

The property initially was Lots 1, 2, 3, 4, 5, 6, 7, 8 Block 39 City Lots.

RT Amis owned the portion to the North of the alley (Lots 1, 2, parts of 3 and 4) and the State of Nebraska owned the portion South of the alley (Lots 7, 8 part of 6)

RT Amis requested the alley vacation in 1989 and the alley was vacated in Ordinance 31665, Book 870 page 136 (copy attached). The ordinance says "pursuant to applicable law" which means ½ to the property owner on the North (RT Amis) and ½ to the property owner on the South – State of Nebraska.

Thereafter Mr. Amis deeds his property to Nebraska Machinery Company Book 1854 Page 497 and this deed includes the north ½ of the vacated alley adjoining.

Then Mr. Amis by **Quitclaim Deed** quitclaims to Nebraska Machinery Company the South ½ of the Alley. Book 1856 Page 50.

Then the State of Nebraska Department of Roads quitclaims to Nebraska Machinery Company a tract of land that is part of the South ½ of the vacated alley (Book 1865 Page 587). This is the East 142.34 feet of the south ½ of the vacated alley – not all of it.

Then Nebraska Machinery Company deeds their property to the City of Omaha (Book 2199 Page 403). Parcel B of the legal description on this deed would appear to be identical to the legal description on the QC deed from Amis to Nebraska Machinery (book 1856 page 50) except that the alley is described now in this deed as one half of the alley instead of the South half of the alley, the word south had been deleted.

There after the property is platted as Lot 1 Union Pacific Place and now as Lot 1 Union Pacific Place Replat 6. Replat 6 includes all of the South ½ of the vacated alley (158 feet). However, it appears the City only owns the East 142.34 feet of the South ½ of the alley.

*ord + deeds*

ORDINANCE NO. 31665

AN ORDINANCE vacating the east/west alley between Cass Street and Chicago Street from 12th Street west 158.88+ feet to Interstate 480 in the City of Omaha and providing the effective date hereof.

*ordered  
copy  
from  
clerk*

WHEREAS, petition representing owners of more than 75 percent of the property abutting the east/west alley between Cass Street and Chicago Street from 12th Street west 158.88+ feet to Interstate 480 has been filed with the City of Omaha; and,

WHEREAS, said property owners have in and by said petition waived any and all damages that may be occasioned by said vacation.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

*any  
directions  
of ownership?  
after then  
(1/2 to each side)  
only mentions  
L's 1-4*

Section 1. That east/west alley between Cass Street and Chicago Street from 12th Street west 158.88+ feet to Interstate 480, abutted by all Lots 1, 2 and east 22 feet of Lot 3, Block 39, Original City of Omaha, together with a tract of land located in Lots 3 and 4, Block 39, Original Plat, located in the Northeast Quarter Section 22-15-13

*(no 6-8)*

be, and hereby is, vacated; the vacating of the property herein described, and the reversion thereof, pursuant to applicable law, shall be subject to the conditions and limitation that there is reserved to the City of Omaha the right to maintain, operate, repair and renew sewers now existing therein and in the future to construct, maintain, repair and renew additional or other sewers, and also the right to authorize the public utilities and cable television systems to construct, maintain, repair or renew and operate now or hereafter installed water mains and gas mains, pole lines, conduits, electrical transmission lines, sound and signal transmission lines and other similar services and equipment and appurtenances above, on and below the surface of the ground for the purpose of serving the general public or abutting property; and the right so reserved shall also include such lateral connection or branch lines as may be ordered, desired or permitted by the City or such other utility and to enter upon the premises to accomplish the above purposes at any and all times.

REC-111  
1988 DEC -1 AM 9:47  
GEORGE J. BUEHLER, JR.  
REGISTER OF DEEDS  
DOWNTOWN

*2000 / Mary*

JA 870 9-103/104/105 KP C/O FEE 17.00  
CG 136-138 N 9-1 DEL 1/1 MC 600  
IF TRAC COMP RW F/B 63-8-2000

Section 2. That this Ordinance shall be in full force and take effect fifteen (15) days from and after the date of its passage.

