



BK 0912 PG 307



MISC 1990 02008

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INDEXING  
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CITY OF OMAHA

LEGISLATIVE CHAMBER

BOOK 912 PAGE 307

Omaha, Nebr. 19.....

RESOLVED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

WHEREAS, the Riverfront Redevelopment Plan, and the subsequent Redevelopment Agreement, provide that the City of Omaha and the County of Douglas cause the relocation of certain utilities within the redevelopment area; and,

WHEREAS, furtherance of such utility relocation, the Omaha Public Power District, at its cost, will relocate a 161 KV electric transmission line to an underground route along the eastern edge of the redevelopment area; and,

WHEREAS, it is necessary that the County of Douglas, the City of Omaha and the Omaha Development Foundation enter into a Right-of-Way Easement to cause such relocation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

THAT, the Mayor is authorized to execute, and the City Clerk to attest, the attached Right-of-Way Easement with the Omaha Development Foundation and the County of Douglas.

APPROVED AS TO FORM:

2008 Mary

RECEIVED  
FEB 5 1 50 PM '90  
GEORGE J. WELLS  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NE

*[Signature]*  
CITY ATTORNEY

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.

*[Signature]*  
BY CITY CLERK

DK 912 N 23-15-BP CJO FEE 91.00  
PG 307-323 N DEL VK MC WC  
OF Misc COMP F/B

By *[Signature]*  
Council member

Adopted JAN 10 1989 6-0

*[Signature]*  
City Clerk

Approved *[Signature]* 1/13/89  
Mayor

COUNTY OF DOUGLAS - OFFICIAL RECORD

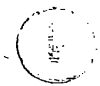
L

RIGHT-OF-WAY EASEMENT

1 (b)

In consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, THE CITY OF OMAHA, NEBRASKA, a Nebraska City of the metropolitan class and THE COUNTY OF DOUGLAS NEBRASKA, a political subdivision of the State of Nebraska (herein collectively called "Grantor"), and their respective successors and assigns, hereby grant and convey to OMAHA DEVELOPMENT FOUNDATION, a Nebraska not-for-profit corporation, (hereinafter called "ODF"), and its successors and assigns, the following described permanent Right-Of-Way Easement:

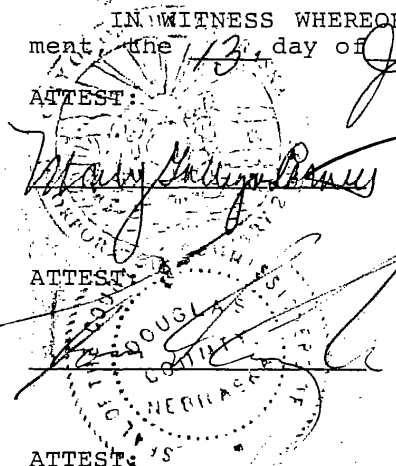
- (a) A permanent right-of-way easement to survey, construct, reconstruction, relocate, alter, inspect, repair, replace, add to, maintain and operate therein, underground electric transmission lines consisting of wires, underground cables, supports and other necessary fixtures and equipment under, in and across the following described real estate (hereinafter called "Underground Cable Easement"): Refer to Exhibits "A", "B", "C", "D", "E", "F", "G", "H", "I", and "J" attached hereto and made a part hereof.
1. CONDITIONS OF PERMANENT RIGHT-OF-WAY EASEMENTS.
    - (a) ODF shall have the right of ingress and egress across the Underground Cable Easement for any purpose hereinbefore granted, and shall exercise such right in a reasonable manner.
    - (b) ODF shall also have the right to burn, trim, or remove all trees and brush on the Underground Cable Easement as may be necessary to efficiently exercise any of the hereinbefore granted rights.
    - (c) Grantor may use and enjoy the land within the Underground Cable Easement provided that such use shall not, in the judgement of ODF, endanger or be a hazard to or interfere with the hereinbefore granted rights; Grantor shall not place or locate any buildings, structures, or other property upon the Underground Cable Easement. Grantor shall not change or alter the grade of said Easement without prior written approval from ODF; Grantor shall not burn any materials of any nature within said Easement.




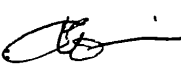
(d) Grantor warrants that it has lawful possession of the Underground Cable Easement good, right and lawful authority to make the conveyance of the Underground Cable Easement and that Grantor and its successors and assigns shall defend the same against the claims of all persons or entities claiming an interest conveyed to them by Grantor which is contrary to the conveyance of the Underground Cable Easement and which materially interferes with the rights granted herein. Any right, title or interest in and to the Underground Cable Easement acquired by Grantor after the date of this Right-Of-Way Agreement shall inure to the benefit of ODF as the recipient of said Easement.

2. BINDING EFFECT. The Right-Of-Way Easement described herein shall be binding upon and inure to the benefit of the Grantor, ODF and their successors and assigns. It is expressly provided that ODF may convey and grant all rights contained in this Right-Of-Way Easement to the Omaha Public Power District, a public corporation and political subdivision of the State of Nebraska.

IN WITNESS WHEREOF, the parties have executed this instrument, the 13<sup>th</sup> day of January, 1989.

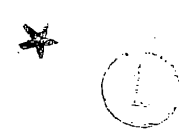
ATTEST: THE CITY OF OMAHA, NEBRASKA, Grantor  
 BY: Walter M. Calinger 1/13/89  
Title:

ATTEST: DOUGLAS COUNTY, NEBRASKA, Grantor  
BY:  Title:

ATTEST: OMAHA DEVELOPMENT FOUNDATION  
BY:  1/18/89  
Title: Ex. Director

STATE OF NEBRASKA )  
                          ) SS:  
COUNTY OF DOUGLAS )

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of January, 1989, by Walter M. Calinger



Mayor, of the City of Omaha, Nebraska, a Nebraska city of the metropolitan class, on behalf of the corporation.

WITNESS my hand and notarial seal at Omaha, in said county and state the day and year last above written.

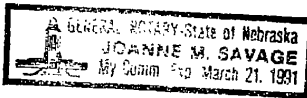


Buster J. Brown  
Notary Public

STATE OF NEBRASKA )  
                                  ) SS:  
COUNTY OF DOUGLAS )

The foregoing instrument was acknowledged before me this 17th day of January, 1989, by Michael Albert, Thomas S. Casperich, of the County of Douglas, Nebraska, a political subdivision of the State of Nebraska, on behalf of the corporation.

WITNESS my hand and notarial seal at Omaha, in said county and state the day and year last above written.

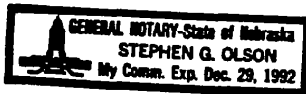


Joanne M. Savage  
Notary Public

STATE OF NEBRASKA )  
                                  ) SS:  
COUNTY OF DOUGLAS )

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of JULY, 1989, by Michael C. Wiese, Executive Director, of the Omaha Development Foundation, a not-for-profit corporation organized under the laws of the State of Nebraska, on behalf of the corporation.

