

13

E A S E M E N T

THIS AGREEMENT was entered into on the 24<sup>th</sup> day of June, 1944, by and between ILLINOIS CENTRAL RAILROAD COMPANY, a corporation incorporated under the laws of the State of Illinois, and OMAHA BRIDGE AND TERMINAL RAILWAY COMPANY, incorporated under the laws of the State of Nebraska, hereinafter referred to as the "Grantors", and EAST OMAHA DRAINAGE DISTRICT, a corporation organized under the laws of the State of Nebraska, hereinafter referred to as the "Grantee".

In consideration of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, the Grantors do hereby grant, bargain, sell, assign, convey and deliver unto the Grantee, an easement in perpetuity to occupy the property hereinafter described, for the purpose of constructing and maintaining a levee, with the right to remove earth from any portion of the property covered by the easement, for borrow purposes, on, over and across the following described property located in Douglas County, Nebraska, to-wit:

Tract No. 1

A part of the 100 foot strip of land belonging to the Omaha Bridge and Terminal Railway Company situate within, over and across the Southwest One-quarter (SW $\frac{1}{4}$ ) Northeast One-quarter (NE $\frac{1}{4}$ ), Section 22, Township 75 North, Range 44 West of the Fifth Principal Meridian, Iowa Sections, also designated as Lot No. 9, East Omaha Land Company's Land, a subdivision in Township 15 North, Ranges 13 and 14 East of the Sixth Principal Meridian, Nebraska Sections, said tract being more particularly described as follows:

Beginning at a point 616.6 feet east of the Southwest Corner of the Northwest One-quarter (NW $\frac{1}{4}$ ) Northeast One-quarter (NE $\frac{1}{4}$ ) Section 22, Township 75 North, Range 44 West, Iowa Sections a point on the Center Line of the Omaha Bridge and Terminal Railway Company Right-of-Way.

Thence South 16° 18' 27" West 155.56 feet more or less to a point in the easterly right-of-way line of the Omaha Bridge and Terminal Railway Company's property.

Thence South 35° 00' West along the said easterly right-of-way line of the Omaha Bridge and Terminal Railway Company's property 999.04 feet (computed) more or less to a point on the North and South Center Line said Section 22, 967.7 feet (computed) more or less South of the Southwest Corner Northwest One-quarter (NW $\frac{1}{4}$ ) Northeast One-quarter (NE $\frac{1}{4}$ ) said Section 22. (Note: The last aforesaid point being described in the Searle Oil Company's Deed as being 960 feet south of the North Line South One-half (S $\frac{1}{2}$ ) Northeast One-quarter (NE $\frac{1}{4}$ ) Section 22, Township 75 North, Range 44 West of the Fifth Principal Meridian, Iowa Sections, said point being on the boundary line between

Lots 8 and 9 East Omaha Land Company's Land, a subdivision in Township 15 North, Ranges 13 and 14 East, Douglas County, Nebraska.)

Thence North along the North and South Center Line said Section 22, a distance of 174.33 feet to a point on the Northwesterly Line of the Omaha Bridge and Terminal Railway Company's property.

Thence North 35° 00' East along said Northwesterly Line of the Omaha Bridge and Terminal Railway Company's property, a distance of 968.65 feet more or less to a point on the South Line of the Northwest One-quarter (NW $\frac{1}{4}$ ) Northeast One-quarter (NE $\frac{1}{4}$ ) Section 22, Township 75 North, Range 44 West, Iowa Sections.

Thence East along the said South Line of the Northwest One-quarter (NW $\frac{1}{4}$ ) Northeast One-quarter (NE $\frac{1}{4}$ ) said Section 22, a distance of 61 feet more or less to the point of beginning containing 2.154 acres more or less,

the boundaries of which tract are set forth on Exhibit A, attached to and by reference made a part of this instrument.

Tract No. 2

A part of the 100 foot strip of land belonging to the Omaha Bridge and Terminal Railway Company situate within, over and across the Southeast One-quarter (SE $\frac{1}{4}$ ) Northwest One-quarter (NW $\frac{1}{4}$ ) and the Northeast One-quarter (NE $\frac{1}{4}$ ) Southwest One-quarter (SW $\frac{1}{4}$ ) all in Section 22, Township 75 North, Range 44 West of the Fifth Principal Meridian, Iowa Sections, also designated as Lots 8 and 13 East Omaha Land Company's land, a subdivision in Township 15 North, Ranges 13 and 14 East of the Sixth Principal Meridian, Nebraska Sections, said strip being more particularly described as follows:

Beginning at a point where the Northwesterly Line of the Omaha Bridge and Terminal Railway Company's property intersects the North and South Center Line said Section 22, 793.36 feet more or less South of the Northeast Corner of the Southwest One-quarter (SW $\frac{1}{4}$ ) Northwest One-quarter (NW $\frac{1}{4}$ ) Section 22.

Thence South along said North and South Center Line Section 22, a distance of 174.34 feet to the Southeasterly Line of the Omaha Bridge and Terminal Railway Company's property. (Note: The last described point is the same point as described in the Searle Oil Company's Deed as being 960 feet south of the North Line of the South One-half (S $\frac{1}{2}$ ) Northeast One-quarter (NE $\frac{1}{4}$ ) Section 22, Township 75 North, Range 44 West of the Fifth Principal Meridian, Iowa Sections and on the Line between Lots 8 and 9 East Omaha Land Company's Land a subdivision in Township 15 North, Ranges 13 and 14, East, Douglas County, Nebraska).

Thence South 35° 00' West along the said Southeasterly Line of the Omaha Bridge and Terminal Railway Company's property, a distance of 1115.96 feet more or less to the point of curve.

Thence along said curve to the right having a radius of 1005.37 feet through a Central Angle of 33° 59' 15" a distance of 596.31 feet to a point where the Missouri River Levee Right-of-way leaves the Southeasterly Line of the Omaha Bridge and Terminal Railway Company's property and being a point on the Westerly Line of the Right-of-way for said Missouri River Levee.

