

PARTIAL RELEASE OF EASEMENT

WHEREAS, by virtue of the following instruments, duly recorded in the records of the Register of Deeds in and for Douglas County, Nebraska:

Grant dated October 4, 1940, made by Walter Duda and Lucy E. Duda to American Telephone and Telegraph Company of Nebraska, and recorded in Book 149, page 556, of the Miscellaneous Records, describing the East Half of the South 514 $\frac{2}{5}$ feet of the North 1576 $\frac{1}{5}$ feet of the Northwest Quarter and the South 514 $\frac{2}{5}$ feet of the North 2090 $\frac{3}{5}$ feet of the Northwest Quarter of Section 2, Township 14 North, Range 12 East;

Grant dated September 27, 1940, made by Marguerite C. Knobbe and Gust Knobbe to American Telephone and Telegraph Company of Nebraska, and recorded in Book 149, page 282, of the Miscellaneous Records, and Grant dated October 5, 1940, made by Home Owners' Loan Corporation to American Telephone and Telegraph Company of Nebraska, and recorded in Book 149, page 281, of the Miscellaneous Records, both grants describing the West Half of the South 514 $\frac{2}{5}$ feet of the North 1576 $\frac{1}{5}$ feet of the Northwest Quarter of Section 2, Township 14 North, Range 12 East;

Grant dated August 4, 1964, made by Westwood Development Company to American Telephone and Telegraph Company, and recorded in Book 416, page 441, of the Miscellaneous Records, describing the South 514.2 feet of the Northeast Quarter of Section 3, and the East 633 feet of the South 514.4 feet of the North 2090.6 feet of Section 3, both in Township 14 North, Range 12 East;

Grant dated August 3, 1964, made by Cornhusker Homes Company to American Telephone and Telegraph Company, and recorded in Book 416, page 353, of the Miscellaneous Records, describing Lots 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296 and 311 of Mockingbird Heights Replat, a subdivision in Douglas County, Nebraska, according to the plat thereof recorded February 2, 1963 in Deed Book 1176, page 375;

the said Grantors granted to Grantees, their associated and allied companies, and their respective successors and assigns, a right of way and easement to construct, operate, maintain, replace and remove such communications systems as the Grantees may from time to time require, consisting of underground cables, wires, conduits and manholes, drains and splicing boxes, and surface testing terminals, repeaters and markers, and other appurtenances upon, over and under a strip of land one rod wide across the lands which the said Grantors then owned or in which they had any interest in Section 2 and Section 3, Township 14 North, Range 12 East, Douglas County, Nebraska, more particularly described hereinabove, and

WHEREAS, the said American Telephone and Telegraph Company of Nebraska and American Telephone and Telegraph Company, under the terms and conditions of the respective grants, did construct an underground communications system consisting of underground cables, wires, conduits, manholes, drains and splicing boxes and surface testing terminals, repeaters and markers and other appurtenances upon, over and under a strip of land one rod wide extending across the said properties situate in Section 2 and Section 3, Township 14 North, Range 12 East, Douglas County, Nebraska, which communications system is yet existent; and

WHEREAS, the properties described in said easements and traversed by said right of way have since been subdivided and are now known as Cornhusker Industrial Park, Inc. according to the plats thereof recorded in Book 1236, page 545, and in Book 1242, page 167, and Mockingbird Heights Replat, according to the plat thereof recorded in Book 1176, page 375, in the Deed Records in the Douglas County Courthouse; and

WHEREAS, the subdividers and developers of Cornhusker Industrial Park, Inc. and Mockingbird Heights Replat, considering the location of the right of way to be indefinitely described in the easements, have requested through Gollison and Schemmer, Inc., Engineers, Planners and Architects, that the location of the said one rod wide right of way and easement, as it traverses the said subdivisions, be more definitely defined and that all areas of Cornhusker Industrial Park, Inc., and Mockingbird Heights Replat, described in the said easements but lying outside the one rod wide right of way, not required for Grantees' enjoyment of its rights under the easements, be released from the burden of the easements.

NOW, THEREFORE, American Telephone and Telegraph Company, a New York corporation, for itself and as successor in interest to American Telephone and Telegraph Company of Nebraska and for its associated and allied companies, its and their successors, assigns, lessees and agents, for good and valuable consideration, the receipt of which is hereby acknowledged, agrees that the clause of said grants of right of way and easement dated October 4, 1940 and recorded in Book 149, page 556, September 27, 1940 and recorded in Book 149, page 282, October 5, 1940 and recorded in Book 149, page 281, August 4, 1964 and recorded in Book 416, page 441, and August 3, 1964 and recorded in Book 416, page 353,

of the Miscellaneous Records in the office of the Register of Deeds of Douglas County, Nebraska, which establishes the location of the said one rod wide strip, shall henceforth be amended and superseded as to the specific grant, to the extent and in the manner following:

"The boundaries of the said one rod wide strip shall be lines parallel to and 3 feet Northerly and $13\frac{1}{2}$ feet Southerly (measured at right angles) of the following described base line,"

1. Easement dated October 4, 1940, granted by Walter Duda and Lucy E. Duda, Easement dated September 27, 1940, granted by Marguerite C. Knobbe, et vir, and Easement dated October 5, 1940, granted by Home Owners' Loan Corporation:

"Beginning on the north boundary of Lot 9 of Block 7 of Cornhusker Industrial Park, at a point approximately 60 feet west of the northeast corner of said Lot 9, thence Southwesterly, crossing Lots 9, 8, 7, 6 and 5 of Block 7, to a point on the south boundary of Lot 5 approximately 35 feet east of its southwest corner;" and