WITNESS my hand and notarial seal at Omaha, in said county and state the day and year last above written.



[Signature]  
Notary Public

right2.agr



That part of Government Lot 3 in the Southwest Quarter of Section 23, Township 15 North, Range 13 East of the 6th P.M., Douglas County, Nebraska. (See Attached for Complete Legal Description.)

23-15-13

01-60000 26

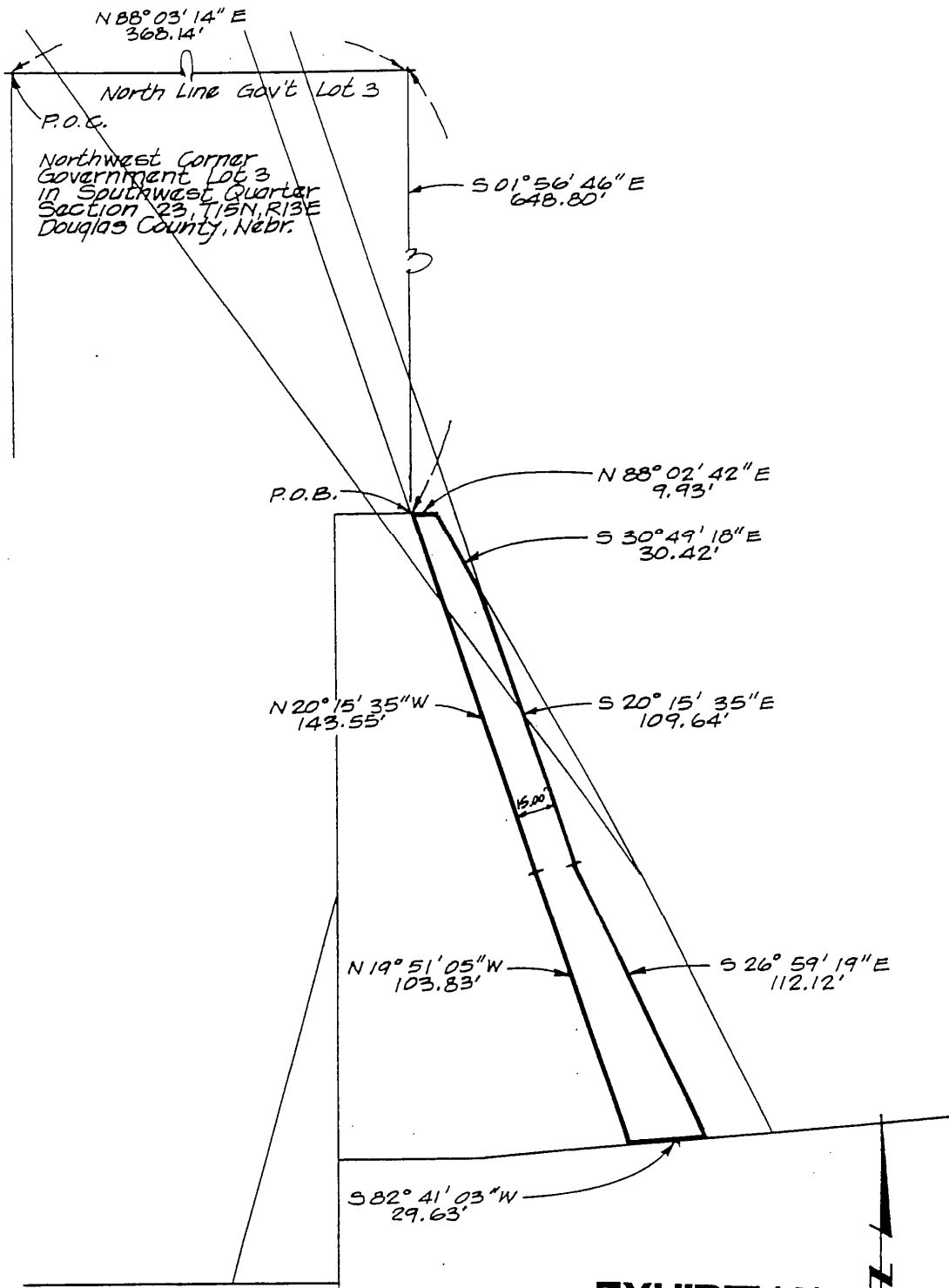


EXHIBIT 'A'



Book \_\_\_\_\_ Page \_\_\_\_\_

Date Oct. 11, 1988

Job Number 2-87061 5853

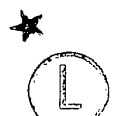
**lamp, ryneerson & associates, inc.**  
 architects engineers surveyors planners  
 14747 california street omaha, nebraska 68154 402-488-2488

23-15-13

LEGAL DESCRIPTION:

That part of Government Lot 3 in the Southwest Quarter of Section 23, Township 15 North, Range 13 East of the 6th P.M., Douglas County, Nebraska described as follows: Commencing at the Northwest corner of said Government Lot 3; thence North  $88^{\circ}03'14''$  East (bearings based on the Nebraska State Plane System, South Zone) for 368.14 feet along the North line of said Government Lot 3; thence South  $01^{\circ}56'46''$  East for 648.80 feet to the TRUE POINT OF BEGINNING; thence North  $88^{\circ}02'42''$  East for 9.93 feet; thence South  $30^{\circ}49'18''$  East for 30.42 feet; thence South  $20^{\circ}15'35''$  East for 109.64 feet; thence South  $26^{\circ}59'19''$  East for 112.12 feet; thence South  $82^{\circ}41'03''$  West for 29.63 feet; thence North  $19^{\circ}51'05''$  West for 103.83 feet; thence North  $20^{\circ}15'35''$  West for 143.55 feet to the Point of Beginning. Contains 4374 square feet.

Lamp, Ryneanson & Associates, Inc.  
October 11, 1988  
Job No. 2-87061-5853



LEGAL DESCRIPTION:

That part of Government Lot 3 in the Southwest 1/4 of Section 23, Township 15 North, Range 13 East of the 6th P.M., Douglas County, Nebraska, described as follows:

(See Attached Sheet for Complete Legal Description)

