

35-16-13

ORIGINAL

BOOK 539 PAGE 665

C.D. No. 52543-2

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EASEMENT DEED

KNOW ALL MEN BY THESE PRESENTS:

That OMAHA INDUSTRIAL FOUNDATION, a corporation of the State of Nebraska, Grantor, in consideration of the sum of Ten Dollars (\$10.00), the receipt of which is hereby acknowledged, does by these presents grant, bargain, sell and convey unto UNION PACIFIC RAILROAD COMPANY, a corporation of the State of Utah, Grantee, its successors and assigns, a PERPETUAL EASEMENT for the construction, operation, maintenance, repair, renewal, reconstruction and relocation of slope embankments upon and along the real estate situate in Douglas County, Nebraska, described in Exhibit A, hereto attached and hereby made a part hereof, together with the right of ingress and egress to, from and upon said real estate and adjacent lands of the Grantor for the purpose of exercising the rights herein granted.

It is expressly made a condition of this easement that if the Grantee, its successors or assigns, shall abandon the premises of the Grantor in the locations described on said Exhibit A for the purposes of this easement, then, and in that event all of the rights herein granted shall cease and determine and the title to said premises shall be freed from the burden of said easement.

IN WITNESS WHEREOF, the Grantor has caused these presents to be signed by its President, and its corporate seal to be hereunto affixed this 20th day of June, 1974.

In Presence of:

Merle C. Hurlburt

OMAHA INDUSTRIAL FOUNDATION,

By Gary F. Russell  
President

Attest:

x Robert D. Somers (Seal)  
Secretary

... proved as to form: securities  
John  
Secretary

STATE OF NEBRASKA )  
 )  
 )  
COUNTY OF DOUGLAS ) SS

The foregoing instrument was acknowledged before  
me this 20th day of June,  
19 74, by George F. Russell,  
Vice President, of Omaha Industrial  
Foundation, a Nebraska  
corporation, on behalf of the corporation.



LORETTA E. HALVERSON  
GENERAL NOTARY — State of Nebr.  
My Commission Expires  
January 25, 1976

*Loretta E. Halverson*  
\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
(Serial Number, if any)



(Seal)

Corp.

Parcel A

An irregular parcel of land situate in Section 35, Township 16 North, Range 13 East of the Sixth Principal Meridian, in Douglas County, Nebraska, bounded and described as follows:

Commencing at Railroad Survey Station 24+41.6 in the hereinafter described center line of proposed Track No. A-645 of the Union Pacific Railroad Company;

thence northeasterly, at right angles to said hereinafter described center line of proposed Track No. A-645, a distance of 10.0 feet to the True Point of Beginning;

thence southeasterly along a straight line parallel with and 10.0 feet northeasterly, measured at right angles, from said center line of proposed Track No. A-645 a distance of 325.0 feet to a point opposite Railroad Survey Station 27+66.60 P.C. Track No. A-645 equals Railroad Survey Station 0+00 Track No. A-653;

thence southeasterly along a tangent curve concave northeasterly having a radius of 449.28 feet and which is concentric with and 10.0 feet northeasterly, measured radially, from said hereinafter described center line of proposed Track No. A-645, a distance of 59 feet, more or less, to a point opposite Railroad Survey Station 28+26.60 thereon;

thence northwesterly along a straight line a distance of 60 feet, more or less, to a point 25 feet northeasterly, measured at right angles and/or radially, from said center line of Track No. A-645 at said Railroad Survey Station 27+66.60 P.C. Track No. A-645 equals Railroad Survey Station 0+00 Track No. A-653;

thence northwesterly along a straight line parallel with and 25.0 feet northeasterly, measured at right angles from said center line of proposed Track No. A-645, a distance of 125.0 feet to a point opposite Railroad Survey Station 26+41.6;

thence northwesterly along a straight line, a distance of 201 feet, more or less, to the True Point of Beginning.