"Beginning at the northwest corner of Lot 4 and the northeast corner of Lot 3 of Block 6 of Cornhusker Industrial Park, crossing the northwest corner of Lot 4, and continuing Southwesterly across Lots 3, 2 and 1 of Block 6, to the west boundary of Lot 1 at a point approximately 212 feet south of its northwest corner;"

2. Easement dated August 4, 1964, granted by Westwood Development Company:

"Beginning at a point on the east boundary and 37.5 feet north of the southeast corner of Lot 5, Block 5 (Parcel "B") of Cornhusker Industrial Park, thence from said point of beginning Southwesterly, forming an interior angle of $64^{\circ}16'35''$ with the east boundary of Lot 5, a distance of 470.7 feet to a point, said point being 14.6 feet southeasterly, measured at right angles, from the southeast boundary of "K" Street; thence left, an interior angle of $154^{\circ}57'00''$, 153.9 feet to a point, said point being 17.7 feet southeasterly, measured at right angles, from the southeast boundary of "K" Street; thence left, an interior angle of $166^{\circ}30'35''$, 243.2 feet to a point, said point being 23.8 feet east of the easterly boundary of "K" Street, measured along the following course; thence right, an interior angle of $115^{\circ}23'05''$, and 11.5 feet north and parallel to the north boundary of "L" Street, 455.97 feet to a point; thence left, an interior angle of $134^{\circ}14'20''$, 15 feet, more or less, to a point on the north boundary of "L" Street;"

3. Easement dated August 3, 1964, granted by Cornhusker Homes Company:

"Beginning at a point on the east boundary of Lot 286 of Mockingbird Heights Replat, a subdivision in Douglas County, Nebraska, according to a plat thereof recorded February 2, 1963, in Deed Book 1176, page 375, of the records in the office of the Register of Deeds of Douglas County, Nebraska, and continuing thence Westerly on a

line 5 feet north of the south boundary of Lots 286, 289, 290, 291, 292, 293, 294, 295, 296 and 311 to a point 5 feet north and 28 feet east of the southwest corner of said Lot 311, thence Southwesterly to the west boundary of the Northwest Quarter of the Southwest Quarter of Section 3, Township 14 North, Range 12 East, Douglas County, Nebraska;"

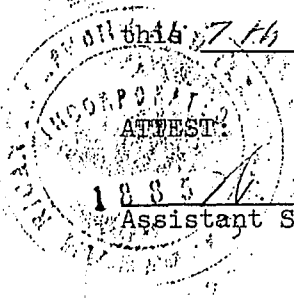
and said American Telephone and Telegraph Company, for itself and for its successors and assigns, further agrees to, and by these presents does remise, release and quitclaim all right, title and interest that it has or may have by virtue of the aforesaid grants of right of way and easement in and to that portion of Cornhusker Industrial Park, Inc., and Mockingbird Heights Replat, subdivisions of Douglas County, Nebraska, according to the plats thereof recorded in the Deed Records in the Douglas County Courthouse in Book 1176 at page 375, Book 1236 at page 545 and in Book 1242 at page 167, lying beyond and outside of the one rod wide strip as hereinabove specifically described.

PROVIDED, HOWEVER, that in the event of any dispute, at any time, over the location of said right of way strip as herein redefined, arising from or attributable to any error in the location of the base line of said one rod wide strip as imposed by the makers upon the said plats of Cornhusker Industrial Park, Inc. and Mockingbird Heights Replat, which base line purports to be the location of the "first cable laid" and from which the above redefinition of the location of the one rod wide strip is developed, then, in that event, the location of said one rod wide strip shall again be determined as provided for in the said grants of right of way and easement hereinabove described, which states that "the northerly boundary of the said one rod wide strip shall be a line parallel to and three feet north of the first cable laid."

EXCEPT for the redefining of the location of the one rod wide right of way and easement across the said lands, the said grants of right of way and easement shall otherwise remain in full force and effect as to all lands not specifically quitclaimed.

IN WITNESS WHEREOF, American Telephone and Telegraph Company has caused this instrument to be executed by its duly authorized representatives

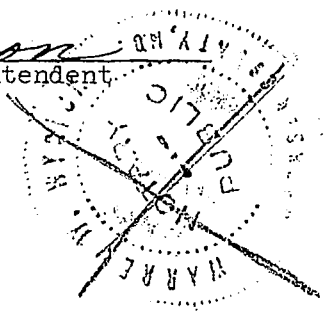
this 7th day of NOVEMBER, 1966.



A. A. Fisher
Assistant Secretary

AMERICAN TELEPHONE AND TELEGRAPH COMPANY

By W. Johnson
Right of Way Superintendent



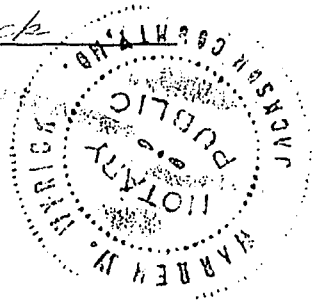
STATE OF MISSOURI)
COUNTY OF JACKSON) SS

On this 7 day of November, 1966, before me, a Notary Public, in and for said County, personally came the above named Right of Way Superintendent of American Telephone and Telegraph Company, who is personally known to me to be the identical person whose name is affixed to the above instrument as Right of Way Superintendent of said corporation and acknowledged the instrument to be his voluntary act and deed and the voluntary act and deed of said corporation.

Witness my hand and notarial seal, the date last aforesaid.

My commission expires on the 29 day of AUGUST, 1966.

Harren A. Aycock
Notary Public



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RECEIVED

1966 DEC 2 PM 2 55

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

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613

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