

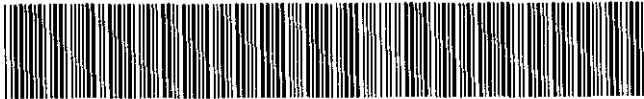


MISC 2003198858

W-FS328144.01

072303

RECEIVED
DEPARTMENT OF REVENUE
STATE OF NEBRASKA



OCT 10 2003 13:12 P 7

RECEIVED

Brinker Harding
Pacific Realty Group
1905 Harney Street, 4th Floor
Omaha, NE 68102

[This space for recording purposes]

FEE 36.50 FB 07-13257
BKP _____ C/O _____ COMP PU
DEL _____ SCAN _____ FV _____

PERMANENT UTILITY EASEMENT

THE CITY OF OMAHA, a municipal corporation in the State of Nebraska ("Grantor"), for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant and convey unto RIVERFRONT NPS, INC., a Nebraska corporation ("Grantee"), as the owner of the real estate described on Exhibit "A" attached hereto, together with its successors and assigns, a permanent utility easement for the right to construct, inspect, maintain, repair, operate and replace any necessary utility lines, and appurtenances thereto, in, through and under that certain real estate more particularly described on Exhibit "B" attached hereto (the "Easement Parcel").

TO HAVE AND TO HOLD unto Grantee, its successors and assigns, together with the right of ingress and egress from the Easement Parcel for the purpose of constructing, inspecting, maintaining, repairing, operating and replacing said utility lines and appurtenances at the will of Grantee. Grantor may, following construction of said utilities, continue to use the surface of the Easement Parcel for other purposes, subject to the limitations set forth below and the right of Grantee to use the Easement Parcel for the purposes herein set forth.

IT IS FURTHER AGREED as follows:

1. No buildings, improvements or other structures, nor any grading, fill or fill material, or embankment work, shall be placed in, on, over or across the Easement Parcel by Grantor or its successors or assigns without the express written approval of Grantee. Grantor may place or install landscaping, road and/or street surfaces, parking areas and pavement over the Easement Parcel.

2. Grantee will replace and rebuild any and all damage to improvements caused by Grantee in exercising its rights of inspecting, maintaining, repairing, operating or replacing said utility lines and appurtenances, except that damage to, or loss of landscaping, trees or shrubbery, will not be compensated by Grantee.

3. This Permanent Utility Easement is also for the benefit of any contractor, agent, employee or representative of Grantee in connection with the construction and any other work respecting said sanitary sewer.

4. Grantee shall cause any trench made on the Easement Parcel to be properly filled and shall cause the Easement Parcel to be left in a neat and orderly condition.

V32

5. Grantor, for itself and its successors and assigns, does confirm with Grantee and its successors and assigns, that it is the owner in fee simple of the Easement Parcel, that it has the right to grant and convey this Permanent Utility Easement, and that it and its successors and assigns, shall warrant and defend this Permanent Utility Easement to Grantee and its successors and assigns against the lawful claims and demands of all persons. The easement granted and conveyed by this Permanent Utility Easement shall run with the land.

6. Grantee shall have the right to remove or cause to be removed all presently existing improvements on the Easement Parcel as necessary for construction, maintenance, repair and replacement of said utility lines and appurtenances.

7. This Permanent Utility Easement contains the entire agreement between the parties.

IN WITNESS WHEREOF, The City of Omaha, a municipal corporation, has caused these presents to be executed by its Mayor and its corporate seal to be affixed this 2nd day of October, 2003.

THE CITY OF OMAHA, a municipal corporation

By Mike Jabej
Mayor

[Corporate Seal]

ATTEST:

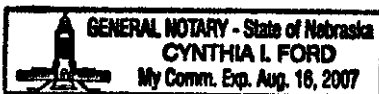
Buster Brown
City Clerk

APPROVED AS TO FORM:
Frederick J. Cannon
ASSISTANT CITY ATTORNEY
SOCIAL SERVICES

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On this 2nd day of October, 2003, before me, the undersigned, a notary public in and for said county, personally came Mike Jabej, Mayor, and Buster Brown, Clerk, of THE CITY OF OMAHA, a municipal corporation, to me personally known to be the Mayor and the City Clerk, and who executed the above conveyance and acknowledged the execution thereof to be the voluntary act and deed of the CITY OF OMAHA, a municipal corporation, and that the corporate seal of the City of Omaha was thereto affixed by its authority.

