

E A S E M E N T

THIS INDENTURE, made this 17th day of July, 1962, between the AMERICAN SMELTING & REFINING COMPANY, a corporation, party of the first part, and the CITY OF OMAHA, NEBRASKA, a Municipal Corporation, party of the second part,

W I T N E S S T H :

That said party of the first part in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, to it in hand paid by said party of the second part, the receipt whereof is hereby acknowledged, doth hereby grant, sell, convey and confirm unto said party of the second part and its assigns forever, the right to use, construct, build, lay and maintain South Interceptor Sewer No. 2182 for the passage of sewer water and soil in, through, over and under the parcel of land described as follows, to wit:

All that portion of the Smelter Plant Replat (a replat in the City of Omaha, recorded on Page 155 of Book 800 in the Register of Deeds Office in said City of Omaha), which lies between lines parallel with and Ten (10) feet right and left of the following described line:

Beginning at a point in the centerline of Floodwall coincident with the centerline of the 42" reinforced concrete pipe, Farnam Street Sewer; thence North 18°-47' West One-hundred-seventy-three (173) feet more or less along said centerline of Floodwall to a bend in said Floodwall; thence North 71°-13' East Three point Sixty-seven (3.67) feet; thence North 15°-11'-40" West Three Hundred-sixty-two point Fifty-one (362.51) feet to a point of curve; thence along a curve to the right which has a radius of Four-hundred-twenty point Thirty-nine (420.39) feet a distance of One-hundred-fifty-nine point Forty-eight (159.48) feet to a point of tangency; thence North 6°-32'-30"

East on a line tangent to the last described curve One-hundred-thirty-seven point Sixty-three (137.63) feet to a point of curve; thence along a curve to the left which has a radius of Four-hundred-seven point Fifty-five (407.55) feet, One-hundred-eleven point Sixty-four (111.64) feet to a point of tangency; thence North $9^{\circ}-09'-10''$ West on a line tangent to last described curve Three-hundred-seven point seventy-one (307.71) feet to a point of curve; thence along a curve to the left which has a radius of Twenty-two-hundred-forty-eight point Twenty-five (2248.25) feet; One-hundred-fourteen point Sixty-six (114.66) feet to a point of tangency; thence North $12^{\circ}-04'-30''$ West on a line tangent to last described curve Three-hundred-nine point Ninety-seven (309.97) feet to a point of curve; thence along a curve to the right which has a radius of Twenty-two hundred-thirty-six point Ninety-five (2236.95) feet a distance of Eighty point Fourteen (80.14) feet to a point of tangency; thence North $10^{\circ}-01'-20''$ West on a line tangent to the last described curve Four-hundred-eighty (480) feet more or less to an intersection with the South line of Cass Street extended, which is also the North line of said Smelter Plant Replat, excepting from the tract herein described any structures or footings thereof belonging to the American Smelting and Refining Company,

also

Tract AS&R-B-1

The South Thirty-five (35) feet of Lot Five (5), and the South Twenty-five (25) feet of Lot Six (6), in Block Ninety-seven (97) of the original City of Omaha, now a part of the Smelter Plant Replat, said Replat recorded on Page 156 of Book 800, in the Register of Deeds Office, in Douglas County, Nebraska, excepting from the parcels herein described those portions of said parcels lying West of the West line of said Smelter Plant Replat, and East of the West outside face of the Douglas Street Pumping Station Structure, all in the Southwest Quarter ($SW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section Twenty-three (23), Township Fifteen (15) North, Range Thirteen (13) East of the Sixth (6th) Principal Meridian.

Said easement is granted upon the expressed condition that if any changes, repairs or alterations are necessary to be made at any time or if any portion of said sewer needs to be reconstructed after the lots are filled or improved, the City shall make good to the owner or owners of such lot or lots as hereinbefore set forth any and all damage that may be done by said changes, alterations, repairs, or reconstruction, in the way of damage to trees, grounds, buildings or other improvements thereon including crops, vines, gardens and lawns, during construction and thereafter.

Said party of the second part agrees to pay all costs of construction of said storm or sanitary sewer, and fill in the trench with mechanically compacted material and sow grass seed over said trench and generally leave the premises in a neat and orderly condition.

Said party of the first part for itself and its heirs, executors and administrators does confirm with the said party of the second part and its assigns, that it, the party of the first part, is well seized in fee of the lot and premises aforesaid and it has the right to grant and convey this easement in the manner and form aforesaid, and that it will, and its heirs, executors and administrators, shall warrant and defend this easement to said party of the second part and its assigns against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, said parties have hereunto set

their hands and seals the day and year first above written.

AMERICAN SMELTING & REFINING COMPANY

By *E. McL. Titmann*
Vice President

CITY OF OMAHA, NEBRASKA, A Municipal Corporation

By *James J. Sworak*
Mayor

ATTEST:

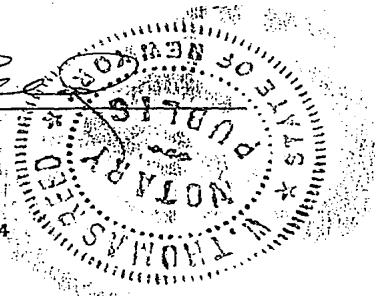
Mary J. Galligan
City Clerk

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.

E. McL. TITMANN, being first duly sworn, states that he is Vice President of American Smelting & Refining Company; that he has executed the foregoing instrument, and that it is the free and voluntary act and deed of the American Smelting & Refining Company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal this 30th day of APRIL, 1962.

W. Thomas Reed
Notary Public
W. THOMAS REED
Notary Public, State of New York
No. 24-8519150
Qualified in Kings County
Commission Expires March 30, 1964



STATE OF NEBRASKA)
COUNTY OF DOUGLAS) ss.

On this 17th day of July, 1962, before me, a Notary Public in and for said County and State, personally came James J. Dworak, Mayor of the City of Omaha, Nebraska, and Mary Galligan, City Clerk of the City of Omaha, Nebraska, to me personally known to be the Mayor and City Clerk, respectively, of said City, who executed and attested the foregoing instrument, and acknowledged the execution and attestation thereof to be their voluntary act and deed and the voluntary act and deed of the City of Omaha, Nebraska, a Municipal Corporation.

WITNESS my hand and Notarial Seal at Omaha, Nebraska, the day and year last above written.

James Sherman
Notary Public

My commission expires:

February 24, 1967



FRASER, WENSTRAND, STRYKER, MARSHALL & VEACH
LAW OFFICES
637 OMAHA NATIONAL BANK BUILDING
OMAHA 2, NEBRASKA

7-1-62

RECEIVED

1962 JUL 26 AM 9 20

THOMAS J. O'CONNOR
REGISTER OF DEEDS
DOUGLAS COUNTY, NEBR.

THE STATE OF NEBRASKA } ss.
Douglas County }
Entered in Numerical Index and filed
for Record in the office of the Register of
Deeds of said County and recorded in
Book 384 of messe

Page 118

Thomas J. O'Connor
Register of Deeds

City of Omaha
(Public Works)
9-514
975