

KNOW ALL MEN BY THESE PRESENTS, That THE UNION LAND COMPANY, a corporation of the State of Nebraska, Grantor, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, in hand paid, does hereby-

(1) grant, bargain, sell, convey and confirm unto EAST OMAHA DRAINAGE DISTRICT, a corporation of the State of Nebraska, Grantee, its successors and assigns, a PERPETUAL EASEMENT for the construction, maintenance, operation, repair, renewal and reconstruction of a levee and other works for flood control purposes over, upon and across a strip or parcel of land situate in Sections Twenty-six (26), Twenty-seven (27), Thirty-four (34) and Thirty-five (35), Township Sixteen (16) North, Range Thirteen (13) East of the Sixth Principal Meridian, in Douglas County, Nebraska, described as follows, assuming that the section line common to said sections is a true north and south line, to wit:

Beginning at Point No. 1 which is a point in the north and south center line of said Section Twenty-seven (27) that is one thousand eight hundred thirty and ninety-seven hundredths (1830.97) feet distant north of the south quarter corner of said section, measured along said north and south center line;

thence South fifty-five degrees and thirteen minutes East (S. 55° 13' E.) along a straight line a distance of three hundred seventy-five and ninety-seven hundredths (375.97) feet to Point No. 2;

thence South thirty-nine degrees and twenty-eight minutes East (S. 39° 28' E.) along a straight line a distance of five hundred eighty and forty-seven hundredths (580.47) feet to Point No. 3;

thence southeasterly along a line curving to the left having a radius of one thousand ninety-six (1096) feet, tangent at its point of beginning to the last described course and having a central angle of seventeen degrees and fifty-one minutes (17° 51'), a distance of three hundred forty-one and forty-five hundredths (341.45) feet to Point No. 4;

thence South fifty-seven degrees and nineteen minutes East (S. 57° 19' E.) along a straight line tangent to the end of the last described curve, a distance of one thousand two hundred twenty-two and six tenths (1222.6) feet to Point No. 5;

thence southeasterly along a line curving to the left having a radius of one thousand eight hundred sixty (1860) feet, tangent at its point of beginning to the last described course and having a central angle of ten degrees and twenty-seven minutes (10° 27'),

a distance of three hundred thirty-nine and twenty-four hundredths (339.24) feet to Point No. 6;

thence South sixty-seven degrees and forty-six minutes East (S.  $67^{\circ} 46'$  E.) along a straight line tangent to the end of the last described curve a distance of three hundred seventeen and ninety-four hundredths (317.94) feet, more or less, to Point No. 7, which is a point in the south line of said Section Twenty-seven (27) that is one hundred and eighty-five hundredths (100.85) feet distant west of the southeast corner thereof; measured along said south line;

thence continuing South sixty-seven degrees and forty-six minutes East (S.  $67^{\circ} 46'$  E.) along a straight line a distance of one hundred seven and five tenths (107.5) feet, more or less, to Point No. 8, which is a point in the east line of said Section Thirty-four (34) that is forty-one and forty-five hundredths (41.45) feet distant south of the northeast corner thereof; measured along said east line;

thence continuing South sixty-seven degrees and forty-six minutes East (S.  $67^{\circ} 46'$  E.) along a straight line a distance of seven hundred one and twenty-one hundredths (701.21) feet to Point No. 9;

thence southeasterly along a line curving to the right having a radius of one thousand nine hundred sixty (1960) feet, tangent at its point of beginning to the last described course and having a central angle of five degrees and fifty-three minutes ( $5^{\circ} 53'$ ), a distance of two hundred one and twenty-six hundredths (201.26) feet to Point No. 10;

thence South sixty-one degrees and fifty-three minutes East (S.  $61^{\circ} 53'$  E.) along a straight line tangent to the end of the last described curve a distance of one thousand nine hundred seventy-nine and seven tenths (1979.7) feet, more or less, to Point No. 11, which is a point in the west line of 10th Street in Geo. H. Boggs' Addition as originally platted;

thence southerly along said west line of 10th Street a distance of one hundred thirteen and four tenths (113.4) feet, more or less, to Point No. 12, which is a point in a straight line that is one hundred (100) feet distant southwesterly, measured at right angles, from the southeasterly extension of the hereinbefore described course between Points Nos. 10 and 11;

thence North Sixty-one degrees and fifty-three minutes West (N.  $61^{\circ} 53'$  W.) along a straight line that is parallel with and one hundred (100) feet distant southwesterly, measured at right angles, from said hereinbefore described course between Points Nos. 10 and 11 and said course produced southeasterly, a distance of two thousand thirty-three and one tenth (2033.1) feet, more or less, to Point No.

