

Project: Papillion Creek  
and Tributaries  
Lakes, Nebraska -  
Dam 11

BOOK 1590 PAGE 109

Contract No.: DACW45-73-C-0045

QUITCLAIM DEED

THIS INDENTURE, made this 13TH day of JANUARY, 19 78, by and between the Omaha Public Power District, hereinafter called the Grantor, a corporation organized and existing under the laws of the State of Nebraska, with its principal place of business in Omaha, Nebraska, party of the first part, and the UNITED STATES OF AMERICA, of Washington, D.C., party of the second part;

WITNESSETH:

WHEREAS, the United States of America has, under authority of Public Law 90-483, 90th Congress, approved 13 August 1968, undertaken the development of a flood control project known as Papillion Creek and Tributaries Lakes Project, hereinafter called the Project; and

WHEREAS, the Owner is the holder of certain easement rights and interests in land on which the Owner has constructed and is operating and maintaining certain facilities, consisting of Electric Distribution Lines, which will interfere with the development and use of the Project by the Government; and,

WHEREAS, on the 29th day of March 1973 an agreement, Relocation Contract No. DACW45-73-C-0045 was entered into by and between the party of the first part and the party of the second part, for the relocation, rearrangement and alteration of the facilities of the party of the first part, which arrangement provided further for the exchange of properties of the party of the first part, and the party of the second part;

NOW, THEREFORE, the party of the first part, for and in consideration of the covenants and recitals contained in the above mentioned contract herein referred to and the exchange of properties provided for therein, does hereby CONVEY AND QUITCLAIM unto the United States of America and its assigns, all right, title, and interest which the party of the first part has or may have in and to the following described real estate, to-wit:

A tract of land situated in Sections 3, 9, 10, 15, 16, 21, 22 and 23, Township 16 North, Range 12 East of the Sixth Principal Meridian, Douglas County, Nebraska, being more particularly described as follows:

Beginning at the Northeast corner of Lot 3 of Section 3; thence South 02°28'30" East along the North-South center line of said Section 3, 5,113.77 feet, to the South line of said Section 3; thence South 87°37'52" West, along the said South line, 165.31 feet; thence South 02°32'24" East, 329.82 feet; thence South 87°38'31" West, 165.26 feet; thence South 02°33'00" East, 1,648.96 feet; thence South 42°34'52" West, 465.38 feet; thence South 47°25'00" East, 467.40 feet; to the East-West center line of said Section 10; thence South 02°32'55" East, 1,315.74 feet; thence North 87°41'28" East, 329.29 feet, to the North-South center line of said Section 10; thence South 02°31'48" East, along the said North-South center line of Section 10, 1,315.59 feet, to the South line of said Section 10; thence North 87°41'30" East, along the said South line of Section 10, 1,645.64 feet; thence South 16°08'47" West, 2,089.78 feet; thence South 61°01'24.3" West, 736.88 feet; thence South 02°13'17.3" East, 330.41 feet, to the East-West center line of said Section 15; thence South 02°12'56.2" East, 660.49 feet; thence South 65°00'00" East, 735.00 feet; thence South 47°00'00" East, 465.30 feet; thence South 02°11'11.6" East, 330.23 feet; thence South 76°17'40.5" West, 838.49 feet; thence South 16°07'22" West, 522.25 feet; thence South 02°12'56.2" East, 330.24 feet, to the South line of said Section 15; thence South 22°54'28.1" East, 1,408.34 feet; thence South 02°25'39.3" East, 989.00 feet; thence North 87°37'12" East, 658.58 feet; thence North 24°05'08.5" East, 368.19 feet; thence North 11°32'21.7" East, 679.13 feet; thence South 58°40'27.4 East, 594.07 feet; thence North 42°30'18.6" East,

