

1338-15

QUITCLAIM DEED

UNION PACIFIC RAILROAD COMPANY, a Utah corporation, Grantor, in consideration of the sum of Ten Dollars (\$10.00), and other valuable consideration to it duly paid, the receipt whereof is hereby acknowledged, does hereby REMISE, RELEASE and forever QUITCLAIM unto CUPROW PARTNERS, a Nebraska Partnership, Grantee, whose address is c/o City Bank & Trust Co., 1135 Main Street, Crete, Nebraska 68333 and unto its successors and assigns forever, all of Grantor's right, title, interest, estate, claim and demand, both at law and in equity, of, in, and to the real estate consisting of 67.948 acres more or less, situated in Sections 7 and 8, Township 7 North, Range 5 East in Lancaster County, Nebraska and Sections 12, 1 and 2 in Township 7 North, Range 4 East and Sections 33 and 34, Township 8 North, Range 4 East in Saline County, Nebraska, as more particularly described in Exhibit A, hereto attached and hereby made a part hereof.

EXCEPTING from this quitclaim the railroad trackage and track appurtenances thereto, now located upon, along and across the property described in Exhibit A, and RESERVING unto the Grantor, its successors and assigns, a PERPETUAL EASEMENT as described in Exhibit A together with the right of ingress and egress thereto, for the construction, maintenance, operation, repair, renewal, reconstruction, and, if necessary, removal of railroad trackage along, across and within the easement area described in Exhibit A.

This deed is made SUBJECT to the following:

- (a) That certain Mineral Deed dated as of April 1, 1971, from Union Pacific Railroad Company to Union Pacific Land Resources Corporation wherein Union Pacific Railroad Company conveyed all its right, title and interest in and to all minerals and mineral rights of every kind and character now known to exist or hereafter discovered in and underlying the land described in Exhibit A hereto attached, including, without limiting the generality of the foregoing, oil and gas and rights thereto, together with the sole, exclusive and perpetual right to explore for, remove and dispose of, said minerals by any means or methods suitable to Union Pacific Land Resources

NEBRASKA DOCUMENTARY	
STAMP TAX	
Date	Nov. 15, 1990
\$	333.00 By <i>[Signature]</i>

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Corporation, its successors and assigns, but without entering upon or using the surface of said land, and in such manner as not to damage the surface of said land or to interfere with the use thereof by Union Pacific Railroad Company, its successors and assigns.

- (b) All taxes and all assessments levied upon or assessed against the premises described in Exhibit A for any period of time prior to and including the date of this deed shall be payable by the Grantor; all taxes and all assessments levied upon or assessed against the premises described in Exhibit A for any period of time after the date of this deed shall be payable by the Grantee; and the Grantee assumes and agrees to pay, or to reimburse the Grantor for, if paid by it, all such taxes and assessments for the period of time after the date of this deed.

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging; TO HAVE AND TO HOLD, subject to the aforesaid provisions, the property described in Exhibit A unto the said Grantee and unto its successors and assigns.

AND WHEREAS, Union Pacific Railroad Company did, on the first day of June, 1940, execute and deliver to The Chase National Bank of the City of New York a certain mortgage deed wherein and whereby the Railroad Company conveyed to The Chase National Bank of the City of New York as Trustee for the uses and purposes therein mentioned, among other things, the land described in Exhibit A; and

WHEREAS, The Chase National Bank of the City of New York was, on the 31st day of March, 1955, merged into the Bank of the Manhattan Company under the name of The Chase Manhattan Bank, and thereby The Chase Manhattan Bank became successor to The Chase National Bank of the City of New York as Trustee of such mortgage, and on September 23, 1965, The Chase Manhattan Bank was converted into The Chase Manhattan Bank (National Association) and its name changed thereto without affecting the continuity of its business or corporate existence. Such bank is hereinafter referred to as The Chase Manhattan Bank.

