

1946

13A

A G R E E M E N T

THIS AGREEMENT was made and entered into, by and between OMAHA BRIDGE AND TERMINAL RAILWAY COMPANY, incorporated under the laws of the State of Nebraska, and ILLINOIS CENTRAL RAILROAD COMPANY, a corporation, incorporated under the laws of the State of Illinois, hereinafter collectively referred to as "Grantor", and EAST OMAHA DRAINAGE DISTRICT, a corporation organized under the laws of the State of Nebraska, hereinafter sometimes referred to as "Grantee", on the 20 day of May, 1946.

WHEREAS, the Grantor heretofore granted certain easement rights, more particularly set forth in a contract dated December 15, 1943, and,

WHEREAS, in connection with the river development work in the vicinity of East Omaha, Douglas County, Nebraska, being undertaken by the Federal Government through the United States Army Engineers, it is necessary for Grantee to obtain and make available to the Federal Government certain additional right-of-way owned by Grantor.

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other valuable consideration, paid by the Grantee to the Grantor, receipt of which is hereby acknowledged by the Grantor, the Grantor by these presents does transfer and convey to Grantee, its successors and assigns, an easement over two tracts of land designated as Tract L and Tract M, containing .61 acres, more or less, and 2.82 acres, more or less, respectively,

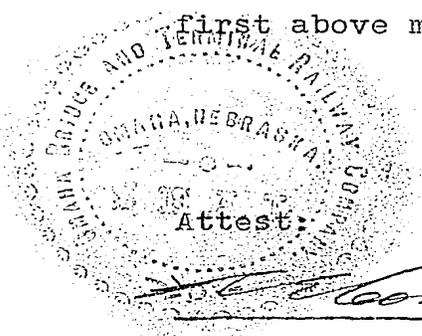
in the attached descriptions and plat, marked Exhibit "A", which descriptions are incorporated in this conveyance by reference, for the sole purpose of constructing and maintaining thereon earthen levees on the same terms and conditions as set forth by agreement between the parties in that certain instrument dated the 15th day of December, 1943. In the event such tracts of land shall cease to be used for said purpose title shall revert to grantors, their successors or assigns.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed by their duly authorized officers, and their corporate seals to be affixed on the date and year first above mentioned.

GRANTORS

OMAHA BRIDGE AND TERMINAL RAILWAY COMPANY

By *Wm J Johnston*
President



ILLINOIS CENTRAL RAILROAD COMPANY

By *Wm J Johnston*
President



GRANTEE

EAST OMAHA DRAINAGE DISTRICT

By *Paul J Knapp*
President



Approved

T. G. ...
For Vice President in Charge
of Accounting

STATE OF ILLINOIS)
COUNTY OF COOK) ss.

W.A. JOHNSTON and R.E. CONNOLLY

_____, respectively, president and secretary of ILLINOIS CENTRAL RAILROAD COMPANY, appeared before me, being first duly sworn, and stated that they executed the foregoing instrument, and that it was the voluntary act and deed of the corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal this 20th day of May, 1946.

A. Winless
Notary Public

ILLINOIS)
STATE OF NEBRASKA)
COUNTY OF COOK) ss.
DODGE)

W.A. JOHNSTON and R.E. CONNOLLY

_____, respectively, president and secretary of OMAHA BRIDGE AND TERMINAL RAILWAY COMPANY, appeared before me, being first duly sworn, and stated that they executed the foregoing instrument, and that it was the voluntary act and deed of the corporation.

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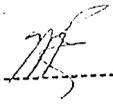
A. Winless
Notary Public

TRACT L

Description of Additional Right-Of-Way to
be Acquired from the Illinois Central System
and Omaha Bridge & Terminal Railway Company
According to Plans Prepared by the District
Engineers' Office, United States War Depart-
ment in the Reconstruction of Levee Improve-
ments in the East Omaha Drainage District.

