

DEED AND BILL OF SALE

FILED FOR RECORD ON THIS 8TH DAY OF JANUARY A. D. 1953 AT 1 O'CLOCK  
AND 56 MINUTES P. M. AND RECORDED IN MISC. BOOK "Q" AT PAGE 381

Kitty A. Roush, Register of Deeds

DEED AND BILL OF SALE

KNOW ALL MEN BY THESE PRESENTS THAT: Don F. Pollock Properties Inc., a Nebraska corporation, of the County of Dodge and State of Nebraska, for and in consideration of the sum of One Dollar and other valuable consideration in hand paid does hereby grant, bargain, sell, convey and confirm unto Empire City Utility Company, a Nebraska corporation of the said city, county and state, the following described real and personal property situated in Empire City Sub-division, Dodge County, Nebraska, to-wit:

WATER

(a) All of grantor's right, title and interest in and to all water storage and distribution facilities, including water mains and lateral lines heretofore constructed on or in the streets, and on or in the rear eight feet of each lot in Empire City Subdivision, Dodge County, Nebraska, together with water main and necessary easement for use of same, presently installed in Empire Avenue East of Empire City Subdivision and West of the East section line of Section 22, Township 17 North, Range 8 East of the 6th P. M., Dodge County, Nebraska.

(b) Subject to the rights of the public in dedicated streets, the necessary easements over, under and along the streets of said Subdivision and the rear eight feet of each lot therein, to the extent necessary to maintain and operate water lines serving the lots in said Subdivision.

(c) Such water meters as are presently installed in 53 FHA Title I houses constructed on lots in said Subdivision, and also water meters as are presently installed in five other houses in Block 1, Empire City Subdivision, and two additional water meters purchased by grantor and now in possession of grantee, making a total of sixty water meters.

SEWER

(d) All of grantor's right, title and interest in and to the sewage collection system, including all appurtenances, such as manholes, pumping stations, etc., and mains and laterals insofar as they are located on and in streets and rear eight feet of each lot in said Empire City Subdivision, which abut, adjoin, or directly serve for sewage disposal the said lots, together with sewer main, and necessary easement, presently installed in Empire Avenue East of said Subdivision and West of the East section line of Section 22-17-8, and extending North of Empire Avenue along said East section line to points of connection with City of Fremont sewer mains, together with sewage lift station and building used in connection with sewage lift station, located on tax lot 3, in SE 1/4 of Section 22-17-8, and necessary easements in Tax Lot 3 in connection with said sewer line, sewage lift station and building.

(e) Subject to the rights of the public in dedicated streets, the necessary easements over, under and along the streets, and the rear eight feet of each lot, in said Subdivision, to the extent necessary to maintain and operate the sewage disposal system serving the lots in said Subdivision.

ELECTRICITY

(f) All of grantor's right, title and interest to all electric light poles on streets and the rear eight feet of each lot in said Empire City Subdivision, which abut, adjoin or directly serve with electricity the said lots, and all wire and electric light fixtures on and between said poles, including all transformers and street light fixtures, subject however to the right of the grantor to permit joint use of said poles by the Northwestern Bell Telephone Company, its successors or assigns, and subject to the right of the grantor to permit the said Telephone Company to acquire interests in said poles pursuant to said joint pole use agreement.

(g) Subject to the rights of the public in dedicated streets and the rights of such Telephone Company, its successors or assigns, under joint use contract, the necessary easements over, under and along the streets and the rear eight feet of each lot in said Subdivision, to the extent necessary to maintain and operate the electric distribution lines serving the lots in said Subdivision.

(h) All electric meters that are now located and installed in or about residences located upon the lots in said Subdivision,

all in Dodge County, Nebraska.

Subject to the conditions subsequent hereinafter set forth, to have and to hold the premises, property and rights above described, unto the said Empire City Utility Company and to its successors and assigns forever.

Upon the happening or suffering of either, any or all of the following events or contingencies, this deed and bill of sale shall become forfeited and the property herein described and all the rights herein conveyed shall at once revert and re-vest in and become the property of the grantor, its successors or assigns without any declaration of forfeiture or act of re-entry and without any act by grantor, its successors or assigns, to be performed, and without any right of the grantee to reclamation or compensation for monies paid or improvements made, as absolutely, fully and perfectly as if this deed and bill of sale had never been made. The events or contingencies above referred to are as follows:

1. The insolvency of Empire City Utility Company.
2. The pendency of any lawsuit against Empire City Utility Company in any court for more than \$100.00 provided however that in the event of the happening of this contingency reversion shall take place upon the filing by the grantor, its successors or assigns of an affidavit with the Register of Deeds of Dodge County, Nebraska, reciting that reversion has taken place.
3. Dissolution of grantee from any cause.

No conditions subsequent herein provided shall operate to defeat any right of the trustee or beneficiaries under certain trust deeds dated July 18, 1952 and entered into by and between Empire City Utility Company, Don E. Pollock Properties, Inc., and First Trust Company of Lincoln, Nebraska, trustee pursuant to requirements of the Federal Housing Administration.

