

15-15-10

BOOK 1491 PAGE 319

QUIT CLAIM DEED

The County of Douglas, Nebraska, pursuant to the resolution of the Douglas County Board of Commissioners dated the 9th day of October, 1973, does hereby quit claim, grant, bargain, sell, convey and confirm unto PENTZIEN, INC. all of the right which said County may have in any drainage easements running in a general north-south direction by virtue of the dissolution of the Elkhorn Valley Drainage District across the following described real property:

The south one-half of Section Fifteen (15),
Township Fifteen (15) North, Range Ten (10)
East of the 6th P.M.

The grant of such north-south easement shall include, but shall not be limited to, the easements arising out of the following described conveyances and/or condemnations over the said real estate:

1. A Deed recorded in Book 302, Page 444, of the Douglas County Register of Deeds office on May 26, 1910 from Daniel G. Hopper and Emilie S. Hopper to Elkhorn Valley Drainage District conveying the following land in Douglas County, Nebraska, to-wit:

A strip or piece of land 50 feet wide, being 25 feet wide on the westerly side, and 25 feet wide on the easterly side of the center line of the cutoff ditch, drainage ditch or levee, each or all as the case may be, as the same is now surveyed and located by second party, and extending across from the north side to the south side of the SE 1/4 of Section 15, Township 15, Range 10 together with any and all desired access thereto by said drainage district, its agents, contractors, representatives and employees, across other portions of said land of the first parties; said land to be used perpetually, according to the present or future plans of said drainage district, its successors and assigns, for drainage purposes, First parties

hereby release all damages and claims thereto on account of and by reason of the occupancy and use of said land as above mentioned.

2. A Deed recorded in Book 390, Page 636, of the Douglas County Register of Deeds office on February 25, 1916 from Daniel G. Hopper and Emilie S. Hopper, husband and wife, to Elkhorn Valley Drainage District conveying the following described real estate in Douglas County, Nebraska, to-wit:

A strip or piece of land 4 rods wide being 2 rods wide on the west side and 2 rods wide on the east side of the center line of the cutoff ditch, drainage ditch or levee, each or all as the case may be, as the same is now surveyed and located by second party, and extending across from about the center of the Southeast one-quarter of Section 15 due south to the south line of Section 15, in Township 15, Range 10, together with any and all desired access thereto by said drainage district, its agents, contractors, representatives and employees, across other portions of said land of first parties.

Said lands to be used perpetually according to the present or future plans of said drainage district, its successors and assigns, for drainage purposes.

Said first parties also grant the right to throw dirt so far as desired outside of and adjoining said strip of ground.

First parties hereby release all damages and claims thereto on account and by reason of the occupancy and use of said land, as above mentioned.

3. A condemnation proceeding filed in Book M-59, Page 476 in the Douglas County Court on March 6, 1923 entitled "In the Matter of Condemnation Proceedings by Elkhorn Valley Drainage District for the Purchase of Right-of-Way over Certain Lands within Douglas County, Nebraska in Connection with Extension of District's Ditch Number 3" relative to the following described

real estate in Douglas County, Nebraska, to-wit:

The East 3 rods of the South 1700 feet of West 1/2 of SE 1/4 of Section 15, Township 15, Range 10 containing 1.93 acres and the West 3 rods of the South 1700 feet of East 1/2 of the SE 1/4 of Section 15, Township 15, Range 10 containing 1.93 acres.

This conveyance is being made to PENTZIEN, INC. on consideration of its conveyance to Douglas County of easement over the course of the drainage ditch as it now exists and for the additional consideration of the indemnity agreement of PENTZIEN, INC. as contained in said conveyance.

IN WITNESS WHEREOF, Grantor has hereon caused its seal to be affixed and these presents to be signed by the Chairman of the Board of Commissioners of the County of Douglas, Nebraska, this 9th day of October, 1973.

