

*Record of  
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*Sale No. 2031*

*Deed No. 2005*

D E E D

from

THE UNION LAND COMPANY

to

EAST OMAHA DRAINAGE DISTRICT

Dated July 29, 1946

Covering easement for levee and other  
works for flood control purposes  
in  
Omaha, Douglas County, Nebraska.

7-8-46

ORIGINAL

THIS DEED, Made this 29<sup>th</sup> day of July, 1946, between THE UNION LAND COMPANY, a corporation of the State of Nebraska, Grantor, and EAST OMAHA DRAINAGE DISTRICT, a corporation of the State of Nebraska, Grantee,

WITNESSETH, That

WHEREAS, Grantee desires to acquire an easement in the lands hereinafter described for the purpose of constructing, maintaining, operating, repairing, renewing and reconstructing a levee and other works for flood control purposes on the lands of Grantor; and

WHEREAS, Grantor is willing to donate said easement to Grantee for the purposes aforesaid;

NOW, THEREFORE, in consideration of the premises, Grantor does by these presents:

1) grant, donate, convey and confirm unto 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:

Commencing at Point No. 1 of the easement strip described in paragraph (1) of that certain easement deed from The Union Land Company to the East Omaha Drainage District, dated August 29, 1944, and recorded on page 247 of Book 195, Miscellaneous, of the records of said Douglas County, 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 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° 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° 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 northeasterly 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 sixty (60) feet distant northeasterly, measured radially, from the hereinbefore described course between Points Nos. 10 and 11, 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. 10 and 11 at Point No. 9 thereof;

thence North sixty-seven degrees and forty-six minutes West (N. 67° 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. 3 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° 28' W.) along a straight line parallel with and fifty (50) feet distant north-easterly, 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° 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;

2) grant, donate, convey and confirm unto 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.

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 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 easement 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 easement herein granted is 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 this easement that if the Grantee, its successors or assigns, shall abandon the premises of the Grantor described above, 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 this easement, and it is further agreed that non-user of the easement 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 easement 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 22th day of July, 1946.

Witness:

THE UNION LAND COMPANY,

By

J. F. M. M. M.  
President

Attest:

L. B. Bachman (Seal)  
Assistant Secretary

STATE OF NEBRASKA )  
                          ) ss.  
COUNTY OF DOUGLAS )

On this 29th day of July, 1946,

before me, a Notary Public in and for said county in the State aforesaid, personally appeared G. F. Ashby to me personally known, and to me personally known to be President of THE UNION LAND COMPANY, and to be the same person whose name is subscribed to the foregoing instrument, and who, being by me duly sworn, did say that he is 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. F. 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 its voluntary consent, 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 Scholvin  
Notary Public

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SEARCHED INDEXED AND RECORDED IN THE REGISTER OF DEEDS OFFICE IN DOUGLAS COUNTY, NEBRASKA  
Aug 4 1946 THOMAS L. MCNAMON, REGISTER OF DEEDS

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