Thence along Westerly Line of Right-of-way for the Missouri River Levee North 45° 54' East 381.44 feet to a point of angle in said Right-of-way Line.

Thence continuing along the Westerly Line of Right-of-way for the Missouri River Levee North 35° 00' East a distance of 188.24 feet to a point on the Northwesterly Line of the Omaha Bridge and Terminal Railway Company's property.

Thence North 35° 00' East along the Northwesterly Line of the Omaha Bridge and Terminal Railway Company's property a distance of 1158.64 feet more or less to the Point of beginning containing 3.229 acres more or less,

the boundaries of which tract are set forth on Exhibit B, attached to and by reference made a part of this instrument.

### Tract No. 3

An irregular tract of land adjacent to the earth embankment at the West Approach to the Illinois Central Railroad Company's Missouri River Bridge situate within the North One-half (N $\frac{1}{2}$ ) Southwest One-quarter (SW $\frac{1}{4}$ ) Section 22, Township 75 North, Range 44 West, Iowa Sections, also designated as the South One-half (S $\frac{1}{2}$ ) Lots Nos. 13 and 14 East Omaha Land Company's Land, a subdivision in Township 15 North, Ranges 13 and 14 East, Nebraska Sections, said tract being more particularly described as follows:

Beginning at a point where the Southerly Line of the Omaha Bridge and Terminal Railway Company's Right-of-way intersects with the Northeasterly Line of Right-of-way for the West Approach to the Illinois Central Railroad Company Bridge across the Missouri River, said point being North 71° 15' East measured along the Southerly Line of Right-of-way of the Omaha Bridge and Terminal Railway Company 1300 feet more or less from a point on said Southerly Right-of-way of the Omaha Bridge and Terminal Railway Company 230 feet East of the East Line of Section 21, Township 75 North, Range 44 West, Iowa Sections.

Thence Southeasterly 65 feet along the Northeasterly Line of right-of-way for the West Approach to the Illinois Central Railway Company's Missouri River Bridge, said line

being 100 feet Easterly from and parallel with the Center Line of the permanent bridge structure, to the point of beginning for the irregular tract herein described.

Thence Southeasterly following the Easterly Line for the West Approach to the Illinois Central Railroad Company's Missouri River Bridge, 150 feet.

Thence Westerly on a direct line 440 feet to a point 20 feet North of the present center of railway track, said point being the westerly terminus and the junction between the Missouri River Levee with the Railway Company embankment, West Approach to the Illinois Central Railroad Company's Missouri River Bridge.

Thence North 30 feet to the Northerly Line of right-of-way for Missouri River Levee.

Thence Northeasterly along a curve to the Left having a Radius of 420.531 feet following the Northerly Right-of-way Line for Missouri River Levee 360 feet more or less to the point of beginning containing 0.6 acres more or less,

the boundaries of which tract are set forth on Exhibit C, attached to and by reference made a part of this instrument.

#### Tract No. 4

A Strip of land 42 feet wide off of the Southeasterly side of the 100 foot right-of-way of the Omaha Bridge and Terminal Railway Company as now located within, over and across the Southwest One-quarter ( $SW\frac{1}{4}$ ) Southwest One-quarter ( $SW\frac{1}{4}$ ) Section 22, and the South One-half ( $S\frac{1}{2}$ ) Southeast One-quarter ( $SE\frac{1}{4}$ ) Section 21, all in Township 75 North, Range 44 West, Iowa Sections, also designated as Lots 27, 26 and 25, respectively, 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 on the Southeasterly right-of-way line of the Omaha Bridge and Terminal Railway Company on the North Line of the Southwest One-quarter ( $SW\frac{1}{4}$ ) Southwest One-quarter ( $SW\frac{1}{4}$ ) Section 22, Township 75 North, Range 44 West, Iowa Sections, also designated as Lot 27 East Omaha Land Company's Land a subdivision in Township 15 North, Range 13 East, Nebraska Sections said point being the 230 feet East of the Northwest Corner said Southwest One-quarter ( $SW\frac{1}{4}$ ) Southwest One-quarter ( $SW\frac{1}{4}$ ) Section 22, Iowa Sections.

Thence South  $71^{\circ} 24'$  West a distance of 2466 feet more or less along the Southeasterly line of the Omaha Bridge and Terminal Railway Company's property across the Southwest One-quarter ( $SW\frac{1}{4}$ ) Southwest One-quarter ( $SW\frac{1}{4}$ ) Section 22 and across part of the South One-half ( $S\frac{1}{2}$ )

Southeast One-quarter ( $SE\frac{1}{4}$ ) Section 21 all in Township 75 North, Range 44 West, Iowa Sections to a point at the easterly terminus of right-of-way abandoned for railroad purposes.

Thence North  $18^{\circ} 36'$  West 42 feet.

Thence North  $71^{\circ} 24'$  East 2343 feet more or less along the line parallel with and 8 feet southeasterly measured at right angles to the Center Line of track to a point 98.33 feet more or less east of the Northwest Corner Southwest One-quarter ( $SW\frac{1}{4}$ ) Southwest One-quarter ( $SW\frac{1}{4}$ ) said Section 22.

Thence East along the North Line of said Southwest One-quarter ( $SW\frac{1}{4}$ ) Southwest One-quarter ( $SW\frac{1}{4}$ ) Section 22, 131.67 feet more or less to the point of beginning containing 2.32 acres more or less,

the boundaries of which tract are set forth on Exhibit D, attached to and by reference made a part of this instrument.