Parcel B

An irregular parcel of land situate in said Section 35, bounded and described as follows:

Commencing at said Railroad Survey Station 24+41.6 in the hereinafter described center line of proposed Track No. A-645 of the Union Pacific Railroad Company;

thence southwesterly, at right angles to said hereinafter described center line of proposed Track No. A-645, a distance of 10.0 feet to the True Point of Beginning;

thence southeasterly along a straight line parallel with and 10.0 feet southwesterly, measured at right angles, from said hereinafter described center lines of Track No. A-645 and of Track No. A-653, a distance of 399.94 feet to the northwesterly boundary line of proposed 4th Street;

thence westerly along a straight line, a distance of 75 feet, more or less, to a point 30.0 feet southwesterly, measured at right angles or radially, from said hereinafter described center line of proposed Tracks A-645 and A-653 at Railroad Survey Station 27+66.60 P.C. Track No. A-645 equals Railroad Survey Station 0+00 Track No. A-653;

thence northwesterly along a straight line a distance of 125 feet, more or less, to a point 28.0 feet southwesterly, measured at right angles, from said center line of proposed Track No. A-645, opposite Railroad Survey Station 26+41.6;

thence northwesterly along a straight line a distance of 201 feet, more or less, to the True Point of Beginning.

Parcel C

A triangular parcel of land situate in said Section 35, Township 16 North, Range 13 East of the Sixth Principal Meridian, in Douglas County, Nebraska bounded and described as follows:

Commencing at Railroad Survey Station 1+75 in the center line of the hereinafter described center line of proposed Track No. A-653 of the Union Pacific Railroad Company;

thence southwesterly, at right angles to the center line of said proposed Track No. A-653 a distance of 25.0 feet to the True Point of Beginning;

thence southeasterly along a straight line, a distance of 401 feet, more or less, to a point 10.0 feet southwesterly, measured at right angles, from said center line of proposed Track No. A-653, opposite Railroad Survey Station 5+75 thereon;

thence northwesterly along a straight line parallel with and 10.0 feet southwesterly, measured at right angles, from said center line of proposed Track No. A-653 a distance of 450.06 feet to a point in the southeasterly boundary line of proposed 4th Street;

thence southeasterly along a straight line, a distance of 52 feet, more or less, to the True Point of Beginning.

#### Parcel D

A triangular parcel of land situate in said Section 35 Township 16 North, Range 13 East of the Sixth Principal Meridian, in Douglas County, Nebraska, bounded and described as follows:

Commencing at Railroad Survey Station 5+75 in the hereinafter described center line of proposed Track No. A-653 of the Union Pacific Railroad Company;

thence northeasterly, at right angles to the center line of said proposed Track No. A-653, a distance of 10.0 feet to the True Point of Beginning;

thence northwesterly along a straight line parallel with and 10.0 feet northeasterly, measured at right angles, from said center line of proposed Track No. A-653, a distance of 432 feet, more or less, to a point 10.0 feet southerly, measured radially, from the hereinafter described center line of proposed Track No. A-645;

thence southeasterly along a straight line, a distance of 87 feet, more or less, to a point 27 feet northeasterly, measured at right angles, from said center line of proposed Track No. A-653 at Railroad Survey Station 2+27 thereon;

thence southeasterly along a straight line, a distance of 348 feet, more or less, to the True Point of Beginning.

Parcel E

An irregular parcel of land situate in said Section 35, Township 16 North, Range 13 East of the Sixth Principal Meridian, in Douglas County, Nebraska, bounded and described as follows:

Commencing at Railroad Survey Station 34+41.6 in the hereinafter described center line of proposed Track No. A-645 of the Union Pacific Railroad Company;

thence southeasterly, at right angles to said hereinafter described center line of Track No. A-645, a distance of 48.0 feet to the True Point of Beginning;

thence northerly along a straight line, a distance of 53 feet, more or less, to a point in the southwesterly boundary line of proposed Ida Street that is 10.0 feet southeasterly, measured at right angles, from said center line of proposed Track No. A-645;

thence southwesterly along a straight line parallel with and 10.0 feet southeasterly, measured at right angles, from said center line of proposed Track No. A-645, a distance of 95 feet, more or less, to a point opposite Railroad Survey Station 33+83.06 P.T. in said center line of proposed Track No. A-645;

thence southwesterly and westerly along a curve concave northwesterly having a radius of 469.28 feet and which is concentric with and 10.0 feet southeasterly and southerly, measured radially, from said center line of proposed Track No. A-645, a distance of 480 feet, more or less, to a point 10.0 feet northeasterly, measured at right angles from the hereinafter described center line of proposed Track No. A-653 of the Union Pacific Railroad Company;

thence southeasterly along a straight line, a distance of 27 feet, more or less, to a point 27 feet northeasterly, measured at right angles, from said center line of proposed Track No. A-653 at Railroad Survey Station 2+27 thereon;

thence easterly along a straight line, a distance of 52 feet, more or less, to a point 32.0 feet southerly, measured radially, from said center line of proposed Track No. A-645 opposite Railroad Survey Station 30+41.6 thereon;

thence northeasterly along a straight line, a distance of 106 feet, more or less, to a point 36.0 feet southeasterly, measured radially, from said center line of proposed Track No. A-645 opposite Railroad Survey Station 31+41.6 thereon;