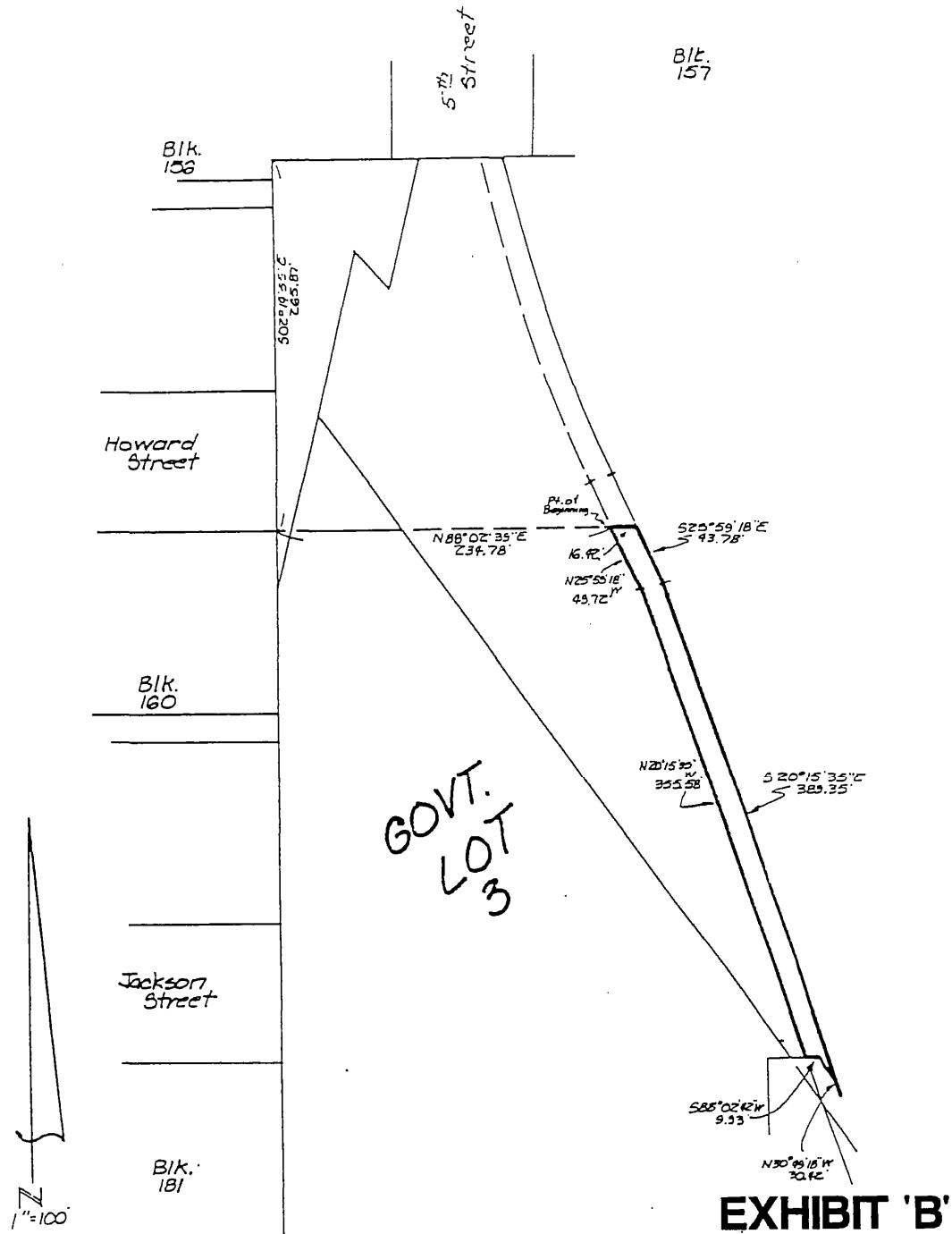


EXHIBIT 'B'

**lamp, rynearson & associates, inc.**  
 architects engineers surveyors planners  
 14747 california street omaha, nebraska 68154 402-498-2488



LEGAL DESCRIPTION:

That part of Government Lot 3 in the Southwest  $\frac{1}{4}$  of Section 23, Township 15 North, Range 13 East of the 6th P.M., Douglas County, Nebraska, described as follows: Commencing at the Northwest corner of said Government Lot 3; thence S  $2^{\circ}14'55''$  E (bearings based on the Nebraska State Plane System, South Zone) for 265.67 feet along the West line of said Government Lot 3 to the South right-of-way line of Howard Street extended; thence N  $88^{\circ}02'39''$  E for 234.78 feet along said South right-of-way line to the TRUE POINT OF BEGINNING; thence continuing N  $88^{\circ}02'39''$  E for 16.42 feet along said South right-of-way line; thence S  $25^{\circ}59'18''$  E for 43.78 feet; thence S  $20^{\circ}15'35''$  E for 389.35 feet; thence N  $30^{\circ}49'18''$  W for 30.42 feet; thence S  $88^{\circ}02'42''$  W for 9.93 feet; thence N  $20^{\circ}15'35''$  W for 355.58 feet; thence N  $25^{\circ}59'18''$  W for 49.72 feet to the TRUE POINT OF BEGINNING. Contains 6156 square feet.

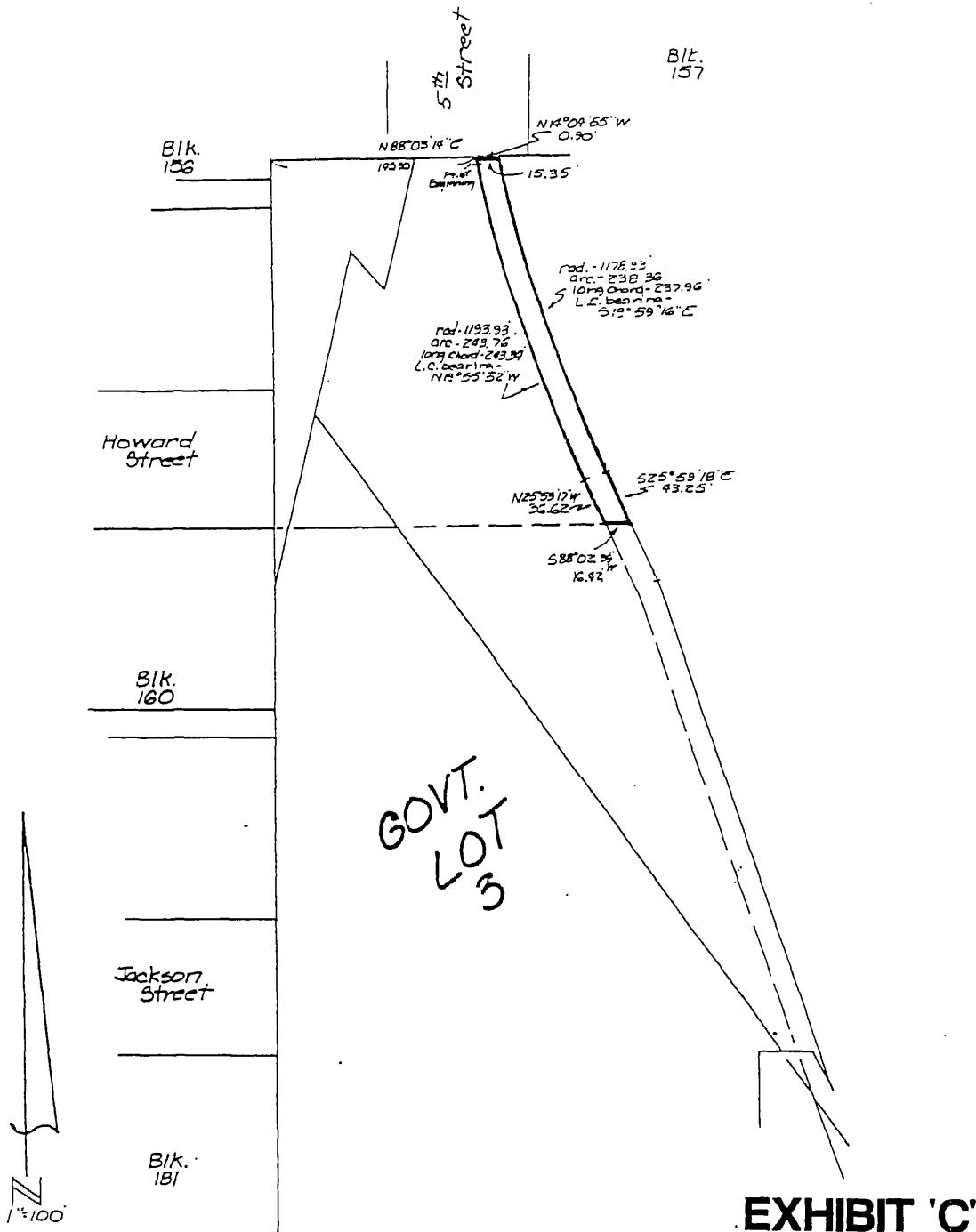
Lamp, Rynearson & Associates, Inc.  
July 21, 1988  
Job No. 2-870061-5853



