



DEED 2014065616



AUG 22 2014 10:28 P 5

Nebr Doc Stamp Tax
08-22-2014 Date
\$5625.00
By MB

Fee amount: 34.00  
FB: 01-60000  
COMP: MB

Received - DIANE L. BATTIATO  
Register of Deeds, Douglas County, NE  
08/22/2014 10:28:53.00



2014065616

Return to: TitleCore, LLC, 9140 West Dodge Road, Suite 380, Omaha, Nebraska 68114

### SPECIAL WARRANTY DEED

MILLARD LUMBER INC., a Nebraska corporation, , in consideration of Two Dollars and other good and valuable consideration received from GRANTEE, LANOHA 135 MILLARD, LLC, a Nebraska limited liability company, conveys to GRANTEE, the following described real estate (as defined in Neb. Rev. Stat. 76-201):


SEE ATTACHED EXHIBIT "A"

GRANTOR covenants with GRANTEE that GRANTOR:

- (1) is lawfully seized of such real estate and that it is free from encumbrances, except for the permitted exceptions listed on Exhibit "B" attached hereto;
- (2) has legal power and lawful authority to convey the same;
- (3) warrants and will defend title to the real estate against the lawful claims of all persons claiming the same or any part thereof through, by or under Grantor.

Dated: August 18, 2014

MILLARD LUMBER INC., a Nebraska corporation

By   
G. Richard Russell, President

STATE OF NEBRASKA )  
COUNTY OF DOUGLAS) ss.

The foregoing instrument was acknowledged before me on August 15, 2014, by G. Richard Russell, as President of Millard Lumber Inc., a Nebraska corporation, for and on behalf of the corporation.



  
NOTARY PUBLIC

My commission expires: March 3, 2017

1141574

Exhibit "A"  
Legal Description

**64-25544**

PARCEL 1: Lot 1, in MILLARD LUMBER ADDITION, an Addition to the City of Omaha, as surveyed, platted and recorded, in Douglas County, Nebraska.

**01-60000**

PARCEL 2: That part of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section 1, Township 14 North, Range 11 East of the 6<sup>th</sup> P.M., in the City of Omaha, in Douglas County, Nebraska, described as follows:

Commencing at a Brass Cap at the Southeast corner of said Southeast Quarter of Section 1; thence North 00°01'29" East (bearings referenced to the Nebraska State Plane 2600 Coordinate System), for 342.59 feet, along the East line of said Southeast Quarter of Section 1, to a 5/8" rebar with a 1/4" yellow cap stamped LS 545, and the true Point of Beginning; thence North 40°47'36" West, for 1,792.68 feet, parallel with and 50.00 feet North of the centerline of the main line of the Union Pacific Railroad, to the East right-of-way line of Millard Avenue and a 5/8" rebar with a 1/4" yellow cap stamped LS 545; thence North 49°11'03" East, for 100.00 feet, along said East right-of-way line; thence South 40°47'36" East, for 1,676.94 feet, parallel with and 150.00 feet North of the centerline of the main line of the Union Pacific Railroad, to the East line of said Southeast Quarter and a Survey Spike with washer stamped LS 545; thence South 00°01'29" West, for 152.99 feet, along said East line, to the Point of Beginning. (NE $\frac{1}{4}$  SE $\frac{1}{4}$  & SE $\frac{1}{4}$  SE $\frac{1}{4}$ )

**64-34900**

PARCEL 3: A triangular parcel in the Southeast part of Lot 7, in Block 17, in SCHOMER'S ADDITION TO EAST MILLARD, an Addition to the City of Omaha, as surveyed, platted and recorded, in Douglas County, Nebraska, more particularly described as follows:

Commencing in the Southwest corner of said Lot; proceed East, along the South property line, 102.48 feet, to the Southeast corner; thence Northwesterly, along the East property line, 10.48 feet, to the Point of Beginning; thence West, 29.45 feet, parallel to the South property line; thence Northwesterly, 6.53 feet; thence North 34.76 feet; thence Southeasterly, 52.07 feet, along the East property line, which is also the West right-of-way line of the Union Pacific Railroad, to the Point of Beginning.

