

22953
AVIGATION AND NOISE EASEMENT AND COVENANT AGREEMENT

INDENTURE made this 30th day of November, 1973,
between EDWARD E. WILCZEWSKI, hereinafter
called "Grantor", and Airport Authority of the City of Lincoln,
a public body corporate and politic, hereinafter called "Airport
Authority":

WHEREAS, Grantor is the owner in fee simple of a certain
tract of land situated in Lancaster County, State of Nebraska,
generally known as "The Highland", more particularly described in
Exhibit "A" attached hereto, said tract of land being hereinafter
referred to as "Grantor's Land"; and,

WHEREAS, Airport Authority, as an agency of the City of
Lincoln, Nebraska, is the owner and operator of a public airport
known as Lincoln Municipal Airport situated on land adjacent or in
close proximity to the above described property; and,

WHEREAS, Grantor has agreed in consideration of One Dollar
(\$1.00) and other valuable consideration, receipt of which is
hereby acknowledged, to grant Airport Authority and City of
Lincoln, Nebraska, the following Avigation and Noise Easement
and Covenant Agreement for the right of flight and consequent
aircraft noise over Grantor's Land.

NOW THIS INDENTURE, WITNESSETH:

Grantor, for himself, his heirs, successors and assigns,
for the said consideration, hereby grants and conveys to the City
of Lincoln, Nebraska, for the use of Airport Authority, its
successors and assigns, a perpetual easement and right-of-way for
the unobstructed and unrestricted flight of aircraft in, through
and across the airspace over and above Grantor's Land, at any
altitude, and the right to make noise and cause fumes and
disturbance arising from the ground and flight operations of all

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civil and military aircraft to, from and upon Lincoln Municipal Airport, regardless of the means of propulsion.

The Grantor, for himself, his heirs, successors, and assigns, for the said consideration, does hereby grant and convey to Airport Authority, its agents, servants and employees, a continuing right and easement to remove, mark, light, or to take any action necessary to prevent the erection or growth of, any structure, tree or other object into the airspace above Grantor's Land which may constitute an obstruction to air navigation to, from or upon Lincoln Municipal Airport, together with the right of ingress to, egress from, and passage over Grantor's Land in any present or future clear zone approach area for said purposes.

The Grantor, for himself, his heirs, successors, and assigns, does hereby waive all right to and interest in any claim or cause of action against the Airport Authority or the City of Lincoln, arising out of or from, any noise, vibration, avigations, pollution or sonic disturbance of any description, caused by flight operations of civil and military aircraft regardless of the means of propulsion, to, from and upon Lincoln Municipal Airport, which may result in damage to land or to any person, structure or other property located upon Grantor's Land.

The Grantor, for the said consideration, further covenants and agrees, that if Grantor or his heirs, successors or assigns, should sell or alienate any portion of Grantor's Land, Grantor, his heirs, successors or assigns shall include in every deed or conveyance evidencing such sale or alication, a recitation that the grant is subject to all covenants and conditions contained within this Avigation and Noise Easement and Covenant Agreement, and further as a condition of such transaction, Grantor shall require each Grantee to include such recitation in any subsequent

✓ The SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ and Lot 6 I.T. all in the SE $\frac{1}{4}$ Section 33, T11N, R6E.

✓ Lots 3 and 4 I.T.'s all in the S $\frac{1}{2}$ of Section 34, T11N, R6E.

✓ Lots 20 and 21 I.T.'s all in the NW $\frac{1}{4}$ Section 4, T10N, R6E; and the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ of Section 4, T10N, R6E.

✓ Lot 5 I.T. in the NE $\frac{1}{4}$ Section 3, T10N, R6E; the NW $\frac{1}{4}$ of Section 3, T10N, R6E; Lot 3 I.T. in the SE $\frac{1}{4}$ Section 3, T10N, R6E; and the SW $\frac{1}{4}$ Section 3, T10N, R6E except the west 251.97' thereof.

✓ Lots 33, 34 and 35 I.T.'s in the NW $\frac{1}{4}$ Section 2, T10N, R6E; and Lot 30 I.T. in the SW $\frac{1}{4}$ Section 2, T10N, R6E.

✓ A tract of land located in the North 1/2 of Section 10, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska, more particularly described as follows:

Commencing at the Northeast corner of said Section 10; thence Westerly along the North line of said Section 10, a distance of 536.86 feet, to a point on the extended Easterly line of Lot 23, an irregular lot in said North 1/2 of Section 10, said point also being the Point of Beginning; thence, Southwesterly along said extended Easterly line of irregular Lot 23, a distance of 687.62 feet, more or less; thence S89°59'32"W, a distance of 4070.88 feet, more or less; thence, N00°04'25"W, a distance of 525.97 feet, more or less, to a point on said North line of Section 10; thence, Easterly along said North line of Section 10, a distance of 2002.25 feet, more or less; thence, S00°04'28"E, a distance of 369.91 feet, more or less; thence, N89°59'32"E, a distance of 1920 feet, more or less; thence, N37°05'46"E a distance of 477.55 feet, more or less, to a point on said North line of Section 10; thence, Easterly along said North line of Section 10, a distance of 276.20 feet, more or less, to the Point of Beginning.