INTRODUCED BY COUNCILMEMBER

Fred Conley

APPROVED BY:

Walter M. Oelinger 11/17/88  
MAYOR OF THE CITY OF OMAHA DATE

PASSED NOV 15 1988 7-0

ATTEST:

Mary Yampul Carnes  
CITY CLERK OF THE CITY OF OMAHA

APPROVED AS TO FORM:

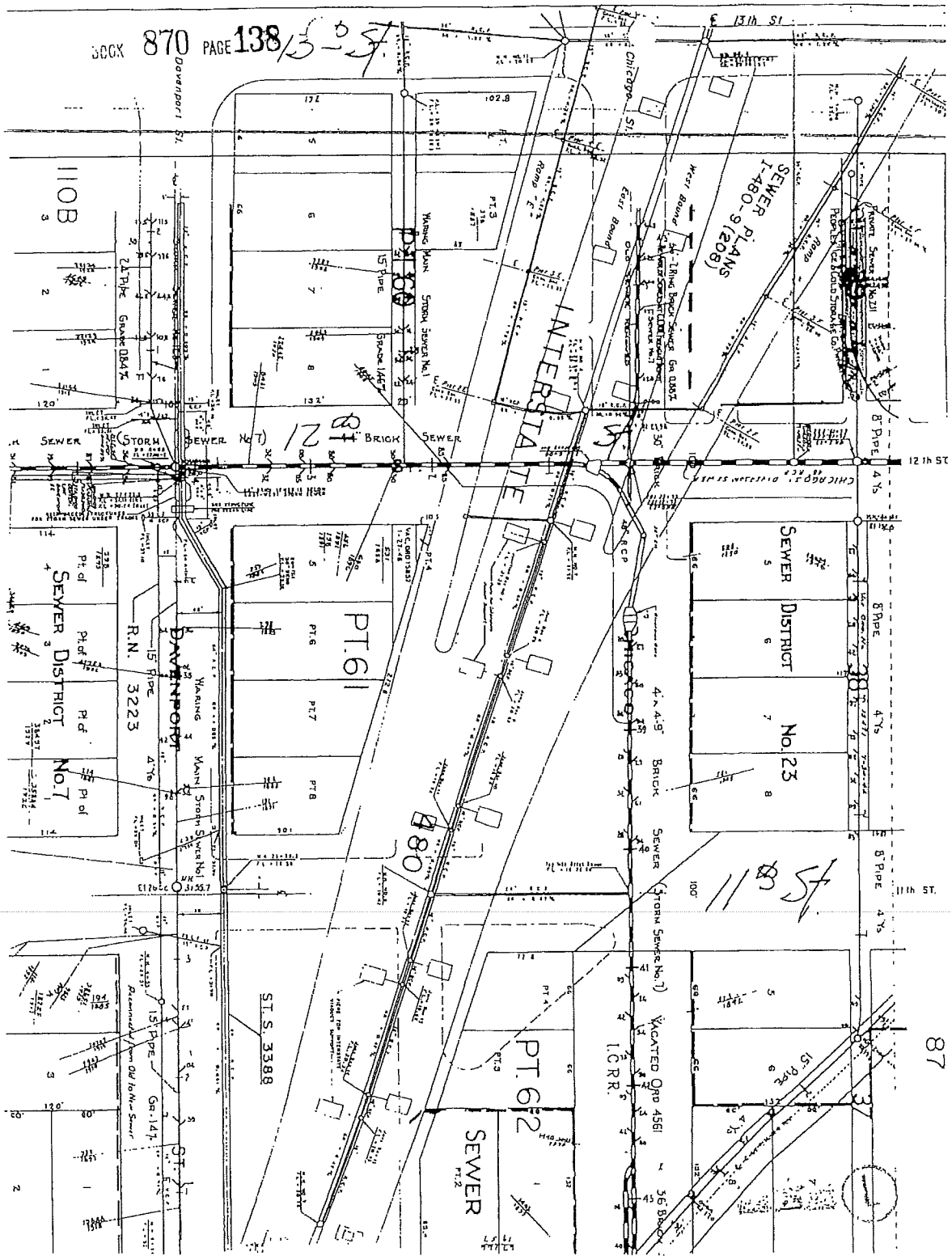
[Signature]  
ASSISTANT CITY ATTORNEY

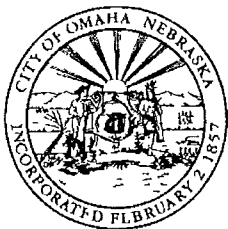
8764u

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 Yampul Carnes  
BY CITY CLERK







November 1, 1988

City of Omaha  
Walter M. Calinger, Mayor  
Public Works Department

Omaha/Douglas Civic Center  
1819 Farnam Street Suite 601  
Omaha, Nebraska 68183 0601  
(402) 444 5220

Louis E. Lamberty, P.E.  
Director

Honorable President

and Members of the City Council,

Transmitted herewith is a proposed Ordinance to vacate the following:

The east/west alley between Cass Street and Chicago Street from 12th Street west 158.88+ feet to Interstate 480.