Tract No. 5

All that part of a 100 foot strip of land now abandoned for railroad purposes by the Omaha Bridge and Terminal Railway Company, across the Southwest One-quarter ( $SW\frac{1}{4}$ ) Southeast One-quarter ( $SE\frac{1}{4}$ ) and the Southeast One-quarter ( $SE\frac{1}{4}$ ) of the Southwest One-quarter ( $SW\frac{1}{4}$ ), Section 21, Township 75 North, Range 44 West, of the Fifth Principal Meridian, Iowa Sections, also designated as Lots 25 and 24, East Omaha Land Company's Land a subdivision in Township 15 North, Range 13 East of the Sixth Principal Meridian, Nebraska Sections, said abandoned right-of-way being more particularly described as follows:

Beginning at a point on the Southeasterly Line of the 100 foot right-of-way now abandoned for railway purposes where said line intersects the interstate boundary line between the States of Nebraska and Iowa in the South One-half ( $S\frac{1}{2}$ ) Section 21, Township 75 North, Range 44 West, Iowa Sections, said point being South  $71^{\circ} 24'$  West 3037.22 feet more or less measured along the said southeasterly line of the Omaha Bridge and Terminal Railway Company Right-of-way from the North Line of the Southwest One-quarter ( $SW\frac{1}{4}$ ) Southwest One-quarter ( $SW\frac{1}{4}$ ) Section 22, Township 75 North, Range 44 West, Iowa Sections.

Thence following the interstate boundary line North  $53^{\circ} 13'$  West 121.51 feet more or less to the Northwesterly Line of the Omaha Bridge and Terminal Railway Company right-of-way now abandoned for railroad purposes.

Thence North  $71^{\circ} 24'$  East following the said Northwesterly Line of right-of-way now abandoned for railway purposes 640.25 feet to the easterly terminus of right-of-way now abandoned for railroad purposes.

Thence South  $18^{\circ} 36'$  East 100 feet to the Southeasterly Line of right-of-way now abandoned for railroad purposes.

Thence South  $71^{\circ} 24'$  West along the Southeasterly Line of right-of-way now abandoned for railroad purposes 571.22 feet to the point of beginning containing 1.39 acres more or less,

the boundaries of which tract are set forth on Exhibit E, attached to and by reference made a part of this instrument.

Tract No. 6

All that part of a strip of land 100 feet wide having 50 feet on each side of the Center Line of the right-of-way abandoned for railway purposes situate within, over and across the Northwest One-quarter ( $NW\frac{1}{4}$ ) Section 14, Township 15 North, Range 13 East of the Sixth Principal Meridian, Nebraska Sections the Center Line of which is more particularly described as follows:

Beginning at a point in the East Line of the Northwest One-quarter ( $NW\frac{1}{4}$ ) Section 28, Township 75 North, Range 44 West of the Fifth Principal Meridian in the State of Iowa, 63 feet South of the Northeast Corner of Northwest One-quarter ( $NW\frac{1}{4}$ ) Northwest One-quarter ( $NW\frac{1}{4}$ ) said Section 28.

Thence South  $71^{\circ} 24'$  West 1006.9 feet.

Thence on a  $6^{\circ} 00'$  Curve to the Left 266  $\frac{2}{3}$  feet.

Thence South  $55^{\circ} 24'$  West 268 feet to a point on the interstate boundary line between Iowa and Nebraska said point being the point of beginning on the Center Line of the 100 foot strip herein conveyed across the Northwest One-quarter ( $NW\frac{1}{4}$ ) Section 14, Township 15 North, Range 13 East of the Sixth Principal Meridian in the State of Nebraska.

Thence along the said Center Line of the said 100 foot strip South  $55^{\circ} 24'$  West 1625 feet more or less to a point of Curve.

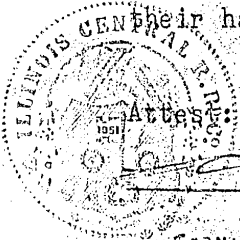
Thence along a  $6^{\circ} 00'$  Curve to the Left a distance of 265 feet more or less to the westerly terminus of the abandoned Railway Right-of-Way at a point where the Center Line of said abandoned railway right-of-way intersects the Government Meander Line of the West Bank of the Missouri River as surveyed in the year of 1856. The above tract contains 4.34 acres more or less,

the boundaries of which tract are set forth on Exhibit F, attached to and by reference made a part of this instrument.

TO HAVE AND TO HOLD said property unto the Grantee, its heirs, successors and assigns, for the purposes herein specified, forever.

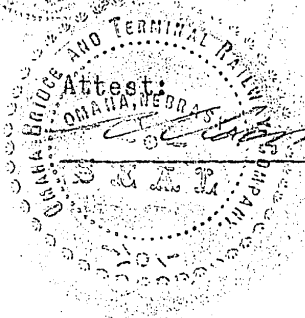
The Grantors warrant that said property is free and clear of taxes, liens and encumbrances, and that they are the owners thereof and have good and lawful right to convey the same, and will forever warrant and defend the title against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals.



ILLINOIS CENTRAL RAILROAD COMPANY

By [Signature]  
SECRETARY



OMAHA BRIDGE AND TERMINAL RAILWAY COMPANY

By [Signature]  
SECRETARY

EAST OMAHA DRAINAGE DISTRICT

Attest: [Signature]  
Secretary

By [Signature]  
President

*Descriptive Affix  
7/15*

STATE OF Cook )  
COUNTY OF ILLINOIS ) ss:

On this 24 day of June, 1944, before me, the undersigned, a Notary Public in and for said County, personally came J. L. Beren, President of ILLINOIS CENTRAL RAILROAD COMPANY to me personally known to be the President and the identical person whose name is affixed to the above conveyance, and acknowledged the execution thereof to be his voluntary act and deed as such officer and the voluntary act and deed of the said Illinois Central Railroad Company, and that the corporate seal of the said Illinois Central Railroad Company was thereto affixed by its authority.

Witness my hand and Notarial Seal at Chicago in said county the day and year last above written.

