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CONSTRUCTION
AND
INTERCEPTER SEWER EASEMENT

THIS AGREEMENT was entered into on the 19th day of April, 1948, by and between AMERICAN SMELTING AND REFINING COMPANY, a corporation organized under the laws of the State of New Jersey, (hereinafter referred to as "Grantor"), and EAST OMAHA DRAINAGE DISTRICT, a corporation organized under the provisions of Article IV, Chapter 31, Revised Statutes of Nebraska, for 1943, (hereinafter referred to as "Grantee").

In consideration of the sum of One Dollar (\$1.00) and other valuable consideration, Grantor does hereby grant unto the Grantee, its successors and assigns, (a) an easement in perpetuity to construct and maintain an underground interceptor sewer on the property hereinafter described as Tract "B", and (b) the right to enter on and use during the course of construction of the concrete sea wall and interceptor sewers to be undertaken by the United States Government acting through the Corps of Engineers of the United States Army and its designated contractors, the property hereinafter described as Tracts "A", "B", and "C", and upon completion of the work, the rights granted in this clause (b) shall cease and determine.

The property covered by this easement referred to as Tracts "A", "B", and "C" are all located in Sections 14 and 23, Township 15 North, Range 13 East, Douglas County, Nebraska, and a plat of the same is attached to this instrument marked Exhibit (1) and is by reference incorporated in and made a part of this instrument, which tracts are more particularly described as follows:

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TRACT "A"

A tract of land 15 feet in width adjacent to, parallel with and on the Easterly side of the tract described as a Permanent Easement, the said construction easement area being more particularly described as follows:

Beginning at a point on the East line of the permanent right-of-way which point bears North 74° 01' East 10.00 feet from the center line Station 14477.00,

Thence following the Easterly line of the permanent right-of-way along the following courses and distances:

North 15° 59' West 254.18 feet,
 North 32° 00' West 169.95 feet,
 North 56° 13' East 78.17 feet,
 North 27° 30' West 501.77 feet,

North 31° 01' West 313.31 feet to a point of angle opposite Station 1461.50,

Thence North 58° 59' East a distance of 15.00 feet to a point on the Easterly line of the area included within this construction easement,

Thence following the Easterly line of the area included within this construction easement along the following courses and distances:

South 31° 01' East 313.77 feet,
 South 27° 30' East 515.67 feet,
 South 56° 13' West 76.18 feet,
 South 32° 00' East 157.53 feet,
 South 15° 59' East 256.29 feet,

South 74° 01' West 15.00 feet to the point of beginning containing 0.454 Acres - excepting from the above described tract all that part which is now occupied by buildings.

TRACT "B"

An irregular tract of land West of the Permanent Easement being more particularly described as follows:

Beginning at a point on the Westerly line of the tract described by the Permanent Easement which point bears South 8° 39' 13" East 0.78 feet from a point on the South line of Cass Street (now vacated) which point is 5.31 feet Easterly from the Southeast Corner of 7th & Cass Streets (now vacated),

Thence following the said Westerly line of the area described by the Permanent Easement along the following courses and distances:

South 38° 32' East 24.42 feet,
 South 31° 01' East 3.93 feet,
 North 58° 59' East 6.25 feet,

South 31° 01' East	211.00 feet,
South 58° 59' West	4.25 feet,
South 31° 01' East	28.00 feet,
North 58° 59' East	4.25 feet,
South 31° 01' East	111.67 feet,
South 27° 30' East	29.19 feet,
South 62° 30' West	20.00 feet,
South 27° 30' East	20.00 feet,
North 62° 30' East	20.00 feet,
South 27° 30' East	406.00 feet,
South 62° 30' West	5.00 feet,
South 27° 30' East	30.60 feet,
South 56° 13' West	29.79 feet,
South 33° 47' East	2.00 feet,
South 56° 13' West	44.81 feet,
South 32° 00' East	156.04 feet,
South 58° 00' West	10.00 feet,
South 32° 00' East	28.00 feet,
North 58° 00' East	9.61 feet,
South 15° 59' East	346.39 feet,
North 74° 01' East	2.00 feet,
South 15° 59' East	9.30 feet,
South 2° 30' East	1.80 feet,
South 87° 30' West	2.00 feet,
South 2° 30' East	35.35 feet,
South 47° 00' West	64.94 feet,
South 1° 55' East	226.12 feet,
North 87° 03' East	22.68 feet,
South 2° 57' East	21.94 feet,
South 87° 03' West	15.00 feet,
South 2° 57' East	28.00 feet,
North 87° 03' East	17.00 feet,
South 2° 57' East	74.77 feet,