(all except the following described tracts of land):

✓ A tract of land located in the South 1/2 of Section 34, Township 11 North, Range 6 East and the NE 1/4 of Section 3, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska, more particularly described as follows:

Commencing at the Northeast corner of said Section 3; thence Southerly along the East line of said Section 3, a distance of 576.27 feet, more or less; thence, Westerly, perpendicular to said East line of Section 3, a distance of 388.44 feet, more or less, to the Point of Beginning; thence S47°42'23"W, (assumed bearing) a distance of 345.26 feet, more or less, thence, N42°17'37"W, a distance of 857.61 feet, more or less; thence, Northwesterly along a curve to the left with a radius of 3514.10 feet, a distance of 1573.19 feet, more or less; thence, Northeasterly perpendicular to the Southwesterly right-

of-way line of U.S. Highway No. 34, a distance of 50.00 feet, more or less, to a point on said Southwesterly right-of-way of U.S. Highway No. 34; thence, Southeasterly along said Southwesterly right-of-way line of U.S. Highway No. 34, a distance of 1493.49 feet, more or less; thence $S42^{\circ}17'37''E$, a distance of 1054.10 feet, more or less; to the Point of Beginning.

A tract of land located in the $NE\frac{1}{4}$ of Section 3 and the $NW\frac{1}{4}$ of Section 2, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska, more particularly described as follows:

✓ Beginning at the Southeast corner of said $NE\frac{1}{4}$ of Section 3; thence, Westerly along the South line of said $NE\frac{1}{4}$ of Section 3, a distance of 284.13 feet, more or less; thence, $N28^{\circ}35'13''W$, (assumed bearing), a distance of 1234.11 feet, more or less; thence $N43^{\circ}02'33''E$, a distance of 593.99 feet, more or less; thence, Southwesterly on a curve to the left with a radius of 1065.04 feet, a distance of 262.79 feet, more or less; thence, southeasterly on a curve to the right with a radius of 1200.62 feet, a distance of 895.97 feet, more or less, thence, Southerly on a curve to the right with a radius of 1587.66 feet, a distance of 701.58 feet, more or less, to a point on the South line of said $NW\frac{1}{4}$ of Section 2; thence, Westerly along said South line of the $NW\frac{1}{4}$ of Section 2, a distance of 371.11 feet, more or less, to the Point of Beginning.

✓ A tract of land located in the North $1/2$ of Section 10, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska, more particularly described as follows:

Commencing at the Northeast corner of said Section 10; thence, Westerly along the North line of said Section 10, a distance of 813.06 feet, more or less, to the Point of Beginning; thence $S37^{\circ}05'46''W$, (assumed bearing), a distance of 477.55 feet, more or less; thence, $S89^{\circ}59'32''W$, a distance of 1920 feet, more or less; thence, $N00^{\circ}00'28''W$, a distance of 369.91 feet, more or less, to a point on said North line of Section 10; thence, Easterly along said North line of Section 10, a distance of 2208.12 feet, more or less, to the Point of Beginning.

✓ A tract of land located in the South $1/2$ of Section 3, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska, more particularly described as follows:

✗ Commencing at the Southeast corner of said Section 3; thence, Westerly along the South line of said Section 3, a distance of 813.06 feet, more or less, to the Point of Beginning; thence, continuing Westerly along said South line of Section 3, a distance of 2208.12 feet, more or less; thence $N00^{\circ}00'28''W$, (assumed bearing), a distance of 64.32 feet, more or less; thence Northeasterly on a curve to the left with a radius of

2523.90 feet and central angle of $27^{\circ}16'01''$, and whose initial tangent is $N79^{\circ}43'38''E$, a distance of 1201 feet, more or less; thence, $N52^{\circ}27'37''E$, a distance of 513.52 feet, more or less; thence, Northeasterly on a curve to the right with a radius of 1779.14 feet and a central angle of $25^{\circ}50'19''$, a distance of 802 feet, more or less; thence, $S08^{\circ}23'44''E$, a distance of 453.09 feet, more or less; thence Southeasterly on a curve to the left with a radius of 685.39 feet, a distance of 431 feet, more or less, to a point 100 feet Northwesterly of the Northwesterly right-of-way line of Interstate Highway No. 80; thence, Southwesterly on a line parallel to and 100 feet Northwesterly of said Northwesterly right-of-way line of Interstate Highway No. 80, a distance of 441.28 feet, more or less, to the Point of Beginning.

* A tract of land located in the North 1/2 of Section 4, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska, more particularly described as follows:

Beginning at the Southeast corner of the $SW\frac{1}{4}$ of the $NE\frac{1}{4}$ of said Section 4; thence, Westerly along the South line of said North 1/2 of Section 4, a distance of 1290.47 feet, more or less, to a point on the Northeasterly right-of-way line of the Union Pacific Railroad; thence, Northwesterly along said Northeasterly right-of-way line of the Union Pacific Railroad, a distance of 3524 feet, more or less, to a point on the South right-of-way line of W. Fletcher Ave.; thence, Easterly along said South right-of-way line of W. Fletcher Ave., a distance of 3734.56 feet, more or less, to a point on the West line of the East 1/2 of said $NE\frac{1}{4}$ of Section 4; thence $S39^{\circ}40'56''E$, (assumed bearing), a distance of 125 feet, more or less; thence $S50^{\circ}19'04''W$, a distance of 454.69 feet, more or less; thence, Southerly on a curve to the left with a radius of 944.78 feet, a distance of 839.93 feet, more or less; thence, $S00^{\circ}37'09''E$, a distance of 745 feet, more or less; thence Easterly on a curve to the left with a radius of 595 feet, a distance of 934.62 feet, more or less, to a point 50 feet North of said South line of the N 1/2 of Section 4; thence, Southerly perpendicular to said South line of the N 1/2 of Section 4, a distance of 50 feet, to the Point of Beginning.

INDEXED 612-421
 MICRO-FILED 612-425
 GENERAL 6-571
 6-567
 6-563
 6-603

LANCASTER COUNTY, NEBRASKA
 REGISTER OF DEEDS
 1973 DEC -3 PM 3:38

FILED FOR RECORD AS:

\$19.75

INST. NO. 73- 22953

Misc

*Barney + Carter
 911 Anderson Bldg. 08*