## 01-60000

PARCEL 4: That part of the abandoned Union Pacific Railroad Company right-of-way in the Southeast Quarter (SE¼) of Section 1, Township 14 North, Range 11 East of the 6<sup>th</sup> P.M., and in the Southwest Quarter (SW¼) of Section 6, Township 14 North, Range 12 East of the 6<sup>th</sup> P.M., all in the City of Omaha, in Douglas County, Nebraska, described as follows: (NE¼ SE¼ & SE¼ SE¼ Sec. 1-14-11 & SW¼ SW¼ Sec. 6-14-12)

Commencing at a brass cap stamped "Douglas County Surveyor" at the Southwest corner of the Southwest Quarter of said Section 6; thence North 89°29'30" East (bearings referenced to the Nebraska State Plane 2600 Coordinate System), for 162.56 feet, along the South line of said Southwest Quarter, to a star drill hole at the Southwest right-of-way of the abandoned Union Pacific Railroad Company, and the true Point of Beginning; thence along said right-of-way line for the following five (5) courses; 1. Thence North 40°42'35" West, for 249.10 feet, to a 5/8" rebar with a 1¼" yellow plastic cap stamped LS 545, at the East line of Lot 1, Millard Lumber Addition, a Subdivision, as surveyed, platted and recorded, in Douglas County, Nebraska, and the East line of said Southeast Quarter of Section 1; 2. Thence North 00°01'26" East, for 46.76 feet, along said East line, to a 5/8" rebar with 1¼" yellow plastic cap stamped LS 545, at the Northeast line of said Lot 1; 3. Thence North 40°48'12" West, for 1,872.54 feet, along said Northeast line, to a ¾" open top pipe at the Southeast right-of-way of Millard Avenue; 4. Thence South 49°12'45" West, for 42.19 feet, along said right-of-way; 5. Thence North 40°47'16" West, for 39.98 feet, to a star drill hole at the centerline of said Millard Avenue road right-of-way; thence North 49°09'57" East, for 111.51 feet, along said centerline, to a star drill hole at the Northeast right-of-way line of the abandoned Union Pacific Railroad; thence South 40°47'37" East, for 2,281.80 feet, along said Northeast right-of-way line, to a star drill hole at the South line of said Southwest Quarter of Section 6; thence South 89°29'30" West, for 131.00 feet, to the Point of Beginning;

EXCEPTING those portions thereof lying within the Millard Avenue and "Q" Street right-of-ways.

## 64-25560

PARCEL 5: That part of fractional Block 17, in the ORIGINAL TOWN OF MILLARD, now an Addition to the City of Omaha, as surveyed, platted and recorded, in Douglas County, Nebraska, described as follows:

(Lot 7 & 8)

Beginning at a star drill hole at the Southwest corner of said Block 17; thence North 49°09'54" East (bearings referenced to the Nebraska State Plane 2600 Coordinate System), for 38.74 feet, along the Northwest line of said Block 17, to the West right-of-way line of 132<sup>nd</sup> Street; thence South 00°01'29" West, for 59.26 feet, along said right-of-way line, to the Northeast right-of-way line of 134<sup>th</sup> Street; thence North 40°47'38" West, for 44.82 feet, along said right-of-way line, to the Point of Beginning.

EXHIBIT "B"  
PERMITTED EXCEPTIONS

License and Easement granted to Northern Natural Gas Company (Peoples Natural Gas Division) by Agreement dated January 14, 1960 and recorded February 10, 1960, in Book 350 at Page 579 of the Miscellaneous Records of Douglas County, Nebraska, to construct, operate and maintain a gas pipe line and appurtenances across and under a portion of subject property.

Easement granted to Northern Natural Gas Company, operating as Peoples Natural Gas Division, by instrument dated September 6, 1961 and recorded October 10, 1961, in Book 370 at Page 661 of the Miscellaneous Records of Douglas County, Nebraska, to construct, operate and maintain a natural gas pipe line and appurtenances over and through a portion of subject property.

License and Easement granted to Northern Natural Gas Company (Peoples Natural Gas Division) by Agreement dated September 24, 1962 and recorded November 6, 1962, in Book 389 at Page 237 of the Miscellaneous Records of Douglas County, Nebraska, to construct, operate and maintain a gas pipe line and appurtenances across and under a portion of subject property.

Easement granted to Sanitary and Improvement District No. 207 of Douglas County, Nebraska, its successors and assigns, by instrument dated March 25, 1969 and recorded May 9, 1969, in Book 476 at Page 205 of the Miscellaneous Records of Douglas County, Nebraska, to construct, operate and maintain a sanitary sewer pipe line and appurtenances across a portion of subject property.

Quitclaim Deed dated April 1, 1971 and recorded April 16, 1971, in Book 1428 at Page 303 of the Deed Records of Douglas County, Nebraska, wherein Union Pacific Railroad Company, a Utah corporation, conveys to Union Pacific Land Resources Corporation, a Utah corporation, all coal and iron and other minerals and mineral rights in and under and which may be produced from Parcel 3.

The other reservations contained in the above Quitclaim Deed were released by Release and Quitclaim Deed dated September 28, 1995 and recorded March 2, 1999, in Book 2114 at Page 464 of the Deed Records of Douglas County, Nebraska.

