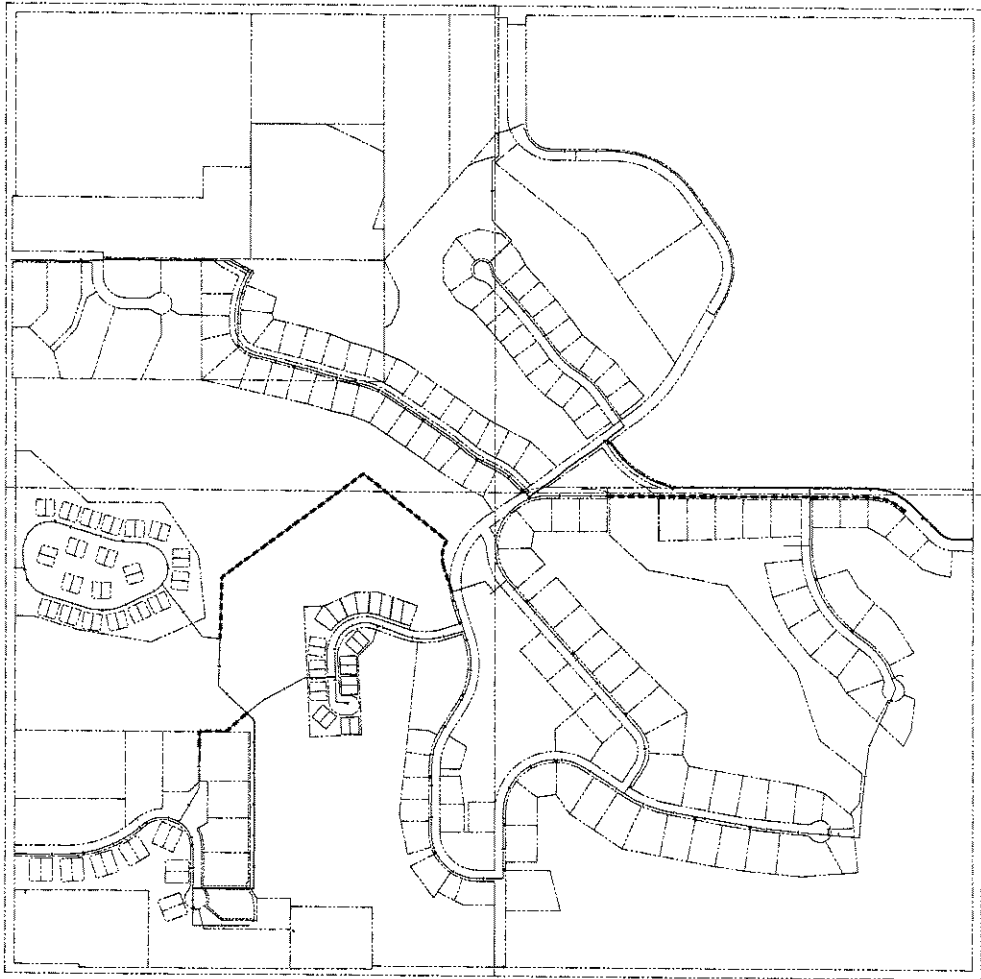
OLSSON
ASSOCIATES

1111 Thompson Lane, Suite 111
P.O. Box 9646
Lincoln, NE 68501-4506
TEL: 402.476.2100
FAX: 402.476.2100

EXHIBIT
B-2

PROJECT NO: 008-0030
DRAWN BY: BAL
DATE: 3.3.09

ABANDONED FIREHORN WATER MAINS
ATTACHMENT B-3



LEGEND

EXISTING WATER MAINS TO BE
ABANDONED



11111 Leland Road, Suite 111
F.O. Box 8888
Lynch, VA 24092-4888
Tel: 434-753-1300
Fax: 434-753-1300

EXHIBIT
B-3

Attachment "B"
to Bill No. 09R-84

DEC - 4

**LEGAL DESCRIPTION
ANNEXATION/CHANGE OF ZONE**

E

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF LOT 5 I.T., A PORTION OF LOT 38 I.T., A PORTION OF SOUTH 88TH STREET RIGHT-OF-WAY, A PORTION OF OUTLOT "C" FIRETHORN ADDITION, OUTLOTS "B", "D" AND "E", FIRETHORN ADDITION, LOTS 1 THROUGH 4, BLOCK 1, FIRETHORN ADDITION, LOTS 1 THROUGH 3, BLOCK 2, FIRETHORN ADDITION, LOTS 8 THROUGH 10, BLOCK 2, FIRETHORN ADDITION, LOTS 13 THROUGH 37, BLOCK 2, FIRETHORN ADDITION, AND LOTS 41 THROUGH 51, BLOCK 2 FIRETHORN ADDITION, OUTLOT "B" AND CLUB HOUSE AREA, FIRETHORN 2ND ADDITION, LOT 3 BLOCK 1, FIRETHORN 2ND ADDITION, LOTS 4 THROUGH 24, BLOCK 2, FIRETHORN 2ND ADDITION, OUTLOT "C" FIRETHORN 3RD ADDITION, A PORTION OF LOTS 1 AND 2, FIRETHORN 3RD ADDITION, LOTS 1 THROUGH 7, AND LOTS 9 THROUGH 40, FIRETHORN 6TH ADDITION, OUTLOT "A", FIRETHORN 7TH ADDITION, OUTLOT "C", FIRETHORN 7TH ADDITION, LOTS 1 AND 2, BLOCK 1, FIRETHORN 7TH ADDITION, LOTS 2 AND 3, BLOCK 2, FIRETHORN 7TH ADDITION, LOT 1 BLOCK 3, FIRETHORN 7TH ADDITION, OUTLOT "A" FIRETHORN 8TH ADDITION, LOT 1 FIRETHORN 8TH ADDITION, LOT 1 FIRETHORN 10TH ADDITION, A TRACT OF LAND COMPOSED OF VACATED ORDINANCE NO. 98-2670, FIRETHORN 10TH ADDITION, LOT 1 FIRETHORN 11TH ADDITION, OUTLOT "A", AND LOT 1, FIRETHORN 12TH ADDITION, OUTLOT "A" FIRETHORN 13TH ADDITION, LOT 1 FIRETHORN 13TH ADDITION, A PORTION OF OUTLOT "A" FIRETHORN 15TH ADDITION, LOTS 2 THROUGH 8, BLOCK 1, FIRETHORN 15TH ADDITION, OUTLOT "D" FIRETHORN 17TH ADDITION, A PORTION OF OUTLOT "E" FIRETHORN 17TH ADDITION, OUTLOTS "A" AND "B" FIRETHORN 18TH ADDITION, A PORTION OF OUTLOT "A" FIRETHORN 20TH ADDITION, LOTS 1 THROUGH 14, BLOCK 1, FIRETHORN 20TH ADDITION, OUTLOT "A", AND LOT 1, FIRETHORN 22ND ADDITION, LOTS 1 AND 2 FIRETHORN 23RD ADDITION, ALL LOCATED IN SECTION 2, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 2, THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER ON AN ASSUMED BEARING OF NORTH 89 DEGREES 49 MINUTES 45 SECONDS WEST, A DISTANCE OF 449.82 FEET TO A POINT, THENCE NORTH 00 DEGREES 10 MINUTES 15 SECONDS EAST ALONG A LINE PERPENDICULAR FROM THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 50.00 FEET TO THE SOUTHEAST CORNER OF OUTLOT "A", FIRETHORN 20TH ADDITION, SAID POINT BEING ON THE NORTH LINE OF PIONEERS BOULEVARD RIGHT-OF-WAY, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 49 MINUTES 45 SECONDS

