

78 - 608

WARRANTY DEED

THIS INDENTURE made this 8th. day of August, 1972, between the OMAHA INDUSTRIAL FOUNDATION, a corporation organized and existing under the laws of the State of Nebraska, hereinafter called "Grantor" and JACK K. HARVEY, CARL A. BRADY, DERYL F. HAMANN, and ROY DINSDALE, tenants in common, hereinafter called "Grantees".

WITNESSETH:

Grantor for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, in hand paid, the receipt of which is hereby acknowledged, has sold and by these presents does sell, grant, convey and confirm unto the Grantees the following described real estate, to-wit:

The East Five Hundred Eighty (580.00) Feet of Block Two (2) in Omaha Industrial Foundation District No. 3, an Addition to the City of Omaha, as surveyed, platted and recorded, Douglas County, Nebraska, being more particularly described as follows, to-wit:

Beginning at the point of Intersection of the North right-of-way Line of "L" Street and the Southerly right-of-way Line of U.S. Highway No. 275, said point of beginning being located 694.14 Feet West and 33.0 Feet North of the East Quarter Corner of Section One (1), Township Fourteen (14) North, Range Eleven (11), East of the 6th P.M. in Douglas County, Nebraska; thence N. 88°55'51" W. along the Northerly right-of-way Line of "L" Street 580.00 Feet to a point; thence N. 1°04'09" E. a Distance of 355.55 Feet to a Point on the Southerly right-of-way Line of U.S. Highway No. 275; thence Southeasterly along the Southerly right-of-way Line of U.S. Highway No. 275 a distance of 435.20 Feet along the arc of a Circular Curve whose Radius is 2024.86 Feet and which has a Chord the Length and Bearing of which are 434.37 Feet and S. 64°50'08" E. respectively, to a Point on the said right-of-way Line; thence S. 44°45'51" E. along the Southerly right-of-line of U.S. Highway No. 275 a Distance of 255.79 Feet to the Point of Beginning.

TO HAVE AND TO HOLD the premises above described, together with all the tenements, hereditaments and appurtenances thereunto belonging, to the said Grantees, their heirs, representatives and assigns forever. And the said Grantor for itself and its successors, does hereby covenant and agree to and with the Grantees and their heirs, representatives and assigns that at the time of the execution and delivery of these presents it is lawfully seized of said premises; that it has good right and lawful authority to convey the same; and that they are free from encumbrance except:

- (a) Protective Covenants of record.
- (b) Perpetual storm sewer easements in favor of the City of Omaha.
- (c) The following reservations and restrictions which are to run with the land and which

153

are contained in the Warranty Deed from Union Pacific Railroad Company to Omaha Industrial Foundation filed May 29, 1968, in Book 1351 at Page 651 of the Deed records of Douglas County, Nebraska:

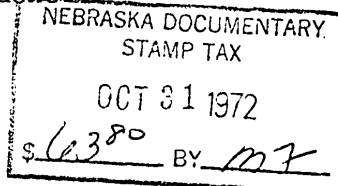
- (i) A reservation in the Grantor, its successors and assigns forever, of all minerals and mineral rights. (Provided, however, the owner of said rights may not enter upon or use the surface of the real estate nor may he damage the surface or interfere with the use thereof by the Buyer, its successors or assigns.)
- (ii) The Grantee, its successors and assigns, shall not, without the prior written consent of the Grantor, construct or permit the construction of any railroad track upon the said premises and no railroad company, other than Union Pacific Railroad Company, its successors and assigns, shall be allowed to use any track now or hereafter upon, or extending to, any part of the said premises without the permission in writing of the Grantor.
- (iii) Said premises shall not be used or occupied at any time for any purpose other than for the purposes of the business of manufacturing, wholesaling, jobbing, warehousing or businesses of a kindred nature.
- (d) Current real estate taxes which shall be prorated to the date hereof and subsequent taxes and assessments.

And the Grantor does hereby covenant to warrant and defend the said premises against the lawful claims of all persons whomsoever, except as set forth above.

IN WITNESS WHEREOF, the Omaha Industrial Foundation has caused these presents to be executed by its President and its Corporate Seal to be hereunto affixed as of the day and year first above written.

OMAHA INDUSTRIAL FOUNDATION

By *R. Conway*  
President



2.

*Handwritten mark*

