

EASEMENT

THIS INSTRUMENT, made and entered into this 17th day of September, 1963, between THE QUAKER OATS COMPANY, a corporation of the State of New Jersey with offices in the Merchandise Mart at Chicago 54, Illinois, party of the first part, and the CHICAGO, BURLINGTON & QUINCY RAILROAD COMPANY, a corporation organized and existing under the laws of the State of Illinois, party of the second part,

WITNESSETH:

That said party of the first part, in consideration of One Dollar (\$1.00) to it in hand paid by the said party of the second part, the receipt of which is hereby acknowledged and confessed, has given, granted and conveyed, and by these presents does give, grant and convey unto said party of the second part, its successors and assigns, the right, license and privilege to construct, maintain, and operate a railroad track of standard gauge, across the property of the party of the first part in vacated Poppleton Avenue, Original City of Omaha, Nebraska, situated in Section 26, Township 15 North, Range 13 East of the 6th Principal Meridian, in the County of Douglas, State of Nebraska, and for such purpose to take, use, occupy and enjoy a right of way of that part of vacated Poppleton Avenue lying within ten (10) feet on each side of the centerline of said right of way, as shown on the attached survey by Howard Thomas Engineering Co., August 1963, the centerline of said right of way being described as follows:

Beginning at a point on the westerly line of the Chicago, Burlington & Quincy Railroad Company railroad right of way 36.6 feet South of the North line of Poppleton Avenue vacated, thence in a northwesterly direction along a curve to the left whose radius is 764.49 to a point on the North line of Poppleton Avenue vacated, said point being 13.9 feet west of said westerly line of said Chicago, Burlington & Quincy Railroad Company railroad right of way.

RESERVING, however, to THE QUAKER OATS COMPANY, its successors and assigns, the right to construct at any and all times and to maintain, operate, repair and renew roads, water lines, pipe lines, sewer lines, drainage ditches and works, drain lines, telephone, telegraph and electric power pole and wire lines over, under, and across (but in such a way as not unreasonably to interfere with the rights herein granted) the premises hereinbefore described, it being understood that the rights so reserved to THE QUAKER OATS COMPANY, its successors and assigns, are retained along with the general right of said THE QUAKER OATS COMPANY, its successors and assigns, to use said premises for any purposes not inconsistent with the use by the party of the second part for the purposes herein defined.

SUBJECT TO the reservation of the rights of the City of Omaha and public utilities to easements as set forth in Ordinance No. 22222, dated July 5, 1962, a copy of which is attached hereto and hereby made a part hereof.

TO HAVE AND TO HOLD the said right, license, and privilege unto said party of the second part, its successors and assigns, forever, subject, however, to this condition that if at any time after the construction of said track the said second party, its successors or assigns, shall permanently

abandon the use of said track and remove the same, then the said right, license, and privilege shall cease and determine.

IN WITNESS WHEREOF, the said party of the first part has caused these presents to be signed by its Vice President and Assistant Secretary, and its corporate seal to be hereto affixed this 17th day of September, 1963.

THE QUAKER OATS COMPANY

In Presence of

By

Vice

President

ATTEST:

Assistant

Secretary

Richard A. Jenkins
Witness

Howard J. Thomas Jr.
Assistant Secretary

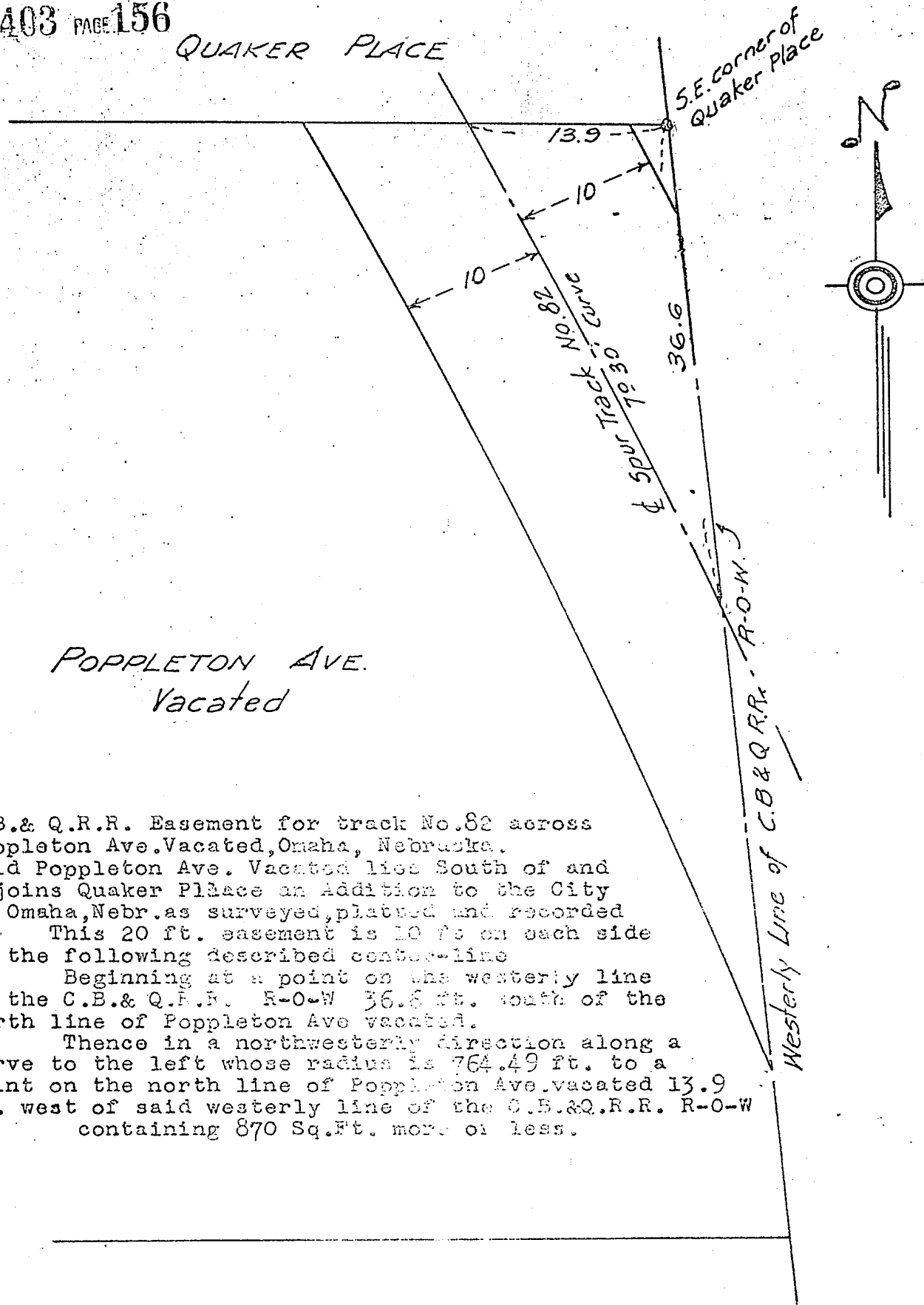
STATE OF ILLINOIS)
COUNTY OF COOK) SS.

I, LOUIS-J. MALLARDI, JR., a Notary Public, do hereby certify that John R. Staley, personally known to me to be the Vice President of The Quaker Oats Company, and Howard J. Thomas Jr., personally known to me to be the Assistant Secretary of said corporation, whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such Vice President and Assistant Secretary, they signed and delivered the said instrument of writing as Vice President and Assistant Secretary of said corporation, and caused the corporate seal of said corporation to be affixed thereto, pursuant to authority given by the Board of Directors of said corporation, as their free and voluntary act, and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

Given under my hand and notarial seal this 17th day of Sept, A.D., 1963.

My Commission Expires
Oct. 23rd 1963

Louis J. Mallardi Jr.
Notary Public



C.B. & Q.R.R. Easement for track No. 82 across Poppleton Ave. Vacated, Omaha, Nebraska.

Said Poppleton Ave. Vacated lies South of and adjoins Quaker Place an Addition to the City of Omaha, Nebr. as surveyed, platted and recorded

This 20 ft. easement is 10 ft. on each side of the following described center-line

Beginning at a point on the westerly line of the C.B. & Q.R.R. R-O-W 36.6 ft. south of the North line of Poppleton Ave. vacated.