WEST ALONG A SOUTH LINE OF SAID OUTLOT "A", AND THE SOUTH LINE OF OUTLOT "A" FIRETHORN 22ND ADDITION, SAID LINE BEING THE NORTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 50.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 242.93 FEET TO THE SOUTHWEST CORNER OF SAID OUTLOT "A", THENCE NORTH 00 DEGREES 03 MINUTES 04 SECONDS WEST ALONG A WEST LINE OF SAID OUTLOT "A", A DISTANCE OF 275.86 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 570.00 FEET, ARC LENGTH OF 343.44 FEET, DELTA ANGLE OF 34 DEGREES 31 MINUTES 20 SECONDS, A CHORD BEARING OF NORTH 17 DEGREES 18 MINUTES 44 SECONDS WEST ALONG S WEST LINE OF SAID OUTLOT "A", AND A CHORD LENGTH OF 338.27 FEET TO SOUTHEAST CORNER OF LOT 8, BLOCK 1, FIRETHORN 15TH ADDITION, THENCE NORTH 89 DEGREES 49 MINUTES 45 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 523.71 FEET TO THE SOUTHWEST CORNER OF SAID LOT 8, SAID POINT BEING ON A EAST LINE OF OUTLOT "A" FIRETHORN 15TH ADDITION, THENCE SOUTH 00 DEGREES 29 MINUTES 32 SECONDS WEST ALONG A EAST LINE OF SAID OUTLOT "A", A DISTANCE OF 598.51 FEET TO A SOUTHEAST CORNER OF SAID OUTLOT "A", THENCE NORTH 89 DEGREES 49 MINUTES 45 SECONDS WEST ALONG A SOUTH LINE OF SAID OUTLOT "A", AND THE SOUTH LINE OF OUTLOT "A" FIRETHORN 12TH ADDITION, SAID LINE BEING ON THE NORTH LINE OF PIONEERS BOULEVARD RIGHT-OF-WAY, SAID LINE BEING 50.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 1,323.02 FEET TO SOUTH CORNER OF SAID OUTLOT "A", THENCE NORTH 89 DEGREES 53 MINUTES 33 SECONDS WEST ALONG A SOUTH LINE OF SAID OUTLOT "A", AND A SOUTH LINE OF OUTLOT "A" 15TH ADDITION, SAID LINE BEING THE NORTH LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 50.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 2, A DISTANCE OF 600.39 FEET TO A SOUTHWEST CORNER OF SAID OUTLOT "A", THENCE NORTH 00 DEGREES 40 MINUTES 06 SECONDS EAST ALONG A WEST LINE OF SAID OUTLOT "A", A DISTANCE OF 1,003.59 FEET TO A SOUTHEAST CORNER OF LOT 5 I.T., THENCE NORTH 89 DEGREES 53 MINUTES 26 SECONDS WEST ALONG A SOUTH LINE OF SAID LOT 5 I.T., A DISTANCE OF 630.78 FEET TO THE NORTHEAST CORNER OF SOUTH 88TH STREET RIGHT-OF-WAY, THENCE SOUTH 00 DEGREES 33 MINUTES 37 SECONDS WEST ALONG A EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 144.19 FEET TO A POINT, THENCE NORTH 89 DEGREES 26 MINUTES 59 SECONDS WEST, A DISTANCE OF 359.96 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF LOT 38 I.T., THENCE NORTH 00 DEGREES 33 MINUTES 44 SECONDS EAST ALONG A WEST LINE OF SAID LOT 38 I.T., A DISTANCE OF 150.42 FEET TO NORTHEAST CORNER OF LOT 42 I.T., THENCE NORTH 89

