



BK 1358 PG 397-401



MISC 2000 15470

RICHARD W. GANSON
REGISTER OF DEEDS
DOUGLAS COUNTY, NE

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RECEIVED

EASEMENT-CORPORATION(GENERAL-page 1)

PROJECT: I-480-9(119)

TRACT: 1

KNOW ALL MEN BY THESE PRESENTS:

THAT ASARCO, INCORPORATED

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| FEE | <u>27</u> | FB | _____ |
| BKP | _____ | C/O | _____ COMP |
| DEL | _____ | SCAN | <u>2</u> FV |

organized and existing under and by virtue of the laws of the State of New Jersey hereinafter known as the Grantor, for and in consideration of the sum of **ONE AND NO/100 (\$1.00) DOLLARS** in hand paid does hereby grant and convey unto THE STATE OF NEBRASKA, DEPARTMENT OF ROADS, and to its successors and assigns the following described permanent easement for the purpose of access and the subsequent maintenance of same, situated in Douglas County, and State of Nebraska, to-wit;

A TRACT OF LAND FOR ACCESS PURPOSES LOCATED IN LOT 1, SMELTER PLANT, REPLAT, CITY OF OMAHA, DOUGLAS COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

REFERRING TO THE SOUTHWEST CORNER OF LOT 1; THENCE NORTHWESTERLY A DISTANCE OF 515.05 FEET ALONG THE PROPERTY LINE OF THE GRANTOR(S) TO THE POINT OF BEGINNING; THENCE NORTHWESTERLY DEFLECTING 000 DEGREES, 00 MINUTES, 00 SECONDS A DISTANCE OF 18.30 FEET ALONG SAID LINE; THENCE SOUTHWESTERLY DEFLECTING 090 DEGREES, 00 MINUTES, 03 SECONDS LEFT, A DISTANCE OF 13.16 FEET ALONG SAID LINE; THENCE NORTHWESTERLY DEFLECTING 089 DEGREES, 58 MINUTES, 31 SECONDS RIGHT, A DISTANCE OF 11.76 FEET ALONG SAID LINE; THENCE NORTHEASTERLY DEFLECTING 090 DEGREES, 18 MINUTES, 22 SECONDS RIGHT, A DISTANCE OF 40.34 FEET; THENCE NORTHEASTERLY ON A 235.00 FOOT RADIUS CURVE TO THE LEFT, DEFLECTION TO THE INITIAL TANGENT BEING 000 DEGREES, 00 MINUTES, 00 SECONDS A DISTANCE OF 27.65 FEET, SUBTENDING A CENTRAL ANGLE OF 006 DEGREES, 44 MINUTES 32 SECONDS; THENCE SOUTHEASTERLY DEFLECTING 090 DEGREES, 00 MINUTES, 00 SECONDS RIGHT, A DISTANCE OF 30.00 FEET; THENCE SOUTHWESTERLY ON A 265.00 FOOT RADIUS CURVE TO THE RIGHT, DEFLECTION TO THE INITIAL TANGENT BEING 090 DEGREES, 00 MINUTES, 00 SECONDS RIGHT, A DISTANCE OF 9.63 FEET, SUBTENDING A CENTRAL ANGLE OF 002 DEGREES, 04 MINUTES 54 SECONDS; THENCE SOUTHEASTERLY DEFLECTING 094 DEGREES, 37 MINUTES, 05 SECONDS LEFT, A DISTANCE OF 25.31 FEET; THENCE SOUTHEASTERLY ON A 87.40 FOOT RADIUS CURVE TO THE LEFT,

