

C. D. No. 33997-

D E E D

from

UNION PACIFIC RAILROAD COMPANY

to

CITY OF OMAHA

Dated AUGUST 31, 1961.

Covering easement for sewer
pipe lines and lift station
in Douglas County, Nebraska,
and sewer pipe line in
Pottawattamie County, Iowa.

7/25/61

ORIGINAL

23 15-63

THIS DEED, Made this 31ST day of AUGUST, 1961, between UNION PACIFIC RAILROAD COMPANY, a corporation of the State of Utah, party of the first part, and CITY OF OMAHA, a municipal corporation of the State of Nebraska, party of the second part:

WITNESSETH, That

WHEREAS, the party of the second part desires to acquire an easement in the land hereinafter described for the construction, operation, maintenance, repair, renewal and reconstruction of interceptor sewer pipe lines, varying in sizes from 24 inches to 66 inches in diameter, and a sewer lift station; and

WHEREAS, the party of the first part is willing to donate said easement to the party of the second part for the purposes aforesaid;

NOW, THEREFORE, in consideration of the premises, the said party of the first part does by these presents grant, donate, convey, and confirm unto the said party of the second part, and unto its successors and assigns, a PERPETUAL EASEMENT,

- (a) solely for the construction, operation, maintenance, repair, renewal and reconstruction of interceptor sewer pipe lines, varying in sizes from 24 inches to 66 inches in diameter upon, along and under the surface of the following described parcels of land of the party of the first part, to wit:

PARCEL No. 1

. A parcel of land situate in and being all that part of Government Lot 4 in Section 23, Township 15 North, Range 13 East of the Sixth Principal Meridian, in the City of Omaha, Douglas County, Nebraska, bounded and described as follows:

Beginning at the point of intersection of the U.S. Harbor Line on the right bank of the Missouri River with a straight line that is parallel with and 30 feet distant southerly, measured at right angles, from the center line of Union Pacific Railroad Company's bridge across the Missouri River;

thence westerly along said parallel line a distance of 122 feet, more or less, to a point in the easterly right of way line of Chicago, Burlington & Quincy Railroad Company;

thence southeasterly along said easterly right of way line to a point thereon that is 180 feet distant southerly, measured at right angles, from said center line of bridge;

thence easterly along a straight line that is parallel with and 180 feet distant southerly, measured at right angles, from said center line of bridge, a distance of 28 feet;

thence southeasterly along a line that is parallel with said easterly right of way line of Chicago, Burlington & Quincy Railroad Company, a distance of 81.2 feet;

thence easterly along a straight line that is parallel with said center line of Union Pacific Railroad Company's bridge a distance of 63 feet;

thence southeasterly along a straight line to a point in the south line of said Government Lot 4 that is 100 feet distant east of said easterly right of way line of Chicago, Burlington & Quincy Railroad Company, measured along said south line;

thence east along said south line of Government Lot 4, a distance of 70 feet, more or less, to a point in said U.S. Harbor Line;

thence northwesterly along said U.S. Harbor Line to the point of beginning;

containing an area of 0.81 of an acre, more or less.

PARCEL No. 2

A parcel of land situate in and being all that part of Government Lot 4 in said Section 23, in the City of Omaha, Douglas County, Nebraska, bounded and described as follows:

Commencing at the southwest corner of said Government Lot 4;

thence north a distance of 528 feet;

thence east a distance of 1044.0 feet to the southeast corner of that certain parcel of land heretofore conveyed by Edward Roddis and Sarah Roddis, his wife, to Union Pacific Railroad Company by Warranty Deed dated October 19, 1878, recorded in Book 25, Page 619, Deed Records of said Douglas County, which corner is the true point of beginning of the parcel of land hereby being described;

thence north along the east line of said parcel of land heretofore conveyed to Union Pacific Railroad Company by deed dated October 19, 1878, a distance of 14 feet;

thence N. $86^{\circ} 30'$ W. along the north line of said parcel of land heretofore conveyed to Union Pacific Railroad Company by deed dated October 19, 1878, a distance of 67 feet, more or less, to a point in the easterly right of way line of Chicago, Burlington & Quincy Railroad Company, formerly the Omaha & Southwestern Railway Company;

thence southeasterly along said easterly right of way line of Chicago, Burlington & Quincy Railroad Company, a distance of 20 feet, more or less, to a point in the south line of said parcel of land heretofore conveyed by deed dated October 19, 1878;

thence east along said south line of parcel of land heretofore conveyed by deed dated October 19, 1878, a distance of 61 feet, more or less, to the true point of beginning;

containing an area of 0.02 of an acre, more or less.