DEGREES 44 MINUTES 17 SECONDS WEST ALONG A NORTH LINE OF SAID LOT 42 I.T., A DISTANCE OF 170.13 FEET TO THE SOUTHEAST CORNER OF LOT 40 I.T., THENCE NORTH 00 DEGREES 45 MINUTES 37 SECONDS EAST ALONG A EAST LINE OF SAID LOT 40 I.T., A DISTANCE OF 257.11 FEET TO THE NORTHEAST CORNER OF SAID LOT 40 I.T., THENCE NORTH 89 DEGREES 49 MINUTES 56 SECONDS WEST ALONG A NORTH LINE OF SAID LOT 40 I.T., A DISTANCE OF 237.02 FEET TO THE SOUTHWEST CORNER OF OUTLOT "C" FIRETHORN 3RD ADDITION, THENCE NORTH 00 DEGREES 23 MINUTES 35 SECONDS EAST ALONG A WEST LINE OF SAID OUTLOT "C" AND THE EXTENSION OF THE WEST LINE OF SAID OUTLOT "C", A DISTANCE OF 1,322.05 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF THE REMAINING PORTION OF LOT 1 FIRETHORN 3RD ADDITION, THENCE SOUTH 89 DEGREES 55 MINUTES 38 SECONDS EAST ALONG A NORTH LINE OF SAID REMAINING PORTION OF LOT 1, AND A NORTH LINE OF OUTLOT "A" FIRETHORN 18TH ADDITION, A DISTANCE OF 203.99 FEET TO A NORTH CORNER OF SAID OUTLOT "A", THENCE NORTH 39 DEGREES 11 MINUTES 09 SECONDS EAST ALONG A NORTHWEST LINE OF SAID OUTLOT "A", A DISTANCE OF 632.24 FEET TO A NORTHWEST CORNER OF SAID OUTLOT "A", THENCE NORTH 54 DEGREES 59 MINUTES 09 SECONDS EAST ALONG A NORTHWEST LINE OF SAID OUTLOT "A", A DISTANCE OF 842.65 FEET TO THE NORTH CORNER OF SAID OUTLOT "A" THENCE NORTH 17 DEGREES 56 MINUTES 39 SECONDS EAST, A DISTANCE OF 61.35 FEET TO THE SOUTHEAST CORNER OF LOT 4 BLOCK 1 FIRETHORN 17TH ADDITION, THENCE SOUTH 60 DEGREES 00 MINUTES 14 SECONDS EAST ALONG A NORTHEAST LINE OF OUTLOT "E" FIRETHORN 17TH ADDITION, A DISTANCE OF 26.79 FEET TO A POINT, TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 23 DEGREES 56 MINUTES 44 SECONDS, A RADIUS OF 906.62 FEET, AN ARC LENGTH OF 378.90 FEET, A TANGENT LENGTH OF 192.26 FEET, A CHORD LENGTH OF 376.15 FEET, AND A CHORD BEARING OF SOUTH 48 DEGREES 01 MINUTES 52 SECONDS EAST ALONG A NORTHEAST LINE OF SAID OUTLOT "E" TO A POINT OF TANGENCY, THENCE SOUTH 36 DEGREES 03 MINUTES 30 SECONDS EAST ALONG A NORTHEAST LINE OF SAID OUTLOT "E", A DISTANCE OF 176.02 FEET TO A NORTH CORNER OF SAID OUTLOT "E", THENCE NORTH 53 DEGREES 56 MINUTES 30 SECONDS EAST ALONG A NORTHWEST LINE OF SAID OUTLOT "E", A DISTANCE OF 52.25 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 53 DEGREES 42 MINUTES 51 SECONDS, A RADIUS OF 520.00 FEET, AN ARC LENGTH OF 487.49 FEET, A TANGENT LENGTH OF 263.32 FEET, A CHORD LENGTH OF 469.84 FEET, AND A CHORD BEARING OF NORTH 27 DEGREES 05 MINUTES 04 SECONDS EAST ALONG A NORTHWEST LINE OF SAID OUTLOT "E" TO A POINT OF INTERSECTION WITH THE WEST LINE OF OUTLOT "C" FIRETHORN ADDITION, THENCE NORTH 00 DEGREES 14