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TRACT: 1

DEFLECTION TO THE INITIAL TANGENT BEING 000 DEGREES, 00 MINUTES, 00 SECONDS A DISTANCE OF 45.64 FEET, SUBTENDING A CENTRAL ANGLE OF 029 DEGREES, 55 MINUTES 06 SECONDS; THENCE EASTERLY DEFLECTING 000 DEGREES, 00 MINUTES, 00 SECONDS A DISTANCE OF 44.44 FEET; THENCE EASTERLY ON A 107.60 FOOT RADIUS CURVE TO THE RIGHT, DEFLECTION TO THE INITIAL TANGENT BEING 000 DEGREES, 00 MINUTES, 00 SECONDS A DISTANCE OF 85.30 FEET, SUBTENDING A CENTRAL ANGLE OF 045 DEGREES, 25 MINUTES 25 SECONDS; THENCE WESTERLY DEFLECTING 108 DEGREES, 20 MINUTES, 33 SECONDS RIGHT, A DISTANCE OF 21.34 FEET; THENCE NORTHWESTERLY ON A 87.60 FOOT RADIUS CURVE TO THE LEFT, DEFLECTION TO THE INITIAL TANGENT BEING 067 DEGREES, 15 MINUTES, 36 SECONDS RIGHT, A DISTANCE OF 62.73 FEET, SUBTENDING A CENTRAL ANGLE OF 041 DEGREES, 01 MINUTES 35 SECONDS; THENCE WESTERLY DEFLECTING 000 DEGREES, 00 MINUTES, 00 SECONDS A DISTANCE OF 44.44 FEET; THENCE WESTERLY ON A 107.40 FOOT RADIUS CURVE TO THE RIGHT, DEFLECTION TO THE INITIAL TANGENT BEING 000 DEGREES, 00 MINUTES, 00 SECONDS A DISTANCE OF 56.08 FEET, SUBTENDING A CENTRAL ANGLE OF 029 DEGREES, 55 MINUTES 06 SECONDS; THENCE NORTHWESTERLY DEFLECTING 000 DEGREES, 00 MINUTES, 00 SECONDS A DISTANCE OF 27.69 FEET; THENCE SOUTHWESTERLY DEFLECTING 080 DEGREES, 43 MINUTES, 17 SECONDS LEFT, A DISTANCE OF 28.44 FEET TO THE POINT OF BEGINNING CONTAINING 0.13 ACRES, MORE OR LESS.

The abandonment of said permanent easement for the purposes described herein shall render this conveyance void and cause said permanent easement to revert to said Grantor and to its successors and assigns.

Duly executed this 12th day of October, 2000.

SEAL

ATTEST

By: Carol K. Coon
Assistant Secretary

ASARCO Incorporated
Corporation
By: [Signature]
Vice President

IMPRINTED CORPORATE SEAL
REGISTER OF DEEDS

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PROJECT: I-480-9(119)

TRACT: 1

STATE OF New York)
) ss.
New York County)

On this 12th day of October, A.D., 20 ,
before me, a General Notary Public, duly
commissioned and qualified, personally came
Robert Ferri

the duly authorized representatives of _____
ASARCO Incorporated

who acknowledged that he, she or they held the
position or title set forth in the instrument,
that he, she or they signed the instrument on
behalf of the corporation by proper authority and
that the instrument was the act of the
corporation and are to me known to be said duly
authorized representative or representatives and
and the identical person or persons who signed
the foregoing instrument and acknowledged the
execution thereof to be his, her or their volunt-
ary act and deed.

WITNESS my hand and notarial seal the day
and year last above written.

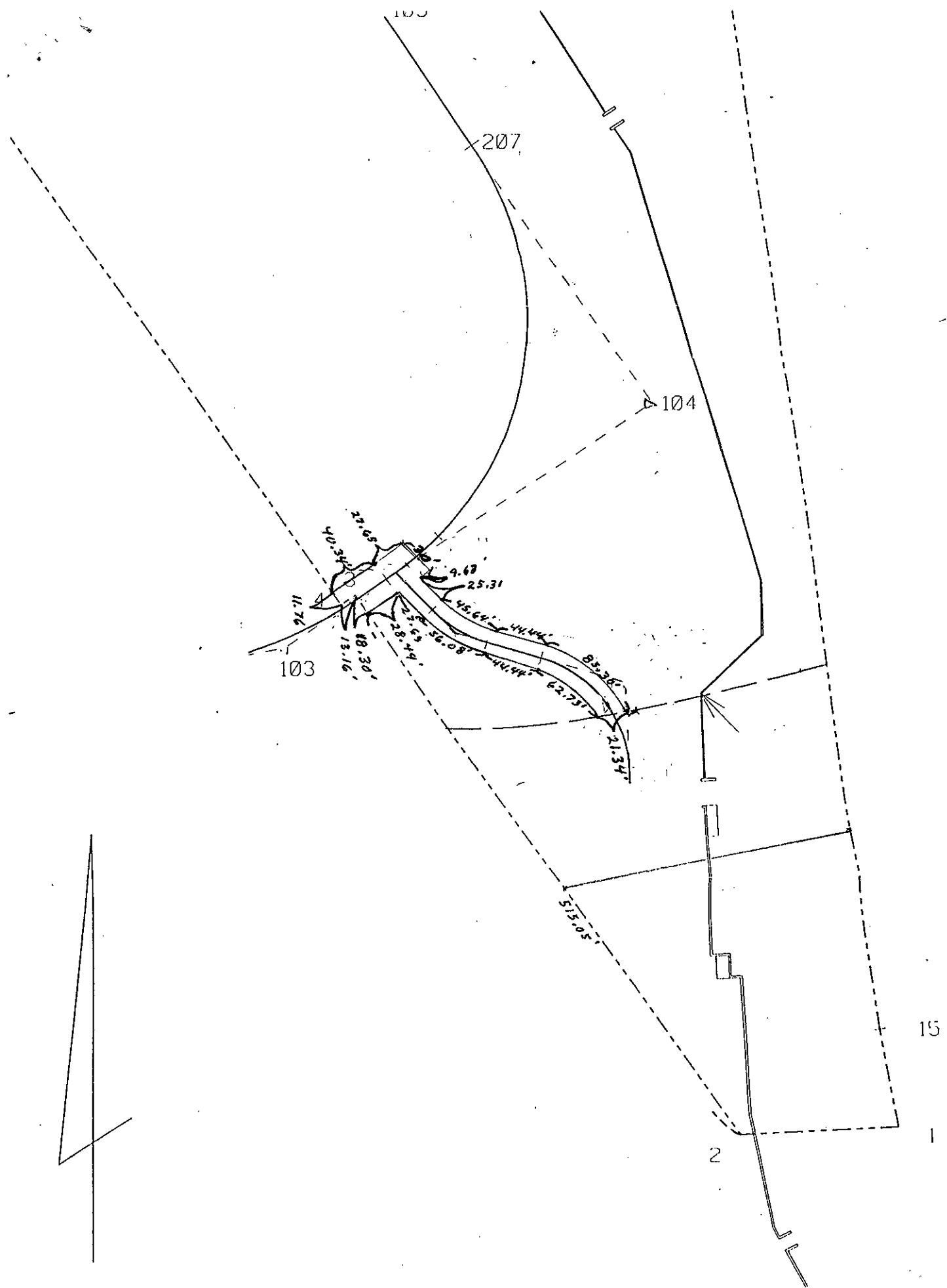
Donis A. Reischach Notary Public.