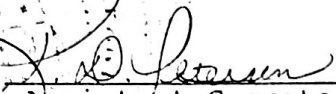
NOW THEREFORE, Know All Men By These Presents, that THE CHASE MANHATTAN BANK, Trustee under the aforesaid mortgage deed, in consideration of the premises, does hereby REMISE, RELEASE and forever QUITCLAIM, subject, however, to the provisions aforesaid, unto the Grantee, its successors and assigns, forever, its entire right, title and interest.

as Trustee in and to the real estate described in Exhibit A, to be held by the Grantee free and exempt from all liens, encumbrances and charges of such mortgage deed of the first day of June, 1940.

This deed is executed by the Trustee without covenant or warranty, express or implied, and without recourse against it in any event. The Recitals herein contained are made upon representation of the Grantor and the Trustee assumes no responsibility therefor.

IN WITNESS WHEREOF, the Grantor, UNION PACIFIC RAILROAD COMPANY, and THE CHASE MANHATTAN BANK, Trustee under mortgage deed dated June 1, 1940, each has caused this deed to be duly executed on its part as of the 25<sup>th</sup> day of OCTOBER, 1940.

Attest)

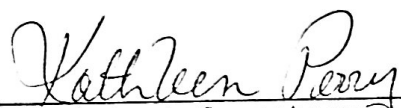
  
Assistant Secretary

(Seal)

UNION PACIFIC RAILROAD COMPANY,

By   
Executive Vice President-Operation

Attest:

  
Assistant Secretary

(Seal)

THE CHASE MANHATTAN BANK  
(National Association), Trustee

By   
Vice President



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UNION PACIFIC  
OMAHA

ACKNOWLEDGEMENT

STATE OF NEBRASKA     )  
                                  ) ss.  
COUNTY OF DOUGLAS    )

The foregoing instrument was acknowledged on this 25<sup>th</sup> day of OCTOBER, 1990, before me, a Notary Public duly commissioned, qualified and acting, within and for the said County and State, by R. K. Davidson and K.D. PETERSEN, to me personally known, who stated that they were respectively the Executive Vice President-Operation and Assistant Secretary, respectively, of Union Pacific Railroad Company, a Utah corporation, and were duly authorized in their respective capacities to execute the foregoing instrument for and in the name and behalf of said corporation, and further stated and acknowledged that they had so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

Milli M. Scheer  
Notary Public

My commission expires:

Aug. 17, 1993



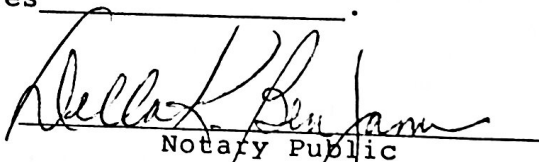
G. O. 1990 WAJ  
95821  
UNION PACIFIC  
AHAMO

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

On this 23<sup>rd</sup> day of October, 1990, before me, a Notary Public in and for said County in the State aforesaid, personally appeared C. J. HEINZELMANN, to me personally known, and to me personally known to be a Vice President of THE CHASE MANHATTAN BANK (National Association), and to be the same person whose name is subscribed to the foregoing instrument, and who, being by me duly sworn, did say that he/she is a Vice President of The Chase Manhattan Bank (National Association); that the seal affixed to said instrument is the corporate seal of said corporation; and that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors; and the said C. J. HEINZELMANN acknowledged said instrument to be his/her free and voluntary act and deed, and the free and voluntary act and deed of said corporation, by it voluntarily executed, for the uses specified therein.

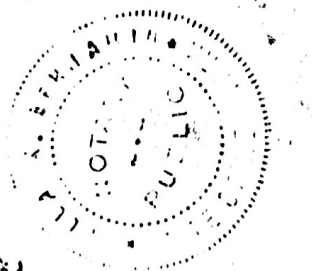
IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

My commission expires \_\_\_\_\_.

