

11259

EASEMENT

KNOW ALL MEN BY THESE PRESENTS that Cole Investment Company, a Nebraska corporation, hereinafter referred to as "Grantor", for One Dollar (\$1.00) and other valuable consideration, does hereby grant unto Burlington Northern, Inc., a corporation, hereinafter referred to as "Grantee", the right, license, privilege and easement to enter upon and use for railroad purposes, and to construct, maintain, operate, repair, renew and remove standard gauge railroad trackage on, over and across the premises described as follows, to wit:

PARCEL #1: A strip of land in Lot 4, Block 1, Cole Industrial Park, described as the West 25' of the North 242.34' of said Lot 4 and a strip of land 50' in width centered on a line which runs from the Southeast corner of said Lot 2, Block 1, to a point 30.02' East of the Southwest corner of said Lot 4.

PARCEL #2: A strip of land in Lot 3, Block 1, Cole Industrial Park, 25' in depth, adjacent to and normal to the West line of said Lot 3 located in the SW 1/4 of Section 33, T11N, R7E of the 6th P.M., Lancaster County, Nebraska.

PARCEL #3: A strip of land in Lot 2, Block 1, Cole Industrial Park, 25' in depth, adjacent to and normal to the East property line of said Lot 2, located in the SW 1/4 of Section 33, T11N, R7E of the 6th P.M., Lancaster County, Nebraska.

PARCEL #4: A strip of land in Lot 1, Block 2, Cole Industrial Park, 25' in depth, adjacent to and normal to the Southeast property line of said Lot 1, located in the SW 1/4 of Section 33, T11N, R7E of the 6th P.M., Lancaster County, Nebraska.

PARCEL #5: A strip of land in Lot 2, Block 2, Cole Industrial Park, 25' in depth, adjacent to and normal to the Northwest property line of said Lot 2, located in the SW 1/4 of Section 33, T11N, R7E of the 6th P.M., Lancaster County, Nebraska.

PARCEL #6: A strip of land in Lot 3, Block 2, Cole Industrial Park, 50' in width centered on a line that begins 55' South of the Northeast corner of said Lot 3, then running parallel to and 55' South of the North line of said Lot 3 a distance of 256.62' to a point of tangency, thence on a curve to the left whose radius is 460' and arc distance of 44.65' to a point on the West line of said Lot 3.

PARCEL #7: The South 50' of the North 80' of Lot 4, Block 2, Cole Industrial Park, located in the SW 1/4 of Section 33, T11N, R7E of the 6th P.M., Lancaster County, Nebraska.

PARCEL #8: The South 50' of the North 80' of Lot 5, Block 2, Cole Industrial Park, located in the SW 1/4 of Section 33, T11N, R7E of the 6th P.M., Lancaster County, Nebraska.

All of said legal descriptions located in Lancaster County, Nebraska.

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Reserving, however, unto to said Grantor, its successors, assigns and licensees, the right to operate, maintain and renew such vehicular crossings, pipe lines, electric transmission lines, water lines, sewer lines and other facilities of like character as may exist upon, under or over said premises as of the date hereof, and from time to time construct, operate, maintain and renew such additional facilities of the same character, or relocate existing facilities, in such manner as will not interfere with the use of the premises by the Grantee for the purposes herein specified.

To have and to hold the said right, license, privilege and easement unto the Grantee, its successors and assigns forever, subject, however, to the condition that if at any time hereafter the railroad trackage on the premises described above, or any part thereof, shall cease being used and shall be removed by the Grantee, its successors or assigns, then the said right, license, privilege and easement herein granted shall cease to determine and immediately thereupon revert and revest in the Grantor, its successors and assigns, without any further or other conveyances from Grantee or its successors or assigns.

COLE INVESTMENT COMPANY,  
a Nebraska corporation -- Grantor

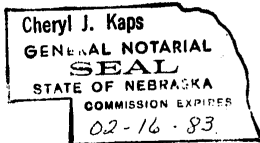
BY: *Norman L. Cole*  
Norman L. Cole, President

STATE OF NEBRASKA     )  
                                  )ss.  
COUNTY OF LANCASTER )

Before me, the undersigned notary public, qualified and acting for and in said county and state, appeared Norman L. Cole, personally known to me to be the Grantor herein and the President of Cole Investment Company, and acknowledged the execution of the foregoing Easement to be his voluntary act and deed and the voluntary act and deed of said corporation.