The area to be vacated comprises approximately 3,177.6 square feet, being 20 feet in width by 158.88+ feet in length.

The approval of the Planning Board at their meeting of July 13, 1988 is attached. The vacating petition is also attached.

The vacation has been approved by the City Legal Department.

This vacation is being proposed to allow for the consolidation of adjoining property.

An Administrative Fee of \$635.52 has been paid to the City by the Applicant.

The Public Works Department recommends approval of the proposed Ordinance.

Respectfully submitted,

Louis E. Lamberty  
Director

This action has been reviewed and found to be in conformance with the Master Plan.

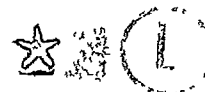
S. P. Benson  
Planning Director

Referred to City Council for Consideration:

Mayor's Office/Title

8763u

Att.



ORDINANCE NO. 31665

AN ORDINANCE vacating the east/west alley between Cass Street and Chicago Street from 12th Street west 158.88<sup>+</sup> feet to Interstate 480 in the City of Omaha and providing the effective date hereof.

WHEREAS, petition representing owners of more than 75 percent of the property abutting the east/west alley between Cass Street and Chicago Street from 12th Street west 158.88<sup>+</sup> feet to Interstate 480 has been filed with the City of Omaha; and,

WHEREAS, said property owners have in and by said petition waived any and all damages that may be occasioned by said vacation.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

Section 1. That east/west alley between Cass Street and Chicago Street from 12th Street west 158.88<sup>+</sup> feet to Interstate 480, abutted by all Lots 1, 2 and east 22 feet of Lot 3, Block 39, Original City of Omaha, together with a tract of land located in Lots 3 and 4, Block 39, Original Plat, located in the Northeast Quarter Section 22-15-13

be, and hereby is, vacated; the vacating of the property herein described, and the reversion thereof, pursuant to applicable law, shall be subject to the conditions and limitation that there is reserved to the City of Omaha the right to maintain, operate, repair and renew sewers now existing therein and in the future to construct, maintain, repair and renew additional or other sewers, and also the right to authorize the public utilities and cable television systems to construct, maintain, repair or renew and operate now or hereafter installed water mains and gas mains, pole lines, conduits, electrical transmission lines, sound and signal transmission lines and other similar services and equipment and appurtenances above, on and below the surface of the ground for the purpose of serving the general public or abutting property; and the right so reserved shall also include such lateral connection or branch lines as may be ordered, desired or permitted by the City or such other utility and to enter upon the premises to accomplish the above purposes at any and all times.



Ordinance No. 31665  
Page 2

Section 2. That this Ordinance shall be in full force and take effect fifteen (15) days from and after the date of its passage.

INTRODUCED BY COUNCILMEMBER

Fred Conley

APPROVED BY:

Walter M. Colinger 11/17/88  
MAYOR OF THE CITY OF OMAHA DATE

PASSED NOV 15 1988 7-0

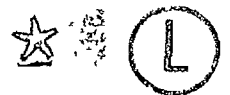
ATTEST:

Mary Gallagher  
CITY CLERK OF THE CITY OF OMAHA

APPROVED AS TO FORM:

[Signature]  
ASSISTANT CITY ATTORNEY

8764u









(INDIVIDUAL)

Acknowledgment of signature to (petition for ~~protest against~~ ~~Changing grade~~ ~~Grading~~ ~~cutting paving and repairing~~ ~~Surfacing and Resurfacing~~ ~~Vacating and re-opening~~)

of the following part of street--to wit, Part of alley through Block 39,  
Original Plat, City of Omaha

within ( (Street Improvement District No. \_\_\_\_\_) ) in Omaha, Nebraska  
( Grading Improvement No \_\_\_\_\_ )

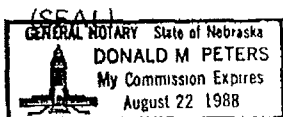
State of Nebraska )  
Douglas County) ss.