465.04 feet, to the West line of said Section 23; thence North  $02^{\circ}32'05.7''$  West, along the said West line of Section 23, 1,318.16 feet, to the Northwest corner of said Section 23; thence North  $87^{\circ}42'17.2''$  East, along the North line of said Section 23, 1,818.81 feet; thence South  $18^{\circ}13'07.5''$  West, 1,407.02 feet; thence South  $02^{\circ}26'37.7''$  East, 1,317.56 feet, to the East-West center line of said Section 23; thence South  $87^{\circ}39'49.8''$  West, along the said East-West center line of Section 23, 659.07 feet; thence South  $42^{\circ}41'41''$  West, 929.35 feet, to the East line of said Section 22; thence South  $02^{\circ}28'18.1''$  East, along the said East line of Section 22, 1,873.08 feet; thence South  $79^{\circ}26'51''$  West, 469.87 feet; thence South  $02^{\circ}41'14.8''$  West, 33.00 feet; to the South line of said Section 22; thence South  $87^{\circ}18'45.2''$  West, along the said South line of Section 22, 2,174.41 feet; to the North-South center line of said Section 22; thence South  $87^{\circ}37'13.9''$  West, along the said South line of Section 22, 1,319.19 feet; thence North  $02^{\circ}19'00''$  West, 1,980.79 feet; thence South  $87^{\circ}37'01.5''$  West, 1,317.05 feet to the West line of said Section 22; thence North  $02^{\circ}15'16.2''$  West, along the said West line of Section 22, 660.24 feet, to the East-West line of said Section 22; thence North  $02^{\circ}15'01.8''$  West, along the said West line of Section 22, 660.45 feet; thence North  $73^{\circ}33'30.3''$  East, 1,017.53 feet; thence North  $02^{\circ}17'52.6''$  West, 412.55 feet; thence North  $47^{\circ}11'24.8''$  West, 465.62 feet; thence North  $11^{\circ}41'39.8''$  West, 1,003.77 feet, to the South line of said Section 15; thence South  $87^{\circ}42'10.7''$  West, along the said South line of Section 15, 492.52 feet, to the Southwest corner of said Section 15; thence North  $01^{\circ}54'31.3''$  West, 208.72 feet; thence South  $88^{\circ}05'28.7''$  West, 228.22 feet, to the said West line of Section 15; thence North  $01^{\circ}54'31.3''$  West, along the said West line of Section 15, 748.27 feet; thence South  $87^{\circ}43'13.8''$  West, 1,317.30 feet; thence North  $02^{\circ}08'05.2''$  West, 1,320.31 feet, to the East-West center line of said Section 16; thence North  $87^{\circ}44'06''$  East, along the said East-West center line of said Section 16, 1,322.51 feet to the West line of said Section 15; thence North  $87^{\circ}39'26.5''$  East, along the East-West center line of said Section 15, 979.56 feet; thence North  $28^{\circ}46'51.6''$  West, 738.19 feet; thence North  $47^{\circ}09'54.7''$  West, 465.97 feet; thence South  $87^{\circ}39'37''$  West, 163.70 feet; thence North  $02^{\circ}36'27.2''$  West, 330.51 feet; thence North  $87^{\circ}39'40.5''$  East, 491.57 feet; thence North  $02^{\circ}31'44''$  West, 744.00 feet; thence South  $87^{\circ}39'48.4''$  West, 357.15 feet; thence North  $02^{\circ}35'02''$  West, 578.00 feet; to the North line of said Section 15; thence South  $87^{\circ}39'54.5''$  West, along the said North line of Section 15, 300.00 feet, to the Southeast corner of said Section 9; thence North  $02^{\circ}40'25''$  West, along the West line of said Section 9, 60.00 feet; thence North  $82^{\circ}50'45.8''$  West, 103.96 feet; thence North  $55^{\circ}28'37''$  West, 3,175.65, to the North-South center line of said Section 9; thence North  $02^{\circ}39'34''$  West, along the said North-South center line of said Section 9; 659.89 feet, to the East-West center line of said Section 9; thence North  $87^{\circ}50'46''$  East, along the said East-West center line of said Section 9, 1,315.87 feet; thence South  $02^{\circ}40'10''$  East, 329.57 feet; thence South  $55^{\circ}27'56''$  East, 1,652.30 feet, to the West line of said Section 10; thence North  $87^{\circ}41'28''$  East, 658.57 feet; thence North  $02^{\circ}38'32''$  West, 987.38 feet; thence North  $29^{\circ}10'33''$  West, 369.02 feet, to the East-West center line of said Section 10; thence North  $02^{\circ}39'34''$  West, 329.45 feet; thence North  $29^{\circ}11'14''$  West, 369.36 feet; thence North  $42^{\circ}33'48''$  East, 357.66 feet; thence North  $87^{\circ}21'02''$  East, 226.09 feet; thence North  $02^{\circ}38'58''$  West, 200.00 feet; thence South  $87^{\circ}21'02''$  West 150.00 feet; thence North  $02^{\circ}38'58''$  West, 699.23 feet; thence North  $61^{\circ}05'00''$  East, 368.42 feet; thence North  $02^{\circ}37'46''$  West, 659.09 feet, to the South line of said Section 3; thence North  $87^{\circ}37'52''$  East, along the said South line of Section 3, 100.00 feet; thence North  $06^{\circ}43'55''$  West, 661.97 feet; thence South  $87^{\circ}38'04''$  West, 50.00 feet; thence North  $28^{\circ}58'16''$  West, 738.32 feet; thence North  $53^{\circ}57'31''$  East, 595.03 feet; thence North  $02^{\circ}24'25''$  West, 990.11 feet, to the East-West center line of said Section 3; thence North  $28^{\circ}54'32''$  West, 369.52 feet; thence North  $36^{\circ}01'11''$  West, 595.41 feet; thence South  $87^{\circ}38'36''$  West, 0.59 of a foot; thence North  $02^{\circ}24'42.6''$  West, 165.64 feet; thence North  $87^{\circ}38'36.1$  feet East, 660.00 feet; thence North  $23^{\circ}55'29.9''$  East, 368.04 feet; thence North  $02^{\circ}28'29.6''$  West, 1,155.813 feet to the North line of said Section 3; thence North  $87^{\circ}46'52''$  East, along the said North line of Section 3, 1,152.38 feet; to the point of beginning.