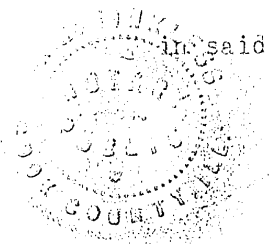
A. Winless  
Notary Public

STATE OF Cook )  
COUNTY OF ILLINOIS ) ss:

On this 24 day of June, 1944 before me, the undersigned, a Notary Public in and for said County, personally came J. L. Beren, President of OMAHA BRIDGE AND TERMINAL RAILWAY COMPANY, to me personally known to be the President and the identical person whose name is affixed to the above conveyance, and acknowledged the execution thereof to be his voluntary act and deed as such officer and the voluntary act and deed of the said Omaha Bridge and Terminal Railway Company, and that the Corporate seal of the said Omaha Bridge and Terminal Railway Company was thereto affixed by its authority.

WITNESS my hand and Notarial Seal at Chicago in said county the day and year last above written.

A. Winless  
Notary Public.





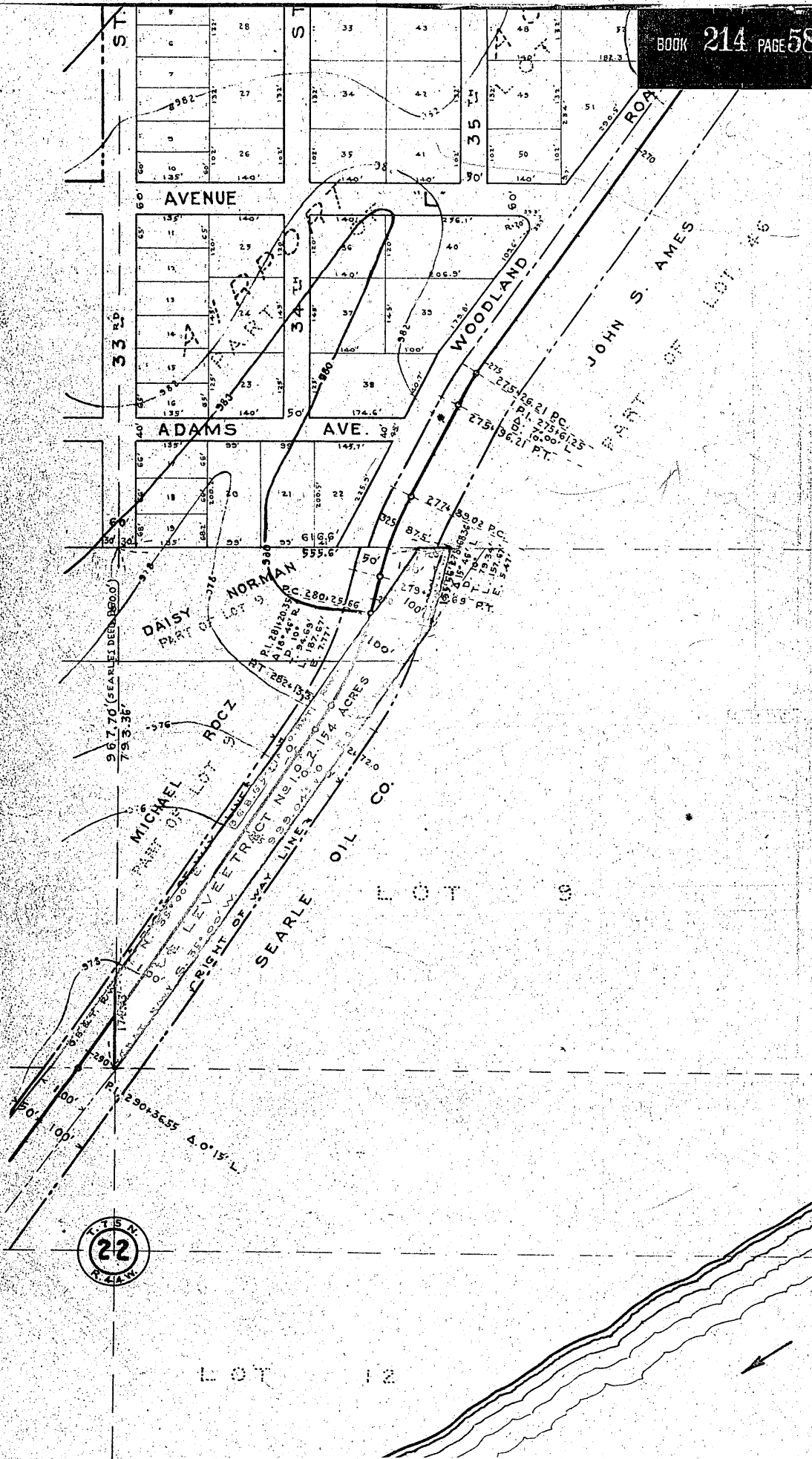


Exhibit A

OMAHA  
AVE.

33

EAST

PART OF LOT 45

PART OF

GLEN R. PATRICK & DAISY NORMAN

NORTH 1/2 OF LOT 8

MICHAEL ROOZ

SOUTH 1/2 OF LOT 8

WOOD AVE.

ST.