On this 15 day of June A. D., Nineteen Hundred and 88  
before me, a Notary Public in and for said County, personally appeared R.T. Amis, Jr.

who is personally known to me to be the identical person whose name is affixed to the annexed  
petition )  
~~protest~~ ) of owners of lots and lands abutting upon said part of said street in the City of Omaha, Nebraska  
for )  
~~protest~~ ) the improvement of said part of said street \_\_\_\_\_ by vacating  
and \_\_\_\_\_ he \_\_\_\_\_ acknowledged the signing of said (petition) to be his voluntary  
(protest )  
act and deed

Witness my hand and notarial seal on the day and date above written.

Donald M Peters  
(Notary Public)



My Notarial Commission expires the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

LEGAL DESCRIPTION

That part of the alley through Block 39, ORIGINAL PLAT, City of Omaha, Douglas County, Nebraska, described as follows: Beginning at the Southeast corner of Lot 1, said Block 39; thence westerly for 158.89 feet along the south line of Lots 1, 2 and 3, said Block 39; thence southerly for 20.00 feet to the north line of Lot 6, said Block 39; thence easterly for 158.89 feet along the north line of Lots 6, 7 and 8, said Block 39 to the west line of 12th Street; thence northerly for 20 00 feet to the Point of Beginning. (Contains 0.07 acres )

REQUEST TO VACATE ALLEY West of 12th Street  
East of Interstate "On Ramp"  
North of Chicago Street  
South of Cass Street

LEGAL

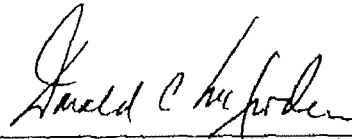
All Lots 1, 2 and East 22 feet of Lot 3, Block 39, Original City of Omaha, together with a tract of land located in Lots 3 & 4, Block 39, Original Plat, City of Omaha, Douglas County, Nebraska, described as follows: Beginning at the Northwest corner of said Lot 4, thence easterly along the North line of said Lots 3 & 4, a distance of 110.0 feet; thence southerly 90°00' right, a distance of 132.0 feet to a point on the South line of said Lot 3; thence westerly 90°00' right and along said South line, a distance of 4.89 feet, thence Northwesterly 31°08'14" right, a distance of 122.8 feet to a point on the West line of said Lot 4; thence Northerly 58°51'46" right and along said West line, a distance of 68.5 feet to the point of beginning.

Property Address: 1201 Cass Street  
Omaha, Ne. 68102

OWNER AND INTERESTED PARTIES

R. T. Amis, Jr.  
Mailing Address: P. O. Box 34001  
Omaha, Ne 68134

I HEREBY CERTIFY that the above described real property is owned by the parties whose names are set opposite each description, according to the Records of the Register of Deeds, Douglas County, Nebraska, this 15th day of September, 1988 at 8:00 A. M.

  
\_\_\_\_\_  
Donald C. McCroden

2572-2602-2646 ✓

ORDINANCE NO. 31665

AN ORDINANCE vacating the east/west alley between Cass Street and Chicago Street from 12th Street west 158.88+ feet to Interstate 480 in the City of Omaha and providing the effective date hereof.

16 ✓

# PUBLICATIONS

## PRESENTED TO COUNCIL

PUB.N. OF HEARING

Date 11-4-88

1st Reading NOV - 1 1988 Hearing

11/8/88

PUB.N. OF ORDINANCE

Date 11-25-88

Hearing NOV - 8 1988 OVER 70

11/15/88

Final Reading NOV 15 1988

Passed 7-0

*Mary Margaret Bennett*

CITY CLERK

**"NOTICE TO PUBLIC"**

The following Ordinance has been set for City Council Hearing November 8, 1988 at 2:00 o'clock P.M.

**AN ORDINANCE** vacating the east/west alley between Cass Street and Chicago Street from 12th Street west 158.88 +- feet to Interstate 480 in the City of Omaha and providing the effective date hereof.

WHEREAS, petition representing owners of more than 75 percent of the property abutting the east/west alley between Cass Street and Chicago Street from 12th Street west 158.88 +- feet to Interstate 480 has been filed with the City of Omaha, and,

WHEREAS, said property owners have in and by said petition waived any and all damages that may be occasioned by said vacation