The tract of land herein described contains 1,462.37 acres, more or less.

Excepting therefrom a certain grant of easement by deed for the existing power line in its full width situated within the West 250.00 feet of the  $NW\frac{1}{4}NW\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}$  of Section 15, Township 16 North, Range 12 East of the Sixth Principal Meridian, Douglas County, Nebraska. Also, the existing power line in its full width situated within the West 250.00 feet of the  $SW\frac{1}{4}SW\frac{1}{4}$  of Section 10, Township 16 North, Range 12 East of the Sixth Principal Meridian, Douglas County, Nebraska. Also the existing power line in its full width situated within the North 250.00 feet of the  $N\frac{1}{2}NW\frac{1}{4}$  of Section 10 and the South 250.00 feet of the  $SE\frac{1}{4}SW\frac{1}{4}$  of Section 3, Township 16 North, Range 12 East of the Sixth Principal Meridian, Douglas County, Nebraska. Also, the existing power line in its full width situated within the South 250.00 feet of the  $S\frac{1}{2}SE\frac{1}{4}$  of Section 10, Township 16 North, Range 12 East of the Sixth Principal Meridian, Douglas County, Nebraska, lying below contour elevation 1142 m.s.l. Also, the existing power line in its full width situated within the  $S\frac{1}{2}SW\frac{1}{4}$  of Section 14, Township 16 North, Range 12 East of the Sixth Principal Meridian, Douglas County, Nebraska, lying below contour elevation 1142 m.s.l. on the East and contour elevation 1147 m.s.l. on the West. Also, the existing power line in its full width situated within the South 250.00 feet of the  $S\frac{1}{2}SE\frac{1}{4}$  of Section 34, Township 17 North, Range 12 East of the Sixth Principal Meridian, Washington County, Nebraska, lying below contour elevation 1147 m.s.l.

Also excepting therefrom, a strip of land located in the Southwest Quarter of the Northwest Quarter ( $SW\frac{1}{4}NW\frac{1}{4}$ ), the Northwest Quarter of the Southwest Quarter ( $NW\frac{1}{4}SW\frac{1}{4}$ ) of Section Twenty-three (23); the East one-half of the Southeast Quarter ( $E\frac{1}{2}SE\frac{1}{4}$ ), the Southwest Quarter of the Southeast Quarter ( $SW\frac{1}{4}SE\frac{1}{4}$ ), the South one-half of the Southeast Quarter of the Southwest Quarter ( $S\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$ ), all in Section Twenty-two (22), Township Sixteen (16) North, Range Twelve (12) East, of the Sixth Principal Meridian, Douglas County, Nebraska; such strip being one hundred feet (100') in width, being fifty feet (50') on each side of and parallel to the following described reference line:

Beginning at a point on the North line of the Northwest Quarter of the Southwest Quarter ( $NW\frac{1}{4}SW\frac{1}{4}$ ) of Section Twenty-three (23), said point being one thousand, two hundred and ten feet (1,210'), more or less, East of the Northwest corner thereof; thence turning an angle of  $02^{\circ}38'$  left and continuing for a distance of eight hundred and seventy-five feet (875') to point of turning "A"; thence turning an angle of  $38^{\circ}00'$  left and continuing for a distance of three thousand, two hundred and sixty-one feet (3,261') to point of turning "B"; thence turning an angle of  $25^{\circ}39'$  right and continuing for a distance of one thousand, eight hundred and forty feet (1,840'), more or less to a point on the South line of the Southwest Quarter ( $SW\frac{1}{4}$ ) of Section Twenty-two (22), said point being fifteen feet (15'), more or less East of the Southwest corner of said South one-half of the Southeast Quarter of the Southwest Quarter ( $S\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$ ). Also a strip of land forty feet (40') in width, being twenty feet (20') on either side of the following described line:

Beginning at the above referenced point of turning "B" and extending in a Southeasterly direction (bisecting angle) for a distance of seventy feet (70'), excepting therefrom that portion situated in the Northeast Quarter of the Northwest Quarter of the Southwest Quarter ( $NE\frac{1}{4}NW\frac{1}{4}SW\frac{1}{4}$ ) of said Section 23.

The tract of land herein described contains 13.58 acres, more or less.

TO HAVE AND TO HOLD the above described premises unto the party of the second part and its assigns, forever, with appurtenances thereunto belonging.

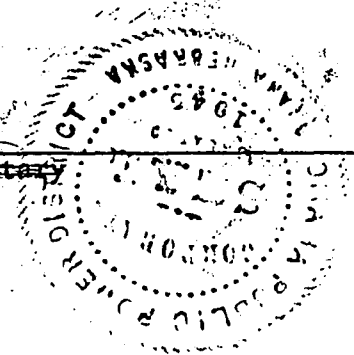
IN WITNESS WHEREOF, the said corporation has caused these presents to be executed in its name and on its behalf and its corporate seal to be affixed on the day and year last above written.'

OMAHA PUBLIC POWER DISTRICT

By Lloyd C Shalla  
Group Manager - Operations

Attest:

G. J. Kelley  
ASSISTANT SECRETARY ~~Secretary~~

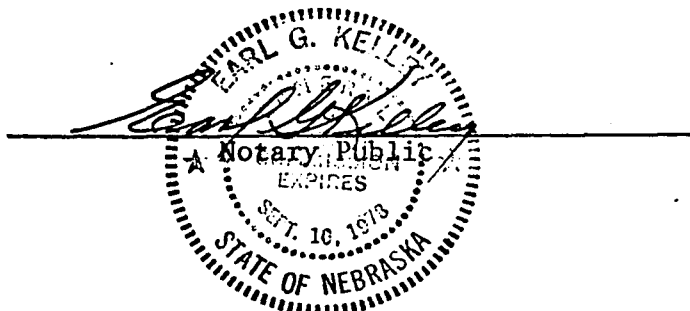


ACKNOWLEDGEMENT

STATE OF NEBRASKA )  
                                  ) SS  
COUNTY OF DOUGLAS )

On this 15TH day of JANUARY, 1978, before me, the undersigned Notary Public, personally appeared Lloyd C. Shalla, known to me to be the Group Manager - Operations, and G. J. Kelley, known to me to be the Assistant Secretary of the corporation executing the above and foregoing instrument and they, and each of them acknowledged to me that they executed the same, for and on behalf of, and as the free act and deed of said corporation, and they and each of them being duly authorized so to do.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Omaha in the County of Douglas, State of Nebraska, the day and year last hereinabove written.



My Commission Expires:  
Sept. 10, 1978

BE IT RESOLVED that effective June 9, 1977, all right-of-way contracts, easements and releases of easements, contracts for short-term purchases and sales of power under established rate schedules, and all applications, waivers, consents, retail service area agreements and other official papers which may be presented to or filed with the Nebraska Power Review Board or the Nebraska Public Service Commission, may be executed for and on behalf of the District by any one of the following persons:

- Rosemary M. Skrupa, President
- Richard Sievers, Vice President
- Ralph W. Shaw, General Manager
- D. D. Kelly, Group Manager
- B. W. Reznicek, Group Manager
- Lloyd C. Shalla, Group Manager, or
- Jack L. Wilkins, Group Manager

BE IT FURTHER RESOLVED that all resolutions inconsistent herewith shall be of no further effect on and after June 9, 1977.

*H9 Dead*

RECEIVED  
1978 FEB 21 AM 11:39  
ST. FRANCIS HOSPITAL  
REGISTERED NURSES  
DODGE COUNTY, NEBR.

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*Adopted June 9, 1977*