A triangular tract of land in the north half of the Southwest Quarter Section 22, Township 75 North, Range 44 west of the Fifth Principal Meridian (Iowa Section) also designated as Lot 13 of East Omaha Land Company's land, a subdivision of Township 15 North, Range 13 East, Nebraska Sections:

Beginning at a point 215 feet southeasterly from the intersection of the southerly right of way line of the O. B. & T. Ry. and the northeasterly right of way line of the west approach to the O. B. & T. Ry. permanent structure bridge, said line being 100 feet northeasterly of the tangent center line of the bridge extended northwesterly; thence south 45 degrees 54 minutes west to a point which is 20 feet northeasterly from measured at right angles to the center line of track on the west approach to the O. B. & T. Ry. Company's bridge across the Missouri River; thence northwesterly along a line parallel with and 20 ft. north-easterly from measured at right angles to the center line of track for the west approach to the Railway Company's bridge over the Missouri River to the southwest corner of right of way, heretofore acquired for levee purposes and described as Tract No. 3 attached to contract dated December 15, 1943; thence easterly along the south line of said Tract No. 3 heretofore acquired for levee purposes, a distance of 440 feet to the point of beginning, contain- ing 0.61 acres, more or less.

Description Approved. -----

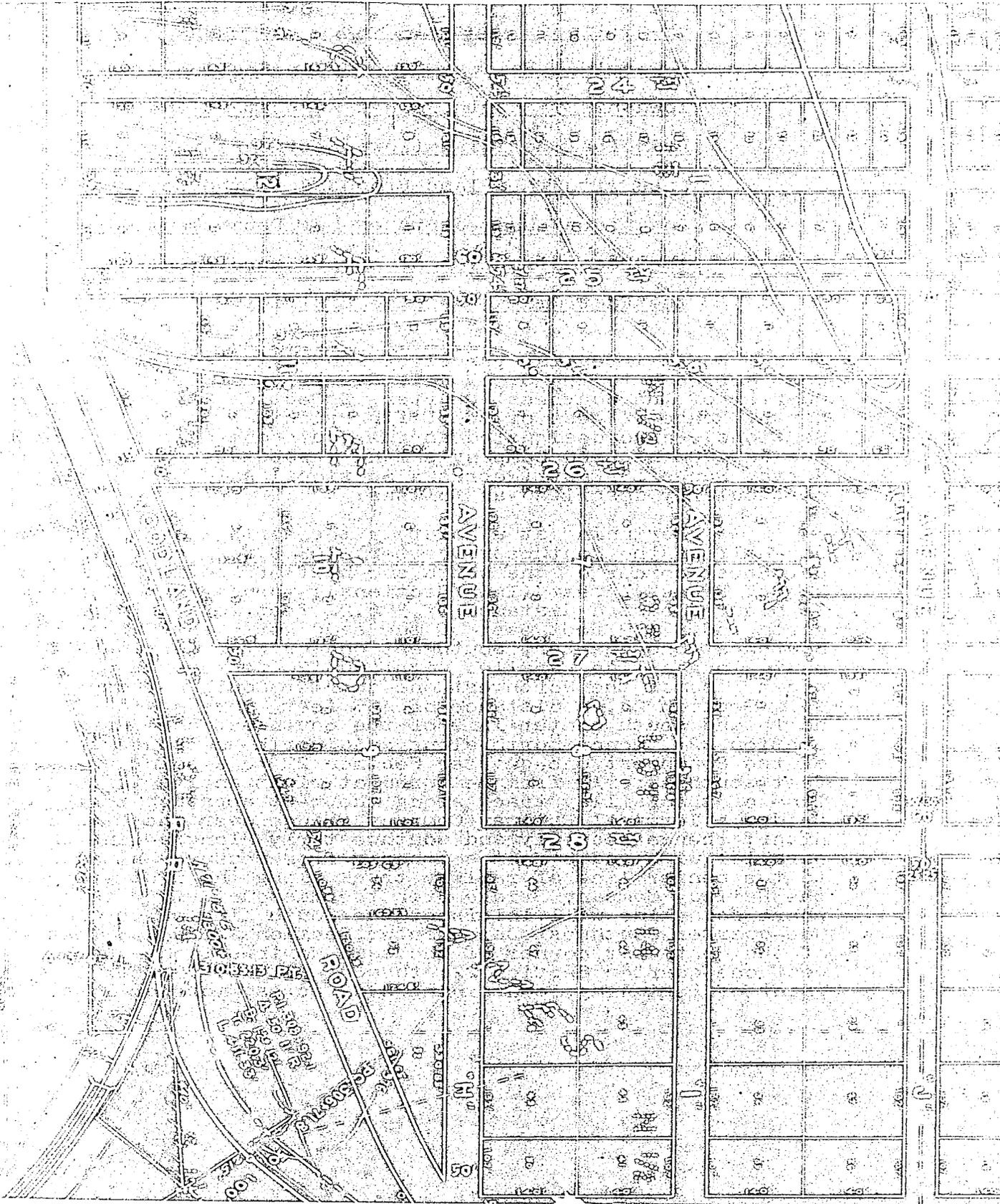
TRACT M

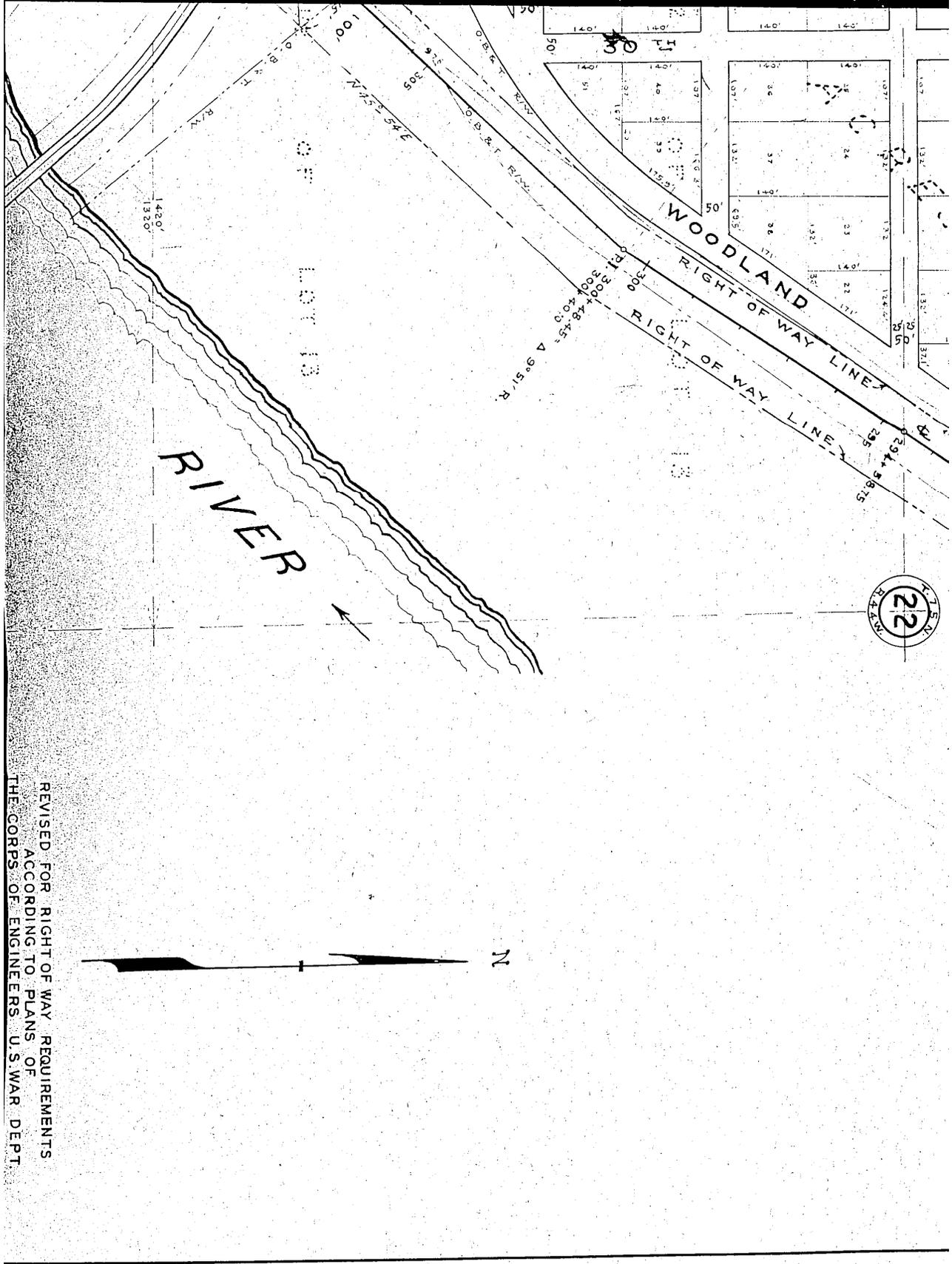
Description of Right-Of-Way Required from
the Illinois Central System and Omaha Bridge
& Terminal Railway Company in Section 22,
Township 75 North, Range 44 West of the Fifth
Principal Meridian (Iowa Sections) in Accord-
ance with the Plans Proposed by the Corps of
Engineers' United States War Department, in
the Reconstruction of Levee Improvements in
the East Omaha Drainage District.

