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MISCELLANEOUS RECORD, No. 85

LESSOR'S ACKNOWLEDGMENT

State of Nebr.)
County of Douglas.) SS.

On this 11th day of August, 1928, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the above named Lessor, personally known to me, and to me acknowledged that Lessor executed the above and foregoing lease for the uses, purposes and considerations therein expressed, and that the execution of the same was the free and voluntary act and deed of the Lessor, and I further certify, if Lessor is a corporation, it appeared by the officer who signed on its behalf, and such officer to me acknowledged that the execution of said lease was by authority duly granted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and the year last above written.

My commission expires: Febr. 27, 1932



Ula Albert,
Notary Public.

LANDOWNER'S CONSENT

The undersigned, owner (herein referred to in the singular number whether one or more) of the premises hereinabove described, hereby consents to the subletting of same in accordance with the above and foregoing agreement.

Witness:

John Incontro, Owner.

State of Nebraska)
County of Douglas) SS.

Entered in Numerical Index and filed for Record in the Register of Deeds Office of said County, the 26th day of December, A. D. 1928, at 9:00 o'clock A. M.
Harry Pearce,

Register of Deeds.

Compared by W&F.

2. Agreement.)
Metropolitan Utilities District) created Water Main District No. 1328, said water main being
and) located in Sprague Street from 70th Avenue to 72nd Street,
Francis X. Clark, Jr.) and in 72nd Street from Sprague Street to Military Avenue,
and whereas Francis X. Clark, Jr. owns real estate abutting both Sprague Street and 72nd Street
and

WHEREAS the Directors of the Metropolitan Utilities District having duly advertised and notified all persons interested in the creation of said district, sat as a Board of Equalization on December 5th, 1928, for the purpose of equalizing and assessing special taxes against property benefitted thereby, for the payment of said water main, and

WHEREAS it appears that the real estate owned by Francis X. Clark, Jr., may not be immediately benefitted in the full amount of the proposed tax of \$769.33, it is agreed by and between the parties hereto that the tax of \$340.88, on that real estate abutting 72nd Street and owned by said Clark be canceled upon the condition that, in the event Francis X. Clark,

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Jr., his assigns, or the owners or proprietors of the real estate referred to, at any time in the future becomes a user or connects with the water main in 72nd Street, he or they shall, as a condition precedent thereto, pay to the Metropolitan Utilities District the sum of \$340.88 without interest.

NOW THEREFORE, in consideration of the aforesaid and in consideration of the Metropolitan Utilities District deferring said tax of \$340.88 herein referred to, Francis X. Clark, Jr., his successors, grantees and assigns, agree, that in the event that he or the owners of the South 106 feet of lot 2, and all of lot 3, block 94, Original City of Benson, at any future time connects with or becomes a user of water from the water main in 72nd Street between Sprague Street and Military Avenue, there shall be paid to the Metropolitan Utilities District, the sum of \$340.88, without interest as condition precedent to such service.

This agreement shall be binding upon the parties hereto, their successors, grantees or assigns.

Witness:

Dwight D. Long

Witness:

Wyman Woodyard

METROPOLITAN UTILITIES DISTRICT

By T. A. Leisen, General Manager

By Francis X. Clark, Jr.

State of Nebraska,)
County of Douglas.)SS.

On this 20 day of December, 1928, before me, a Notary Public duly commissioned and qualified in and for Douglas County, Nebraska, personally came Theodore A. Leisen, General Manager of Metropolitan Utilities District, who is personally known to me to be the identical person whose name is affixed to the above instrument, and acknowledged the same to be his voluntary act and deed and the voluntary act and deed of Metropolitan Utilities District.



W. J. Barber,
Notary Public.

State of Nebraska,)
County of Douglas.)SS.

On this 17 day of December, 1928, before me, a Notary Public duly commissioned and qualified in and for Douglas County, Nebraska, personally came Francis X. Clark, Jr., who is personally known to me to be the identical person whose name is affixed to the above instrument and acknowledged the same to be his voluntary act and deed.



Wyman Woodyard,
Notary Public.

State of Nebraska)
County of Douglas)SS.

Entered in Numerical Index and filed for Record in the Register of Deeds Office of said County, the 26th day of December, A. D. 1928, at 9:30 o'clock A. M. Harry Pearce,

Register of Deeds.

Compared by W&F.