13, which is a point in a straight line at right angles to said course between Points Nos. 10 and 11 at Point No. 10 thereof;

thence northwesterly along a line curving to the left, having a radius of one thousand eight hundred sixty (1860) feet and which is tangent at its point of beginning to the last described course, concentric with and one hundred (100) feet distant southwesterly, measured radially, from the hereinbefore described course between Points Nos. 9 and 10, a distance of one hundred ninety-one (191) feet, more or less to Point No. 14, which is a point in a straight line at right angles to the hereinbefore described course between Points Nos. 8 and 9 at Point No. 9 thereof;

thence North sixty-seven degrees and forty-six minutes West (N.  $67^{\circ} 46' W.$ ) along a straight line that is parallel with and one hundred (100) feet distant southwesterly, measured at right angles, from the hereinbefore described course between Points Nos. 8 and 9, a distance of six hundred sixty and three tenths (660.3) feet, more or less, to Point No. 15, which is a point in the section line between said Sections Thirty-four (34) and Thirty-five (35) that is one hundred forty-nine and forty-nine hundredths (149.49) feet distant south of the corner common to Sections Twenty-six (26), Twenty-seven (27), Thirty-four (34) and Thirty-five (35), measured along said section line;

thence continuing North sixty-seven degrees and forty-six minutes West (N.  $67^{\circ} 46' W.$ ) along a straight line parallel with and one hundred (100) feet distant southwesterly, measured at right angles, from the hereinbefore described course between Points Nos. 8 and 9, Points Nos. 7 and 8, and Points Nos. 6 and 7, a distance of three hundred ninety-three and one tenth (393.1) feet, more or less, to Point No. 16, which is a point on the section line between said Sections Twenty-seven (27) and Thirty-four (34) that is three hundred sixty-three and five tenths (363.5) feet distant west of said corner common to Sections Twenty-six (26), Twenty-seven (27), Thirty-four (34) and Thirty-five (35), measured along said section line;

thence continuing North sixty-seven degrees and forty-six minutes West (N.  $67^{\circ} 46' W.$ ) along a straight line parallel with and one hundred (100) feet distant southwesterly, measured at right angles, from said hereinbefore described course between Points Nos. 6 and 7, a distance of seventy-three and three tenths (73.3) feet, more or less, to Point No. 17, which is a point in a straight line at right angles to said course between Points Nos. 6 and 7 at Point No. 6 thereof;

thence northwesterly along a line curving to the right, having a radius of one thousand nine hundred sixty (1960) feet and which is tangent at its point of beginning to the last described course, concentric with and one hundred (100) feet distant southwesterly, measured radially, from the hereinbefore described course between Points Nos. 5 and 6, a distance of three hundred fifty-seven and five tenths (357.5) feet, more or less, to Point No. 18, which is a point in a straight line at right angles to the hereinbefore described course between Points Nos. 4 and 5 at Point No. 5 thereof;

thence North fifty-seven degrees and nineteen minutes West (N. 57° 19' W.) along a straight line that is parallel with and one hundred (100) feet distant southwesterly, measured at right angles, from the hereinbefore described course between Points Nos. 4 and 5 a distance of one thousand two hundred twenty-two and six tenths (1222.6) feet, more or less, to Point No. 19, which is a point in a straight line at right angles to said course between Points Nos. 4 and 5 at Point No. 4 thereof;

thence northwesterly along a line curving to the right having a radius of one thousand one hundred ninety-six (1196) feet and which is tangent at its point of beginning to the last described course, concentric with and one hundred (100) feet distant southwesterly, measured radially, from the hereinbefore described course between Points Nos. 3 and 4, a distance of three hundred seventy-two and six tenths (372.6) feet, more or less, to Point No. 20, which is a point in a straight line at right angles to the hereinbefore described course between Points Nos. 2 and 3 at Point No. 3 thereof;

thence North thirty-nine degrees and twenty-eight minutes West (N. 39° 28' W) along a straight line parallel with and one hundred (100) feet distant southwesterly, measured at right angles, from said hereinbefore described course between Points Nos. 2 and 3 and said course produced northwesterly, a distance of five hundred one and five tenths (501.5) feet to Point No. 21;