PARCEL No. 3

All those parts of Blocks 127, 129 and 157 in said City of Omaha lying westerly of the U.S. Harbor Line on the right bank of the Missouri River, and easterly of the center line of an existing floodwall described as follows:

Beginning at a point in the center line of Douglas Street, 100 feet wide, in said City of Omaha, that is N. $88^{\circ} 07'$ E., 513.28 feet distant, measured along said center line of Douglas Street, from the east line of 7th Street produced across said Douglas Street;

thence S. $10^{\circ} 23'$ E. along a straight line that forms an angle of $98^{\circ} 30'$ from west to south with said center line of Douglas Street, a distance of 24.28 feet;

thence S. $26^{\circ} 52'$ E. a distance of 217.50 feet;

thence S. $18^{\circ} 47'$ E. a distance of 361.50 feet;

thence S. $12^{\circ} 21'$ E. a distance of 371.88 feet to a point in the east and west center line of said Section 23, Township 15 North, Range 13 East, which east and west center line is coincident with the southerly line of said Block 157;

containing an area of 0.82 of an acre, more or less.

PARCEL No. 4

All those portions of vacated California and Webster Streets, Blocks 32 and 1 and the vacated alley in said Block 1, as said blocks, streets and alley were originally established in said City of Omaha, bounded and described as follows:

Commencing at the point of intersection of the south line of vacated Cass Street with the east line of vacated Eighth Street;

thence N. $87^{\circ} 06' 40''$ E. along the south line of vacated Cass Street a distance of 500.75 feet;

thence N. $2^{\circ} 08' 20''$ W. a distance of 321.3 feet to the true point of beginning of the parcel of land hereby being described;

thence N. $68^{\circ} 53' 20''$ W. a distance of 422.2 feet;

thence N. $27^{\circ} 06' 40''$ E. a distance of 422.2 feet;

thence S. $20^{\circ} 53' 20''$ E. a distance of 565.0 feet to the true point of beginning.

Excepting therefrom all that portion thereof included within that certain strip of land 60 feet wide heretofore conveyed by Union Pacific Railroad Company to The City of Omaha for roadway by warranty deed dated November 5, 1947; and also excepting therefrom any part thereof occupied by the piers of the Abbott Drive overpass;

containing an area of 1.57 acres, more or less.

PARCEL No. 5

A strip of land 20 feet wide, being portions of vacated Elm and Chestnut Streets, Blocks L, M and N and the vacated alleys in said blocks, as said blocks, streets and alleys were originally established in said City of Omaha, Douglas County, Nebraska, said strip of land extending southerly and southeasterly from the south line of Seward Street to the east property line of Union Pacific Railroad Company, and lying between lines parallel with and 10 feet distant, measured at right angles and/or radially, on each side of the hereinafter described center line of sewer line and said center line extended; excepting therefrom all that portion thereof lying between straight lines drawn at right angles to said center line at points designated as "A" and "B" thereon. Said center line of sewer line, hereinabove referred to, being described as follows:

11-15-13

Beginning at a point in the south line of Seward Street that is 90 feet distant east, measured at right angles, from the center line of the most easterly track of Union Pacific Railroad Company as now constructed and operated, said point also being 66 feet, more or less, distant west from the point of intersection of said south line with the east property line of said Railroad Company;

thence S. 2° 00' 18" E. along a straight line, the northerly projection of which is parallel with and 90 feet distant east, measured at right angles, from said center line of most easterly track, a distance of 230 feet to point "B," hereinabove referred to;

thence continuing S. 2° 00' 18" E. a distance of 70 feet to point "A," hereinabove referred to;

thence continuing S. 2° 00' 18" E. a distance of 98.21 feet;

thence southeasterly along a tangent curve to the left having a radius of 1708.26 feet, through a central angle of 15° 04' 08", a distance of 449.27 feet;

thence S. 17° 04' 26" E. a distance of 28 feet, more or less, to a point in said easterly property line of Union Pacific Railroad Company;

containing an area of 0.37 of an acre, more or less.

