

49-339

AVIGATION EASEMENT
MILLARD AIRPORT - S. E. APPROACH

WHEREAS, CAMPBELL SOUP COMPANY hereinafter called the Grantors, are the owners in fee of that certain tract or parcel of land situated in the County of Sarpy, State of Nebraska, described in Exhibit "A" attached hereto and by this reference made a part hereof; and,

WHEREAS, Airport Authority of the City of Omaha, hereinafter called the Grantee, is the owner of Millard Airport, situated in that County of Douglas, State of Nebraska, in close proximity to the said tract or parcel of land of the Grantors; and,

WHEREAS, for the protection of aircraft landing and taking off at Millard Airport, it is deemed necessary that the land in the immediate approaches to the runways of the said airport be and remain, insofar as reasonably possible, cleared of any buildings, structures, objects, growths, or assemblies of persons, other than air navigation facilities;

NOW, THEREFORE:

1. In consideration of the sum of One Dollar (\$1.00) and other valuable consideration in hand paid the Grantors by the Grantee, the receipt and sufficiency of which is hereby acknowledged, the Grantors, for themselves, their heirs, successors and assigns, do hereby give and grant to the Grantee for the use and benefit of the public, a perpetual avigation easement and right-of-way for the unobstructed and unrestricted flight of aircraft, including the right to cause such sound as may be inherent in the operation of aircraft into or from Millard Airport, in, through, and across the airspace over and above the land identified as Area II, as described on Exhibit "A", which Exhibit is attached hereto and by this reference made a part hereof, at any altitude or height above the surface of the land.
2. The Grantors for themselves, their heirs, successors and assigns, do hereby covenant and agree that they will not (except as herein provided) erect, maintain or allow any buildings, structures or objects to remain or be placed on Area II, or permit any growth thereon at any time to a height exceeding the maximum elevations based on United States Coast and Geodetic Survey data indicated by the lines identified as "Maximum Height Contours" on Exhibit "A"; nor shall any motor vehicle trafficway be constructed or placed on Area II, the travelled surface of any portion of which is at an elevation exceeding fifteen feet below the elevations indicated by said contour lines on Exhibit "A".
3. The Grantors, for themselves, their heirs, successors and assigns, do hereby further covenant and agree that they will not use or suffer the said land to be used by any assembly of persons or in such a manner as might attract or bring together an assembly of persons thereon.

FILED FOR RECORD 6-23-76 AT 1:10 P.M. IN BOOK 49 OF Miss Beal
339 Carl L. Hibel REGISTER OF DEEDS, SARPY COUNTY, NEB. 12-25

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49-339A

4. The Grantors, for themselves, their heirs, successors and assigns do hereby further give and grant to the Grantee a continuing right of entry upon the aforesaid land for the purpose of removing and preventing the construction or erection of any buildings, structures, or facilities and the growth of any trees or other objects upon the land, other than those herein expressly excepted.

5. It is understood and agreed that these covenants and agreements shall be binding upon the heirs, administrators, executors and assigns of the parties; that these covenants and agreements shall run with the land, and that for the purposes of this instrument, the real estate described in Paragraph 1 and owned by the Grantors shall be the servient tenement, and the Millard Airport land shall be the dominant tenement.

6. This easement shall prevail over and render null and void an easement over a portion of Area II filed for record in Sarpy County, Nebraska, November 29, 1966 and recorded in Book 37 of Misc. Records, Page 519.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals this 1 day of Aug, 1975.

John R. Hochreiner
Director Industrial Research

STATE OF New Jersey

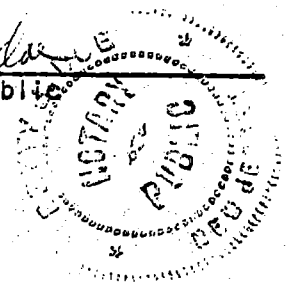
SS

COUNTY OF Camden

On this 1st day of August, 1975, before me, the undersigned, a Notary Public, duly commissioned, qualified for and residing in said county, personally came John R. Hochreiner to me known to be the identical persons whose names are affixed to the foregoing instrument and acknowledged the same to be their voluntary act and deed.

Witness my hand and notarial seal the day and year last above written.

Betty J. Lawrence
Notary Public



My Commission Expires:

NOTARY PUBLIC of NEW JERSEY
My Commission Expires July 19, 1978

U.S.C. & G.S. BENCH MARK X 233
1.7 MI. SE OF MILLARD STATION ON U.P.R.R.
42' NE OF C. TRACKS AND 40' SO OF C.
HARRISON ST. ELEV. 1040.057

1" = 200'