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OMAHA,**

**Section 1** That east/west alley between Cass Street and Chicago Street from 12th Street west 158.88 +- feet to Interstate 480, abutted by all Lots 1, 2 and east 22 feet of Lot 3, Block 29, Original City of Omaha, together with a tract of land located in Lots 3 and 4, Block 39, Original Plat, located in the Northeast Quarter Section 22-15-13 be, and hereby is, vacated, the vacating of the property herein described, and the reversion thereof, pursuant to applicable law, shall be subject to the conditions and limitation that there is reserved to the City of Omaha the right to maintain, operate, repair and renew sewers now existing therein and in the future to construct, maintain, repair and renew additional or other sewers, and also the right to utilize the public utilities and cable television systems to construct, maintain, repair or renew and operate now or hereafter installed water mains and gas mains, pole lines, conduits, electrical transmission lines, sound and signal transmission lines and other similar services and equipment and apparatus above, on and below the surface of a ground for the purpose of serving the general public or abutting property, and the right so reserved shall also include such lateral connection or branch lines as may be ordered desired or permitted by the City or such other utility and to enter upon the premises to accomplish the above purposes at any and all times.

**Section 2** That this Ordinance shall be in full force and take effect fifteen (15) days from and after the date of its passage.

**APPROVED BY**  
**WALTER M. CALINGER 11/7/88**  
**MAYOR OF THE**  
**CITY OF OMAHA,**

**MARY GALLIGAN CORNETT,**  
City Clerk

1-88

**"NOTICE TO PUBLIC"**

**ORDINANCE NO 31605**

**AN ORDINANCE** vacating the east/west alley between Cass Street and Chicago Street from 12th Street west 158.88 +- feet to Interstate 480 in the City of Omaha and providing the effective date hereof.

WHEREAS, petition representing owners of more than 75 percent of the property abutting the east/west alley between Cass Street and Chicago Street from 12th Street west 158.88 + feet to Interstate 480 has been filed with the City of Omaha, and,

WHEREAS, said property owners have in and by said petition waived any and all damages that may be occasioned by said vacation

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OMAHA,**

**Section 1** That east/west alley between Cass Street and Chicago Street from 12th Street west 158.88 +- feet to Interstate 480, abutted by all Lots 1, 2 and east 22 feet of Lot 3, Block 29, Original City of Omaha, together with a tract of land located in Lots 3 and 4, Block 39, Original Plat, located in the Northeast Quarter Section 22-15-13 be and hereby is, vacated the vacating of the property herein described, and the reversion thereof, pursuant to applicable law, shall be subject to the conditions and limitation that there is reserved to the City of Omaha the right to maintain, operate, repair and renew sewers now existing therein and in the future to construct, maintain, repair and renew additional or other sewers and also the right to utilize the public utilities and cable television systems to construct, maintain, repair or renew and operate now or hereafter installed water mains and gas mains, pole lines, conduits, electrical transmission lines, sound and signal transmission lines and other similar services and equipment and apparatus above, on and below the surface of the ground for the purpose of serving the general public or abutting property, and the right so reserved shall also include such lateral connection or branch lines as may be ordered desired or permitted by the City or such other utility and to enter upon the premises to accomplish the above purposes at any and all times.

**Section 2** That this Ordinance shall be in full force and take effect fifteen (15) days from and after the date of its passage.

**APPROVED BY**  
**WALTER M. CALINGER 11/7/88**  
**MAYOR OF THE**  
**CITY OF OMAHA,**

**MARY GALLIGAN CORNETT,**  
City Clerk

11-25-88



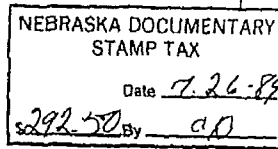
BK 1854 PG 497



DEED 1989 10920

THIS PAGE INCLUDED FOR  
INDEXING  
PAGE DOWN FOR BALANCE OF INSTRUMENT

WARRANTY DEED



R. T. AMIS, JR. and CAROLYN L. AMIS, Husband and Wife, GRANTOR, in consideration of One Dollar and other good and valuable consideration received from GRANTEE, NEBRASKA MACHINERY COMPANY, a Nebraska corporation, conveys to GRANTEE, the following described real estate (as defined in Neb. Rev. Stat. 76-201):

See the attached Exhibit "A" which is incorporated herein by this reference as if fully set out.

Handwritten notes: 124th/102nd deed, 401

Handwritten recording information: BK 1854, PG 492-498, DEL 14, FEE 12.00, OF COMP, FIB 03-80000

RECEIVED stamp: 1989 JUL 26 PM 2:26, GENERAL J. ENGLEWICZ, REGISTER OF DEEDS, DOUGLAS COUNTY, NEBR.

