

A G R E E M E N T

THIS AGREEMENT, Made and entered into this 31 day of October, 1950, by and between THE CITY OF OMAHA, a municipal corporation, hereinafter called the "City," and AMERICAN SMELTING AND REFINING COMPANY, a corporation, hereinafter called the "Smelter,"

W I T N E S S E T H :

WHEREAS, the Smelter is desirous of having a dumping site for the dumping of slag and other refuse from its smelting and refining operations in Omaha; and

WHEREAS, such slag and other refuse is unexcelled for filling purposes, and there is on the Missouri River adjacent to and abutting on property owned by the City certain locations which, if filled with such slag or other refuse, would be to the benefit of the City;

NOW, THEREFORE, For and in consideration of the covenants hereinafter set forth, it is mutually agreed by and between the parties as follows:

1. The City hereby grants to the Smelter the exclusive and absolute right and authority to dump slag and other refuse from the Smelter on property owned by the City along the banks of the Missouri River adjacent to and abutting on such property, commencing at a point approximately 265 feet north of the south line of Government Lot 3, in Section 14, Township 15, Range 13, in Douglas County, Nebraska, and running as far north in said Government Lot 3 as the City's property extends, it being the intention and agreement of the parties that the proposed dumping area as shown in the shaded space on the blueprint attached hereto and made a part hereof shall be filled exclusively with slag

and other smelter refuse. The rights granted hereunder shall be perpetual or until such dumping area has been completely filled. The property covered hereby includes all accretions thereto.

2. The parties recognize that the action of the Missouri River may from time to time vary the boundaries of the dumping area as shown on the attached blue print, in which event this agreement shall extend to and cover such variations.

3. The Smelter agrees to begin dumping at the south boundary of the said dumping area and to proceed northward as such dumping area is filled between the east and west boundaries thereof; provided, however, that this covenant is subject to all rules and regulations of the United States Government pertaining to navigable streams.

4. The City also grants to the Smelter an easement across its properties in Government Lots 3 and 4, in said Section 14, Township 15, Range 13 and accretions thereto, for the purpose of hauling such slag and refuse to the dumping area. In this connection, it is agreed that when and as the dumping area is filled with slag or other smelter refuse to the extent that the portion so filled is available for use by the City or its assigns for commercial use, the right-of-way may be re routed so as not to interfere with such use; provided however, that right-of-way shall be provided so as never to shut off the Smelter from egress and ingress from the south to the dumping area.

5. The rights herein granted, and the covenants contained herein, shall inure to and be binding upon the successors or assigns of the parties hereto.

IN WITNESS WHEREOF, the parties have executed this

agreement this 31 day of October, 1950.

THE CITY OF OMAHA

By [Signature]
Mayor

ATTEST:

[Signature]
City Clerk

AMERICAN SMELTING AND REFINING COMPANY

By [Signature]
GENERAL MANAGER
Vice President

STATE OF NEBRASKA }
 } ss.
COUNTY OF DOUGLAS }

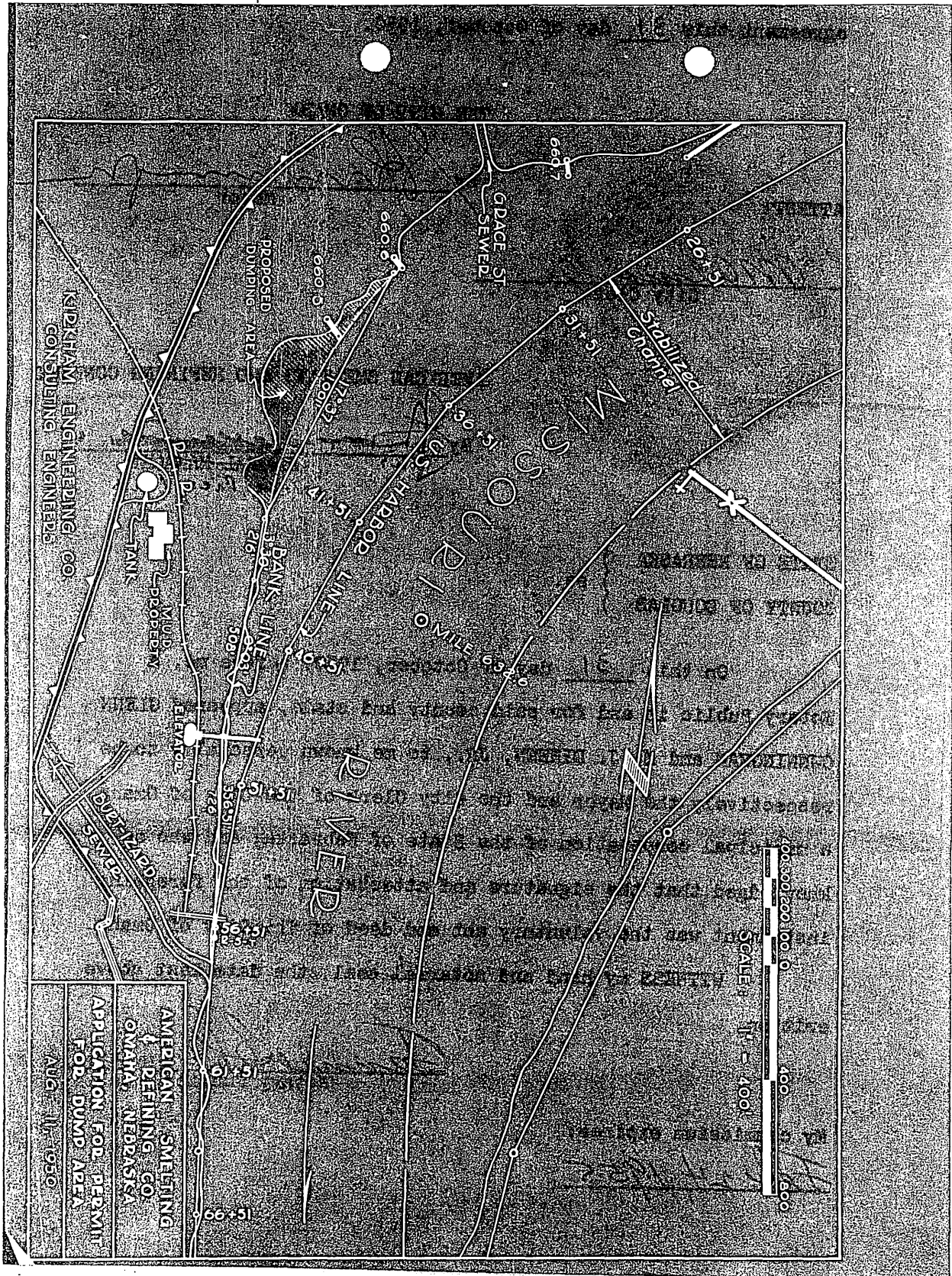
On this 31 day of October, 1950, before me, a Notary Public in and for said county and state, appeared GLENN CUNNINGHAM and M. J. DINEEN, JR., to me known personally to be respectively the Mayor and the City Clerk of The City of Omaha, a municipal corporation of the State of Nebraska; and who acknowledged that the signature and attestation of the foregoing instrument was the voluntary act and deed of The City of Omaha.

WITNESS my hand and notarial seal, the date last above written.

[Signature]
Notary Public

My commission expires:

Feb. 24, 1955



16. 31 *Oct.* 50 4:20 P *3.25*
 REGISTERED IN NUMERICAL INDEX AND RECORDED IN THE REGISTER OF DEEDS OFFICE IN DOUGLAS COUNTY, NEBRASKA.
 THOMAS J. O'CONNOR, REGISTER OF DEEDS.