PARCEL NO. 6

A strip of land 20 feet wide situate in Government Lot 1 of Section 14 and in Government Lot 1 of Section 11, Township 15 North, Range 13 East of the Sixth Principal Meridian, in the City of Omaha, Douglas County, Nebraska, extending northerly from the north line of Seward Street to the state line between the States of Nebraska and Iowa, and being 10 feet in width, measured at right angles and/or radially on each side of the hereinafter described center line of sewer line; excepting therefrom all that portion thereof lying between straight lines drawn at right angles to said center line at points designated as "C" and "D" thereon. Said center line of sewer line hereinabove referred to, being described as follows:

Beginning at a point in the north line of Seward Street that is 90 feet distant east, measured at right angles, from the center line of the most easterly track of Union Pacific Railroad Company as now constructed and operated;

thence N. 2° 00' 18" W. along a straight line parallel with and 90 feet distant east, measured at right angles, from said center line of most easterly track, a distance of 765.37 feet;

thence northwesterly along a tangent curve to the left having a radius of 111.14 feet, through a central angle of 30° 00', a distance of 58.19 feet;

thence N. 32° 00' 18" W. a distance of 5.64 feet;

thence northwesterly along a tangent curve to the right having a radius of 111.14 feet, through a central angle of 30° 00', a distance of 58.19 feet;

thence N. 2° 00' 18" W. a distance of 33.81 feet to point "E," hereinafter referred to;

thence continuing N. 2° 00' 18" W. a distance of 109.69 feet;

thence N. 3° 06' 37" W. a distance of 116.31 feet to point "F," hereinafter referred to;

thence continuing N. 3° 06' 37" W. a distance of 157.09 feet;

thence N. 59° 30' E. a distance of 61.8 feet;

thence N. 39° 42' W. a distance of 60.6 feet to point "C," hereinabove referred to;

thence continuing N. 39° 42' W. a distance of 45 feet to point "D," hereinabove referred to;

thence continuing N. 39° 42' W. a distance of 25 feet;

thence N. 3° 20' 18" W. a distance of 380 feet, more or less, to a point in said state line between the States of Nebraska and Iowa, said point being herein designated and hereinafter referred to as point "G."

ALSO,

A parcel of land situate in and being all that part of Government Lot 1 of Section 14, Township 15 North, Range 13 East of the Sixth Principal Meridian, in the City of Omaha, Douglas County, Nebraska, bounded and described as follows:

Beginning at a point in the east line of the last above described 20 foot strip of land that is 10 feet distant east, measured at right angles, from the last hereinabove described center line of sewer line at point "E" thereon;

thence northerly along the east line of said 20-foot strip of land to a point that is 10 feet distant east, measured at right angles, from said last hereinabove described center line of sewer line at point "F" thereon;

thence easterly along a straight line drawn at right angles to said last hereinabove described center line of sewer line a distance of 86 feet, more or less, to a point in the east property line of Union Pacific Railroad Company;

thence south along said east property line a distance of 228 feet, more or less, to a point in a straight line drawn at right angles to said last hereinabove described center line of sewer line at point "E" thereon;

thence westerly along said straight line drawn at right angles to said center line of sewer line a distance of 84 feet, more or less, to the point of beginning;

containing an area of 1.28 acres, more or less.

PARCEL No. 7

A strip of land 20 feet wide situate in Section 20, Township 75 North, Range 44 West of the Fifth Principal Meridian, in Pottawattamie County, Iowa, and extending northerly from the state line between the States of Nebraska and Iowa, to the north property line of Union Pacific Railroad Company which is the south line of that certain parcel of land heretofore conveyed by The Union Pacific Railway Company to Omaha Bridge & Terminal Railway Company by warranty deed dated April 3, 1894 and recorded in Book 189, Page 157 of the deed records of Douglas County, Nebraska, said strip of land being 10 feet in width, measured at right angles, on each side of the following described center line of sewer line, to wit:

Beginning at a point in said state line between the States of Nebraska and Iowa, designated as point "G" in the last hereinabove described center line of sewer line;

thence N. 3° 20' 18" W. a distance of 74 feet, more or less, to a point in said north property line of Union Pacific Railroad Company;

containing an area of 0.03 of an acre, more or less.

Said Parcel No. 1, Parcel No. 2 and Parcel No. 3 are shown outlined by yellow lines on the print hereto attached dated March 29, 1961, marked "Exhibit A," and hereby made a part hereof.

Said Parcel No. 4, Parcel No. 5, Parcel No. 6 and Parcel No. 7 are shown outlined by yellow lines on the print hereto attached dated March 29, 1961, marked "Exhibit B," and hereby made a part hereof.

(b) solely for the construction, operation, maintenance, repair, renewal and reconstruction of a sewer lift station upon said Parcel No. 4;

together with the right of ingress and egress to, from and upon said parcels of land for the purpose of exercising the rights herein granted.

RESERVING, however, to the party of the first part, its successors and assigns, the right to construct at any and all times and to maintain, operate, and use railroad tracks, pipe lines and telephone and telegraph and electric power pole and wire lines over, under, and across (but in such a way as not unreasonably to interfere with) said sewer pipe lines or lift station on the premises hereinbefore described; it being understood that the right so reserved to the party of the first part, its successors and assigns, is retained along with the general right of the party of the first part, its successors and assigns, to the use of said premises for any purpose not inconsistent with the use by the party of the second part of said easement for the purpose herein defined.