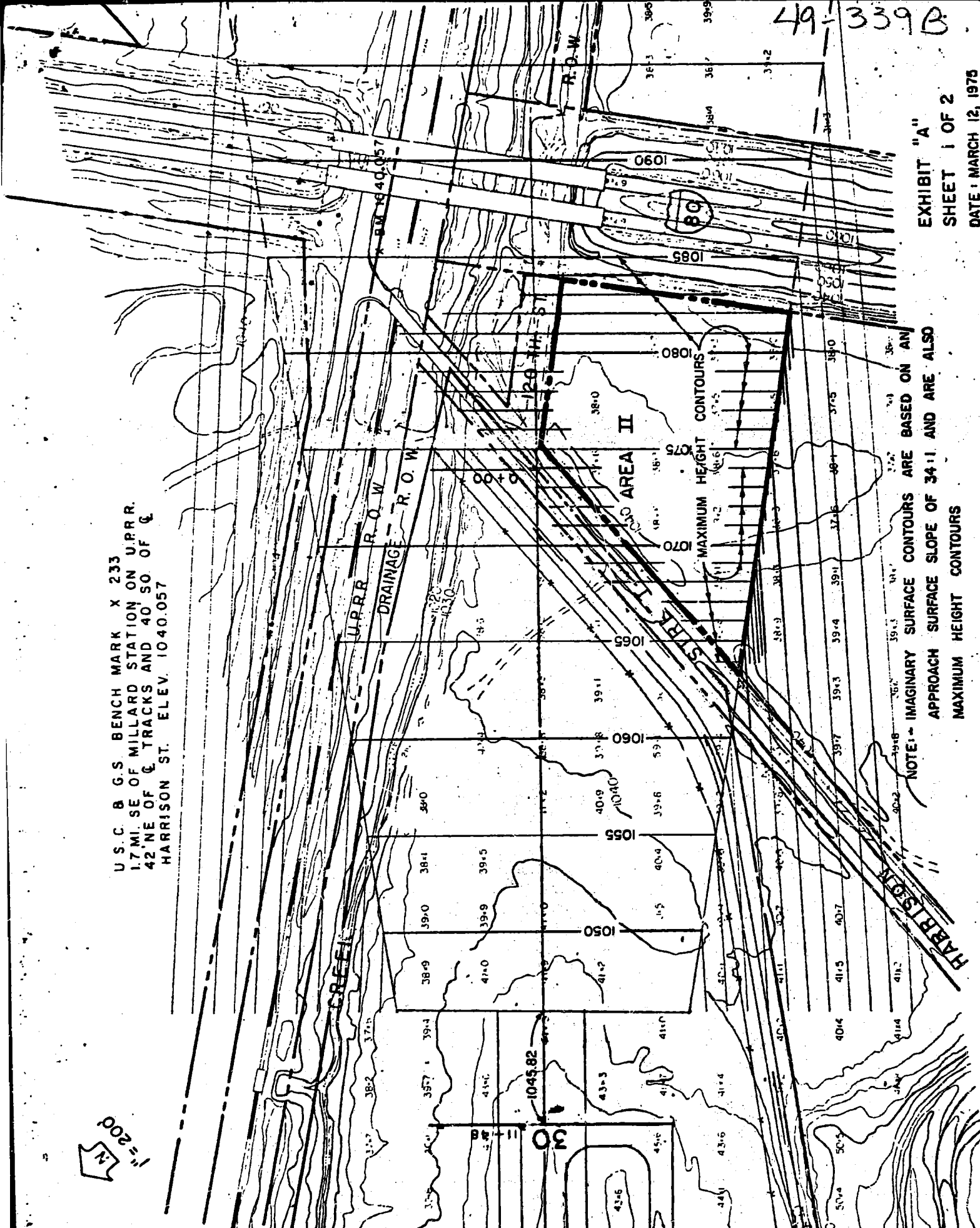


EXHIBIT "A"
SHEET 1 OF 2
DATE: MARCH 12, 1975

NOTE: - IMAGINARY SURFACE CONTOURS ARE BASED ON AN
APPROACH SURFACE SLOPE OF 34:1 AND ARE ALSO
MAXIMUM HEIGHT CONTOURS

#040275

1/17/75

49-339c

LEGAL DESCRIPTION

**Area II, Millard Airport
Omaha Airport Authority**

A tract of land located in the N. E. $\frac{1}{4}$ of Section 18, Township 14 North, Range 12 East of the Sixth Principal Meridian in Sarpy County, Nebraska; the boundaries of which are described as follows:

Bounded on the north by the southerly right-of-way line of Harrison Street; on the northeast by the southwesterly R-0-W line of 120th Street; on the southeast by the northwesterly R-0-W line of Interstate Highway No. 80; and on the southwest by a line beginning at a point on the southerly R-0-W line of Harrison Street and 1328.05 feet west of the N.E. corner of said Sec. 18, and running thence S. $42^{\circ} 39' 05''$ E. for approximately 650.0 feet to a point on the northwesterly R-0-W line of Interstate Highway No. 80, containing 187,625.0 sq. ft. (4.31 A.) more or less.

In this description the north line of the NE $\frac{1}{4}$ of said Sec. 18 (centerline of Harrison Street) is assumed to bear N. $89^{\circ} 24' 54''$ E.

Exhibit "A"
Sheet 2 of 2
Date: Mar. 12, 1975