ROAD

LEVEL



WOODLAND

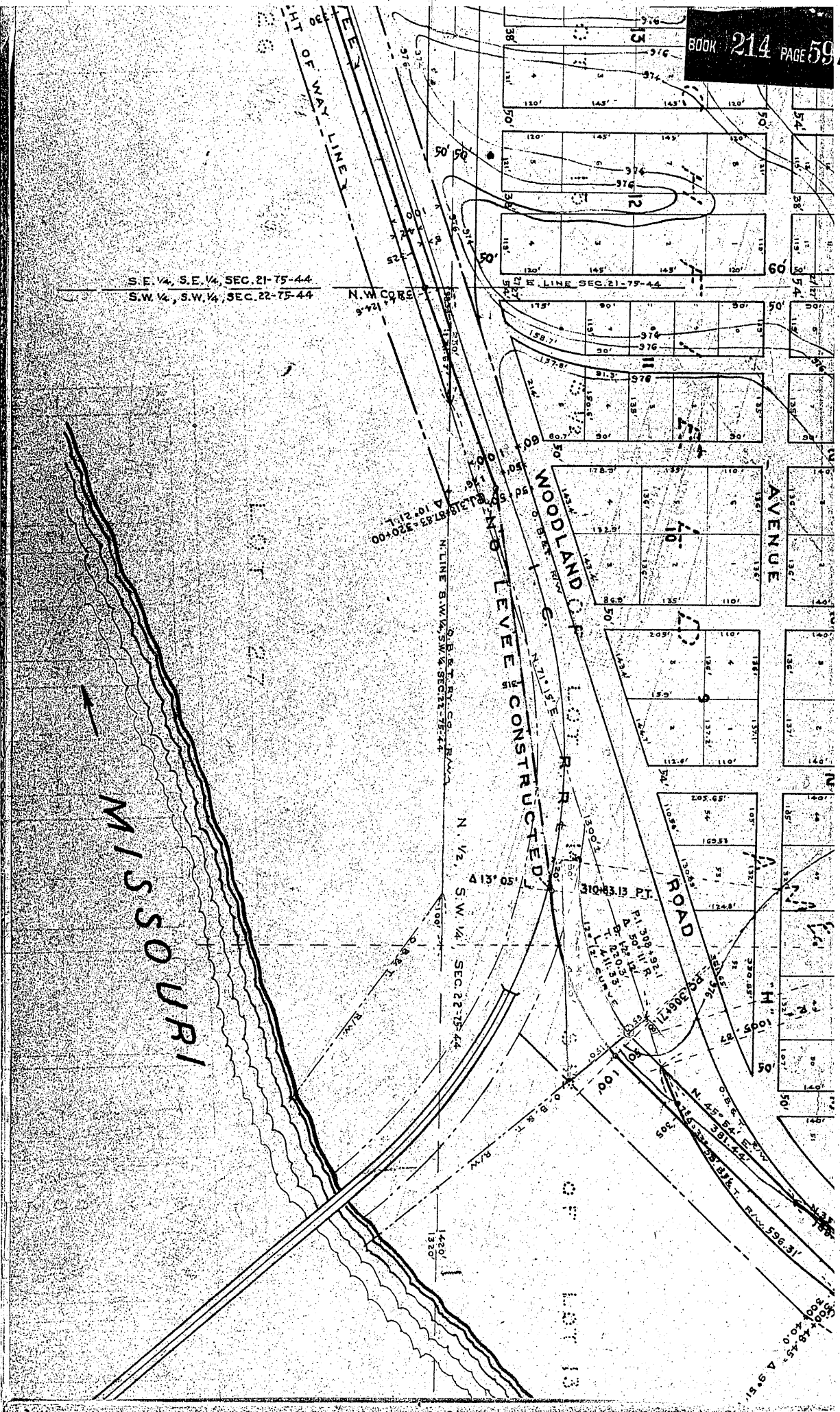
RIGHT OF WAY LINE

RIGHT OF WAY LINE

AD  
300+93.1  
A 50' 11" R.  
B 127.27  
C 170.5  
D 1411.45  
E 500  
TRACE 1/2

OF LOT 13

Exhibit B



S.E. 1/4, S.E. 1/4, SEC. 21-75-44  
S.W. 1/4, S.W. 1/4, SEC. 22-75-44

N.W. COR

LOT 27

WOODLAND AVENUE

AVENUE

MISSOURI

ROAD

LEVEL CONSTRUCTED

LOT 13

E. H. H. C.

DOUGLAS COUNTY, MISSOURI  
OTTAWA TOWNSHIP, COUNTY OF DOUGLAS

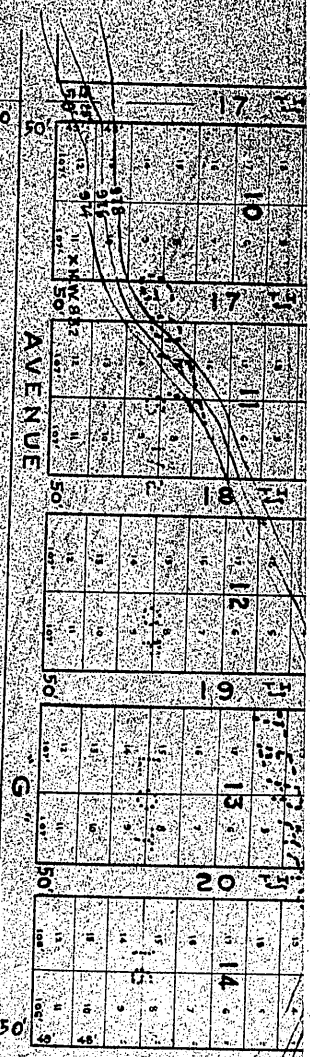
S.E. 1/4, S.W. 1/4, SEC. 21, T. 54 N.

S.W. 1/4, SE 1/4, SEC. 21, T. 54 N.