thence northwesterly along a line curving to the left, having a radius of four hundred seventy and nine tenths (470.9) feet and which is tangent at its point of beginning to the last described course, a distance of one hundred twenty-nine and five tenths (129.5) feet, more or less, to Point No. 22 which is a point in a straight line that is parallel with and one hundred (100) feet distant southwesterly, measured at right angles, from the hereinbefore described course between Points Nos. 1 and 2;

thence North fifty-five degrees and thirteen minutes West (N.  $55^{\circ} 13'$  W.) along a straight line that is parallel with and one hundred (100) feet distant southwesterly, measured at right angles, from said Points Nos. 1 and 2, a distance of two hundred twenty-seven and two tenths (227.2) feet, more or less, to Point No. 23, which is a point in the hereinbefore referred to north and south center line of Section Twenty-seven (27);

thence northerly along said north and south center line of Section Twenty-seven (27) a distance of one hundred twenty-two (122) feet, more or less, to Point No. 1, the point of beginning.

(2) grant to the Grantee, its successors and assigns, the right to construct and maintain a private roadway on top of said levee, said roadway to be used only by agents, employes and servants of the Grantee as a means of ingress and egress for the purpose of constructing, maintaining, repairing, renewing and reconstructing said levee and other flood control works, and under no circumstances shall the Grantee allow said roadway to be used by the public.

(3) grant to the Grantee, its successors and assigns, the right to enter upon the following described lands and to remove earth therefrom for maintaining and repairing said levee, to wit:

Commencing at Point No. 1 of the easement strip described in Paragraph (1) hereof, which is a point in the north and south center line of said Section Twenty-seven (27) that is one thousand eight hundred thirty and ninety-seven hundredths (1850.97) feet distant north of the south quarter corner of said section, measured along said north and south center line;

thence South fifty-five degrees and thirteen minutes East (S.  $55^{\circ} 13'$  E.) along a straight line a distance of three hundred seventy-five and ninety-seven hundredths (375.97) feet to Point No. 2 of said easement strip, which is the point of beginning of the strip of land hereby described;

thence South thirty-nine degrees and twenty-eight minutes East (S.  $39^{\circ} 28'$  E.) along a straight line a distance of five hundred eighty and forty-seven hundredths (580.47) feet to Point No. 3;

thence Southeasterly along a line curving to the left having a radius of one thousand ninety-six (1096) feet, tangent at its point of beginning to the last described course and having a central angle of seventeen degrees and fifty-one minutes ( $17^{\circ} 51'$ ), a distance of three hundred forty-one and forty-five hundredths (341.45) feet to Point No. 4;

thence South fifty-seven degrees and nineteen minutes East (S.  $57^{\circ} 19'$  E.) along a straight line tangent to the end of the last described curve, a distance of one thousand two hundred twenty-two and six tenths (1222.6) feet to Point No. 5;

thence Southeasterly along a line curving to the left having a radius of one thousand eight hundred sixty (1860) feet, tangent at its point of beginning to the last described course and having a central angle of ten degrees and twenty-seven minutes ( $10^{\circ} 27'$ ), a distance of three hundred thirty-nine and twenty-four hundredths (339.24) feet to Point No. 6;

thence South sixty-seven degrees and forty-six minutes East (S.  $67^{\circ} 46'$  E.) along a straight line tangent to the end of the last described curve, a distance of three hundred seventeen and ninety-four hundredths (317.94) feet, more or less, to Point No. 7, which is a point in the south line of said Section Twenty-seven (27) that is one hundred and eighty-five hundredths (100.85) feet distant west of the southeast corner thereof, measured along said south line;

thence continuing South sixty-seven degrees and forty-six minutes East (S.  $67^{\circ} 46'$  E.) along a straight line a distance of one hundred seven and five tenths (107.5) feet, more or less, to Point No. 8, which is a point in the east line of said Section Thirty-four (34) that is forty-one and forty-five hundredths (41.45) feet distant south of the northeast corner thereof, measured along said east line;

thence continuing South sixty-seven degrees and forty-six minutes East (S.  $67^{\circ} 46'$  E.) along a straight line a distance of seven hundred one and twenty-one hundredths (701.21) feet to Point No. 9;

thence Southeasterly along a line curving to the right having a radius of one thousand nine hundred sixty (1960) feet, tangent at its point of beginning to the last described course and having a central angle of five degrees and fifty-three minutes ( $5^{\circ} 53'$ ), a distance of two hundred one and twenty-six hundredths (201.26) feet to Point No. 10;