South 10° 23' East 16.00 feet to a point on the North line of Douglas Street, said point being 497.72 feet East measured along the South line of said Douglas Street and 100 feet North at right angles to said South line of Douglas Street from an iron pipe property corner located at the Southeast Corner of 7th & Douglas Streets,

Thence South 88° 06' 52" West along the North line of Douglas Street a distance of 5.42 feet to the Southwest Corner of the American Smelting and Refining Company properties, said point being 128.3 feet distance East of the East line of 6th Street,

Thence North 33° 55' 38" West along the Westerly property line of the American Smelting and Refining Company a distance of 26.43 feet to the Westerly line of area included in this construction easement,

Thence along the Westerly line of this construction easement area along the following courses and distances:

North 2° 57' West	42.61 feet,
South 87° 03' West	28.48 feet,
North 1° 55' West	309.76 feet,

North 47° 00' East	43.39 feet,
North 15° 59' West	60.08 feet,
North 74° 01' East	30.00 feet,

North 15° 59' West 239.23 feet to a point on the said Westerly line of construction easement, said point being 25.00 feet Westerly from, measured at right angles to the center line of the sea-wall at center line Station 13+14.22,

Thence following the Westerly line of right-of-way easement for the construction of an interceptor sewer, said Westerly line being 30.00 feet Westerly from, measured at right angles to the center line of said interceptor sewer along the following courses and distances:

South 78° 37' West	25.82 feet,
North 25° 45' West	216.09 feet,
North 52° 45' West	73.77 feet,
North 30° 15' West	483.01 feet,

North 0° 15' West 71.35 feet to a point in Chicago Street 30.00 feet North of the center line of Chicago Street sewer,

Thence North 88° 31' East a distance of 50.00 feet to a point on the Easterly line of interceptor sewer construction easement right-of-way,

Thence Southerly following the said Easterly line of right-of-way for the interceptor sewer, said line being 20.00 feet Easterly from, measured at right angles to the center line of the proposed interceptor sewer along the following courses and distances:

South 0° 15' East	57.95 feet,
South 30° 15' East	463.64 feet,

South 52° 45' East 15.90 feet to a point on the Northerly line of construction easement right-of-way, said line being parallel with and 25.00 feet Northerly from, measured at right angles to the center line of the sea-wall,

Thence North 56° 13' East a distance of 39.26 feet to a point on the Westerly line of construction right-of-way easement, said point being 50.00 feet Westerly from, measured at right angles to the center line of sea-wall,

Thence following the Westerly line of construction right-of-way easement North 27° 30' West along a line which is parallel with and 50.00 feet Westerly from, measured at right angles to the center line of sea-wall a distance of 63.36 feet to a point 50.00 feet Westerly from the center line Station 8+84.00,

Thence North 62° 30' East a distance of 25.00 feet to a point which is 25.00 feet Westerly from, measured at right angles to the center line of sea-wall at Station 8+84.00,

Thence North $27^{\circ} 30'$ West following a line which is parallel with and 25.00 feet Westerly from, measured at right angles to the center line of the sea-wall a distance of 335.00 feet,

Thence South $62^{\circ} 30'$ West a distance of 30.00 feet,

Thence North $27^{\circ} 30'$ West a distance of 70.00 feet to a point which is 55.00 feet Westerly from, measured at right angles to the center line of sea-wall at Station 4-79.00,

Thence North $62^{\circ} 30'$ East a distance of 30.00 feet,

Thence along a line which is parallel with and 25.00 feet Westerly from, measured at right angles to the center line of the sea-wall along the following courses and distances:

North $27^{\circ} 30'$ West	3.72 feet,
North $31^{\circ} 01'$ West	355.14 feet,
North $38^{\circ} 32'$ West	23.84 feet,

Thence North $51^{\circ} 28'$ East a distance of 8.75 feet to the point of beginning.

The above described tract contains Acres including the area occupied by existing buildings, all of which area occupied by such buildings is excepted from this easement.

