

**CITY OF OMAHA**

LEGISLATIVE CHAMBER

BOOK 759 PAGE 561

Omaha, Nebr..... 19.....

RESOLVED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

WHEREAS, in 1981, the City of Omaha, Murdock Omaha and several private sector donors entered into a redevelopment agreement entitled the "Memorandum of Understanding"; and,

WHEREAS, pursuant to that agreement and through such parties efforts, a 510,000 square foot office building was constructed on the east 154 feet of Block 118 and a public parking garage on the south half of Block 106, with a connecting public skywalk, were constructed; and,

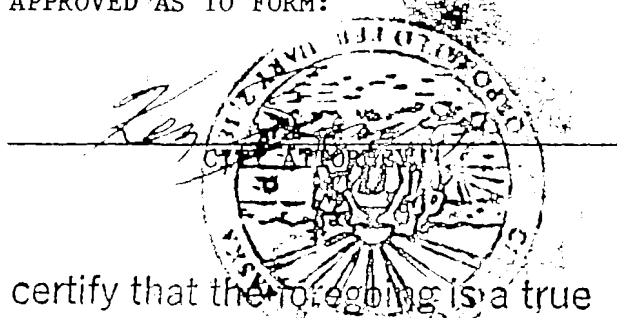
WHEREAS, it has come to the attention of the City that the public sanitary sewer lying below the office building (the "Central Park Plaza") is not aligned with the old easement; and,

WHEREAS, it is desirable that the current easement be relocated to conform with the sanitary sewer as actually constructed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

THAT, the Mayor and City Clerk are hereby authorized to sign and attest, respectively, the sewer easement to Murdock Omaha Limited Partnership and/or Central Park Plaza, Inc.

APPROVED AS TO FORM:



5405t

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.

*Mary Gallagher*  
BY CITY CLERK

*Steve H. Tomasek*  
Councilmember

Adopted... DEC 3 1985 7-0

*Mary Gallagher*  
City Clerk

Approved... *Michael Boyle* 12/5/85  
Mayor



COPY

SEWER EASEMENT AND AGREEMENT

WHEREAS, pursuant to Section 1 of that certain Ordinance No. 29124 recorded in Book 632, Page 643 in the Office of the Register of Deeds of Douglas County, Nebraska, which vacated the east 154.45 feet of the east-west alley within Block 118, Original City of Omaha, Douglas County, Nebraska, there was reserved to the City of Omaha, Nebraska ("City") certain rights for utilities within said vacated alley, including the right to authorize the Metropolitan Utilities District of the City or any other public utility to use said vacated alley for utilities;

WHEREAS, no utilities are now located within said vacated alley and, considering the magnitude of privately owned improvements now situated above and below the surface of said vacated alley, the potential is remote for any utilities ever to be located within said vacated alley, and the Grantor herein as the present owner of said vacated alley has requested that the rights reserved to the City pursuant to Section 1 of Ordinance No. 29124 be released and quit-claimed to Grantor;

WHEREAS, there now exists a public sanitary sewer line underground the property south of the vacated alley for which no easement has been granted to the City and for which the City desires an easement; and

WHEREAS, the Grantor herein as present owner of the property on which the said sewer line is located is willing to grant an easement therefor in consideration of the release and quitclaim to Grantor of the rights reserved to the City in Section 1 of Ordinance No. 29124.

NOW, THEREFORE, MURDOCK OMAHA LIMITED PARTNERSHIP, a California limited partnership, and CENTRAL PARK PLAZA, INC., a Nebraska corporation (collectively, the "Grantor"), for and in consideration of the release and quitclaim to Grantor of all rights reserved to the City of Omaha pursuant to Ordinance No. 29124 adopted by The City Council of the City of Omaha, does hereby grant unto THE CITY OF OMAHA, NEBRASKA, the Grantee, its successors and assigns in interest, a permanent sewer easement below the surface of the following parcel of land between elevations of approximately 62.00 feet and 64 feet 7 inches, City of Omaha datum:

(1)



Beginning at the Northeast corner of Lot 8, Block 118, Original City of Omaha, Douglas County, Nebraska; thence south, along the east line of said Lot 8, a distance of 6.00 feet; thence west, along a line parallel to and 6.00 feet south of the north line of Lots 8, 7 and 6 in said Block 118, a distance of 154.45 feet; thence north, along a line parallel to and 154.45 feet west of the east line of said Block 118, a distance of 6.00 feet to a point on the north line of said Lot 6; thence east, along the north line of Lots 6, 7 and 8 in said Block 118, a distance of 154.45 feet to the point of beginning;

to maintain, operate, repair and renew, at the Grantee's sole expense, the existing sanitary sewer line within said property and, at the Grantee's sole expense, to construct, maintain, repair and renew additional or other sewers within said approximate elevations of said parcel of land.

By acceptance of delivery hereof, the Grantee agrees (i) the Grantee's exercise of the rights herein granted shall be such as to cause minimum interference with the Grantor's use and operation of the improvements overlying the easement area and (ii) at its sole cost to defend and hold the Grantor harmless from all costs, damages or claims, including reasonable attorneys' fees, arising from the Grantee's negligent exercise of the rights herein granted.

The Grantee does hereby release and quitclaim to the Grantor and its successors and assigns in interest all rights reserved to the Grantee in Section 1 of Ordinance No. 29124.

IN WITNESS WHEREOF, this instrument is executed as of October 1, 1985.

MURDOCK OMAHA LIMITED PARTNERSHIP

By: Westwood Plaza No. 10, Inc., a Delaware corporation, General Partner

By: [Signature]  
Title Vice President

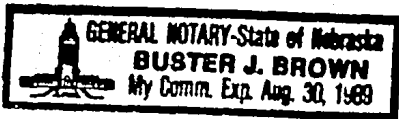






STATE OF ]  
] SS.  
COUNTY OF ]

The foregoing instrument was acknowledged before me this  
*5th* day of *December*, 1985 by *Michael Boyle, Mayor*  
of The City of Omaha, Nebraska, a municipal corporation, on  
behalf of the municipality.



*Buster J. Brown*  
\_\_\_\_\_  
Notary Public

*As to form:*  
*Ken Berger*  
*Asst City Atty*



CERTIFICATE OF SECRETARY  
OF  
CENTRAL PARK PLAZA, INC.

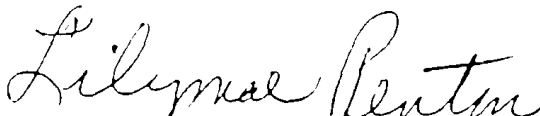
The undersigned, being the duly elected and acting Secretary of Central Park Plaza, Inc., a Nebraska corporation, does hereby certify that the following persons are the duly elected incumbents of the offices set forth by their respective names below:

David H. Murdock	President
Ronald E. Douglas	Vice President
Lilymae Penton	Vice President, Secretary and Treasurer
Gerald Tyler	Vice President

And said persons are authorized to execute or endorse documents and instruments on behalf of Central Park Plaza, Inc. including but not limited to deeds and instruments of conveyance and related documents concerning the sale of that property commonly known as the "Central Park Plaza."

**IN WITNESS WHEREOF**, I have this day set my hand and affixed the seal of Central Park Plaza, Inc. hereto.

Dated this 4th day of December, 1985.

  
\_\_\_\_\_  
Lilymae Penton, Secretary