thence South sixty-one degrees and fifty-three minutes East (S.  $61^{\circ} 53'$  E.) along a straight line tangent to the end of the last described curve a distance of one thousand nine hundred seventy-nine and seven tenths (1979.7) feet, more or less, to Point No. 11, which is a point in the west line of 10th Street in Geo. H. Boggs' Addition as originally platted;

thence northerly along said west line of 10th Street a distance of fifty-six and seven tenths (56.7) feet, more or less, to Point No. 24 which is a point in a straight line that is fifty (50) feet distant northeasterly, measured at right angles, from the hereinbefore described course between Points Nos. 10 and 11;

thence North sixty-one degrees and fifty-three minutes West (N.  $61^{\circ} 53'$  W.) along a straight line that is parallel with and fifty (50) feet distant northeasterly, measured at right angles, from said hereinbefore described course between Points Nos. 10 and 11; a distance of one thousand nine hundred fifty-three (1953) feet, more or less, to Point No. 25, which is a point in a straight line at right angles to said course between Points Nos. 10 and 11 at Point No. 10 thereof;

thence northwesterly along a line curving to the left, having a radius of two thousand ten (2010) feet and which is tangent at its point of beginning to the last described course, concentric with and fifty (50) feet distant northeasterly, measured radially, from the hereinbefore described course between Points Nos. 9 and 10, a distance of two hundred six and four tenths (206.4) feet, more or less, to Point No. 26, which is a point in a straight line at right angles to the hereinbefore described course between Points Nos. 8 and 9 at Point No. 9 thereof;

thence North sixty-seven degrees and forty-six minutes West (N.  $67^{\circ} 46'$  W.) along a straight line that is parallel with and fifty (50) feet distant northeasterly, measured at right angles, from the hereinbefore described course between Points Nos. 8 and 9, a distance of six hundred ninety-one and five tenths (691.5) feet, more or less, to Point No. 27, which is a point in the section line between said Sections Thirty-five (35) and Twenty-six (26) that is Twenty-seven and four tenths (27.4) feet distant east of the corner common to said Sections Twenty-six (26), Twenty-seven (27), Thirty-four (34) and Thirty-five (35), measured along said section line;

thence continuing North sixty-seven degrees and forty-six minutes West (N.  $67^{\circ} 46'$  W.) along a straight line parallel with and fifty (50) feet distant northeasterly, measured at right angles, from the hereinbefore described course between Points Nos. 7 and 8 and Points Nos. 8 and 9, a distance of thirty and one tenth (30.1) feet, more or less, to Point No. 28, which is a point on the section line between said Sections Twenty-six (26) and Twenty-seven (27) that is twelve and fifty-six hundredths (12.56) feet distant north of said corner common to said Sections Twenty-six (26), Twenty-seven (27), Thirty-four (34) and Thirty-five (35) measured along said section line;

thence continuing North sixty-seven degrees and forty-six minutes West (N.  $67^{\circ} 46'$  W.) along a straight line parallel with and fifty (50) feet distant northeasterly, measured at right angles, from the hereinbefore described course between Points Nos. 6 and 7 and Points Nos. 7 and 8, a distance of four hundred five

(405) feet, more or less, to Point No. 29, which is a point in a straight line at right angles to said course between Points Nos. 6 and 7 at Point No. 6 thereof;

thence northwesterly along a line curving to the right, having a radius of one thousand eight hundred ten (1810) feet and which is tangent at its point of beginning to the last described course, concentric with and fifty (50) feet distant northeasterly, measured radially, from the hereinbefore described course between Points Nos. 5 and 6, a distance of three hundred thirty and one tenth (330.1) feet, more or less, to Point No. 30, which is a point in a straight line at right angles to the hereinbefore described course between Points Nos. 4 and 5 at Point No. 5 thereof;

thence North fifty-seven degrees and nineteen minutes West (N.  $57^{\circ} 19'$  W.) along a straight line that is parallel with and fifty (50) feet distant northeasterly, measured at right angles, from the hereinbefore described course between Points Nos. 4 and 5, a distance of one thousand two hundred twenty-two and six tenths (1222.6) feet, more or less, to Point No. 31, which is a point in a straight line at right angles to said course between Points Nos. 4 and 5 at Point No. 4 thereof;