TRACT "C"

A rectangular tract of land 50 feet wide parallel with and adjacent to the Southwesterly line of permanent right-of-way for the Burt-Izard sewer and levee construction, said tract being more particularly described as follows:

Beginning at a point on the South line of Cass Street (now vacated) which is North $87^{\circ} 53' 23''$ East 143.60 feet from the Southeast Corner of 7th & Cass Street (now vacated), said point being the junction of the permanent easement right-of-way for the sea-wall construction with the South line of said Cass Street,

Thence South $58^{\circ} 59'$ West along said permanent easement line for sea-wall construction a distance of 23.83 feet,

Thence South $44^{\circ} 40' 08''$ East a distance of 162.14 feet,

Thence North $45^{\circ} 19' 52''$ East a distance of 50.00 feet to the Westerly line of permanent easement for Burt-Izard sewer and levee,

Thence North $44^{\circ} 40' 08''$ West along the said permanent easement line of the Burt-Izard Sewer and Levee a distance of 131.87 feet to the South line of Cass Street (now vacated),

Thence South 87° 53' 23" West along the said South line of Cass Street (now vacated) a distance of 36.44 feet to the point of beginning containing 0.17 Acres.

(NOTE: All alignment surveys used for the foregoing descriptions were made by the Corps of Engineers, U.S. War Department and Bearings shown are referred to Nebraska (South) Lambert Grid as established by the U.S. Coast and Geodetic Survey 1927 American Datum.)

The Grantor reserves the right to terminate this easement by written notice in the event actual construction work on the sea wall and other flood protection work are not started within one (1) year from the date of the granting of this easement.

The rights here granted are further conditioned on the Grantee removing any back-fill, or any materials or objects left on the premises during the course of the construction work, and leaving the property in substantially the condition it was prior to the date of this instrument.

Grantee further agrees that the property covered by this instrument and the rights herein granted will be used in such a way as not to unreasonably interfere with the conduct of Grantor's business to the extent that this is possible consistent with good construction practices as determined by the Corps of Army Engineers.

Grantee in consideration for the grant of this easement agrees to and does hereby indemnify Grantor against any loss, damage, liability and claims for injury to person or property including said Grantor's property and the person of its employees as well as the person and property of third parties, arising out of or caused by the construction, operation and maintenance of the Flood Protection Works.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed by their respective Presidents, or a

Vice-President, and their Corporate Seals to be affixed and attested by their respective Secretaries, or Assistant Secretaries on the 19th day of April, 1948.

AMERICAN SMELTING AND REFINING COMPANY,

(SEAL)
ATTEST:
[Signature]
SECRETARY

By H. Y. Walker
PRESIDENT

(SEAL)
ATTEST:
[Signature]
Secretary

EAST OMAHA DRAINAGE DISTRICT,

By [Signature]
President

STATE OF NEW YORK, }
COUNTY OF NEW YORK. } SS.

H. Y. Walker, being first duly sworn, states that he is President of American Smelting and Refining Company; that he has executed the foregoing instrument; and that it is the free and voluntary act and deed of the American Smelting and Refining Company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal this 19th day of April, 1948.

NOTARY PUBLIC
STATE OF NEW YORK
[Seal]