LEGAL DESCRIPTION:

That part of Government Lot 3 in the Southwest 1/4 of Section 23, Township 15 North, Range 13 East of the 6th P.M., Douglas County, Nebraska, described as follows:

(See Attached Sheet for Complete Legal Description)



**EXHIBIT 'C'**

Book \_\_\_\_\_ Page \_\_\_\_\_

Date 7-21-88

Job Number 2-82-00-61-5853

**lamp, rynearson & associates, inc.**  
 architects      engineers      surveyors      planners

14747 california street      omaha, nebraska 68154      402-488-2488

LEGAL DESCRIPTION:

That part of Government Lot 3 in the Southwest  $\frac{1}{4}$  of Section 23, Township 15 North, Range 13 East of the 6th P.M., Douglas County, Nebraska, described as follows: Commencing at the Northwest corner of said Government Lot 3; thence N  $88^{\circ}03'14''$  E (bearings based on the Nebraska State Plane System, South Zone) for 145.90 feet along the North line of said Government Lot 3 to the TRUE POINT OF BEGINNING; thence continuing N  $88^{\circ}03'14''$  E for 15.35 feet along said North line; thence along a curve to the left (having a radius of 1178.93 feet and a long chord bearing S  $19^{\circ}59'16''$  E for 237.96 feet) for an arc distance of 238.36 feet; thence S  $25^{\circ}59'18''$  E for 43.25 feet to the South right-of-way line of Howard Street extended; thence S  $88^{\circ}02'39''$  W for 16.42 feet along said South right-of-way line extended; thence N  $25^{\circ}59'17''$  W for 36.62 feet; thence along a curve to the right (having a radius of 1193.93 feet and a long chord bearing N  $19^{\circ}55'52''$  W for 243.34 feet) for an arc distance of 243.76 feet; thence N  $14^{\circ}04'55''$  W for 0.90 feet to the TRUE POINT OF BEGINNING. Contains 4222 square feet.

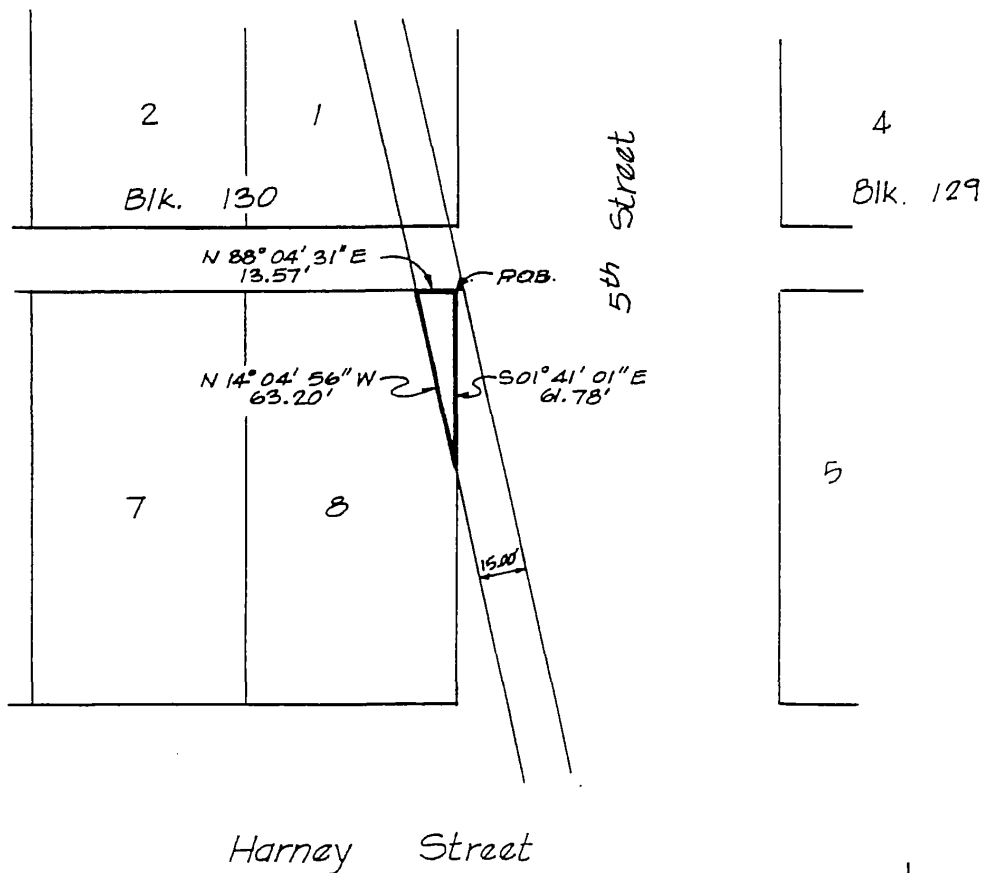
Lamp, Rynearson & Associates, Inc.  
July 21, 1988  
Job No. 2-870061-5853



LEGAL DESCRIPTION:

That part of Lot 8, Block 130, Original City of Omaha described as follows: Beginning at the Northeast corner of said Lot 8, Block 130; thence South  $01^{\circ}41'01''$  East (bearings based on the Nebraska State Plane System, South Zone) for 61.78 feet along the East line of said Lot 8, Block 130; thence North  $14^{\circ}04'56''$  West for 63.20 feet to the North line of said Lot 8, Block 130; thence North  $88^{\circ}04'31''$  East for 13.57 feet to the Point of Beginning. Contains 419 square feet.