MINUTES 05 SECONDS EAST ALONG A WEST LINE OF SAID OUTLOT "C", A DISTANCE OF 953.78 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION, HAVING DELTA ANGLE OF 45 DEGREES 00 MINUTES 03 SECONDS, A RADIUS OF 313.43 FEET, AN ARC LENGTH OF 246.17 FEET, A TANGENT LENGTH OF 129.83 FEET, A CHORD LENGTH OF 239.89 FEET, AND A CHORD BEARING OF NORTH 22 DEGREES 43 MINUTES 44 SECONDS EAST ALONG A NORTHWEST LINE OF SAID OUTLOT "C" TO A POINT OF TANGENCY, THENCE NORTH 45 DEGREES 13 MINUTES 46 SECONDS EAST ALONG A NORTHWEST LINE OF SAID OUTLOT "C", A DISTANCE OF 209.38 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 40 DEGREES 48 MINUTES 23 SECONDS, A RADIUS OF 120.00 FEET, AN ARC LENGTH OF 85.46 FEET, A TANGENT LENGTH OF 44.64 FEET, A CHORD LENGTH OF 83.67 FEET, AND A CHORD BEARING OF NORTH 24 DEGREES 49 MINUTES 34 SECONDS EAST ALONG A NORTHWEST LINE OF SAID OUTLOT "C" TO A POINT, THENCE SOUTH 85 DEGREES 34 MINUTES 37 SECONDS EAST, A DISTANCE OF 60.00 FEET TO A POINT, THENCE SOUTH 85 DEGREES 59 MINUTES 15 SECONDS EAST, A DISTANCE OF 142.56 FEET TO A POINT, THENCE SOUTH 10 DEGREES 21 MINUTES 10 SECONDS WEST, A DISTANCE OF 72.22 FEET TO A POINT, THENCE SOUTH 20 DEGREES 41 MINUTES 38 SECONDS WEST, A DISTANCE OF 85.42 FEET TO A POINT, THENCE SOUTH 40 DEGREES 24 MINUTES 07 SECONDS WEST, A DISTANCE OF 266.59 FEET TO THE EAST CORNER OF LOT 1 BLOCK 2 FIRETHORN ADDITION, THENCE SOUTH 29 DEGREES 43 MINUTES 21 SECONDS WEST ALONG A SOUTHEAST LINE OF SAID LOT 1, A DISTANCE OF 105.90 FEET TO THE NORTHEAST CORNER OF LOT 2 BLOCK 2 FIRETHORN ADDITION, THENCE SOUTH 00 DEGREES 13 MINUTES 38 SECONDS WEST ALONG A EAST LINE OF SAID LOT 2, AND THE EAST LINE OF LINE OF LOT 3 BLOCK 2 FIRETHORN ADDITION, A DISTANCE OF 300.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3, THENCE SOUTH 89 DEGREES 47 MINUTES 44 SECONDS EAST ALONG A NORTH LINE OF OUTLOT "C" FIRETHORN ADDITION, A DISTANCE OF 109.90 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 17 DEGREES 34 MINUTES 35 SECONDS, A RADIUS OF 573.02 FEET, AN ARC LENGTH OF 175.78 FEET, A TANGENT LENGTH OF 88.59 FEET, A CHORD LENGTH OF 175.10 FEET, AND A CHORD BEARING OF NORTH 81 DEGREES 24 MINUTES 59 SECONDS EAST ALONG A NORTH LINE OF SAID OUTLOT "C" TO THE SOUTHWEST CORNER OF LOT 1 BLOCK 1 FIRETHORN 7TH ADDITION, THENCE NORTH 17 DEGREES 26 MINUTES 00 SECONDS WEST ALONG A WEST LINE OF SAID LOT 1, A DISTANCE OF 170.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 1, THENCE NORTH 59 DEGREES 04 MINUTES 41 SECONDS EAST ALONG A NORTHWEST LINE OF SAID OUTLOT "A", A DISTANCE OF 121.67 FEET TO A NORTHWEST CORNER OF SAID LOT 1, THENCE NORTH 41 DEGREES