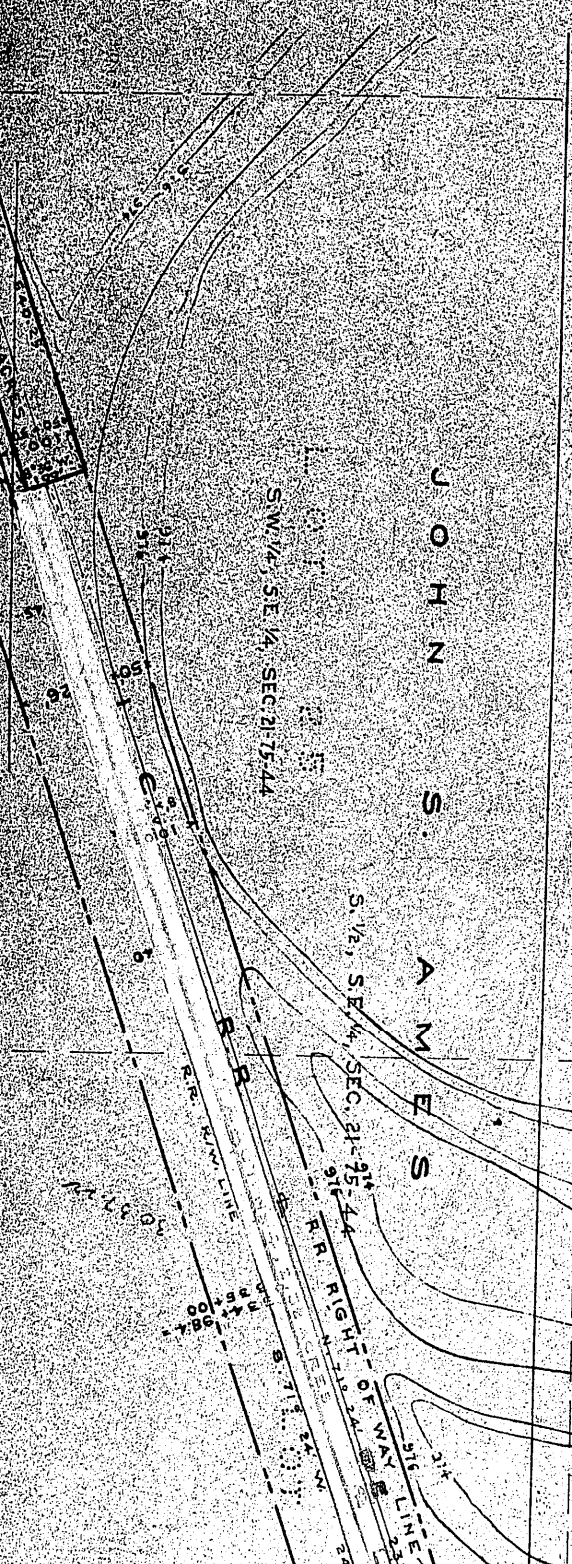
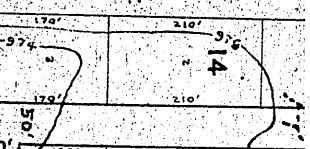
S. 1/2, SE 1/4, SEC. 21, T. 54 N.

JOHN S. AMES

O. B. & T. RY. CO.



574 OMAHA  
576  
576  
BOX COMP  
E. J. CO  
576  
576



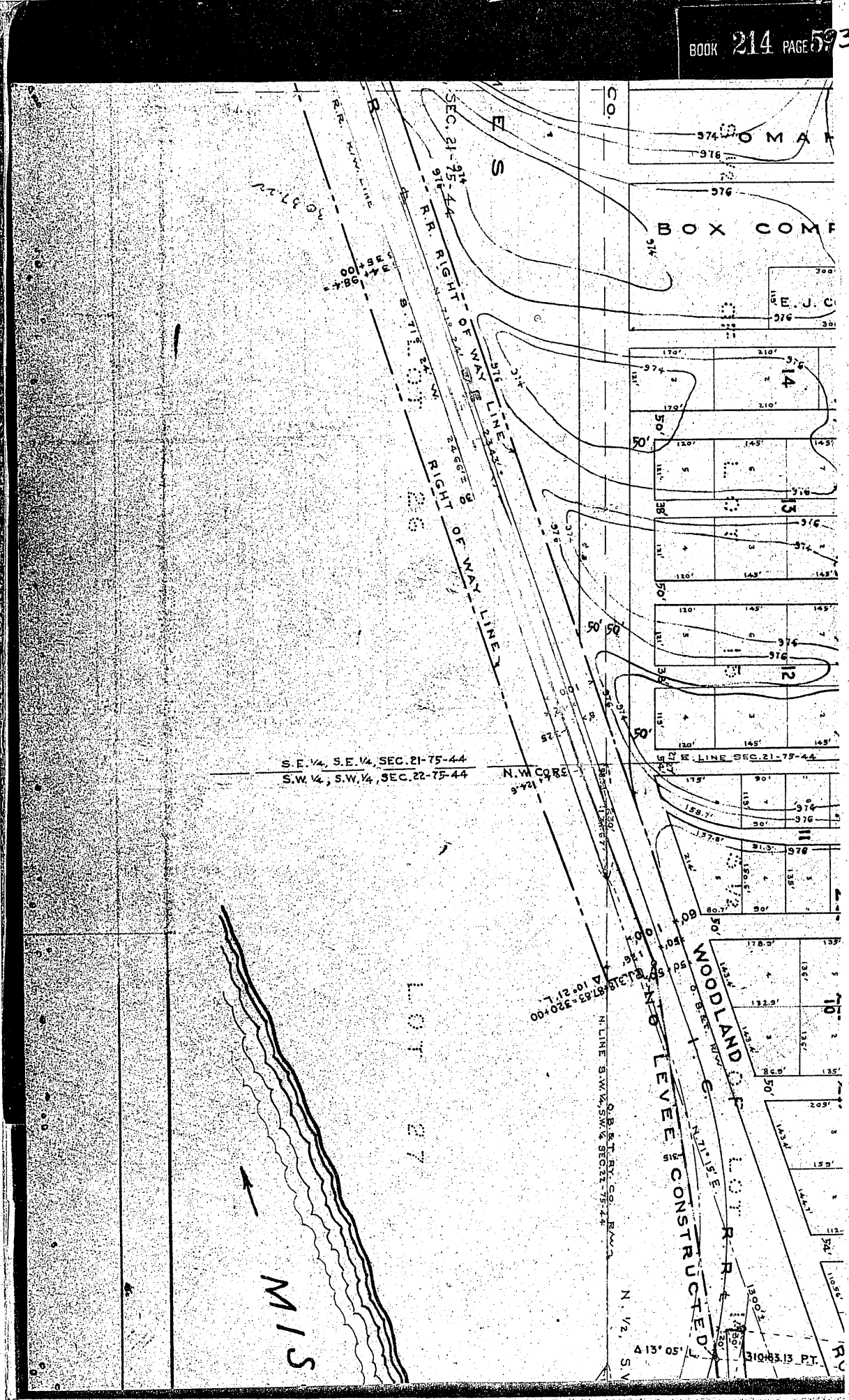
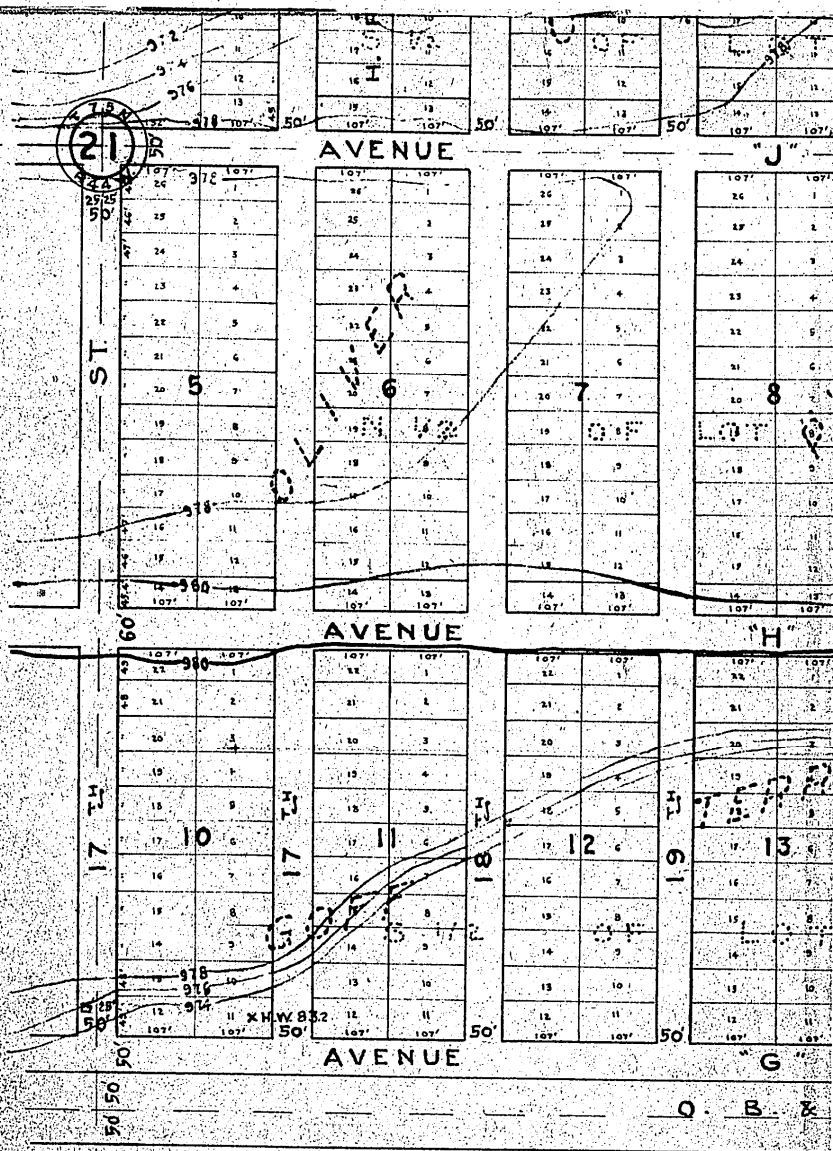