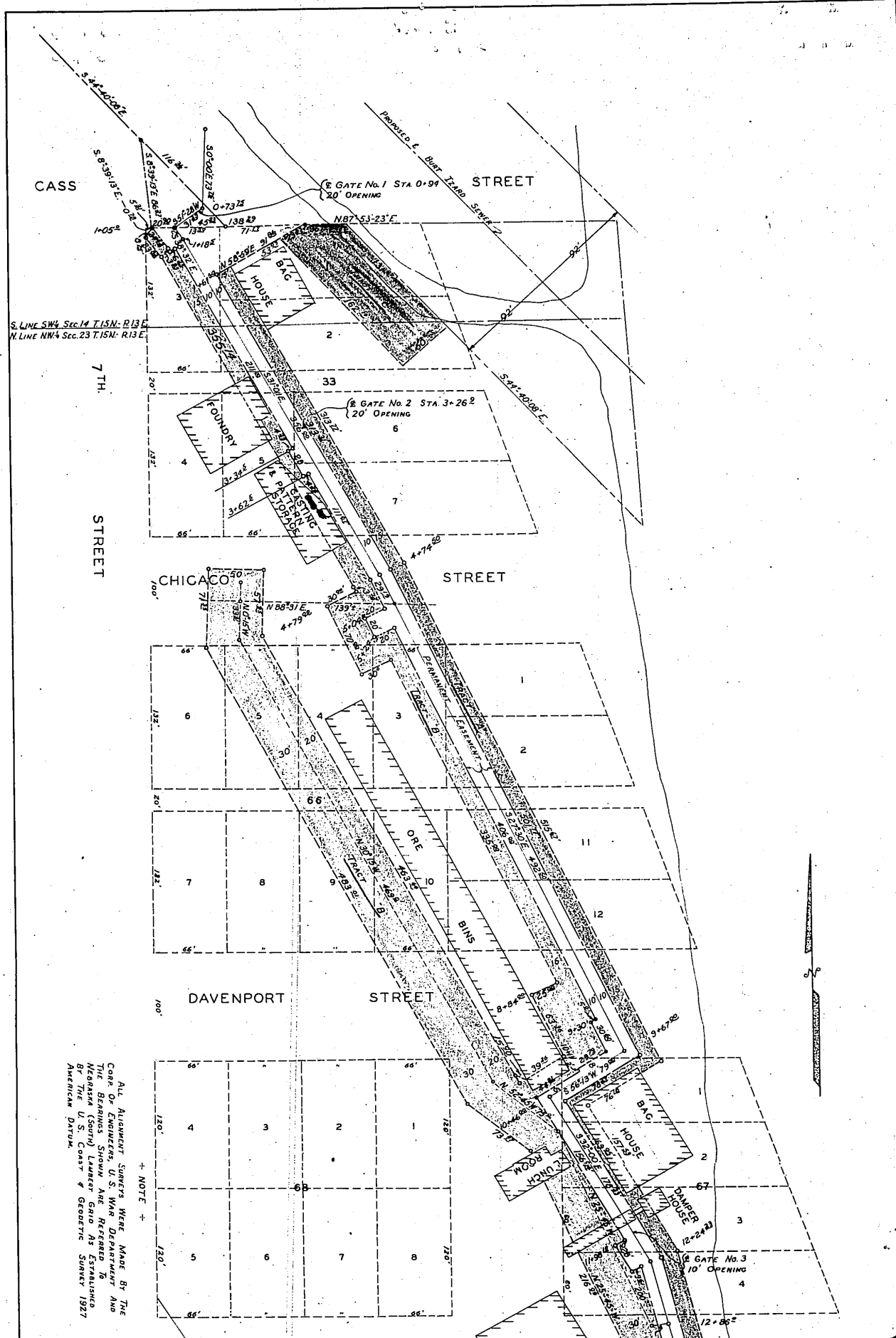
[Signature]
Notary Public

JOHN E. DEMPSEY
NOTARY PUBLIC, STATE OF NEW YORK
Residing in Queens County
Queens Co. Clk's No. 203, Reg. No. 56-D-O
Certificate Filed in
N. Y. Co. Clk's No. 8, Reg. No. 71-D-0
Commission Expires March 30, 1950