36 MINUTES 35 SECONDS EAST ALONG A NORTHWEST LINE OF SAID LOT 1, AND A NORTHWEST LINE OF LOT 2 BLOCK 1 FIRETHORN 7TH ADDITION, A DISTANCE OF 243.49 FEET TO A NORTHWEST CORNER OF SAID LOT 2, THENCE NORTH 58 DEGREES 11 MINUTES 50 SECONDS EAST ALONG A NORTHWEST LINE OF SAID LOT 2, A DISTANCE OF 219.31 FEET TO THE NORTH CORNER OF SAID LOT 2, THENCE SOUTH 27 DEGREES 43 MINUTES 33 SECONDS EAST ALONG A NORTHEAST LINE OF SAID LOT 2, A DISTANCE OF 150.00 FEET TO THE EAST CORNER OF SAID LOT 2, SAID POINT BEING ON THE NORTH LINE OF OUTLOT "C" FIRETHORN ADDITION, SAID POINT BEING A POINT OF CURVATURE OF A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION, HAVING DELTA ANGLE OF 08 DEGREES 17 MINUTES 29 SECONDS, A RADIUS OF 352.09 FEET, AN ARC LENGTH OF 50.95 FEET, A TANGENT LENGTH OF 25.52 FEET, A CHORD LENGTH OF 50.91 FEET, AND A CHORD BEARING OF NORTH 66 DEGREES 09 MINUTES 35 SECONDS EAST ALONG A NORTH LINE OF SAID OUTLOT "C" TO A NORTH CORNER OF SAID OUTLOT "C", THENCE NORTH 57 DEGREES 29 MINUTES 59 SECONDS EAST ALONG A NORTH LINE OF SAID OUTLOT "C", A DISTANCE OF 39.69 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING DELTA ANGLE OF 27 DEGREES 14 MINUTES 38 SECONDS, A RADIUS OF 15.00 FEET, AN ARC LENGTH OF 7.13 FEET, A TANGENT LENGTH OF 3.63 FEET, A CHORD LENGTH OF 7.07 FEET, AND A CHORD BEARING OF NORTH 39 DEGREES 29 MINUTES 13 SECONDS EAST ALONG A NORTH LINE OF SAID OUTLOT "C" TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 84 DEGREES 45 MINUTES 32 SECONDS, A RADIUS OF 60.00 FEET, AN ARC LENGTH OF 88.76 FEET, A TANGENT LENGTH OF 54.75 FEET, A CHORD LENGTH OF 80.88 FEET, AND A CHORD BEARING OF NORTH 68 DEGREES 14 MINUTES 40 SECONDS EAST ALONG A NORTH LINE OF SAID OUTLOT "C" TO THE WEST CORNER OF LOT 8 BLOCK 2 FIRETHORN ADDITION, THENCE NORTH 21 DEGREES 18 MINUTES 12 SECONDS EAST ALONG A WEST LINE OF SAID LOT 8, A DISTANCE OF 65.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 8, THENCE SOUTH 83 DEGREES 34 MINUTES 52 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 8, A DISTANCE OF 180.00 FEET TO A NORTH CORNER OF SAID LOT 8, THENCE SOUTH 62 DEGREES 36 MINUTES 01 SECONDS EAST ALONG A NORTHEAST LINE OF SAID LOT 8, A DISTANCE OF 90.00 FEET TO THE EAST CORNER OF SAID LOT 8, THENCE SOUTH 43 DEGREES 18 MINUTES 35 SECONDS WEST ALONG A SOUTHEAST LINE OF SAID LOT 8, AND THE SOUTHEAST LINE OF LOT 9 BLOCK 2 FIRETHORN ADDITION, A DISTANCE OF 427.24 FEET TO THE SOUTH CORNER OF SAID OUTLOT 9, SAID POINT BEING THE SOUTHEAST CORNER OF LOT 10 BLOCK 2 FIRETHORN ADDITION, THENCE SOUTH 58 DEGREES 44 MINUTES 18 SECONDS WEST ALONG A SOUTHEAST LINE OF SAID LOT 10, A DISTANCE OF 95.68 FEET TO THE