Thence in a northwesterly direction along a curve to the left whose radius is 764.49 ft. to a point on the north line of Poppleton Ave. vacated 13.9 ft. west of said westerly line of the C.B. & Q.R.R. R-O-W containing 870 Sq. Ft. more or less.

Omaha, Nebraska- August 1963

Scale 1"-10 ft.

Howard Thomas Engineering Co.

Howard Thomas

Prof. Engr's Cert. No. E-119

AN ORDINANCE vacating Poppleton Avenue from 3rd Street to the Chicago Burlington & Quincy Railroad Right-of-Way, abutting Lots 2, 3, 4 and that part of vacated 3rd Street abutting Lot 4 on the West, in Block 1, Credit Foncier and abutting Lots 5, 6 and Lot 7, except part taken for Right-of-Way and vacated strip adjoining said lots, and that part of vacated 3rd Street abutting Lot 5 on the West in Block 269, Original Omaha City Lots in NW $\frac{1}{4}$ of Section 26-15-13, Lands, in the City of Omaha.

WHEREAS, petition representing owners of more than 75 percent of the property abutting on Poppleton Avenue from 3rd Street to Chicago, Burlington & Quincy Railroad Right-of-Way, abutting Lots 2, 3, 4 and that part of vacated 3rd Street abutting Lot 4 on West, in Block 1, Credit Foncier and abutting Lots 5, 6 and Lot 7, except that part taken for Right-of-Way and vacated strip adjoining said lots and that part of vacated 3rd Street abutting Lot 5 on the West in Block 269, Original Omaha City Lots in NW $\frac{1}{4}$ of Section 26-15-13, Lands, has heretofore been filed with the City of Omaha; and

WHEREAS, said property owners have in and by said petition waived any and all damages that may be occasioned by the vacating of said property above described;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

Section 1. That Poppleton Avenue from 3rd Street to the Chicago Burlington & Quincy Railroad Right-of-Way, abutting Lots 2, 3, 4 and that part of vacated 3rd Street abutting Lot 4 on the West, in Block 1, Credit Foncier and abutting Lots 5, 6 and Lot 7, except part taken for Right-of-Way and vacated strip adjoining said lots, and that part of vacated 3rd Street abutting Lot 5 on the West in Block 269, Original Omaha City Lots in NW $\frac{1}{4}$ of Section 26-15-13, Lands, in the City of Omaha be, and is hereby, vacated; the vacating of the property herein described, and the reversion thereof, shall be subject to the condition and limitation that there is reserved to the City of Omaha the right to maintain, operate, repair, and renew sewers now existing therein and in the future to construct, maintain, repair and renew additional or other sewers; and also the right to authorize the Metropolitan Utilities District of the City of Omaha or any other public utility to construct, maintain, repair and renew and operate now existing or hereafter installed water mains, polelines, conduits and other similar services on equipment above, on and below the surface of the ground for the purpose of serving the general public or abutting property; and the right so reserved shall also include such lateral connections or branch lines as may be ordered, desired or permitted by the City; and to enter upon the premises to accomplish the above purpose at any and all times.

Section 2. That this ordinance shall take effect and be in force after 15 days from and after its passage.

INTRODUCED BY COUNCILMAN

Harry Trustin

PASSED

July 3, 1962

APPROVED BY:

James J. Dworak

7/5/62

MAYOR OF THE CITY OF OMAHA

DATE

ATTEST

APPROVED AS TO FORM:

Fannie Sherman

Deputy CITY CLERK OF THE CITY OF OMAHA

Herbert M. Fittle

CITY ATTORNEY

I hereby certify that the foregoing is a true and correct copy of the original document now on file in the City Clerk's office.

BY

Mary L. Gargan
CITY CLERK

RECEIVED

1963 OCT 7 AM 10 06

THOMAS J. O'CONNOR
REGISTER OF DEEDS
DOUGLAS COUNTY, NEBR.

THE STATE OF NEBRASKA }
Douglas County }

Entered in Numerical Index and filed
for Record in the office of the Register of
Deeds of said County and recorded in

Book 403 of misc
Page 153

Register of Deeds

W.C. B & G. R.R. Co.

547 W. Jackson Blvd.

26-15-17925

Chicago 6-88.

26-15-13