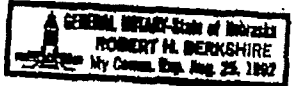
- GRANTOR covenants (jointly and severally, if more than one) with GRANTEE that GRANTOR:
(1) is lawfully seised of such real estate and that it is free from encumbrances except easements and restrictions of record;
(2) has legal power and lawful authority to convey the same;
(3) warrants and will defend title to the real estate against the lawful claims of all persons.

Executed July 19 89

Signatures of R. T. AMIS, JR. and CAROLYN L. AMIS

STATE OF NEBRASKA )
) SS.
COUNTY OF DOUGLAS )

The foregoing instrument was acknowledged before me on July 25 1989 by R. T. AMIS, JR. and CAROLYN L. AMIS, Husband and Wife.



Signature of Notary Public Robert M. Berkshire

STATE OF NEBRASKA, County of

Filed for record and entered in Numerical Index on 19 at o'clock M., and recorded in Deed Record Page

County or Deputy County Clerk
Register or Deputy Register of Deeds



## EXHIBIT "A"

## LEGAL DESCRIPTION

PARCEL 1: Lots 1 and 2 and the East 22 feet of Lot 3, in Block 39, in the ORIGINAL CITY OF OMAHA, as surveyed and lithographed, in Douglas County, Nebraska, together with the North Half (N1/2) of the vacated alley adjacent thereto on the South. (3)

PARCEL 2: A tract of land located in Lots 3 and 4, in Block 39, in the ORIGINAL CITY OF OMAHA, as surveyed and lithographed, in Douglas County, Nebraska, described as follows: (1)

Beginning at the Northwest Corner of said Lot 4; thence Easterly, along the North line of said Lots 3 and 4, a distance of 110.0 feet; thence Southerly, 90°00' right, a distance of 132.0 feet, to a point on the South line of said Lot 3; thence Westerly, 90°00' right, and along said South line, a distance of 4.89 feet; thence Northwesterly, 31°08'14" right, a distance of 122.8 feet, to a point on the West line of said Lot 4; thence Northerly, 58°51'46" right, and along said West line, a distance of 68.5 feet, to the Point of Beginning;

Together with the North Half (N1/2) of the vacated alley adjacent to said portion of Lot 3 on the South.

*owner of alley +*

*68102*

R. T. Amis, Jr. and Carolyn L. Amis, husband and wife, GRANTOR, in consideration of  
One Dollar and other good and valuable considerations received from GRANTEE,  
Nebraska Machinery Company, a Nebraska corporation,

*401 N 12*

*11982 West*

quitclaims to GRANTEE, the following described real estate (as defined in Neb. Rev. Stat. 76-201):

The South Half of the alley adjacent to Lots 1, 2, 3, 6, 7, and 8,  
Block 39, Original City of Omaha, Douglas County, Nebraska,  
extending from 12th Street westerly 158.89 feet which was  
a portion of the property vacated by City Ordinance No. 31665  
recorded at Miscellaneous Book 870, Page 136 in the Office  
of the Register of Deeds of Douglas County, Nebraska

NEBRASKA DOCUMENTARY  
STAMP TAX  
4.86 Date 8-14-89  
By CJO

RECEIVED  
1989 AUG 14 AM 9:49  
GEORGE J. BUSLEIGH  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NEBR.

BK 1856 N 9-1 CJO 8.00 EEE  
PG 50 N MC DEL MC  
OFF 1856 COMP 18 F/B 23-80000

Executed, August 1 1989

*R. T. Amis, Jr.*  
R. T. Amis, Jr.

*Carolyn L. Amis*  
Carolyn L. Amis

STATE OF NEBRASKA )  
COUNTY OF DOUGLAS ) SS.

The foregoing instrument was acknowledged before me on August 1 1989  
by R. T. Amis, Jr. and Carolyn L. Amis, husband and wife



*Marian Herschlag*  
Notary Public  
My commission expires March 28, 1990

STATE OF NEBRASKA, County of .....

Filed for record and entered in Numerical Index on ..... 19 .. at ..... o'clock ... M., and  
recorded in Deed Record ..... Page .....