Exhibit D.



S.E. 1/4, S.W. 1/4, SEC. 21-75-44

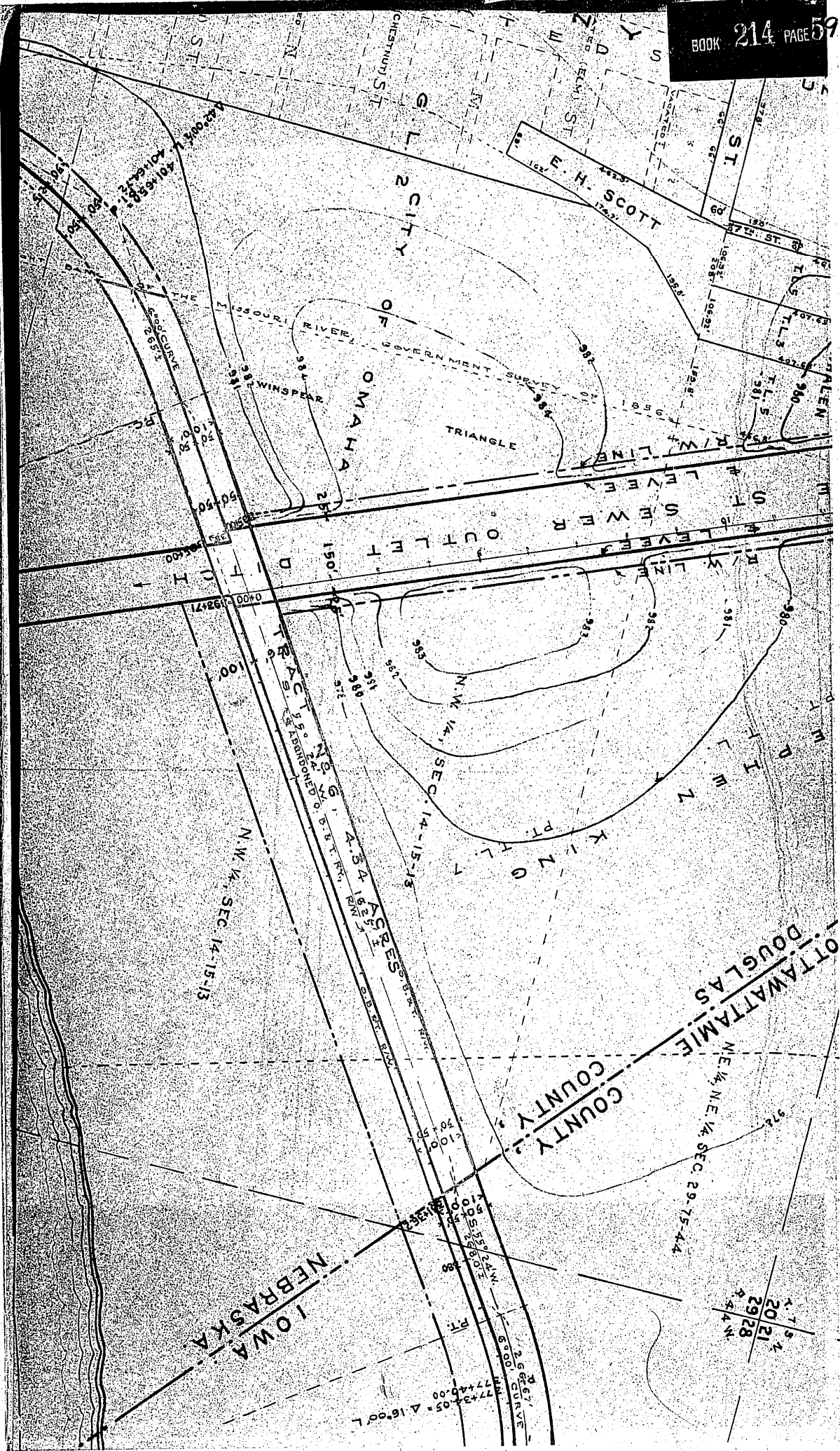
JOHN S. LOT 25 S.W. 1/4, S.E. 1/4, SEC. 21-75-44