In testimony whereof, I have hereunto signed my hand and affixed my notarial seal at Omaha, in Douglas County, on the day and year last above written.



Cynthia I. Ford
Notary Public

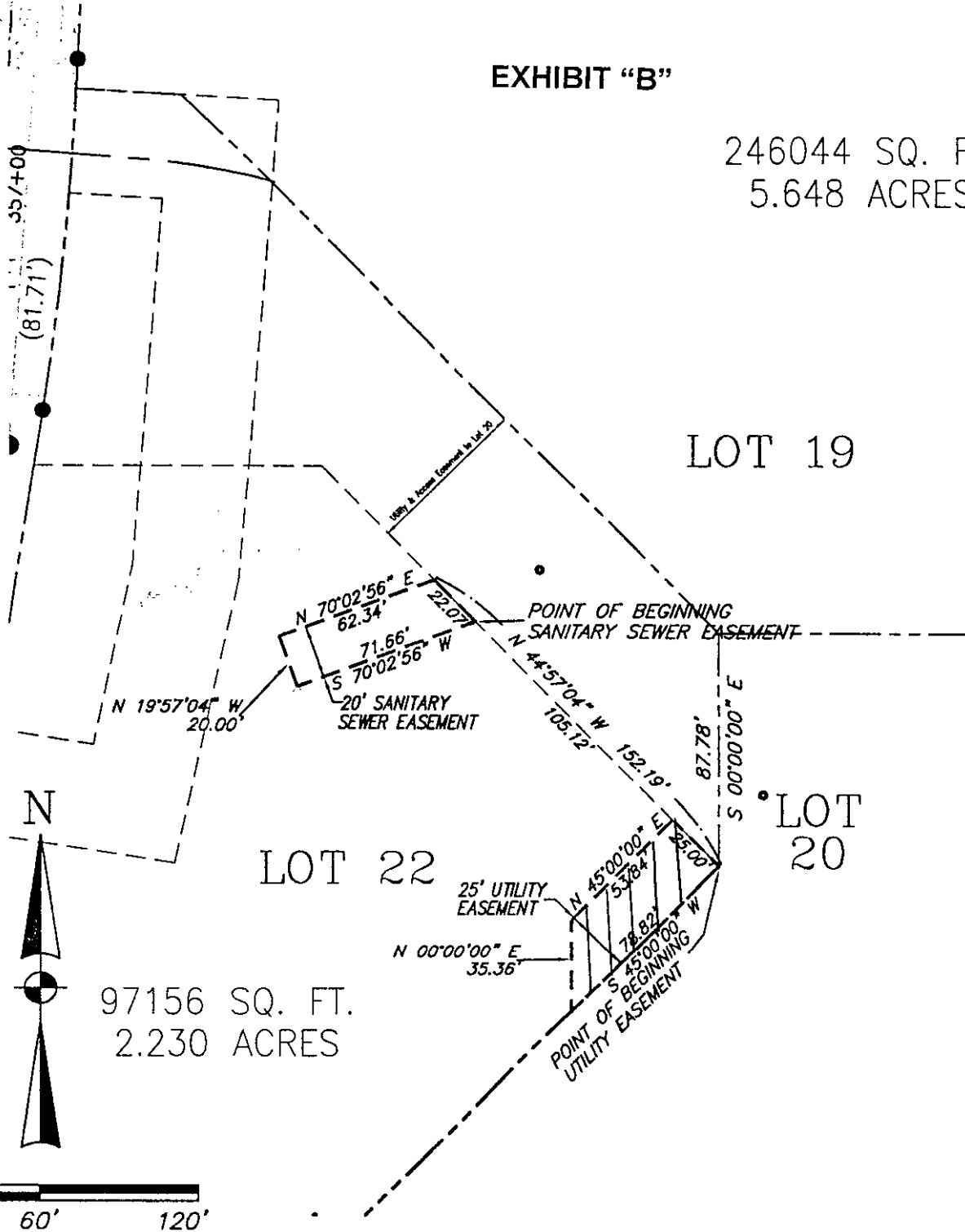
My commission expires 8/16/07

Exhibit "A"

Lot 20, Gallup University Riverfront Campus, a Subdivision, as surveyed, platted and recorded, Douglas County, Nebraska.