My commission expires the _____ day of _____, 20 .

DOHISA REISCHACH
Notary Public, State of New York
No. 01RE5027311
Qualified in New York County
Commission Expires May 9, 2002



NOTARIAL SEAL AFFIXED
REGISTER OF DEEDS



SCALE: 1"=100'

ASARCO Incorporated

New York, N.Y., October 12, 2000

I, Carmel O'Connor, an Assistant Secretary of ASARCO Incorporated, a New Jersey corporation, do hereby certify that the following is a full, true and correct copy of Article V, Section 5.01 of the By-Laws of said Company as amended as of January 30, 2000:


Section 5.01. Contracts. The Board of Directors may take action authorizing any officer or officers, or agent or agents, to enter into any contract or engagement and to execute and deliver any instrument in the name of and on behalf of the Corporation, and such authority may be general or confined to specific instances. Subject to the control and direction of the Board of Directors, the President, any Vice President and the Chief Financial Officer may enter into, execute, deliver and amend bonds, promissory notes, contracts, agreements, deeds, leases, guarantees, loans, commitments, obligations, liabilities and other instruments to be made or executed for or on behalf of the Corporation, provided, however, that the Treasurer and Controller are deemed subordinate officers of the Corporation, without authority to be primary signatories for the Corporation and with authority to attest or countersign a primary signatory of the Corporation, unless otherwise authorized by these By Laws or by the Board of Directors. Subject to any restrictions imposed by the Board of Directors, such officers of the Corporation may delegate such powers to others under his or her jurisdiction, it being understood, however, that any such delegation of power shall not relieve such officer of responsibility with respect to the exercise of such delegated power.

I further certify that by a written consent meeting of the Board of Directors of the Company dated as of November 19, 1999, Mr. Germán Larrea Mota-Velasco was elected Chairman of the Board; Mr. Daniel Tellechea Salido was elected Vice President and Chief Financial Officer, and Messrs. Genaro Larrea Mota-Velasco and Genaro Guerrero Díaz Mercado were each elected Vice President.

I further certify that by a written consent meeting of the Board of Directors of the Company dated as of January 30, 2000, Mr. Xavier García de Quevedo Topete was elected President; Messrs. Manuel E. Ramos Rada, Rodolfo Rubio, Ernesto Durán Trinidad, Brian P. Boylan, Douglas E. McAllister and Robert Ferri were each elected Vice President; Mr. Stephen M. Souza was elected Treasurer; Mr. David B. Foltz was elected Controller; and Ms. Carmel O'Connor was elected Assistant Secretary; and that each person presently holds the respective office to which he or she was elected.

IMPRINTED CORPORATE SEAL
REGISTER OF DEEDS

[SEAL]


Carmel O'Connor
Assistant Secretary