DOBELAS COUNTY, NEBRASKA  
 POTAWATOMIE COUNTY, IOWA

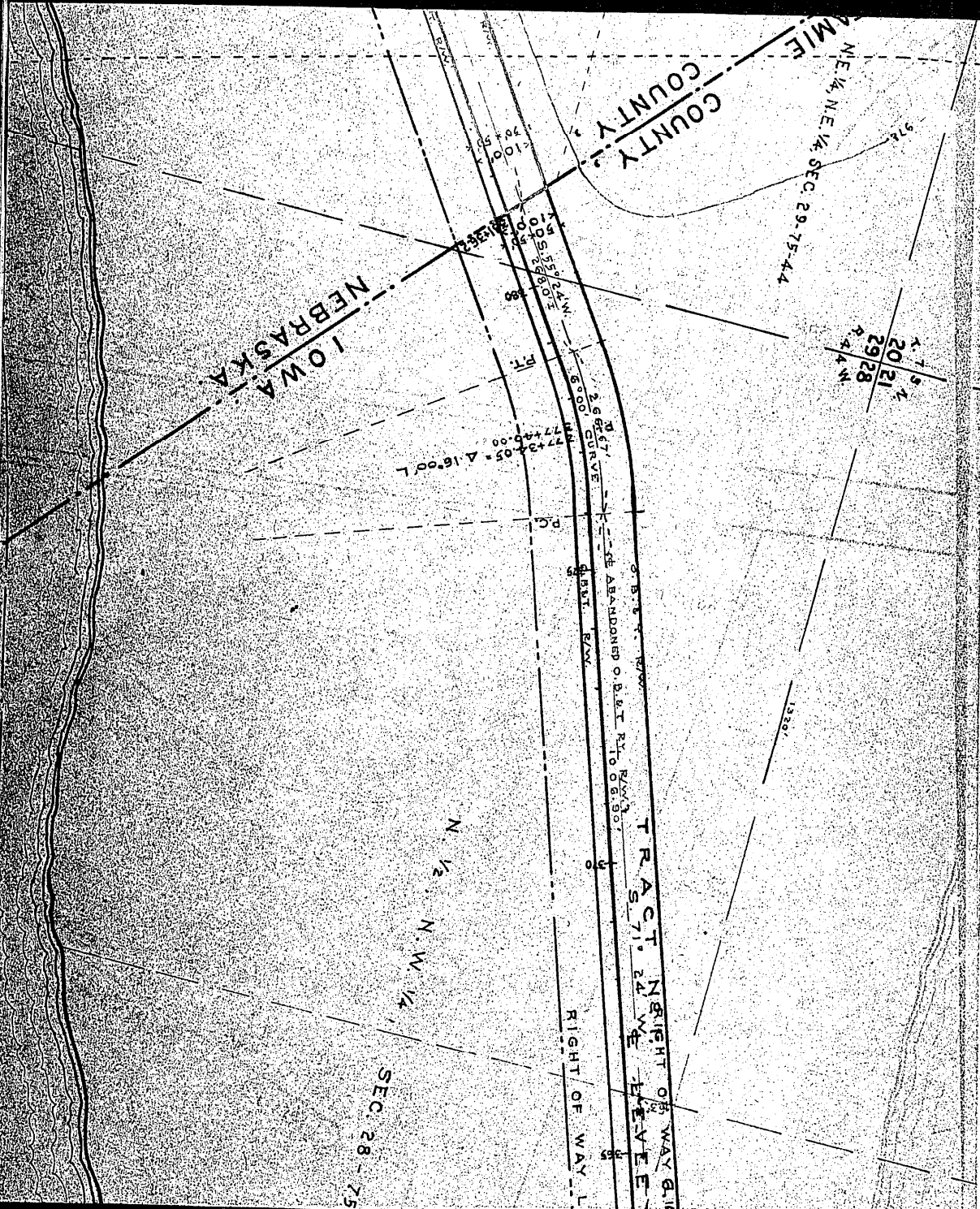
TRACT No 9, 1.39 ACRES  
 B. 712 24' W. 64' E. 71.22'  
 50' 00" TO N. 111° 50' W. SEC. 22-75-44

ABANDONED R.R. R/W  
 CLEVELAND  
 5 53° 12' E 8'

Exhibit C.



1.75	2
20.21	2
29.28	2
3.44	1



22. 15 JULY 1946 4:28 P.M. THOMAS J. O'CONNOR, REGISTER OF DEEDS 7.50

E. Philpott G.