

TS# 97-64

FILED SARPY CO. NE.  
INSTRUMENT NUMBER  
97-009628  
97 MAY 16 PM 1:55

97-09628  
NEBRASKA DEPARTMENT OF REVENUE  
STAMP TAX  
MAY 16 1997  
\$ 1487.20 BY a

Counties aa  
Verify: DK  
D.E.: DK  
PROD: DK  
Fees: 16.00  
Ck: X  
Cash: X  
Change: X

*See original to Sub*  
*see original to Sub*  
SARPY COUNTY REGISTER

REGISTER OF DEEDS WARRANTY DEED

ROYAL C. GATES and EVELYN F. GATES, husband and wife, and RALPH W. GATES, TRUSTEE OF THE RALPH W. GATES REVOCABLE TRUST dated May 30, 1996, GRANTORS, in consideration of One-Dollar (\$1.00) and other valuable consideration received from TWIN CREEK, L.P., a Nebraska limited partnership, GRANTEE, convey to GRANTEE the following described real estate situated in Sarpy County, Nebraska (as defined in Neb. Rev. Stat. § 76-201), legally described on Exhibit A attached hereto and incorporated by this reference.

GRANTORS covenant with GRANTEE that GRANTORS are lawfully seized of such real estate and that it is free from encumbrances, and subject only to those easements, restrictions, and covenants identified on Exhibit B, attached hereto and incorporated by this reference, that GRANTORS have legal power and lawful authority to convey the same, and will warrant and will defend title to the real estate against the lawful claims of all persons, claiming by, through, or under GRANTORS.

Executed: May 14th, 1997.

*Royal C. Gates*  
\_\_\_\_\_  
ROYAL C. GATES

*Evelyn F. Gates*  
\_\_\_\_\_  
EVELYN F. GATES

RALPH W. GATES, Trustee of the  
RALPH W. GATES REVOCABLE TRUST  
dated May 30, 1996

By: *Ralph W. Gates, Trustee*  
\_\_\_\_\_  
RALPH W. GATES, TRUSTEE

STATE OF NEBRASKA )  
  ) SS.  
COUNTY OF Douglas )

On this 15<sup>th</sup> day of May, 1997, before me, a Notary Public in and for said county and state, personally came Royal C. Gates and Evelyn F. Gates, known to me to be the identical persons whose signatures are affixed to the foregoing instrument, and acknowledged the execution thereof to be their voluntary act and deed.

Witness my hand and notarial seal the day and year first above written.

GENERAL NOTARY STATE OF NEBRASKA  
SHARON L. VANSOY  
Exp. July 3, 1999

*Sharon L. Vansoy*  
\_\_\_\_\_  
Notary Public

009628

SLT

STATE OF KANSAS )

) SS.

COUNTY OF RICE )

97-09628A

On this 14 day of May, 1997, before me, a Notary Public in and for said county and state, personally came Ralph W. Gates, Trustee of the Ralph W. Gates Revocable Trust dated May 30, 1996, known to me to be the identical person whose signature is affixed to the foregoing instrument, and acknowledged the execution thereof to be his voluntary act and deed.

Witness my hand and notarial seal the day and year first above written.