An irregular parcel of land lying southerly of the west approach to the O. B. & T. Ry. Bridge in the Northwest Quarter of the Southwest Quarter of Section 22, Township 75 North, Range 44 West of the Fifth Principal Meridian (Iowa Sections), also designated as the south one-half Lot 14 of the East Omaha Land Company's land a subdivision in Township 15 North, Range 13 East (Nebraska Sections) said tract being more particularly described as follows:

Beginning at a point in the north line of the south one-half of the Southwest Quarter, 468.3 feet east of the northwest corner of the south one-half of Section 22, Township 75 North, Range 44 West (Iowa Sections); thence North 71 degrees 24 minutes east a distance of 376.22 feet to a point 120 feet north and 824.9 feet east of the said Northwest Corner of the Southwest One-quarter, Southwest one-quarter Section 22; thence east along a line parallel with and 120 feet north of the south line of the Northwest one-quarter Southwest one-quarter said Section 22, a distance of 486 feet, more or less, to the north and south center line of the Southwest one-quarter Section 22; thence north along said north and south center line of the Southwest one-quarter Section 22 to a point which is 8 feet southwesterly from measured at right angles to the center line of the Railway track along the west approach to the Omaha Bridge & Terminal Railway Company Bridge over the Missouri River; thence westerly and southwesterly along a line which is parallel with and 8 feet southerly from measured at right angles to the center line of railway track along the west approach to the Railway Company Bridge over the Missouri River to a point where said line will intersect the South line of the Northwest One-quarter Southwest One-quarter Section 22, 98.33 feet east of the Southwest corner of the said Northwest one-quarter Southwest one-quarter Section 22; thence east 369.97 feet to the point of beginning, containing 2.82 acres, more or less.

Description Approved.....





REVISED FOR RIGHT OF WAY REQUIREMENTS
 ACCORDING TO PLANS OF
 THE CORPS OF ENGINEERS U.S. WAR DEPT.

13. ENTERED IN NUMERICAL INDEX AND RECORDED IN THE REGISTER OF DEEDS OFFICE IN DOUGLAS COUNTY, NEBRASKA,
 17 DAY *July* 19 *46* AT *3:07 P.* M. THOMAS J. O'CONNOR, REGISTER OF DEEDS

9.30