.....  
County or Deputy County Clerk  
Register or Deputy Register of Deeds

PROJECT: I-480-9(142)

AFE: BOOK 1865 PAGE 587 TRACT: 76

NEBRASKA DOCUMENT  
STAMP TAX

Date 1-8-90

By [Signature]

KNOW ALL MEN BY THESE PRESENTS:

THAT G. G. Strobel DIRECTOR-STATE ENGINEER  
in the name of the STATE OF NEBRASKA and for the DEPARTMENT OF ROADS of said State of Nebraska, under the  
provisions of Section 39-1326 R.R.S. of Nebraska, 1943 and for and in consideration of the sum of  
One Thousand Six Hundred Nineteen and No/100  
(\$1,619.00) DOLLARS  
in hand paid, does hereby grant, bargain, sell, convey, remise, release and forever quitclaim unto  
NEBRASKA MACHINERY COMPANY, A NEBRASKA CORPORATION

hereinafter known as the Grantee, whether one or more, the following described real property situated in  
Douglas County and State of Nebraska and subject to any and all existing restrictions and/or  
easements:

A tract of land located in part of the South Half of the vacated alley in  
Block 39, Original City of Omaha, Douglas County, Nebraska, described as  
follows:

Beginning at the Northeast Corner of Lot 8 of said Block 39; thence westerly  
a distance of 125.78 feet; thence northwesterly deflecting 031 degrees, 08  
minutes, 15 seconds right, a distance of 19.34 feet; thence easterly deflecting  
148 degrees, 51 minutes, 45 seconds right, a distance of 142.34 feet; thence  
southerly deflecting 090 degrees, 00 minutes, 00 seconds right, a distance of  
10.00 feet to the Northeast Corner of said Lot 8 of said Block 39 to the point of  
beginning, containing 1,340.61 square feet, more or less.

There will be no ingress or egress over the following described Controlled  
Access Line located in part of the South Half of the vacated alley in Block 39,  
Original City of Omaha, Douglas County, Nebraska:

Referring to the Northeast Corner of Lot 8 of said Block 39; thence westerly  
along the South Line of said vacated alley, a distance of 125.78 feet to the point  
of beginning of said Controlled Access Line; thence northwesterly deflecting 031  
degrees, 08 minutes, 15 seconds right, a distance of 19.34 feet to the point of  
termination.

In accordance with Article III, Section 20 of the Constitution of the  
State of Nebraska, the State of Nebraska, Department of Roads does hereby  
retain and reserve to itself all salt springs, coal, oil, gas, natural  
resources or other mineral rights it may have in or on the above described  
real property.

The grantees, for themselves, their heirs, personal representatives, suc-  
cessors in interest, and assigns, as a part of the consideration hereof, does  
hereby further covenant and agree "as a covenant running with the land" (1) that  
the land herein conveyed or any part hereof shall not be used for the erection  
or display of any advertising sign, device or display, which is not related to  
or connected with the use of the premises conveyed hereby; (2) that the land  
herein conveyed shall not be used for the storage, processing, sorting, transfer  
or any other use related to or connected with scrap material of any nature or  
kind; or any other use, which would create or cause an unsightly or obnoxious  
appearance upon the premises herein conveyed.

The State of Nebraska, Department of Roads, reserves an easement for the  
operation, maintenance and use of any and all existing utilities which are  
located over, under or upon the above described tract.

The State reserves to itself a permanent easement over which the various  
impacts, including but not limited to, noise, air, light, and dust, associated  
with vehicular traffic on the highway may be disbursed.

The grantor hereby, nevertheless, retains an aerial easement area and  
right in perpetuity to any and all portions of the following described real  
estate located in part of the South Half of the vacated alley in Block 39,  
Original City of Omaha, Douglas County, Nebraska, described as follows:

HOI No 12 of 6 No 2  
 Deed 378

142.34  
 alley

JAN 8 2 49 PM '90

REGISTRY OF DEEDS  
DOUGLAS COUNTY, NE

1865-9-9-90  
589-590  
FEB 2/90  
DEL MC W  
FIB 03-80000



BK 2199 PG 403-409



DEED 2001 17434

Nebr Doc  
Stamp Tax

12-31-01  
Date

\$ 2.60  
By *WLP*

RICHARD N. TAKECHI  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NE

01 DEC 31 PM 12: 20

RECEIVED

SPECIAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That Nebraska Machinery Company, a Nebraska corporation, in consideration of One DOLLAR in hand paid by the City of Omaha, a Municipal Corporation in the State of Nebraska, does hereby Grant Bargain, Sell and Convey unto the said City of Omaha, a Municipal Corporation in the State of Nebraska, the following described premises situated in the County of Douglas and State of Nebraska, to-wit:

*not  
final copy*

See Exhibit "A" attached hereto and made a part hereof.