Eleanor E. Young  
Notary Public



## LEGAL DESCRIPTION

PART OF TAX LOTS A, B AND 9 IN SECTION 29, TAX LOT 2B AND PART OF TAX LOT 3 IN SECTION 32, TOGETHER WITH PART OF THE FORMER UNION PACIFIC R.R. RIGHT-OF-WAY LOCATED IN SECTION 32, ALL IN T 14 N., R 13 E OF THE SIXTH P.M., SARPY COUNTY, NEBRASKA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 32, T 14 N., R 13 E OF THE SIXTH P.M., SARPY COUNTY, NEBRASKA, THENCE S00°25'02"E (ASSUMED BEARING) 539.60 FEET ALONG THE EAST LINE OF SECTION 32 TO THE NORTHERLY RIGHT-OF-WAY LINE OF THE FORMER U.P.R.R. AND POINT OF BEGINNING. THENCE S00°25'02"E 100.44 FEET TO THE SOUTHERLY R.O.W. LINE OF SAID FORMER R.R.; THENCE ALONG THE SOUTHERLY R.O.W. LINE OF THE FORMER R.R. ON THE FOLLOWING THREE (3) DESCRIBED COURSES: (1) S84°14'34"W 940.27 FEET; (2) ALONG CURVE TO THE RIGHT HAVING A RADIUS OF 2914.93, AN ARC LENGTH OF 1668.62 FEET, AND A LONG CHORD BEARING N79°21'29"W FOR 1645.93 FEET; (3) THENCE N62°57'32"W 88.42 FEET TO THE WEST LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 32; THENCE S00°22'32"W 156.65 FEET ALONG SAID WEST LINE; THENCE N69°35'55"W 247.45 FEET; THENCE N44°59'16"W 473.48 FEET; THENCE N59°31'10"W 115.33 FEET TO A POINT IN TAX LOT A THAT IS 50.00 FEET NORTHWESTERLY OF AND PERPENDICULAR TO THE SOUTHERLY R.O.W. LINE OF THE FORMER CHICAGO, ROCK ISLAND AND PACIFIC R.R.; THENCE ALONG A LINE 50.00 FEET NORTHWESTERLY OF AND PARALLEL TO SAID SOUTHERLY R.O.W. LINE ON A CURVE TO THE LEFT HAVING A RADIUS OF 3844.77 FEET, AN ARC LENGTH OF 715.79 FEET, AND A LONG CHORD BEARING N69°28'58"E FOR 714.26 FEET TO THE WEST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 29; THENCE N00°16'23"W 27.73 FEET ALONG SAID WEST LINE TO A POINT THAT IS 75.00 FEET NORTHWESTERLY OF AND PERPENDICULAR TO SAID SOUTHERLY R.O.W. OF THE FORMER C.R.I. & P R.R.; THENCE ALONG A LINE 75.00 FEET NORTHWESTERLY OF AND PARALLEL TO SAID SOUTHERLY R.O.W. ON THE FOLLOWING TWO (2) DESCRIBED COURSES: (1) ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 3819.77 FEET, AN ARC LENGTH OF 182.07 FEET; AND A LONG CHORD BEARING N62°36'28"E FOR 182.05 FEET; (2) N61°14'32"E 1585.18 FEET; THENCE S52°39'14"E 82.02 FEET TO THE SOUTHERLY R.O.W. LINE OF SAID FORMER C.R.I. & P R.R.; THENCE S61°14'32"W 232.91 FEET ALONG SAID SOUTHERLY R.O.W. LINE; THENCE N89°33'13"E 533.03 FEET; THENCE S65°07'20"E 180.23 FEET; THENCE S53°08'18"E 482.39 FEET TO THE WESTERLY R.O.W. LINE OF 36TH STREET; THENCE ALONG SAID WESTERLY R.O.W. LINE ON THE FOLLOWING FIVE (5) DESCRIBED COURSES: (1) S00°01'35"W 263.14 FEET; (2) S89°58'37"E 60.00 FEET; (3) S00°12'35"E 501.03 FEET; (4) N89°30'59"E 20.00 FEET; (5) S00°29'01"E 315.07 FEET TO THE NORTHERLY R.O.W. LINE OF THE FORMER U.P.R.R.; THENCE N84°14'34"E 50.50 FEET ALONG SAID NORTHERLY R.O.W. LINE TO THE POINT OF BEGINNING. DESCRIBED PROPERTY CONTAINS 85.42 ACRES, MORE OR LESS, AND INCLUDES A 33.00 FEET BY 100.44 FEET WIDE SARPY COUNTY ROADWAY EASEMENT AT THE SOUTHEAST CORNER OF THE DESCRIBED PROPERTY.

EXHIBIT "A"  
continued

Reserving unto Grantors an easement 25 feet in width for sanitary sewer, together with a temporary ingress-egress easement of sufficient width for construction of the sanitary sewer, across that portion of the property hereby conveyed lying within the Northwest Quarter of Section 32, for the benefit of Grantor's remaining property in the Northwest Quarter of Section 32, all in Township 14 North, Range 13 East of the 6<sup>th</sup> P.M., Sarpy County, Nebraska. The exact location of the easement to be approved by Grantee, which approval shall not be unreasonably withheld.