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thence northeasterly along a straight line, a distance of 106 feet, more or less, to a point 40.0 feet southeasterly, measured radially, from said center line of proposed Track No. A-645 opposite Railroad Survey Station 32+41.6 thereon;

thence northeasterly along a straight line, a distance of 106 feet, more or less, to a point 45.0 feet southeasterly, measured radially from said center line of proposed Track No. A-645 opposite Railroad Survey Station 33+41.6 thereon;

thence northeasterly along a straight line, a distance of 44 feet, more or less, to a point 47.0 feet southeasterly, measured at right angles and/or radially, from said center line of proposed Track No. A-645 opposite said Railroad Survey Station 33+83.96 P.T. thereon;

thence northeasterly along a straight line, a distance of 58 feet, more or less, to the True Point of Beginning.

#### Parcel F

An irregular parcel of land situate in said Section 35, Township 16 North, Range 13 East of the Sixth Principal Meridian, in Douglas County, Nebraska, bounded and described as follows:

Commencing at Railroad Survey Station 34+41.6 in the hereinafter described center line of proposed Track No. A-645 of the Union Pacific Railroad Company;

thence northwesterly, at right angles to said hereinafter described center line of proposed Track No. A-645 a distance of 42.0 feet to the True Point of Beginning;

thence easterly along a straight line, a distance of 49 feet, more or less, to a point in the southwesterly boundary line of proposed Ida Street that is 10.0 feet northwesterly, measured at right angles, from said center line of proposed Track No. A-645;

thence southwesterly along a straight line parallel with and 10.0 feet northwesterly, measured at right angles, from said center line of proposed Track No. A-645, a distance of 95 feet, more or less, to a point opposite Railroad Survey Station 33+83.96 P.T. in said center line of proposed Track No. A-645;

thence southwesterly and westerly along a curve concave northwesterly having a radius of 449.28 feet and which is concentric with and 10.0 feet northwesterly and northerly, measured radially, from said center line of proposed Track No. A-645, a distance of 471 feet, more or less, to a point in the southeasterly boundary line of proposed 4th Street;

thence easterly along a straight line, a distance of 40 feet, more or less, to a point 20.0 feet northerly, measured radially, from said center line of proposed Track No. A-645 opposite Railroad Survey Station 29+41.6 thereon;

thence easterly along a straight line, a distance of 95 feet, more or less, to a point 25.0 feet northerly, measured radially, from said center line of proposed Track No. A-645 opposite Railroad Survey Station 30+41.6 thereon;

thence northeasterly along a straight line, a distance of 95 feet, more or less, to a point 30.0 feet northwesterly, measured radially, from said center line of proposed Track No. A-645 opposite Railroad Survey Station 31+41.6 thereon;

thence northeasterly along a straight line, a distance of 95 feet, more or less, to a point 35.0 feet northwesterly, measured radially, from said center line of proposed Track No. A-645 opposite Railroad Survey Station 32+41.6 thereon;

thence northeasterly along a straight line, a distance of 95 feet, more or less, to a point 38.0 feet northwesterly, measured radially, from said center line of proposed Track No. A-645 opposite Railroad Survey Station 33+41.6 thereon;

thence northeasterly along a straight line, a distance of 40 feet, more or less, to a point 40.0 feet northwesterly, measured at right angles and/or radially, from said center line of proposed Track No. A-645 opposite said Railroad Survey Station 33+83.96 P.T. thereon;

thence northeasterly along a straight line, a distance of 57.7 feet, more or less, to the True Point of Beginning.