thence northwesterly along a line curving to the right, having a radius of one thousand forty-six (1046) feet and which is tangent at its point of beginning to the last described course, concentric with and fifty (50) feet distant northeasterly, measured radially, from the hereinbefore described course between Points Nos. 5 and 4, a distance of three hundred twenty-five and nine tenths (325.9) feet, more or less, to Point No. 32, which is a point in a straight line at right angles to the hereinbefore described course between Points Nos. 2 and 3 at Point No. 3 thereof;

thence North thirty-nine degrees and twenty-eight minutes West (N.  $39^{\circ} 28'$  W.) along a straight line parallel with and fifty (50) feet distant northeasterly, measured at right angles, from the hereinbefore described course between Points Nos. 2 and 3, a distance of four hundred three and two tenths (403.2) feet, more or less, to Point No. 33, which is a point in the southeasterly extension of the hereinbefore described course between Points Nos. 1 and 2;

thence North fifty-five degrees and thirteen minutes West (N.  $55^{\circ} 13'$  W.) along said southeasterly extension of the hereinbefore described course between Points Nos. 1 and 2, a distance of one



hundred eighty-four and two tenths (184.2) feet, more or less, to Point No. 2, the point of beginning.

PROVIDED, however, that all borrow pits on the lands described in this paragraph (3) shall be excavated with smooth bottoms and sides and in such manner as to insure proper drainage.

EXCEPTING AND RESERVING to the Grantor, its successors, grantees and assigns, the right to construct, at any and all times, and to maintain over and across the premises hereinbefore described roadways, viaducts, bridges, pipe lines, telegraph, telephone and electric power pole and wire lines and conveyor systems, but in such a way as not unreasonably to interfere with said levee or the aforesaid borrow pit rights or with the maintenance of said levee; it being understood that the rights herein reserved to the Grantor, its successors, grantees and assigns, are retained along with the general right of the Grantor, its successors, grantees, and assigns, to the use of the premises hereinbefore described for any purpose not inconsistent with the use by the Grantee of said easements for the purposes herein defined.

If the Grantee should at any time in the future relocate, alter, modify or enlarge said levee in a manner that necessitates raising, altering, modifying or relocating any roadway, viaduct, bridge, pipe line, telegraph, telephone and electric power pole and wire line, conveyor system or any other structure or facility erected or constructed over and across said levee under the exceptions and reservations contained in the next preceding paragraph hereof, then in that event the Grantor, its successors, grantees or assigns, shall, at its or their expense, raise, alter, modify or change the location of such structures or facilities in the manner necessary to accommodate the relocation, alteration, modification or enlargement of said levee.

The easements herein granted are made subject to all outstanding superior rights and the right of the Grantor to extend and renew the same.

It is expressly made a condition of these easements that if the Grantee, its successors or assigns, shall abandon the premises of the Grantor described in paragraph (1) hereof, or any portion thereof, for use for levee and other works for flood control purposes, then and in that event all the rights herein granted shall cease and determine with respect to the

portion of the premises so abandoned and the title to the same shall be relieved of the burden of these easements, and it is further agreed that non-user of the easements granted for a period of one (1) year shall be deemed an abandonment of said premises for such purposes.

TO HAVE AND TO HOLD, subject to said exceptions, reservations, conditions and restrictions, the above mentioned easements unto East Omaha Drainage District, its successors and assigns.

IN WITNESS WHEREOF, the said The Union Land Company has caused these presents to be signed by its President and Assistant Secretary, and its corporate seal to be hereunto

affixed, this 29th day of AUGUST, 1944.

Witness:

THE UNION LAND COMPANY,

*W. Schmidt*

By *G. F. ...*

vice President

Attest:

*W. ...* (Seal)  
Assistant Secretary.



STATE OF NEBRASKA, )  
                          ) ss.  
COUNTY OF DOUGLAS. )

On this 29th day of August, 1944,  
before me, a Notary Public in and for said county in the  
State aforesaid, personally appeared G. W. Ashby to  
me personally known, and to me personally known to be Vice  
President of THE UNION LAND COMPANY, and to be the same per-  
son whose name is subscribed to the foregoing instrument,  
and who, being by me duly sworn, did say that he is Vice  
President of The Union Land 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 G. W. Ashby 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 volun-  
tarily 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 May 9, 1948.

Louis Holman  
Notary Public.

(Seal)

7.  
ENTERED IN NUMERICAL INDEX AND RECORDED IN THE REGISTER OF DEEDS OFFICE IN DOUGLAS COUNTY, NEBRASKA 5.30  
9 DAY December 1944 AT 10:11 A.M. THOMAS J. O'CONNOR, REGISTER OF DEEDS