EXHIBIT "B"

246044 SQ. F
5.648 ACRES



25' UTILITY EASEMENT DESCRIPTION

A TRACT OF LAND FOR UTILITY EASEMENT PURPOSES LOCATED IN LOT 22, GALLUP UNIVERSITY RIVERFRONT CAMPUS, A SUBDIVISION, AS SURVEYED PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: REFERRING TO THE NORTHWEST CORNER OF LOT 20 OF SAID SUBDIVISION, SAID POINT ALSO BEING A CORNER ON THE EAST LINE OF SAID LOT 22; THENCE S 00°00'00" E (ASSUMED BEARING), 87.78 FT. ON THE EAST LINE OF SAID LOT 22 TO THE POINT OF BEGINNING; THENCE S 45°00'00" W, 78.82 FT. ON SAID EAST LINE; THENCE N 00°00'00" E, 35.36 FT.; THENCE N 45°00'00" E, 53.84 FT. TO THE SOUTH LINE OF AN EXISTING UTILITY AND ACCESS EASEMENT TO LOT 20; THENCE S 44°57'04" E, 25.00 FT. ON SAID SOUTH LINE TO THE POINT OF BEGINNING, CONTAINING 1658.2 SQ. FT. MORE OR LESS.

ORDINANCE NO. 364/12

AN ORDINANCE to transfer permanent easements in land to Riverfront NPS, Inc., a Nebraska corporation for purposes of constructing, maintaining, repairing, operating and replacing a sanitary sewer and for the purpose of constructing, inspecting, maintaining, repairing, operating and replacing any necessary utility lines and appurtenances thereto for the National Park Services facility; to authorize the Mayor to execute the attached Easement and Right-Of-Way; and to provide an effective date thereof

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

Section 1. That the City of Omaha, notwithstanding the procedure outlined in Section 27-51 to 27-75 of the Omaha Municipal Code will transfer to the Riverfront NPS, Inc. permanent easements to the extent identified in Exhibits "A" and "B" attached hereto and to the extent it has any interest in the following piece of property:

Lots 22, Gallup University Riverfront Campus, a subdivision surveyed, platted and recorded in Douglas County, Nebraska.

Section 2. That the Mayor of the City of Omaha shall be authorized to execute the Easements and Right-of-Ways attached to this Ordinance.



ORDINANCE NO. 36412
PAGE 2

Section 3. That this ordinance shall be in full force and take effect on the date of its passage.

INTRODUCED BY COUNCILMEMBER

James D. Volk Jr.

APPROVED BY:

Mike Jaley 10/2/03
MAYOR OF THE CITY OF OMAHA DATE

PASSED SEP 30 2003 7-0

ATTEST:

[Signature] 10/2/03
CITY CLERK OF THE CITY OF OMAHA DATE

APPROVED AS TO FORM:

[Signature] 9-02-03
CITY ATTORNEY DATE
SPECIAL PROJECTS

P:\Law1\9327pjm.doc

I hereby certify that the foregoing is a true and correct copy of the original document now on file in the City Clerk's Office.

[Signature]
BY _____ CITY CLERK

1824
ORDINANCE NO. 30412

Wag. / Coning S

2003 OCT -3 PM 3:56
CITY CLERK

AN ORDINANCE to transfer permanent easements in land to Riverfront NPS, Inc., a Nebraska corporation for purposes of constructing, maintaining, repairing, operating and replacing a sanitary sewer and for the purpose of constructing, inspecting, maintaining, repairing, operating and replacing any necessary utility lines and appurtenances thereto for the National Park Services facility; to authorize the Mayor to execute the attached Easement and Right-Of-Way; and to provide an effective date thereof.

25 ✓

PRESENTED TO COUNCIL

1st Reading SEP 16 2003 - Hearing
9/23/03

Hearing SEP 23 2003 - Answer
9/29/03

Final Reading SEP 30 2003

Passed 7-0

PUBLICATIONS

PUBLICATION OF HEARING

Date _____

PUBLICATION OF ORDINANCE

Date _____

BUSTER BROWN
City Clerk