#### Parcel G

An irregular parcel of land situate in said Section 35, Township 16 North, Range 13 East of the Sixth Principal Meridian, in Douglas County, Nebraska, bounded and described as follows:



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Commencing at Railroad Survey Station 36+91.27 P.C. in the hereinafter described center line of proposed Track No. A-645 of the Union Pacific Railroad Company;

thence northwesterly at right angles and/or radially to said hereinafter described center line of proposed Track No. A-645, a distance of 30.0 feet to the True Point of Beginning;

thence northeasterly along a curve concave southeasterly having a radius of 489.28 feet and which is concentric with and 30.0 feet northwesterly, measured radially from said center line of proposed Track No. A-645, an arc distance of 214.8 feet, more or less, to a point opposite Railroad Survey Station 38+92.92 P.T.;

thence northeasterly along a straight line, a distance of 149 feet, more or less, to a point 22.0 feet northwesterly, measured at right angles, from said center line of proposed Track No. A-645 opposite Railroad Survey Station 40+41.6 thereon;

thence northeasterly along a straight line parallel with and 22.0 feet northwesterly, measured at right angles, from said center line of proposed Track No. A-645, and said center line extended northeasterly, a distance of 481.15 feet;

thence southeasterly at right angles to the last described line, a distance of 12.0 feet;

thence southwesterly along a straight line parallel with and 10.0 feet northwesterly, measured at right angles, from said center line of proposed Track No. A-645 and the northeasterly extension thereof, a distance of 629.83 feet to a point opposite said Railroad Survey Station 38+92.92 P.T. in said center line of proposed Track No. A-645;

thence southwesterly along a curve concave southeasterly having a radius of 469.28 feet and which is concentric with and 10.0 feet northwesterly, measured radially, from said center line of proposed Track No. A-645, an arc distance of 206.04 feet to a point opposite said Railroad Survey Station 36+91.27 P.C.;

thence southwesterly along a straight line parallel with and 10.0 feet northwesterly, measured at right angles, from said center line of proposed Track No. A-645, a distance of 149.67 feet to a point opposite Railroad Survey station 35+41.6 thereon;

thence northeasterly along a straight line, a distance of 102 feet, more or less, to a point 30.0 feet northwesterly, measured at right angles from said center line of proposed Track No. A-645 opposite Railroad Survey Station 36+41.6 thereon;

thence northeasterly along a straight line parallel with and 30.0 feet northwesterly, measured at right angles, from said center line of proposed Track No. A-645 a distance of 49.67 feet to the True Point of Beginning.

#### Parcel H

A parcel of land situate in said Section 35, Township 16 North, Range 13 East of the Sixth Principal Meridian, in Douglas County, Nebraska, bounded and described as follows:

Commencing at Railroad Survey Station 39+41.6 in the hereinafter described center line of proposed Track No. A-645 of the Union Pacific Railroad Company;

thence southeasterly, at right angles to said hereinafter described center line of proposed Track No. A-645 a distance of 10.0 feet to the True Point of Beginning;

thence northeasterly along a straight line parallel with and 10.0 feet southeasterly, measured at right angles, from said center line of proposed Track No. A-645 and said center line extended northeasterly, a distance of 581.15 feet;

thence southeasterly, at right angles to the last described straight line, a distance of 12.0 feet;

thence southwesterly, at right angles, along a straight line, parallel with and 22.0 feet southeasterly, measured at right angles, from said center line of proposed Track No. A-645 and said center line extended northeasterly, a distance of 481.15 feet to a point opposite Railroad Survey Station 40+41.6 thereon;

thence southwesterly along a straight line, a distance of 101 feet, more or less, to the True Point of Beginning.

Said center line of proposed Track No. A-645 and said center line extended, hereinabove referred to is described as follows:

Commencing at a point on the easterly extension of the north line of Ida Street, as now located, in the City of Omaha, that is 40.0 feet distant east, measured at right angles, from the west line of said Section 35;

thence south along a straight line parallel with said west line of Section 35, a distance of 700.0 feet;

thence southeasterly along a straight line forming an angle of  $69^{\circ} 38'$  from south to southeast with the last described line produced, a distance of 900.0 feet;

thence northeasterly at right angles, a distance of 10.0 feet to the True Point of Beginning of the center line being described, said point being designated Railroad Survey Station 14+41.6;

thence southeasterly at right angles, a distance of 524.94 feet to Railroad Survey Station 19+66.54 which point is in the center line of proposed Crown Point Avenue;

thence continuing southeasterly along the extension of the last described line, a distance of 475.06 feet to said Railroad Survey Station 24+41.6;