Together with all the tenements, hereditaments, and appurtenances thereunto belonging, and all the estate, right, title, interest, claim or demand whatsoever of the said Nebraska Machinery Company, a Nebraska corporation, of, in, or to the same, or any part thereof:

TO HAVE AND TO HOLD the above described premises unto the said grantees and to their heirs forever; and the said Grantor hereby covenants that said premises are free and clear of all liens and encumbrances, except those easements, restrictions and covenants of record and it does hereby covenant to WARRANT AND DEFEND the said premises against the lawful claims and demands of all persons claiming by, through, or under it, and against no other claims or demands.

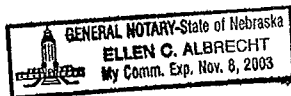
IN WITNESS WHEREOF we have hereunto set our hand this 17 day of January, 2001.

Nebraska Machinery Company, a  
Nebraska corporation

BY: *J. Swanson*  
Name: \_\_\_\_\_  
Title: CEO

STATE OF Nebraska )  
                                  )ss.  
COUNTY OF Douglas)

The foregoing instrument was acknowledged before me on January 17th, 2001 by (Name) J. Swanson, (Title) CEO of Nebraska Machinery company, a Nebraska corporation, known to be the identical person or persons whose name is or names are affixed to the foregoing instrument and acknowledged the execution thereof to be their voluntary act and deed on behalf of said corporation.



*Ellen Albrecht*  
Notary Public  
My commission expires 11-8-2003

*Deed A*  
*7*  
*24*

FEE 47.00 FB 03-8000  
BKP \_\_\_\_\_ C/O 4 COMP \_\_\_\_\_  
DEL \_\_\_\_\_ SCAN CR FV \_\_\_\_\_

*Buy 35*

## LEGAL DESCRIPTION

### Tract 1:

#### Parcel A

Lots 1 and 2 and the East 22 feet of Lot 3, in Block 39, in the Original City of Omaha, together with the North ½ of the vacated alley adjacent thereto on the South.

AND

A tract of land located in Lots 3 and 4, in Block 39, in the Original City of Omaha, described as follows: Beginning at the Northwest corner of said Lot 4; thence Easterly along the North line of said Lots 3 and 4, a distance of 110.0 feet; thence Southerly, 90°00' right, a distance of 132.0 feet, to a point on the South line of said Lot 3; thence Westerly, 90°00' right, and along said South line, a distance of 4.89 feet; thence Northwesterly, 31°08'14" right, a distance of 122.8 feet, to a point on the West line of said Lot 4; thence Northerly, 58°51'46" right, and along said West line, a distance of 68.5 feet, to the point of beginning. Together with the North ½ of the vacated alley adjacent to said portion of Lot 3 on the South.

EXCEPTING THEREFROM that portion conveyed by Quitclaim Deed filed December 26, 1989 in Deed Book 1864 Page 710, in the Office of the Register of Deeds, Douglas County, Nebraska.

*↑ for nts of ingress*

#### Parcel B

The one half of the alley adjacent to Lots 1, 2, 3, 6, 7 and 8, Block 39, Original City of Omaha, Douglas County, Nebraska, extending from 12<sup>th</sup> Street westerly 158.89 feet which was a portion of the property vacated by City Ordinance No. 31665 recorded at Miscellaneous Book 870 Page 136, in the Office of the Register of Deeds, Douglas County, Nebraska.

EXCEPTING THEREFROM that portion conveyed by Quitclaim Deed filed December 26, 1989 in Deed Book 1864 Page 710, in the Office of the Register of Deeds, Douglas County, Nebraska.

*↑ for nts of ingress - not a conveyance of land*

#### Parcel C

A tract of land located in part of the South Half of the vacated alley in Block 39, Original City of Omaha, Douglas County, Nebraska, described as follows: Beginning at the Northeast corner of Lot 8 of said Block 39, thence Westerly a distance of 125.78 feet, thence Northwesterly deflecting 031°08'15" right, a distance of 19.34 feet; thence easterly deflecting 148°51'45" right, a distance 142.34 feet; thence Southerly deflecting 090°00'00" right, a distance of 10.00 feet to the Northeast corner of said Lot 8 of said Block 39 to the point of beginning.

### Tract 2:

Parts of Blocks 28, 37, 38 and 62, Original City of Omaha, together with parts of vacated streets and alleys adjoining; all in Douglas County, Nebraska, and being more particularly described as follows:

*8*  
*this legal*  
*reads like*  
*1856-50*  
*except nts*  
*"South"*  
*on 5th alley*

*1865-581*