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DEED 2002 03959

RICHARD H. TAKECHI  
REGISTER OF DEEDS  
DOUGLAS COUNTY NE

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**WARRANTY DEED**

ASARCO INCORPORATED, a New Jersey corporation, formerly known as American Smelting and Refining Company ("Grantor"), in consideration of Ten Dollars (\$10.00) and other valuable consideration received from Grantee, does hereby grant, bargain, sell, convey and confirm unto the CITY OF OMAHA, NEBRASKA, a municipal corporation ("Grantee"), the real estate legally described on Exhibit A attached hereto and made a part hereof.

Grantor covenants with Grantee that Grantor: (1) is lawfully seised of such real estate and that it is free from all liens except liens of record and except real estate taxes becoming delinquent in 2002 and thereafter and is subject to easements, covenants, restrictions and conditions of record and rights of any persons occupying the real estate; (2) has legal power and lawful authority to convey the same; and (3) warrants and will defend title to the real estate against the lawful claims of all persons claiming by, through or under Grantor.

GRANTOR HAS EXECUTED AND DELIVERED THIS WARRANTY DEED AND HAS CONVEYED THE PROPERTY AND GRANTEE HAS RECEIVED AND ACCEPTED THIS WARRANTY DEED AND THE PROPERTY "AS IS", "WHERE IS", AND "WITH ALL FAULTS" AND WITHOUT REPRESENTATIONS OR WARRANTIES WHATSOEVER, EXPRESS OR IMPLIED (OTHER THAN THE WARRANTY OF TITLE EXPRESSLY SET FORTH HEREIN AND MATTERS EXPRESSLY SURVIVING THE CLOSING UNDER THE ASARCO OMAHA SMELTING PLANT SITE DEFINITIVE REDEVELOPMENT AGREEMENT, AS AMENDED, BETWEEN ASARCO INCORPORATED AND THE CITY OF OMAHA).

Dated: 3/13/02, 2002.

ASARCO INCORPORATED, a New Jersey corporation, formerly known as American Smelting and Refining Company

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By: [Signature]  
Print Name: James T. O'Neil, Jr.  
Print Title: Vice President, Finance & Administration

By: [Signature]  
Print Name: GENARO LARREA  
Print Title: PRESIDENT

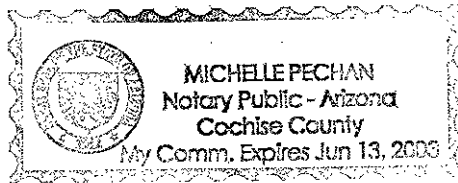
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STATE OF ARIZONA )  
)ss.  
COUNTY OF MARICOPA )

On this 13<sup>th</sup> day of March, 2002, before me a Notary Public in and before said state personally appeared James T. O'Neil, Jr., Vice President, Finance & Administration and Genaro Larrea, President of ASARCO INCORPORATED, a New Jersey corporation, formerly known as American Smelting and Refining Company, known to me to be the identical persons who signed the foregoing instrument and acknowledged the execution thereof to be their voluntary act and deed and the voluntary act and deed of said corporation.

Michelle Pechan  
Notary Public  
My commission expires: 06-13-2003

After recording return to:  
Mark L. Brasee, Esq.  
Fraser, Stryker, Meusey,  
Olson, Boyer & Bloch, P.C.  
500 Energy Plaza  
409 South 17<sup>th</sup> Street  
Omaha, Nebraska 68102



## EXHIBIT A

### LEGAL DESCRIPTION OF THE SITE

PARCEL 1: Lot 1, in SMELTER PLANT REPLAT, an Addition to the City of Omaha, as surveyed, platted and recorded, in Douglas County, Nebraska.

PARCEL 2: A parcel of land being portions of Lots 8, 9, 10 and 12, in Block 32, in the ORIGINAL CITY OF OMAHA, as surveyed and lithographed, in Douglas County, Nebraska, together with a portion of vacated Cass Street adjacent thereto on the South, and together with a portion of the vacated alley in said Block 32 adjacent to said Lot 9 on the North, all described as follows:

Beginning at the intersection of the South line of vacated Cass Street and the Easterly right-of-way line of Abbott Drive, said point being 60.54 feet East of the Northwest corner of Block 34, in the Original City of Omaha; thence along the Easterly right-of-way line of Abbott Drive, North 110 20~27' East, 158.13 feet; thence continuing along said Easterly line, North 20°39'50" East, 95.67 feet, to a point that is 12.00 feet normally distant Southwesterly from the centerline of an existing railroad track; thence parallel with and/or concentric with and 12.00 feet Southwesterly from said centerline of track, the following seven courses (which are chord bearings and lengths): 1. thence South 37°40'47" East, 26.56 feet; 2. thence South 42°44'18" East, 50.20 feet; 3. thence South 49°02'52" East, 49.95 feet; 4. thence South 54°10'05" East, 50.03 feet; 5. thence South 55°38'36" East, 39.64 feet; 6. thence South 49°53'43" East, 74.71 feet; 7. thence South 41°40'17" East, 72.63 feet, to the South line of said vacated Cass Street; thence along said South line, North 89°58'49" West, 331.59 feet, to the Point of Beginning.