ATTEST

David W. Kilmer
County Clerk

BOARD OF COMMISSIONERS OF THE COUNTY OF DOUGLAS, NEBRASKA

By *Daniel C. Lynch*
Chairman

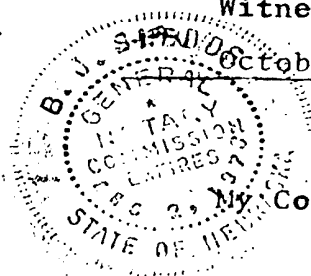
STATE OF NEBRASKA)
COUNTY OF DOUGLAS) SS

Before me, a notary public, qualified in said County, personally came Daniel C. Lynch, Chairman of the Board of Commissioners of the County of Douglas, Nebraska, and known to me to be the Chairman and identical person who signed the foregoing instrument and acknowledge the execution thereof to be his voluntary act and deed and the voluntary act and deed of said Board of County Commissioners of the County of Douglas, Nebraska and that its seal was affixed by its authority.

Witness my hand and notarial seal on the 9th day of October, 1973.

Daniel C. Lynch
Notary Public

My Commission expires on the 2 day of November, 1973



BOARD OF COUNTY COMMISSIONERS
Douglas County, Nebraska

RESOLVED:

WHEREAS, PENTZIEN, INC., a Nebraska corporation, now owns the following described real property in Douglas County, Nebraska:

The South One-Half (S-1/2) of Section Fifteen (15), Township Fifteen (15) North, Range Ten (10) East of the 6th P.M., except that portion taken for highways.

WHEREAS, the Elkhorn Valley Drainage District, created under order of the Douglas County Board of Commissioners on January 15, 1909, has acquired by virtue of the following described conveyances and/or condemnations the following described north-south drainage easements over the said real estate:

1. A deed recorded in Book 302, Page 444, of the Douglas County Register of Deeds office on May 26, 1910 from Daniel G. Hopper and Emilie S. Hopper to Elkhorn Valley Drainage District conveying the following land in Douglas County, Nebraska, to-wit:

A strip or piece of land 50 feet wide, being 25 feet wide on the westerly side, and 25 feet wide on the easterly side of the center line of the cutoff ditch, drainage ditch or levee, each or all as the case may be, as the same is now surveyed and located by second party, and extending across from the north side to the south side of the SE-1/4 of Section 15, Township 15, Range 10 together with any and all desired access thereto by said drainage district, its agents, contractors, representatives and employees, across other portions of said land of the first parties;

said land to be used perpetually, according to the present or future plans of said drainage district, its successors and assigns, for drainage purposes. First parties hereby release all damages and claims thereto on account of and by reason of the occupancy and use of said land as above mentioned.

2. A deed recorded in Book 390, Page 636, of the Douglas County Register of Deeds office on February 25, 1916 from Daniel G. Hopper and Emilie S. Hopper, husband and wife, to Elkhorn Valley Drainage District conveying the following described real estate in Douglas County, Nebraska, to-wit:

A strip or piece of land four rods wide being two rods wide on the west side and two rods wide on the east side of the center line of the cutoff ditch, drainage ditch or levee, each or all as the case may be, as the same is now surveyed and located by second party, and extending across from about the center of the Southeast one-quarter of Section 15 due south to the south line of Section 15, in Township 15, Range 10, together with any and all desired access thereto by said drainage district, its agents, contractors, representatives and employees, across other portions of said land of first parties.

Said lands to be used perpetually according to the present or future plans of said drainage district, its successors and assigns, for drainage purposes.

Said first parties also grant the right to throw dirt so far as desired outside of and adjoining said strip of ground.

First parties hereby release all damages and claims thereto on account and by reason of the occupancy and use of said land, as above mentioned.