thence continuing southeasterly along the extension of the last described line, a distance of 200.0 feet to said Railroad Survey Station 26+41.6;

thence continuing southeasterly along the extension of the last described line, a distance of 125.0 feet to said Railroad Survey Station 27+66.60 P.C. Track No. A-645 equals Railroad Survey Station 0+00 Track No. A-653, said point being designated Point "A";

thence southeasterly along a tangent curve concave northerly having a radius of 459.28 feet, an arc distance of 60.0 feet to said Railroad Survey Station 28+26.6;

thence continuing southeasterly along the extension of the last described curve, an arc distance of 115.0 feet to said Railroad Survey Station 29+41.6;

thence continuing southeasterly and easterly along the extension of the last described curve, an arc distance of 100.0 feet to said Railroad Survey Station 30+41.6;

thence easterly and northeasterly along the extension of the last described curve, an arc distance of 100.0 feet to said Railroad Survey Station 31+41.6;

thence continuing northeasterly along the extension of the last described curve, an arc distance of 100.0 feet to said Railroad Survey Station 32+41.6;

thence northeasterly along the extension of the last described curve, an arc distance of 100.0 feet to said Railroad Survey Station 33+41.6;

thence continuing northeasterly along the extension of the last described curve, an arc distance of 42.36 feet to said Railroad Survey Station 33+83.96 P.T.;

thence northeasterly along a straight line tangent to the end of the last described curve, a distance of 57.64 feet to said Railroad Survey Station 34+41.6;

thence continuing northeasterly along the extension of the last described straight line, a distance of 62.61 feet to Railroad Survey Station 35+04.21, said point being in the center line of proposed Ida Street;

thence continuing northeasterly along the extension of the last described straight line, a distance of 37.39 feet to said Railroad Survey Station 35+41.6;

thence continuing northeasterly along the extension of the last described straight line, a distance of 100.0 feet to said Railroad Survey Station 36+41.6;

thence continuing northeasterly along the extension of the last described straight line, a distance of 49.67 feet to said Railroad Survey Station 36+91.27 P.C.;

thence northeasterly along a tangent curve concave southeasterly having a radius of 459.28 feet, an arc distance of 201.65 feet to said Railroad Survey Station 38+92.92 P.T.;

thence northeasterly along a straight line drawn tangent to the end of the last described curve, a distance of 48.68 feet to said Railroad Survey Station 39+41.6;

thence continuing northeasterly along the extension of the last described straight line, a distance of 100.0 feet to said Railroad Survey Station 40+41.6;

thence continuing northeasterly along the extension of the last described straight line, a distance of 471.15 feet to Railroad Survey Station 45+12.75 which point is the end of said Track No. A-645;

thence continuing northeasterly along the extension of the last described straight line, a distance of 10.0 feet to the end of the center line being described.

Said center line of proposed Track No. A-653 and said center line extended, hereinabove referred to, is described as follows:

Beginning at said Point "A" in the center line hereinabove described, said point being designated Railroad Survey Station 0+00;

thence southeasterly along a straight line (which is the extension of the straight line drawn between Railroad Survey Stations 14+41.6 and 27+66.60 P.C. in the center line hereinabove described) a distance of 99.94 feet to Railroad Survey Station 0+99.94 which is a point in the center line of proposed 4th Street;

thence continuing southeasterly along the extension of the last described straight line, a distance of 75.06 feet to said Railroad Survey Station 1+75;

thence continuing southeasterly along the extension of the last described straight line, a distance of 52.0 feet to said Railroad Survey Station 2+27;

thence continuing southeasterly along the extension of the last described straight line, a distance of 348.0 feet to said Railroad Survey Station 5+75;

thence continuing southeasterly along the extension of the last described straight line, a distance of 700.0 feet to Railroad Survey Station 12+75 which point is the end of said proposed Track A-653;

thence continuing southeasterly along the extension of the last described straight line a distance of 10.0 feet to the end of the center line being described.

Office of Chief Engineer  
Omaha, Nebraska January 8, 1974

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ENTERED IN NUMERICAL INDEX AND RECORDED IN THE REGISTER OF DEEDS OFFICE IN DOUGLAS COUNTY, NEBRASKA  
31 DAY OF July 1974 AT 9:39 A.M. C. HAROLD OSTLER, REGISTER OF DEEDS 3925