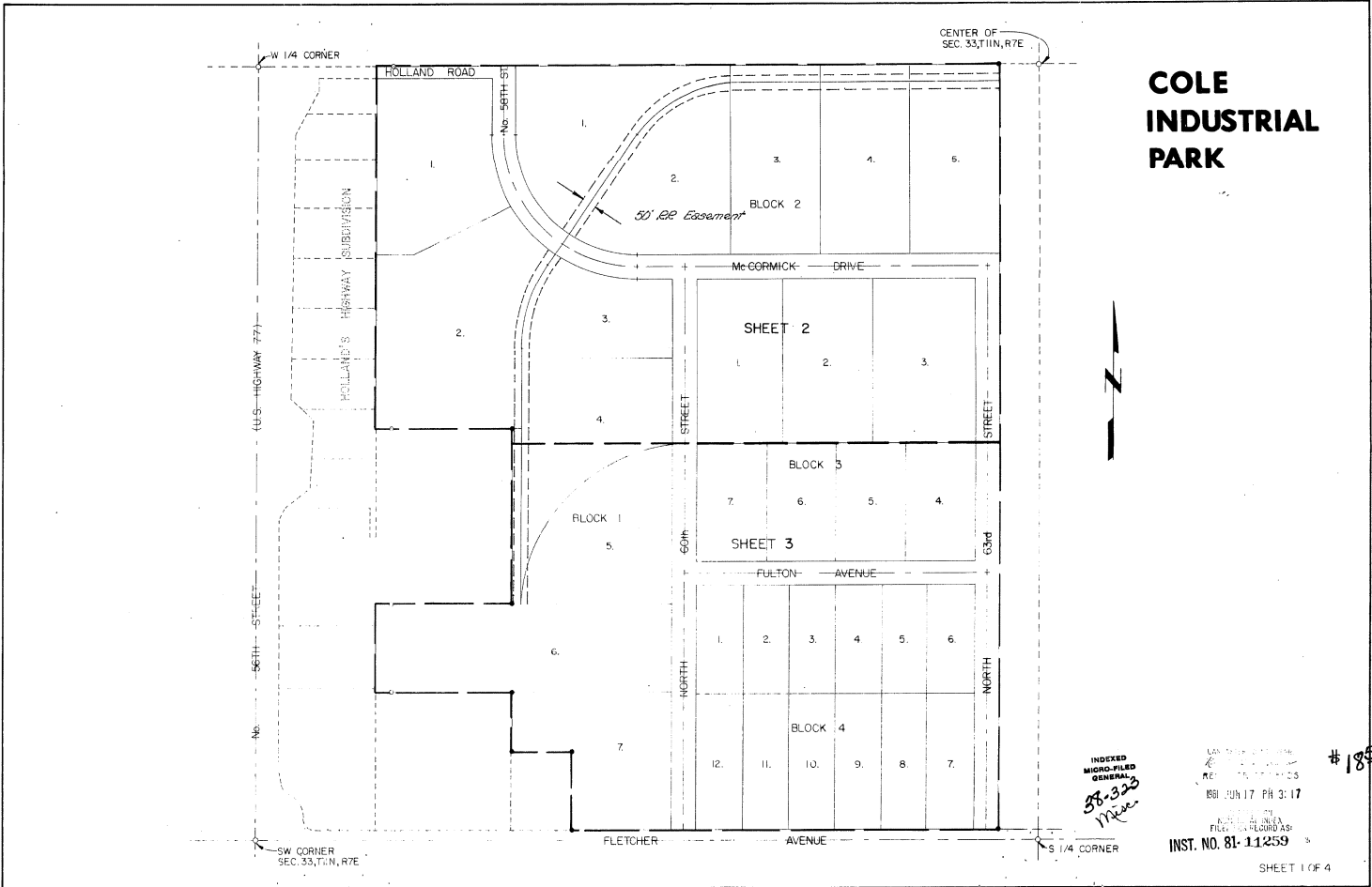
Witness my hand and notarial seal this 16th day of

June, 1981.



*Cheryl J. Kaps*  
Notary Public

# COLE INDUSTRIAL PARK



INDEXED  
MICRO-FILED  
GENERAL  
38-323  
1/1/50

# 1850  
LAW OFFICE OF  
RECORDS  
JUN 17 PM 3:17  
FILED IN RECORDS  
INST. NO. 81-11259

SHEET 1 OF 4  
Drw No. 2444