EXHIBIT "B"

97-09628C

1. Easement Grant granted to US Telecom, Inc., formerly known as United Telecom Communications, Inc., dated April 22, 1985, and recorded April 24, 1985, in Miscellaneous Book 58 at Page 711 in the Sarpy County Register of Deeds office.
2. Standard Transmission Line Contract by and between John Gates Lilley and Lena Lilley, husband and wife, and the Nebraska Power Company, a corporation, dated November 13, 1941, and recorded March 9, 1942, in Miscellaneous Book 11 at Page 239 in the Sarpy County Register of Deeds office.
3. Standard Transmission Line Contract by and between Charles E. Gates and Vernie Loverna Gates, husband and wife, and the Nebraska Power Company, a Corporation, dated January 8, 1942, and recorded January 15, 1942, in Miscellaneous Book 11 at Page 139 in the Sarpy County Register of Deeds office.
4. Right-of-Way Easement granted to Omaha Public Power District, a public corporation, dated September 19, 1996, and recorded September 30, 1996, as Instrument No. 96-019852 in the Sarpy County Register of Deeds office.
5. Easement Grant granted to City of Omaha-Public Works Departments dated August 29, 1985, and recorded October 8, 1985, in Miscellaneous Book 58 at Page 2172, in the Sarpy County Register of Deeds office;  
Correction Easement Grant granted to US Spring Communications Company dated May 22, 1987, and recorded June 29, 1987, in Miscellaneous Book 60 at Page 2140 in the Sarpy County Register of Deeds office;  
Amended Correction Easement dated September 29, 1987, and recorded October 19, 1987, in Miscellaneous Book 60 at Page 3131 in the Sarpy County Register of Deeds office;
6. Ingress-egress and maintenance easements and reservations as contained in Quitclaim Deed dated June 4, 1985, and recorded June 13, 1985, in Deed Book 160 at Page 1467 in the Sarpy County Register of Deeds office;  
Quitclaim Deed also discloses that the interest the Grantor may have had in the mineral estate of property was conveyed by Quitclaim Deed dated March 15, 1985, to International Mining Corporation, a Delaware corporation;
7. Easement granted to Omaha Public Power District, a public corporation, by virtue of a Report of Appraisers filed in the name of Omaha Public Power District, et al., vs. Gertrude Gates, Ralph W. Gates and Mary Gates, et al., at Docket M-3, No. 359, Page

37, in the County Court of Sarpy County, Nebraska, and recorded in Miscellaneous Book 39 at Page 498 in the Sarpy County Register of Deeds office;

8. Sewer Easement granted to City of Omaha, a municipal corporation, by virtue of a Report of Appraisers filed in the matter of City of Omaha vs. Gertrude H. Gates, et al., at Docket M-3, No. 451, Page 131, in the County Court of Sarpy County, Nebraska, and recorded January 15, 1975, in Miscellaneous Book 48 at Page 17 in the Sarpy County Register of Deeds office;

9. Mineral Deed between Union Pacific Railroad Company, a Utah corporation, as Grantor and Union Pacific Land Resources Corporation, a Nebraska corporation, as successor in interest to Union Pacific Land Resources Corporation, a Utah corporation, as Grantee dated April 1, 1971, and recorded December 23, 1988, as Instrument No. 88-18361 in the Sarpy County Register of Deeds office;

Mineral Quitclaim Deed between Union Pacific Railroad Company, a Utah corporation, as Grantor and Papio-Missouri River Natural Resources District, a political subdivision of Nebraska, dated November 9, 1988, and recorded July 6, 1989, as Instrument No. 89-08345 in the Sarpy County Register of Deeds office;

10. Ingress-egress Easement to Sarpy County over that portion of the SE1/4 of Section 29-14-13 owned by Harry Gates, recorded January 12, 1962, in Book 39 at Page 612 in the Sarpy County Register of Deeds office;

11. Construction and Maintenance Easement to Sarpy County over that portion of the N1/2 of Section 32-14-13 owned by Royal C. Gates, dated March 6, 1962, and recorded March 6, 1962, in Book 40 at Page 30 in the Sarpy County Register of Deeds office;

12. Easement granted to Metropolitan Utilities District of Omaha, a municipal corporation of Douglas County, Nebraska, dated November 26, 1965, and recorded October 17, 1966, in Book 37 at Page 378 in the Sarpy County Register of Deeds office;

13. Easement granted to Metropolitan Utilities District of Omaha, a municipal corporation of Douglas County, Nebraska, dated November 26, 1965, and recorded October 17, 1966, in Book 37 at Page 382 in the Sarpy County Register of Deeds office.

14. Easement granted to the Papio-Missouri Natural Resources District, dated May 2, 1997, and recorded May 5, 1997, as instrument No. 97-008423 in the Sarpy County Register of Deeds office.

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