Approved as to form
LEGAL DEPARTMENT

By [Signature] 4/19/48

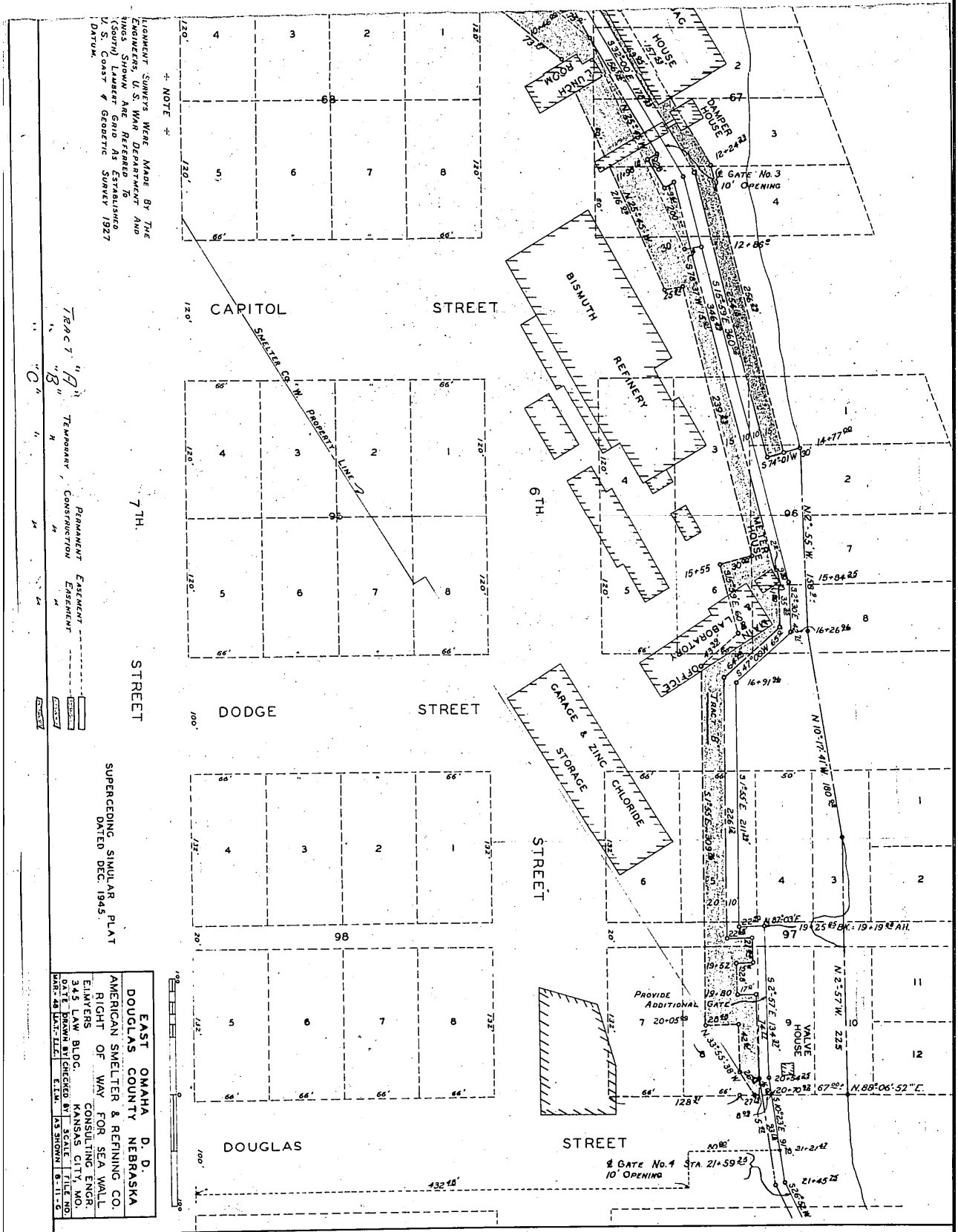
OK as to form.
Loal Gall



S. LINE SW 4 Sec. 14 T. 15N. R. 13 E.
 N. LINE NW 4 Sec. 23 T. 15N. R. 13 E.

ALL ALIGNMENT SURVEYS WERE MADE BY THE
 CORP. OF ENGINEERS, U. S. WAR DEPARTMENT AND
 THE BEARINGS SHOWN ARE REFERRED TO
 MEANS (SOUTH) LAKE SUPERIOR GRID AS ESTABLISHED
 BY THE U. S. COAST & GEODETIC SURVEY 1927
 AMERICAN DATUM.

+ NOTE +



NOTE: SURVEYS MADE BY THE ENGINEER OF THE DISTRICT OF COLUMBIA AND THE UNITED STATES GEOLOGIC SURVEY 1927

TRACT "B" TEMPORARY CONSTRUCTION EASEMENT PERMANENT EASEMENT

SUPERSEDING SIMILAR PLAT DATED DEC. 1945.

EAST OMAHA, D. D., DOUGLAS COUNTY, NEBRASKA
 AMERICAN SMELTER & REFINING CO.
 RIGHT OF WAY FOR SEA WALL
 ENGINEERS BLDG. CONSULTING ENGR.
 343 BROADWAY NEW YORK CITY, N.Y.
 PLAN 48 L.S. FILE NO. 15 SHOWN 9-11-16

362-363

EXHIBIT (1)

18. ENTERED IN NUMERICAL INDEX AND RECORDED IN THE REGISTER OF DEEDS OFFICE IN DOUGLAS COUNTY, NEBRASKA 7.09
 23 DAY Nov 1960 AT 4:25 P.M. THOMAS J. O'CONNOR, REGISTER OF DEEDS