EAST CORNER OF LOT 2 FIRETHORN 23RD ADDITION, THENCE SOUTH 39 DEGREES 06 MINUTES 47 SECONDS WEST ALONG A SOUTHEAST LINE OF SAID LOT 2, A DISTANCE OF 185.73 FEET TO THE SOUTH CORNER OF SAID LOT 2, SAID POINT BEING THE EAST CORNER OF LOT 1 FIRETHORN 23RD ADDITION, THENCE SOUTH 51 DEGREES 19 MINUTES 08 SECONDS WEST ALONG A SOUTHEAST LINE OF SAID LOT 1, A DISTANCE OF 190.77 FEET TO THE EAST CORNER OF LOT 13 BLOCK 2 FIRETHORN ADDITION, THENCE SOUTH 64 DEGREES 20 MINUTES 05 SECONDS WEST ALONG A SOUTHEAST LINE OF SAID LOT 13, A DISTANCE OF 191.03 FEET TO THE SOUTH CORNER OF SAID LOT 13, SAID POINT BEING THE SOUTHEAST CORNER OF LOT 14 BLOCK 2 FIRETHORN ADDITION, THENCE SOUTH 77 DEGREES 33 MINUTES 04 SECONDS WEST ALONG A SOUTH LINE OF SAID LOT 14, A DISTANCE OF 191.03 FEET TO THE SOUTHWEST CORNER OF SAID LOT 14, THENCE NORTH 05 DEGREES 50 MINUTES 26 SECONDS WEST ALONG A WEST LINE OF SAID LOT 14, A DISTANCE OF 200.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 14, SAID POINT BEING ON THE SOUTH LINE OF OUTLOT "C" FIRETHORN ADDITION TO A POINT OF CURVATURE OF A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION, HAVING DELTA ANGLE OF 05 DEGREES 41 MINUTES 55 SECONDS, A RADIUS OF 671.75 FEET, AN ARC LENGTH OF 66.81 FEET, A TANGENT LENGTH OF 33.43 FEET, A CHORD LENGTH OF 66.78 FEET, AND A CHORD BEARING OF SOUTH 87 DEGREES 14 MINUTES 10 SECONDS WEST ALONG A SOUTH LINE OF SAID OUTLOT "C" TO A POINT OF TANGENCY, THENCE NORTH 89 DEGREES 48 MINUTES 56 SECONDS WEST ALONG A SOUTH LINE OF SAID OUTLOT "C", A DISTANCE OF 59.90 FEET TO THE NORTHEAST CORNER OF LOT 15 BLOCK 2 FIRETHORN ADDITION, THENCE SOUTH 02 DEGREES 01 MINUTES 06 SECONDS EAST ALONG A EAST LINE OF SAID LOT 15, AND THE EAST LINE OF LOTS 16, 17, 18, 19 AND OUTLOT "B" BLOCK 2 FIRETHORN ADDITION, A DISTANCE OF 773.60 FEET TO THE SOUTHEAST CORNER OF SAID OUTLOT "B", THENCE NORTH 89 DEGREES 46 MINUTES 22 SECONDS WEST ALONG A SOUTH LINE OF SAID OUTLOT "B", A DISTANCE OF 230.31 FEET TO THE SOUTHWEST CORNER OF SAID OUTLOT "B", SAID POINT BEING ON THE EAST LINE OF A TRACT OF LAND REFERRED TO IN VACATED ORDINANCE NO. 98-2670, THENCE SOUTH 00 DEGREES 13 MINUTES 38 SECONDS WEST ALONG A EAST LINE OF A TRACT OF LAND REFERRED TO IN VACATED ORDINANCE NO. 98-2670, A DISTANCE OF 275.68 FEET TO THE NORTHWEST CORNER OF LOT 20 BLOCK 2 FIRETHORN ADDITION, THENCE SOUTH 89 DEGREES 46 MINUTES 22 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 20, A DISTANCE OF 180.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 20, THENCE SOUTH 00 DEGREES 13 MINUTES 38 SECONDS WEST ALONG A EAST LINE OF SAID LOT 20, AND THE EAST LINE OF LOTS 21 AND 22 BLOCK 2 FIRETHORN ADDITION, A DISTANCE OF 395.70 FEET TO THE SOUTHEAST CORNER OF SAID LOT 22, SAID POINT BEING THE NORTHWEST CORNER OF LOT 23 BLOCK 2