3. A condemnation proceeding filed in Book M-59, Page 476, in the Douglas County Court on March 6, 1923 entitled

"In the Matter of Condemnation Proceedings by Elkhorn Valley Drainage District for the Purchase of Right-of-Way Over Certain Lands Within Douglas County, Nebraska in Connection with Extension of District's Ditch Number 3" relative to the following described real estate in Douglas County, Nebraska, to-wit:

The east three rods of the south 1700 feet of West One-Half (W-1/2) of Southeast One-Quarter (SE-1/4) of Section 15, Township 15, Range 10 containing 1.93 acres and the west three rods of the south 1700 feet of East One-Half (E-1/2) of Southeast One-Quarter (SE-1/4) of Section 15, Township 15, Range 10 containing 1.93 acres.

WHEREAS, the exact location and legal description of said easements is unclear.

WHEREAS, the Elkhorn Valley Drainage District was dissolved on March 20, 1950, and by virtue of said dissolution all of the District's drainage improvements, easements, and right-of-way interests passed to Douglas County, power and control over such interests being vested in the Douglas County Board of Commissioners.

WHEREAS, FLINTZIER, INC. has changed the course of said north-south drainage ditches across said South One-Half (S-1/2) of Section Fifteen (15), Township Fifteen (15) North, Range Ten (10) East of the 6th P.M.

WHEREAS, FLINTZIER, INC. has offered to convey to Douglas County a drainage easement over the new course of said north-south drainage ditch and has further offered to indemnify and hold Douglas County and each of the Commissioners of Douglas County, in their capacity as a Commissioner of Douglas County, harmless from any and all damages, including the defense of any lawsuit, arising out of the change of the course of the said north-south drainage easement and/or the conveyance by the

Board of Commissioners of Douglas County, Nebraska, of such north-south drainage easements now located on the South 1/2 of Section 15, Township 15 North, Range 10 East of the 6th P.M.

WHEREAS, PENTZIEN, INC. is desirous of obtaining a release of any and all north-south drainage easements over the South One-Half (S-1/2) of Section Fifteen (15), Township Fifteen (15) North, Range Ten (10) East of the 6th P.M.

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Board of County Commissioners of Douglas County, Nebraska, be and he hereby is authorized to execute a Quit Claim Deed in favor of PENTZIEN, INC. which Deed is marked Exhibit "A" and attached hereto and made a part hereof as if fully set out herein, in consideration of PENTZIEN, INC. conveying to Douglas County an easement over the new course of the said drainage ditch and giving Douglas County and the Board of Commissioners of Douglas County its indemnity agreement as set forth in Exhibit "B" attached hereto and made a part hereof as if fully set out herein.

Dated this 9th day of October, 1973.

William Green
Board of County Commissioners
Douglas County, Nebraska

Paul P. [unclear]
Board of County Commissioners
Douglas County, Nebraska

[unclear]
Board of County Commissioners
Douglas County, Nebraska

[unclear]
Board of County Commissioners

[unclear]
Board of County Commissioners
Douglas County, Nebraska

Motioned by: Green

Seconded by: Morgan

I move the adoption of the
Resolution

I move the adoption of the
Resolution

ADOPTED: The 9th day of October, 1973.

Yeas:

Nays:

Green

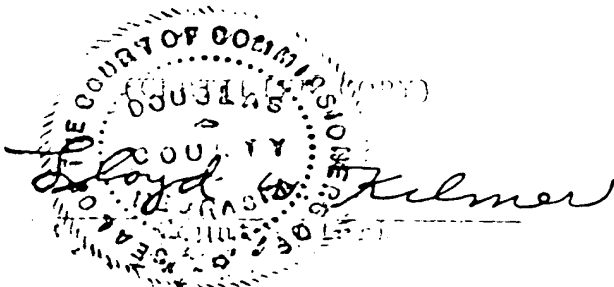
Morgan

Lynch

Absent:

Buglewicz

Cavanaugh



Certified Copy to: County Clerk,
County Commissioners, D. Laffy

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ENTERED IN NUMERICAL INDEX AND RECORDED IN THE REGISTER OF DEEDS OFFICE IN DOUGLAS COUNTY, NEBRASKA
2 DAY OF Nov 1923 AT 12:18 P.M. C. HAROLD OSTLER, REGISTER OF DEEDS

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