

EASEMENT

THIS INSTRUMENT made and executed by BROWN REALTY COMPANY, a corporation, hereinafter called Grantor, to THE BRANDEIS INVESTMENT COMPANY, a corporation, hereinafter called Grantee, WITNESSETH:

WHEREAS, Grantee is the owner of the building known as the Brandeis Store Building, on the Southwest Corner of 16th and Douglas Streets, Omaha, Nebraska, described as Lots One (1), Two (2), Three (3) and Four (4), Block One Hundred Seventeen (117), Original Plat of the City of Omaha, as surveyed and lithographed, and Grantor is the owner of the building known as the Brown Building on the Southeast Corner of said 16th and Douglas Streets, Omaha, Nebraska, described as the West Thirty-three (33) feet of Lot Four (4), Block One Hundred Eighteen (118), Original Plat of the City of Omaha, as surveyed and lithographed, and

WHEREAS, Grantee now furnishes steam heat under contract to Grantor for the purpose of heating said Brown Building and also furnishes steam heat to other buildings lying to the East of said Brown Building, said steam heat for all of said buildings being furnished through an underground steam supply pipe line and a condensate return line which runs from the Brandeis Store Building under 16th Street and to and under the Brown Building in the vicinity of the alley lying to the South of the Brown Building, and

WHEREAS, the Grantee desires to change the course of said pipe lines so that they will enter the premises belonging to Grantor at a point approximately ten (10) feet North of where they now enter said premises, and

WHEREAS, the Grantor deems it advisable to make the change in the course of the pipe lines, as aforesaid, and accordingly desires to grant to the Grantee an easement for said relocated underground steam supply line and condensate return line.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) paid by the Grantee to the Grantor, receipt of which is acknowledged, the

Grantor hereby grants to the Grantee, its successors and assigns, the free right and authority to construct said steam supply line and condensate line to enter the premises of the Grantor at a point approximately ten (10) feet north of where they now enter the premises and to keep, maintain, repair, replace and renew said underground steam supply pipe line and condensate return line from the premises of Grantee under and across said 16th Street and under and across the above-described premises of Grantor to the East line thereof.

GRANTEE agrees to repair or cause to be repaired all damage to the building or premises of the Grantor resulting from Grantee constructing, keeping, maintaining, repairing, replacing and renewing said underground steam supply line and condensate return line as aforesaid and to indemnify Grantor from any loss or damage on account thereof. Grantee further agrees to indemnify Grantor and hold it harmless from all loss or damage to the persons or property of others resulting from Grantor constructing, keeping, maintaining, repairing, replacing and renewing said lines.

GRANTOR further grants to Grantee the right of ingress and egress to its premises above described, together with said Brown Building or any replacement thereof, at all times for the purposes of construction, maintenance, repair, renewal and replacement of said steam supply pipe line and condensate return line.

GRANTOR further grants to Grantee the right of use of so much of the basement of the Brown Building as is necessary for the purpose of feeding the pipe which is to pass under 16th Street into the ducts which are to be prepared therefor.

AT SUCH time as Grantee shall discontinue the use of said underground steam supply line and condensate return line hereinabove referred to, this easement shall terminate and be of no further force and effect.

DATED this 7th day of May, 1964.

BROWN REALTY COMPANY
a Corporation

By

David Goldman
President

(Corporate Seal)

STATE OF NEBRASKA)
DOUGLAS COUNTY) SS.

On this 7 day of May, 1964, before me, the undersigned, a Notary Public in and for said County, personally appeared David Galbraith President of BROWN REALTY COMPANY, a corporation, to me known to be the identical person who executed the above and foregoing instrument and acknowledged the execution thereof to be his voluntary act and deed and the voluntary act and deed of said corporation, and that the Corporate Seal of said Brown Realty Company was thereto affixed with the authority of the Board of Directors of said corporation.

[Signature]
Notary Public

My Commission expires
March 30, 1969

Handwritten notes:
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1968 DEC 12 AM 9 39

THOMAS B. BIGNON, CLERK
REGISTRY OF DEEDS
DOUGLAS COUNTY, NEBR.

THE STATE OF NEBRASKA } ss.
Douglas County }
Entered in Numerical Index and file
for Record in the office of the Register of
Deeds of said County and recorded in
Book 471 of Deeds
Page 376

[Signature]
Register of Deeds

[Signature]
64 P.S.
Comm. 9-337 Fee 2.00

(Em)