FIRETHORN ADDITION, THENCE SOUTH 80 DEGREES 03 MINUTES 13 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 23, A DISTANCE OF 93.28 FEET TO THE NORTHEAST CORNER OF SAID LOT 23, SAID POINT BEING THE NORTHWEST CORNER OF LOT 24 BLOCK 2 FIRETHORN ADDITION, THENCE NORTH 48 DEGREES 56 MINUTES 29 SECONDS EAST ALONG A NORTHWEST LINE OF SAID LOT 24, A DISTANCE OF 113.88 FEET TO THE NORTH CORNER OF SAID LOT 24, THENCE SOUTH 41 DEGREES 03 MINUTES 31 SECONDS EAST ALONG A NORTHEAST LINE OF SAID LOT 24, A DISTANCE OF 200.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 24, SAID POINT BEING ON THE NORTHWEST LINE OF OUTLOT "C" FIRETHORN ADDITION, THENCE NORTH 48 DEGREES 56 MINUTES 29 SECONDS EAST ALONG A NORTHWEST LINE OF SAID OUTLOT "C", A DISTANCE OF 94.93 FEET TO THE SOUTH CORNER OF LOT 25 BLOCK 2 FIRETHORN ADDITION, THENCE NORTH 41 DEGREES 03 MINUTES 31 SECONDS WEST ALONG A SOUTHWEST LINE OF SAID LOT 25, A DISTANCE OF 200.00 FEET TO THE WEST CORNER OF SAID LOT 25, THENCE NORTH 48 DEGREES 56 MINUTES 29 SECONDS EAST ALONG A NORTHWEST LINE OF SAID LOT 25, AND THE NORTHWEST LINE OF LOT 26 BLOCK 2 FIRETHORN ADDITION, A DISTANCE OF 372.00 FEET TO THE NORTH CORNER OF SAID LOT 26, SAID POINT BEING THE WEST CORNER OF LOT 27 BLOCK 2 FIRETHORN ADDITION, THENCE NORTH 44 DEGREES 30 MINUTES 10 SECONDS EAST ALONG A NORTHWEST LINE OF SAID LOT 27, AND THE NORTHWEST LINE OF LOTS 28, 29, AND 30 BLOCK 2 FIRETHORN ADDITION, A DISTANCE OF 645.67 FEET TO THE NORTH CORNER OF SAID LOT 30 I.T., SAID POINT BEING THE NORTHWEST CORNER OF LOT 31 BLOCK 2 FIRETHORN ADDITION, THENCE SOUTH 84 DEGREES 07 MINUTES 29 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 31, A DISTANCE OF 239.68 FEET TO THE NORTHEAST CORNER OF SAID LOT 31, SAID POINT BEING THE NORTHWEST CORNER OF LOT 32 BLOCK 2 FIRETHORN ADDITION, THENCE NORTH 61 DEGREES 25 MINUTES 37 SECONDS EAST ALONG A NORTHWEST LINE OF SAID LOT 32, A DISTANCE OF 70.11 FEET TO THE NORTHWEST CORNER OF SAID LOT 32, SAID POINT BEING THE SOUTHWEST CORNER OF LOT 33 BLOCK 2 FIRETHORN ADDITION, THENCE NORTH 09 DEGREES 50 MINUTES 49 SECONDS EAST ALONG A WEST LINE OF SAID LOT 33, AND A WEST LINE OF LOTS 34, 35, AND 36 BLOCK 2 FIRETHORN ADDITION, A DISTANCE OF 592.49 FEET TO THE NORTHWEST CORNER OF SAID LOT 36, SAID POINT BEING THE SOUTHWEST CORNER OF LOT 37 BLOCK 2 FIRETHORN ADDITION, THENCE NORTH 16 DEGREES 56 MINUTES 07 SECONDS EAST ALONG A WEST LINE OF SAID LOT 37, A DISTANCE OF 154.07 FEET TO THE NORTHWEST CORNER OF SAID LOT 37, SAID POINT BEING THE SOUTHWEST CORNER OF OUTLOT "A" FIRETHORN 7TH ADDITION, THENCE NORTH 39 DEGREES 42 MINUTES 48 SECONDS EAST ALONG A NORTHWEST LINE OF SAID OUTLOT "A", A DISTANCE OF 200.00 FEET TO A NORTHWEST CORNER OF SAID OUTLOT "A", THENCE NORTH 84

DEGREES 38 MINUTES 29 SECONDS EAST ALONG A NORTH LINE OF SAID OUTLOT "A", AND ITS EXTENSION, A DISTANCE OF 305.52 FEET TO A POINT OF INTERSECTION WITH THE EXTENSION OF A EAST LINE OF LOT 1, FIRETHORN 8TH ADDITION, THENCE SOUTH 04 DEGREES 20 MINUTES 53 SECONDS EAST ALONG A EXTENSION OF THE EAST LINE OF SAID LOT 1, AND A EAST LINE OF SAID LOT 1, A DISTANCE OF 305.64 FEET TO A EAST CORNER OF SAID LOT 1, THENCE SOUTH 05 DEGREES 45 MINUTES 09 SECONDS WEST ALONG A EAST LINE OF SAID LOT 1, AND A EAST LINE OF LOT 41 BLOCK 2 FIRETHORN ADDITION, A DISTANCE OF 308.05 FEET TO THE SOUTHEAST CORNER OF SAID LOT 41, SAID POINT BEING THE NORTHEAST CORNER OF LOT 42 BLOCK 2 FIRETHORN ADDITION, THENCE SOUTH 08 DEGREES 26 MINUTES 57 SECONDS WEST ALONG A EAST ALONG A EAST LINE OF SAID LOT 42, A DISTANCE OF 165.01 FEET TO THE SOUTHEAST CORNER OF SAID LOT 42, SAID POINT BEING THE NORTHEAST CORNER OF LOT 43 BLOCK 2 FIRETHORN ADDITION, THENCE SOUTH 10 DEGREES 55 MINUTES 09 SECONDS WEST ALONG A EAST LINE OF SAID LOT 43, AND THE EAST LINE OF LOTS 44 AND 45 BLOCK 2 FIRETHORN ADDITION, A DISTANCE OF 507.50 FEET TO THE SOUTHEAST CORNER OF SAID LOT 45, SAID POINT BEING THE NORTHEAST CORNER OF LOT 46 FIRETHORN ADDITION, THENCE SOUTH 33 DEGREES 34 MINUTES 56 SECONDS WEST ALONG A SOUTHEAST LINE OF SAID LOT 46, AND THE SOUTHEAST LINE OF LOT 47 BLOCK 2 FIRETHORN ADDITION, A DISTANCE OF 341.36 FEET TO A SOUTH CORNER OF SAID LOT 47, SAID POINT BEING A EAST CORNER OF LOT 48 BLOCK 2 FIRETHORN ADDITION, THENCE SOUTH 55 DEGREES 36 MINUTES 01 SECONDS WEST ALONG A SOUTHEAST LINE OF SAID LOT 48, A DISTANCE OF 130.71 FEET TO A SOUTHEAST CORNER OF SAID LOT 48, SAID POINT BEING THE NORTHEAST CORNER OF LOT 49 BLOCK 2 FIRETHORN ADDITION, THENCE SOUTH 09 DEGREES 37 MINUTES 00 SECONDS EAST ALONG A EAST LINE OF SAID LOT 49, A DISTANCE OF 102.47 FEET TO THE SOUTHEAST CORNER OF SAID LOT 49, SAID POINT BEING THE NORTHWEST CORNER OF LOT 50 BLOCK 2 FIRETHORN ADDITION, THENCE SOUTH 89 DEGREES 51 MINUTES 36 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 50, AND THE NORTH LINE OF LOT 51 BLOCK 2 FIRETHORN ADDITION, A DISTANCE OF 352.63 FEET TO THE NORTHEAST CORNER OF SAID LOT 51, THENCE SOUTH 00 DEGREES 08 MINUTES 24 SECONDS WEST ALONG A EAST LINE OF SAID LOT 51, A DISTANCE OF 170.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 51, SAID POINT BEING ON THE NORTH LINE OF OUTLOT "C" FIRETHORN ADDITION, THENCE SOUTH 89 DEGREES 51 MINUTES 57 SECONDS EAST ALONG A NORTH LINE OF SAID OUTLOT "C", A DISTANCE OF 45.12 FEET TO THE SOUTHWEST CORNER OF LOT 1 FIRETHORN 10TH ADDITION, THENCE NORTH 00 DEGREES 08 MINUTES 24 SECONDS EAST ALONG A WEST LINE OF LOT 1, A DISTANCE OF 240.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 1, THENCE NORTH 76