Notice of Claim to Mineral Interest recorded March 4, 1993, in Book 2 at Page 17 of the Records of Douglas County, Nebraska, by Union Pacific Land Resources Corporation.

The coal and iron and other minerals and mineral rights in and under and which may be produced from Parcel 3 were subsequently conveyed to Missouri Pacific Railroad Company, a Delaware corporation, by Quitclaim Deed dated September 28, 1995 and recorded December 29, 1995, in Book 2022 at Page 340 of the Deed Records of Douglas County, Nebraska.

Quitclaim Deed dated April 1, 1971 and recorded April 20, 1977, in Book 1567 at Page 307 of the Deed Records of Douglas County, Nebraska, wherein Union Pacific Railroad Company, a Utah corporation, conveys to Union Pacific Land Resources Corporation, a Utah corporation, all minerals and mineral rights in and under and which may be produced from Parcels 1 and 2.

Notice of Claim to Mineral Interest recorded March 4, 1993, in Book 2 at Page 17 of the Records of Douglas County, Nebraska, by Union Pacific Land Resources Corporation.

The minerals and mineral rights in and under and which may be produced from Parcels 1 and 2 were subsequently conveyed to Missouri Pacific Railroad Company, a Delaware corporation, by Quitclaim Deed dated September 28, 1995 and recorded December 29, 1995, in Book 2022 at Page 340 of the Deed Records of Douglas County, Nebraska.

Easement granted to the City of Omaha, Nebraska, by instrument dated March 17, 1978 and recorded April 3, 1978, in Book 595 at Page 503 of the Miscellaneous Records of Douglas County, Nebraska, to construct, operate and maintain a box culvert storm drain and appurtenances in a portion of subject property.

Easements reserved for utilities above, on and below the surface of that portion of vacated 132nd Street included within subject property by Ordinance No. 30095 of the City of Omaha, Nebraska, passed August 30, 1983 and recorded September 16, 1983, in Book 696 at Page 549 of the Miscellaneous Records of Douglas County, Nebraska.

Easement granted to the City of Omaha, Nebraska, by instrument dated July 26, 1985 and recorded March 19, 1986, in Book 768 at Page 124 of the Miscellaneous Records of Douglas County, Nebraska, to construct, operate and maintain a box culvert storm drain and appurtenances in a portion of subject property.

Permanent Sewer Easement granted to the City of Omaha, Nebraska, by instrument dated April 8, 1988 and recorded May 20, 1988, in Book 849 at Page 427 of the Miscellaneous Records of Douglas County, Nebraska, to construct, operate and maintain a drainage ditch and appurtenances in, through and under a portion of subject property.

Terms and provisions of unrecorded License Agreement dated October 6, 1972 by and between Union Pacific Land Resources Corporation and Metropolitan Utilities District of Omaha as referenced in Special Warranty Deed dated December 5, 1991 and recorded December 31, 1991, in Book 1914 at Page 277 of the Deed Records of Douglas County, Nebraska, to construct, operate and maintain an underground water pipeline across a portion of subject property.

Reservation of all oil, gas and other minerals and mineral rights in and under and which may be produced from portions of subject property by Union Pacific Land Resources Corporation as contained in Special Warranty Deed dated December 5, 1991 and recorded December 31, 1991, in Book 1914 at Page 277, and in Quitclaim Deed dated December 5, 1991 and recorded December 31, 1991, in Book 1914 at Page 285, both of the Deed Records of Douglas County, Nebraska.

Notice of Claim to Mineral Interest recorded March 4, 1993, in Book 2 at Page 17 of the Records of Douglas County, Nebraska, by Union Pacific Land Resources Corporation.

The reserved oil, gas and other minerals and mineral rights in and under and which may be produced were subsequently conveyed to Missouri Pacific Railroad Company, a Delaware corporation, by Quitclaim Deed dated September 28, 1995 and recorded December 29, 1995, in Book 2022 at Page 340 of the Deed Records of Douglas County, Nebraska.

Permanent Easement granted to the City of Omaha, Nebraska, by instrument dated August 31, 1994 and recorded September 23, 1994, in Book 1130 at Page 43 of the Miscellaneous Records of Douglas County, Nebraska, to construct, operate and maintain an open drainage way improvement and appurtenances in, through and under or over a portion of subject property.

Reservation of all oil, gas and other minerals and mineral rights in and under and which may be produced from Parcels 4 and 5 in favor of Union Pacific Railroad Company, a Utah corporation, by Quitclaim Deed dated July 26, 1996 and recorded August 5, 1996, in Book 2039 at Page 190 of the Deed Records of Douglas County, Nebraska, and by Quitclaim Deed dated September 12, 2011 and recorded September 15, 2011, as Instrument No. 2011078232 of the Records of Douglas County, Nebraska.