9-1  
03-2000-39



**EXHIBIT 'D'**



Book \_\_\_\_\_ Page \_\_\_\_\_

Date Oct. 11, 1988

Job Number 2-87061 5853


**lamp, rynearson & associates, inc.**  
 architects      engineers      surveyors      planners  
 14747 california street      omaha, nebraska 68154      402-486-2498

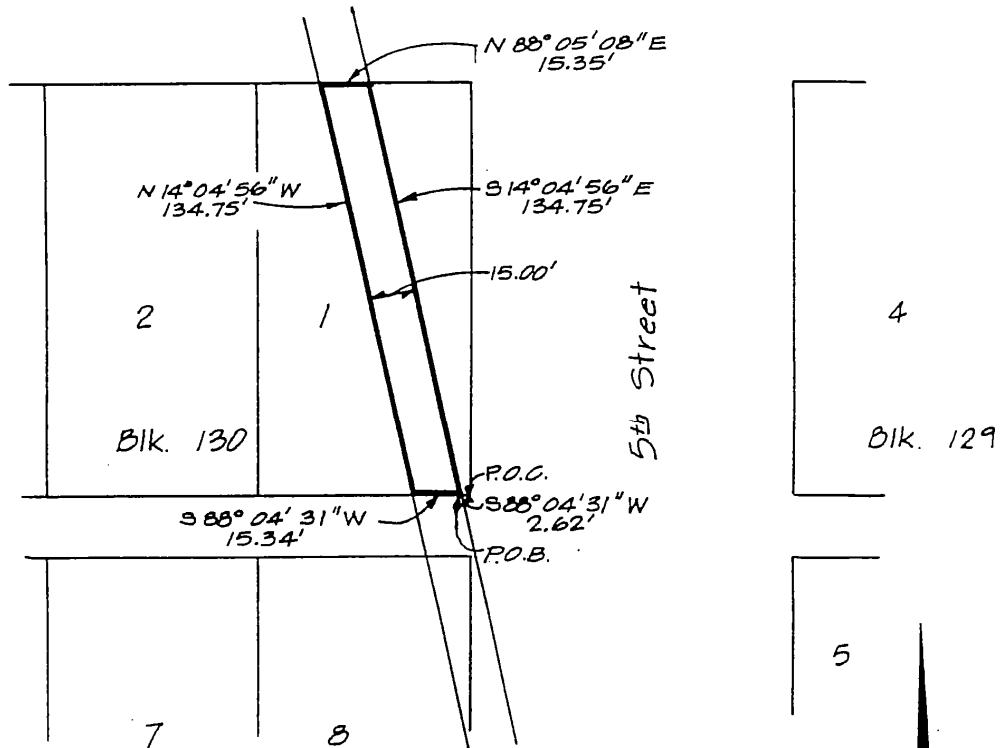
LEGAL DESCRIPTION:

That part of Lot 1, Block 130, Original City of Omaha described as follows: Commencing at the Southeast corner of said Lot 1, Block 130; thence South  $88^{\circ}04'31''$  West (bearings based on the Nebraska State Plane System, South Zone) for 2.62 feet along the South line of said Lot 1, Block 130 to the TRUE POINT OF BEGINNING; thence continuing South  $88^{\circ}04'31''$  West for 15.34 feet along said South line of Lot 1, Block 130; thence North  $14^{\circ}04'56''$  West for 134.75 feet to the North line of said Lot 1, Block 130; thence North  $88^{\circ}05'08''$  East for 15.35 feet along the said North line of Lot 1, Block 130; thence South  $14^{\circ}04'56''$  East for 134.75 feet to the Point of Beginning. Contains 2021 square feet.

4-1

03-8000 DS

Farnam Street



**EXHIBIT 'E'**



Book \_\_\_\_\_ Page \_\_\_\_\_

Date Oct. 11, 1988

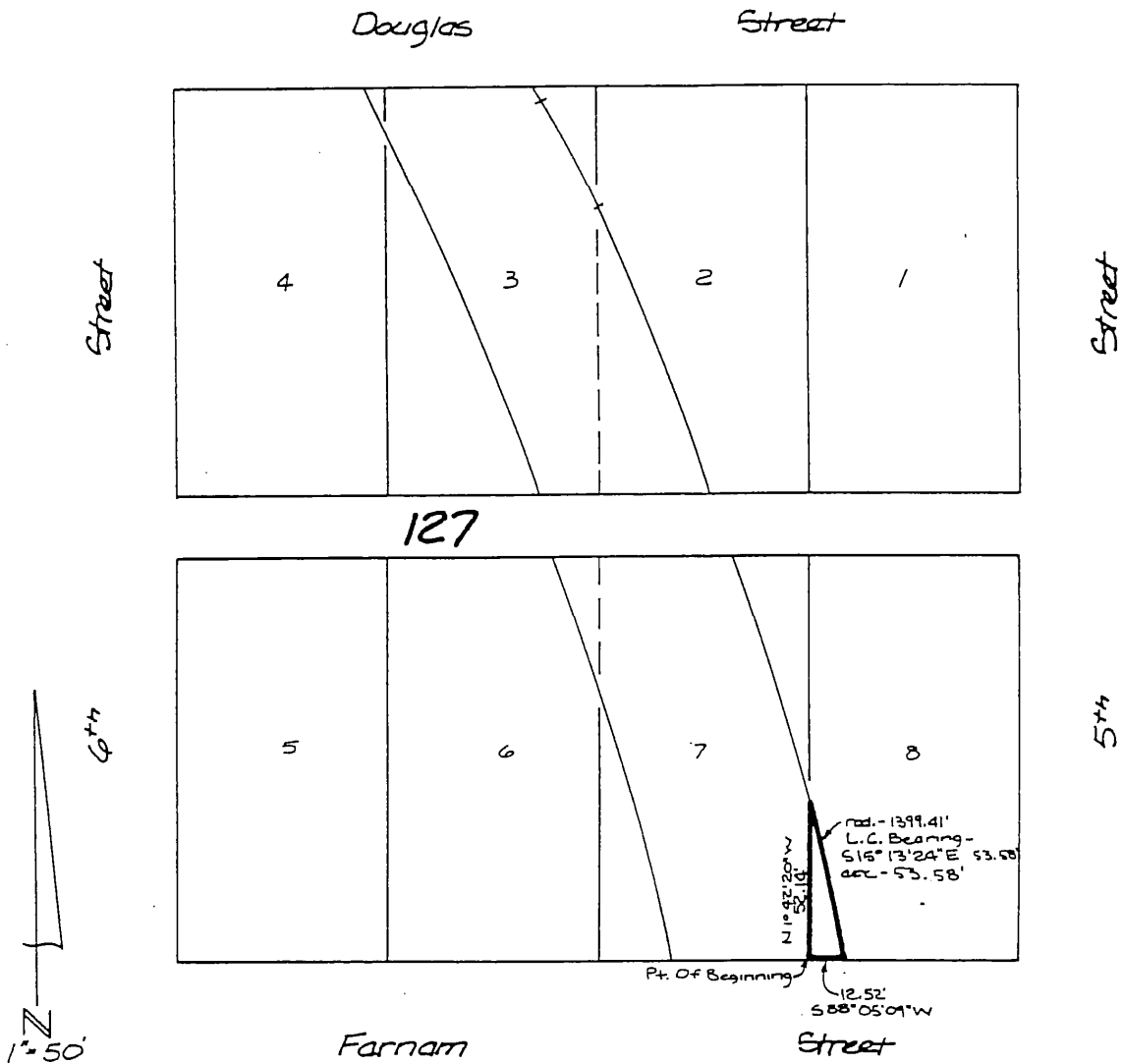
Job Number 2-87061 5853

**lamp, rynearson & associates, inc.**  
 architects engineers surveyors planners  
 14747 california street omaha, nebraska 68154 402-498-2498