This deed is made subject to all outstanding superior rights and the right of the party of the first part to renew and extend the same and is made without covenant of title or to give possession or for quiet enjoyment.

The party of the second part by the acceptance of this deed agrees to indemnify and save harmless the party of the first part from and against any and all liability, loss, damage, claims, demands, actions, causes of action, costs, and expenses of whatsoever nature, including court costs and attorneys' fees, growing out of injury or harm to or death of persons whomsoever, or loss or destruction of or damage to property whatsoever, including the sewer pipe lines and the lift station of the party of the second part, when such injury, harm, death, loss, destruction or damage, howsoever caused, grows out of or arises from the bursting of or leaks in the sewer pipe lines, or in any other way whatsoever is due to or arises because of the existence of the sewer pipe lines or the lift station or the construction, operation, maintenance, repair, renewal, reconstruction or use of the sewer pipe lines or the lift station or any part thereof, or to the contents therein or therefrom.

It is expressly made a condition of this easement that if the party of the second part, its successors or assigns, shall abandon the premises of the party of the first part in the locations above described for the purposes of this

easement, then, and in that event, all rights herein granted shall cease and determine, and the title to said premises shall be freed from the burden of said easement; and it is further agreed that nonuser of the premises for a period of one year shall be deemed an abandonment of said premises.

IN WITNESS WHEREOF, the said party of the first part has caused its corporate name to be hereunto subscribed by its President and its corporate seal to be hereunto affixed by an Assistant Secretary, the day and year first above written.

Witness:

UNION PACIFIC RAILROAD COMPANY,

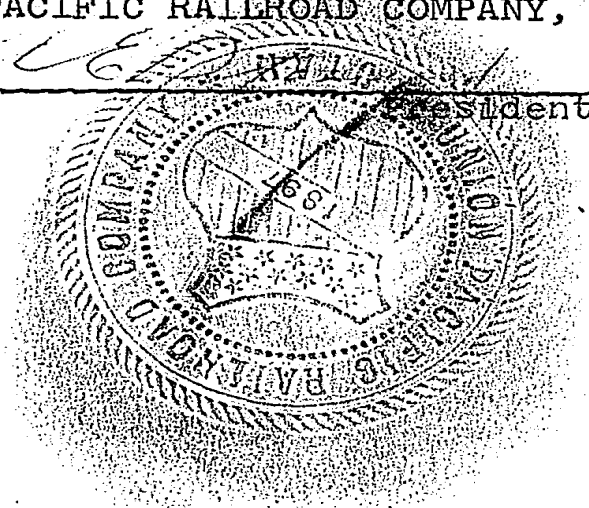
By

L. W. Vandercreek

[Signature] President

Attest:

[Signature] (Seal)
Assistant Secretary



Comp.

STATE OF NEBRASKA }
COUNTY OF DOUGLAS } ss.

On this 5th day of September, 1961, before me, a Notary Public in and for said County in the State aforesaid, personally appeared A. E. Stoddard, to me personally known, and to me personally known to be the President of UNION PACIFIC RAILROAD COMPANY, and to be the same person whose name is subscribed to the foregoing instrument, and who, being by me duly sworn, did say that he is President of Union Pacific Railroad Company; that the seal affixed to said instrument is the corporate seal of said corporation; and that said instrument was signed and sealed on behalf of said corporation by authority of its board of directors; and the said A. E. Stoddard acknowledged said instrument to be his free and voluntary act and deed, and the free and voluntary act and deed of said corporation, by it voluntarily executed, for the uses specified therein.

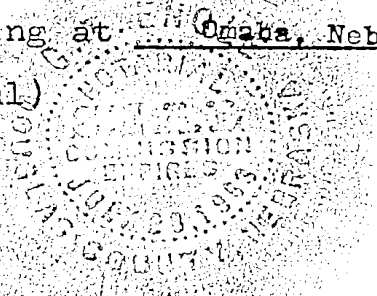
IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

My commission expires July 28, 1963.

A. T. Engle
Notary Public

Residing at Omaha, Nebraska

(Seal)



Comp.

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L. J. ...

RECEIVED

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DEPARTMENT OF REVENUE, NEB.
I hereby certify that the above and files
for record in the office of the Register of Deeds
of said County and the date in
Book 1144 of Deeds
Page 483

Thomas J. O'Connor
Register of Deeds

By _____ Deputy
Date City of Omaha
Robert Rork Depl
= 23-15-13 650
= 14-15-13 650
= 11-15-13