  
Notary Public

DELLA K. BENJAMIN  
Notary Public, State of New York  
No. 24-4659667  
Qualified in Kings County  
Certificate Filed in New York County  
Commission Expires April 30, 1991

(Seal)



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LD.340.1

UNION PACIFIC RAILROAD COMPANY  
LANCASTER & SALINE COUNTIES, NEBRASKA

EXHIBIT "A"

UNION PACIFIC RAILROAD COMPANY - GRANTOR  
CUPROW PARTNERS - GRANTEE

LANCASTER COUNTY, NEBRASKA

All right, title and interest in and to the right-of-way of the abandoned Crete Branch of the Union Pacific Railroad Company, situate in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  and the S $\frac{1}{2}$  of Section 7 and in the S $\frac{1}{2}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$  and the W $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 8, all in Township 7 North, Range 5 East of the Sixth Principal Meridian in Lancaster County, Nebraska, and extending southwesterly, westerly and northwesterly from a straight line drawn to the centerline of main track of said abandoned Crete Branch, as formerly constructed and operated, at a point thereon that is 495.0 feet distant northeast, measured along said centerline of main track, from the north-south centerline of said Section 8 to the west line of said Section 7.

Containing an area of 22.76 acres, more or less.

SALINE COUNTY, NEBRASKA

All right, title and interest in and to the right-of-way of the abandoned Crete Branch of the Union Pacific Railroad Company, situate in NE $\frac{1}{4}$  of Section 12, in the SW $\frac{1}{4}$ SE $\frac{1}{4}$  and the SW $\frac{1}{4}$  of Section 1, and in the E $\frac{1}{2}$ SE $\frac{1}{4}$ , the SW $\frac{1}{4}$ NE $\frac{1}{4}$  and the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 2, all in Township 7 North, Range 4 East of the Sixth Principal Meridian in Saline County, Nebraska.

Containing an area of 25.57 acres, more or less.

Also, all right, title and interest in and to the right-of-way of the abandoned Crete Branch of the Union Pacific Railroad Company, situate in Blocks 24, 23, 22, 21 and 20 of the City of Crete formerly known as Blue River City, and in Blocks 3 and 4 of Bickle's Addition, and in Blocks 252, 245, 228, 223, 222, 204, 197, 196, 188, 181, 182, 183, 169, 168, 167, 164, 163, 162, 161 and 160, together with portions of vacated Forest, Norman, Oak, Quince, Tenth and Ninth Streets and all vacated alleys located adjoining to and lying within the aforementioned blocks, all in the City of Crete, Saline County, Nebraska.

Containing an area 19.448 acres, more or less.

Also, all right, title and interest in and to the right-of-way of the abandoned Crete Branch of the Union Pacific

LD.340.2

Railroad Company situate in Lots 13, 14, 15 and 16 of Block 170 in the City of Crete, Saline County, Nebraska.

Containing an area of 0.17 of an acre, more or less.

Excepting therefrom all railroad trackage and appurtenances located on said Blocks 3 and 4 of Bickel's Addition, and said Blocks 21, 22, 23 and 24 of the City of Crete formerly known as Blue River City, and said Blocks 163, 162 and 161, and said vacated portions of Tenth, Quince, Oak and Norman Streets and said vacated alleys, all in the City of Crete, Saline County, Nebraska, and reserving therefrom an easement underlying said trackage and appurtenances for the operation, maintenance, reconstruction and removal of said trackage and appurtenances, said easement being 15.0 feet, measured at right angles and/or radially, on each side of the centerlines of said trackage, as now constructed and operated.

Office of Contracts and Real Estate  
Omaha, Nebraska  
October 4, 1990

#9	✓	✓	✓	
JK				

From, Chg. and Return to:  
Paul Schelstraete  
1135 Main Street  
Crete, NE 68333  
Fee: \$50.50 Chg.

STATE OF NEBRASKA }  
SALINE COUNTY } ss

Entered in numerical index and filed  
for record, the 18 day of December  
19 90 at 4:30 o'clock P. M. and record-  
ed in Book 244 of Records Page 35-41

*Norma R. Ryan*  
County Clerk