LEGAL DESCRIPTION:

That part of Lot 8, Block 127, Original City of Omaha, Douglas County, Nebraska, described as follows: Beginning at the Southwest corner of Lot 8, said Block 127; thence N 1°42'20" W (bearings based on the Nebraska State Plane System, South Zone) for 52.14 feet along the West line of said Lot 8; thence along a curve to the right (having a radius of 1399.41 feet and a long chord bearing S 15°13'24" E for 53.58 feet) for an arc distance of 53.58 feet to the South line of said Lot 8; thence S 88°05'09" W for 12.52 feet to the POINT OF BEGINNING. Contains 336 square feet.

9-1  
03-2000 01



**EXHIBIT 'F'**

Book \_\_\_\_\_ Page \_\_\_\_\_ Date 7-28-88 Job Number 2-8700-61-5853

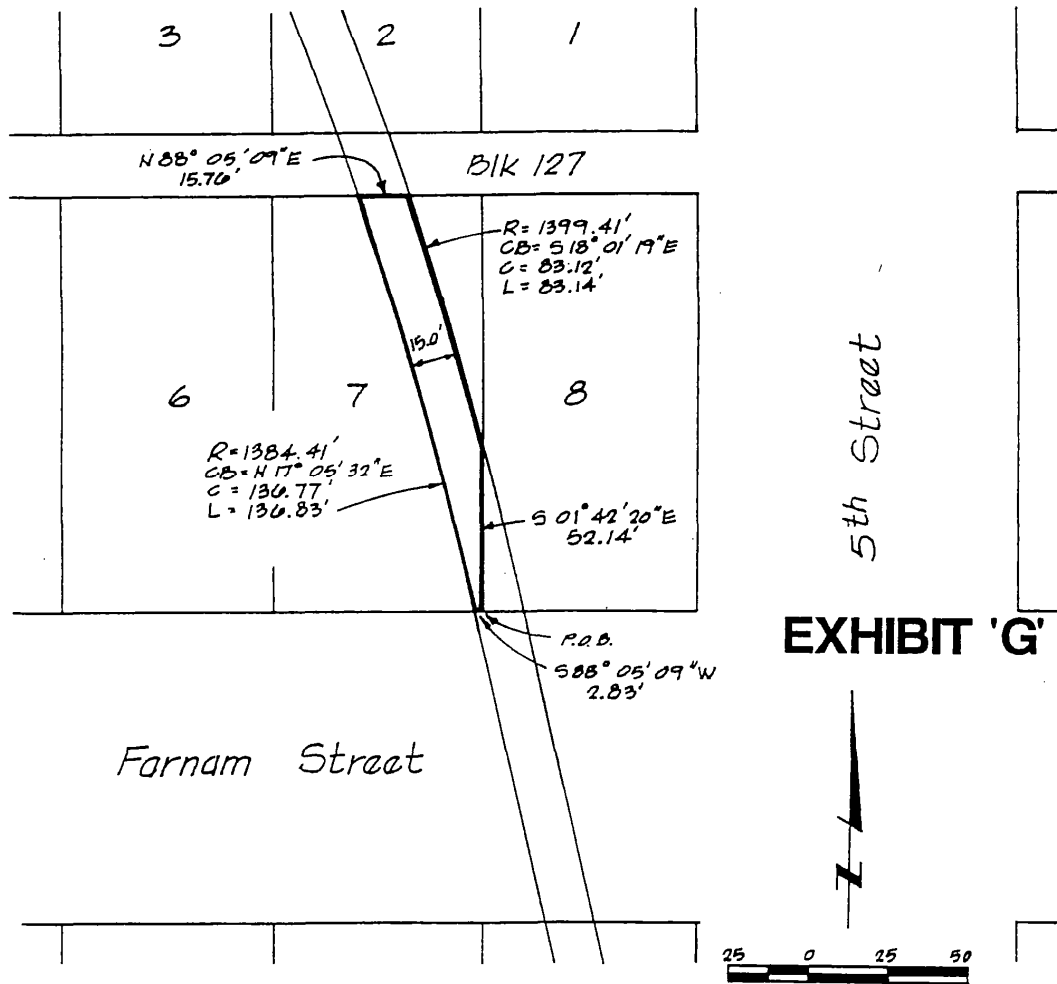
**lamp, rynearson & associates, inc.**  
 architects      engineers      surveyors      planners  
 14747 california street      omaha, nebraska 68154      402-486-2498

LEGAL DESCRIPTION:

That part of Lot 7, Block 127, Original City of Omaha, described as follows: Beginning at the Southeast corner of said Lot 7, Block 127; thence South  $88^{\circ}05'09''$  West (bearings based on the Nebraska State Plane System, South Zone) for 2.83 feet along the South line of said Lot 7, Block 127; thence along a non-radial curve to the left (having a radius of 1384.41 feet and a long chord bearing North  $17^{\circ}05'32''$  West for 136.77 feet) for an arc length of 136.83 feet to the North line of said Lot 7, Block 127; thence North  $88^{\circ}05'09''$  East for 15.76 feet along the said North line of Lot 7, Block 127; thence along a non-radial curve to the right (having a radius of 1399.41 feet and a long chord bearing South  $18^{\circ}01'19''$  East for 83.12 feet) for an arc length of 83.14 feet to the East line of said Lot 7, Block 127; thence South  $01^{\circ}42'20''$  East for 52.14 feet to the Point of Beginning. Contains 1716 square feet.