DEGREES 06 MINUTES 14 SECONDS EAST ALONG A NORTHWEST LINE OF SAID LOT 1, A DISTANCE OF 226.77 FEET TO THE NORTHEAST CORNER OF SAID LOT 1, THENCE SOUTH 00 DEGREES 08 MINUTES 24 SECONDS WEST ALONG A EAST LINE OF SAID LOT 1, A DISTANCE OF 295.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1, THENCE SOUTH 26 DEGREES 42 MINUTES 25 SECONDS WEST, A DISTANCE OF 67.09 FEET TO THE NORTHEAST CORNER OF LOT 1 BLOCK 3 FIRETHORN 7TH ADDITION, THENCE SOUTH 00 DEGREES 08 MINUTES 24 SECONDS WEST ALONG A EAST LINE OF LOT 1, A DISTANCE OF 168.44 FEET TO A EAST CORNER OF SAID LOT 1, THENCE SOUTH 27 DEGREES 31 MINUTES 47 SECONDS WEST ALONG A SOUTHEAST LINE OF SAID LOT 1, AND A SOUTHEAST LINE OF OUTLOT "A" FIRETHORN 8TH ADDITION, A DISTANCE OF 157.85 FEET TO THE SOUTH CORNER OF SAID OUTLOT "A", SAID POINT BEING ON THE NORTHEAST LINE OF LOT 1 FIRETHORN 11TH ADDITION, THENCE SOUTH 55 DEGREES 54 MINUTES 36 SECONDS EAST ALONG A NORTHEAST LINE OF SAID LOT 1, AND AN EXTENSION OF SAID LOT 1, A DISTANCE OF 104.45 FEET TO A POINT, THENCE SOUTH 00 DEGREES 29 MINUTES 08 SECONDS WEST ALONG AN EXTENSION OF THE WEST LINE OF OUTLOT "B" FIRETHORN 15TH ADDITION, A DISTANCE OF 739.15 FEET TO THE SOUTHWEST CORNER OF SAID OUTLOT "B", THENCE SOUTH 89 DEGREES 37 MINUTES 10 SECONDS EAST ALONG A SOUTH LINE OF SAID OUTLOT "B", A DISTANCE OF 125.35 FEET TO THE NORTHWEST CORNER OF OUTLOT "A" FIRETHORN 20TH ADDITION, THENCE SOUTH 00 DEGREES 22 MINUTES 50 SECONDS WEST ALONG A WEST LINE OF SAID OUTLOT "A" AND ITS EXTENSION, A DISTANCE OF 764.93 FEET TO A POINT ON THE NORTH LINE OF OUTLOT "E" FIRETHORN 15TH ADDITION, THENCE NORTH 89 DEGREES 37 MINUTES 10 SECONDS WEST ALONG A NORTH LINE OF SAID OUTLOT "E", A DISTANCE OF 207.42 FEET TO A NORTHWEST CORNER OF SAID OUTLOT "E", THENCE SOUTH 00 DEGREES 09 MINUTES 52 SECONDS WEST ALONG A WEST LINE OF SAID OUTLOT "E", A DISTANCE OF 724.04 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 13,227,333.96 SQUARE FEET OR 303.66 ACRES, MORE OR LESS,

AND INCLUDING ADJACENT STREET RIGHTS-OF-WAY IN SOUTH 84TH STREET AND PIONEERS BLVD.