9-1

D3-80000 01



**EXHIBIT 'G'**



LEGAL DESCRIPTION:

That part of Lots 2 and 3, Block 127, Original City of Omaha, described as follows: Commencing at the Southeast corner of Lot 1, said Block 127; thence South 88°05'09" West (bearings based on the Nebraska State Plane System, South Zone) for 96.11 feet along the South line of Lot 1 and 2, said Block 127 to the TRUE POINT OF BEGINNING; thence continuing South 88°05'09" West for 15.84 feet along the South line of said Lot 2, Block 127; thence along a non-radial curve to the left (having a radius of 1384.41 feet and a long chord bearing North 22°42'42" West for 92.54 feet) for an arc length of 92.56 feet; thence along a curve to the left (having a radius of 232.16 feet and a long chord bearing North 29°15'07" West for 37.44 feet) for an arc length of 37.48 feet; thence North 33°52'37" West for 14.41 feet to the North line of said Lot 3, Block 127; thence North 88°05'10" East for 17.68 feet along the said North line of Lot 3, Block 127; thence South 33°52'37" East for 5.05 feet; thence along a curve to the right (having a radius of 247.16 feet and a long chord bearing South 29°15'07" East for 39.86 feet) for an arc length of 39.90 feet; thence along a curve to the right (having a radius of 1399.41 feet and a long chord bearing South 22°36'23" East for 98.67 feet) for an arc length of 98.69 feet to the Point of Beginning. Contains 2161 square feet.

3-1  
03-20000 DS

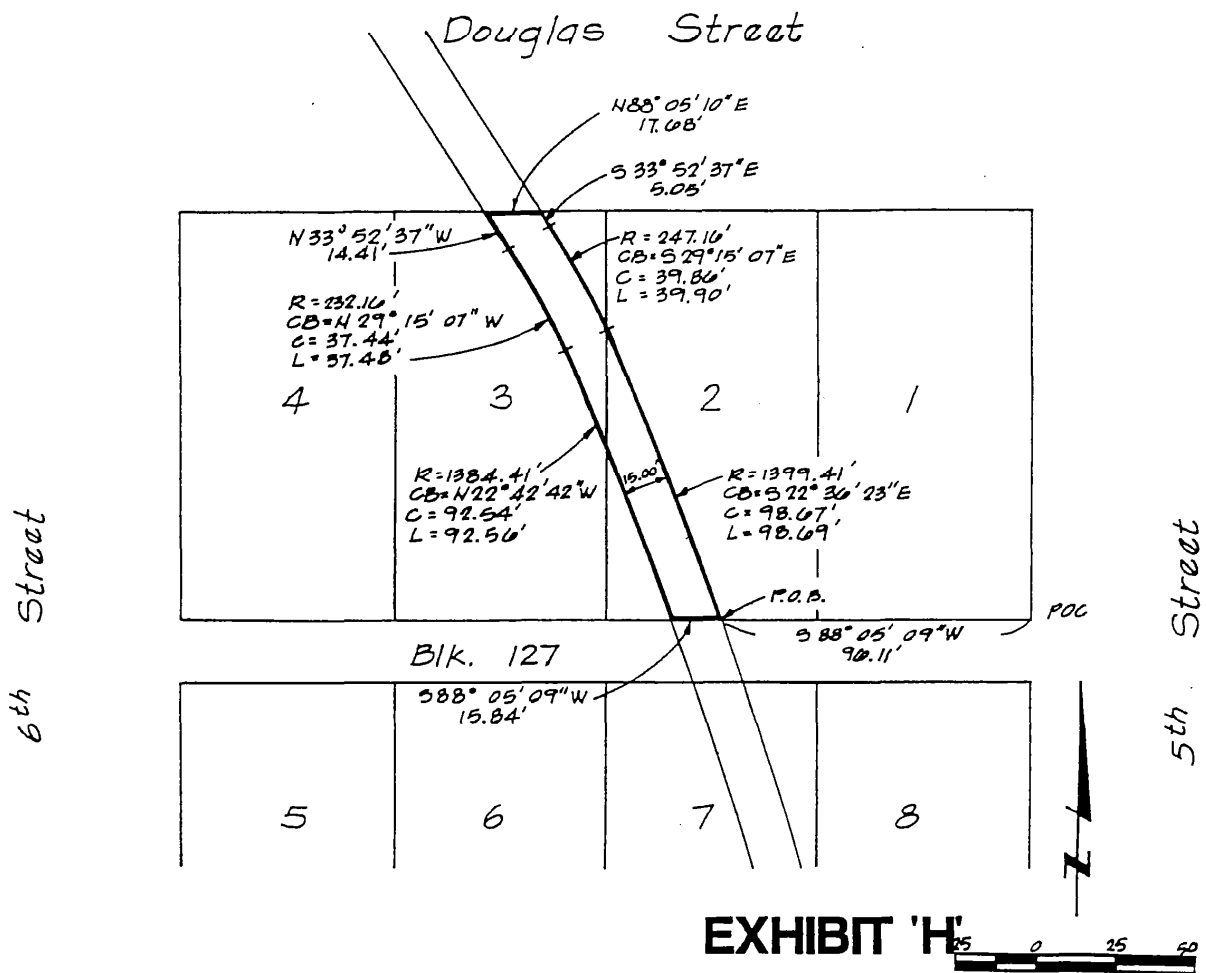


EXHIBIT 'H'

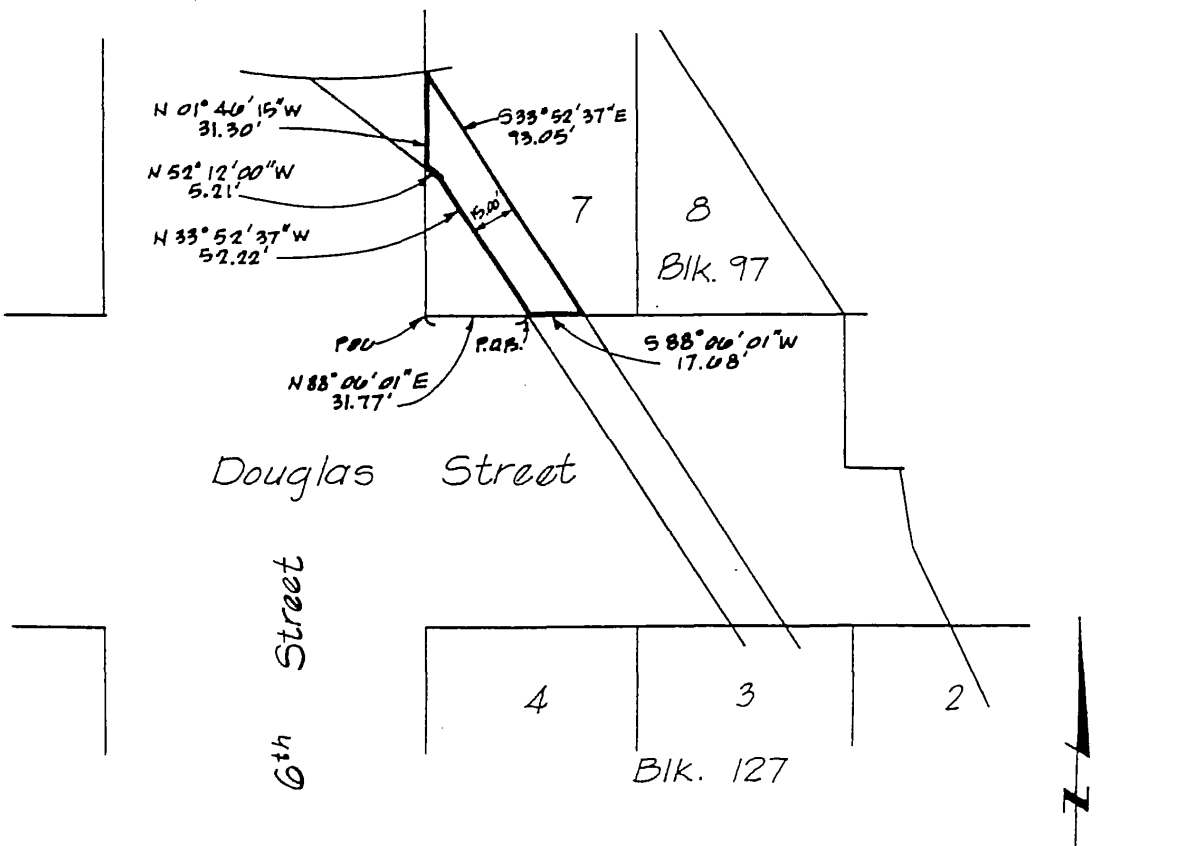
**lamp, rynearson & associates, inc.**  
 architects engineers surveyors planners  
 14747 california street omaha, nebraska 68154 402-486-2488



LEGAL DESCRIPTION:

That part of Lot 7, Block 97, Original City of Omaha, described as follows: Commencing at the Southwest corner of said Lot 7, Block 97; thence North  $88^{\circ}06'01''$  East (bearings based on the Nebraska State Plane System, South Zone) for 31.77 feet along the South line of said Lot 7, Block 97 to the TRUE POINT OF BEGINNING; thence North  $33^{\circ}52'37''$  West for 52.22 feet; thence North  $52^{\circ}12'00''$  West for 5.21 feet to the West line of said Lot 7, Block 97; thence North  $01^{\circ}46'15''$  West for 31.30 feet along the said West line of Lot 7, Block 97; thence South  $33^{\circ}52'37''$  East for 93.05 feet to the South line of said Lot 7, Block 97; thence South  $88^{\circ}06'01''$  West for 17.68 feet to the Point of Beginning. Contains 1152 square feet.

G. I.  
03-80000 W



**EXHIBIT 'T'**

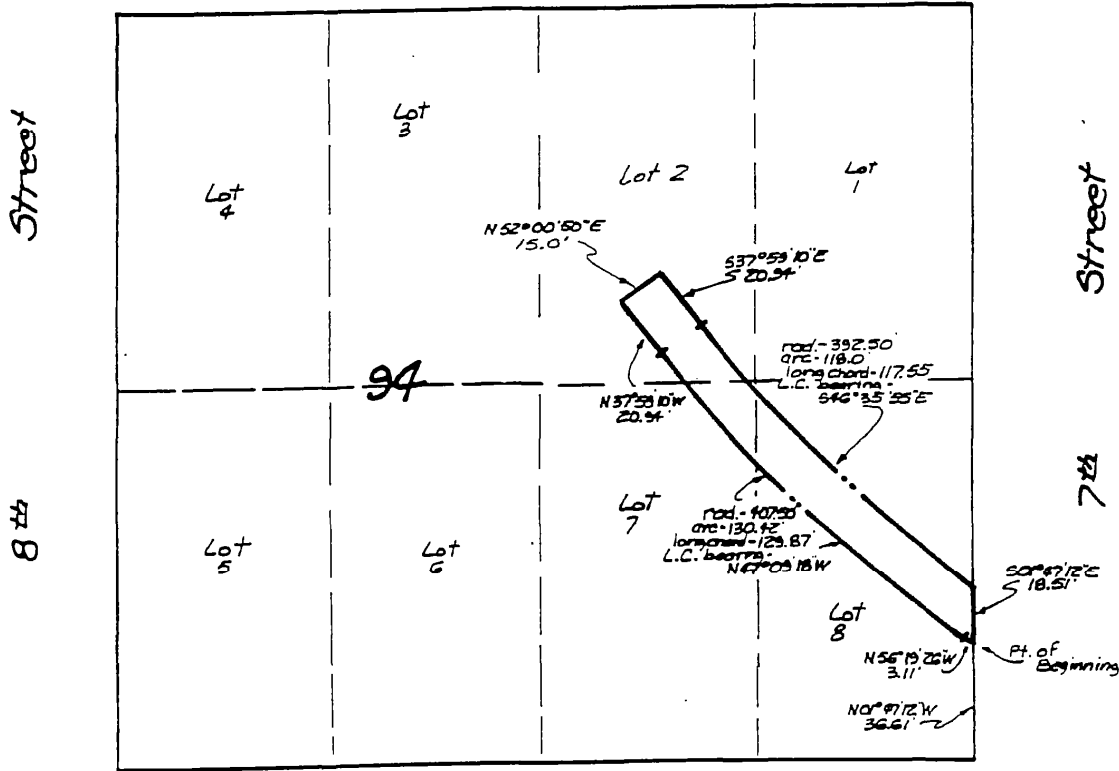
Book \_\_\_\_\_ Page \_\_\_\_\_ Date Oct. 11, 1988 Job Number 2-87061 5853

**lamp, ryneason & associates, inc.**  
 architects engineers surveyors planners  
 14747 california street omaha, nebraska 68154 402-496-2498

A permanent easement for the installation, maintenance and operation of an underground electric transmission line over, under and across part of Lots 1, 2, 7 and 8, Block 94, Original City of Omaha, Douglas County, Nebraska, said easement being more particularly described as follows: Commencing at the Southeast corner of said Block 94, Original City of Omaha; thence N1°47'12"W (bearings based on the Nebraska State Plane System, South Zone) for 36.61 feet along the East line of said Block 94 to the TRUE POINT OF BEGINNING; thence N56°19'26"W for 3.11 feet; thence along a curve to the right (having a radius of 407.50 feet and a long chord bearing N47°09'18"W for 129.87 feet) for an arc distance of 130.42 feet; thence N37°59'10"W for 20.94 feet; thence N52°00'50"E for 15.0 feet; thence S37°59'10"E for 20.94 feet; thence along a curve to the left (having a radius of 392.50 feet and a chord bearing S46°35'55"E for 117.55 feet) for an arc distance of 118.00 feet to the East line of said Block 94; thence S1°47'12"E for 18.51 feet along said East line to the TRUE POINT OF BEGINNING.

9-1  
03-80000

Capitol Avenue



Dodge Street

Street

EXHIBIT 'J'

OMAHA PUBLIC POWER DISTRICT  
OMAHA, NEBRASKA

WILSON PARALEL...  
STRYKER LAW FIRM  
ALAN YE...  
1981

