



BK 0942 PG 145



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BOOK 942 PAGE 145

AGREEMENT FOR PARTIAL RELEASE
AND GRANT OF RIGHT OF WAY

KNOW ALL MEN BY THESE PRESENTS that WILLIAMS PIPE LINE COMPANY, (formerly Williams Brothers Pipe Line Company), a Delaware Corporation with its principal place of business in Tulsa, Oklahoma, party of the first part, hereinafter called Grantor, for and in consideration of One Dollar (\$1.00) in hand paid by The County of Douglas, Nebraska, H. Lee Gendler, Trustee, Irvin Gendler, an individual, and H. Lee Gendler, an individual, parties of the second part, hereinafter called Grantee, and the covenants hereinafter contained to be kept by Grantee, does hereby release, quit claim, and convey unto the said Grantee with the intent to extinguish, all of its right, title and interest acquired by that certain Right of Way Agreement executed by Georgia Twaddell on the 13th day of February, 1941, and filed for record in the office of the Register of Deeds of Douglas County, Nebraska, on the 22nd day of March, 1941, in Book 153 of Miscellaneous at Page 634, and assigned to Williams Brothers Pipe Line Company (now Williams Pipe Line Company) by Special Warranty Deed dated the 31st of October, 1983, and filed for record in the said Register of Deeds Office, in Book 703 at Page 395, in and to the following and no other described land in the County of Douglas, State of Nebraska:

Part of the SW $\frac{1}{4}$ of Section 27 together with part of the SE $\frac{1}{4}$ of Section 28 together with part of the NE $\frac{1}{4}$ of Section 33, all in T16N, R12E of the 6th P.M., Douglas County, Nebraska, being shown on the attached "Exhibit A" and being more particularly described as follows:

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Commencing at the SE corner of said Section 28; thence N00° 00'33"W (assuming the South line of said Section 28 to bear East and West) on the East line of said Section 28 a distance of 33.00 feet to the point of beginning; thence West on a line 33.00 feet North of and parallel to the South line of said Section 28 a distance of 424.90 feet; thence South on a Westerly line of Ida Street (97th Street) 66.00 feet; thence S88° 03'32"W, 206.55 feet; thence N53° 28'12"W, 33.60 feet; thence S38° 09'27"W, 267.06 feet; thence S00° 00'02"E, 170.00 feet; thence S26° 22'29"W, 66.64 feet to the Northerly R.O.W. line of Highway No. 133; thence N45° 05'14"W on the Northerly R.O.W. line of Highway No. 133 a distance of 651.11 feet to the SW corner of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 28, said corner also being on the Easterly R.O.W. line of Interstate Highway No. 680; thence Northerly on the Easterly R.O.W. line of Interstate Highway No. 680 on the following described courses; thence N69° 47'12"W, 95.19 feet; thence N05° 26'28"E, 570.56 feet; thence N26° 09'24"E, 505.32 feet; thence N48° 41'16"E, 400.21 feet; thence N50° 08'15"E, 381.94 feet to the

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Northeasterly line of the abandoned Chicago, Northwestern Railroad, thence S51° 50'01"E on the Northeasterly line of the abandoned Chicago, Northwestern Railroad, 395.52 feet to the North line of the SE¼ of the SE¼ of said Section 28; thence N89° 57'47"E on the North line of the SE¼ of the SE¼ of said Section 28 a distance of 221.54 feet to the NW corner of the SW¼ of the SW¼ of said Section 27; thence S00° 00'33"E on the West line of the SW¼ of the SW¼ of said Section 27 a distance of 18.00 feet to the approximate centerline of a creek; thence Southeasterly on the approximate centerline of said creek on the following described courses; thence S68° 33'22"E, 89.14 feet; thence S25° 53'27"E, 80.19 feet; thence S63° 43'55"E, 117.51 feet; thence S04° 23'12"W, 137.30 feet; thence S61° 06'21"E, 155.60 feet; thence S23° 39'06"E, 122.15 feet; thence S72° 03'30"E, 111.17 feet; thence S50° 02'43"E, 37.52 feet; thence S70° 51'07"E, 104.68 feet to the final point in the approximate centerline of said creek; thence N45° 50'24"E, 588.61 feet to the Westerly R.O.W. line of Irvington Road; thence S49° 23'49"E on the Westerly R.O.W. line of Irvington Road, 166.11 feet to a point of curve; thence Southeasterly on the Westerly R.O.W. line of Irvington Road on a 1110.74 foot radius curve to the right, chord bearing S44° 03'55"E, chord distance 206.43 feet, an arc distance of 206.73 feet to the East line of the SW¼ of the SW¼ of said Section 27; thence S00° 03'19"E on the East line of the SW¼ of the SW¼ of said Section 27 a distance of 839.90 feet to a point 33.00 feet North of the SE corner of the SW¼ of the SW¼ of said Section 27; thence S89° 37'51"W on a line 33.00 feet North of and parallel to the South line of said Section 27 a distance of 1324.09 feet to the point of beginning, less and except that portion of the above described tract dedicated to the public as 97th Circle.

EXCEPTING AND RESERVING unto Grantor, its successors and assigns, all right, title and interest acquired by virtue of the aforementioned Right of Way Agreement in and to the following described parcel or strip of land:

Part of Lots 1, 2, 3 and 6 of Starwood, and part of Lots 7, 10 and Outlot 1, Starwood Replat. subdivision as surveyed, platted and recorded in Douglas County, Nebraska, being shown on the attached "Exhibit B" and being more particularly described as follows:

Beginning at the most westerly corner of said Lot 2; thence N45° 05'14"W (assumed bearing) 6.06 feet on the Southwesterly line of said Lot 3 to the Southwest corner of the Southeast Quarter of Section 28, Township 10 North, Range 12 East; thence N69° 47'12"W 21.37 feet on the Southwesterly line of said Lot 3; thence N47° 46'10"E 336.65 feet on a line 25.0

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feet Northwesterly of and parallel to the Southeasterly line of said Lot 3; thence N87° 53'41"E 383.90 feet to a point of curve; thence Southeasterly on a 348.00 foot radius curve to the right, chord bearing S75° 46'45"E, chord distance 195.65 feet, an arc distance of 198.32 feet; thence N87° 53'41"E 343.73 feet; thence S58° 21'53"E 90.89 feet to the Southeasterly line of said Lot 8; thence S52° 28'16"W 81.32 feet on the Southeasterly line of said Lot 8; thence S65° 30'00"W 28.90 feet on the Southeasterly line of said Lot 8; thence N58° 21'53"W 16.23 feet; thence S87° 53'41"W 308.09 feet to the Northeasterly line of said Lot 1; thence Northwesterly on the Northeasterly line of said Lot 1 on a 273.00 foot radius curve to the left, chord bearing N57° 14'40"W, chord distance 96.22 feet, an arc distance of 96.73 feet; thence S87° 53'41"W 539.15 feet; thence S47° 46'10"W 229.37 feet on a line 25.00 feet Southwesterly of and parallel to the Northwesterly line of said Lot 2 to the Southwesterly line of said Lot 2; thence N45° 05'14"W 25.04 feet on the Southwesterly line of said Lot 2 to the point of beginning, less and except that portion of the above described tract dedicated to the public as 97th Circle.

AND

Part of the Southeast Quarter of the Southeast Quarter (SE/4 SE/4) of Section 28, together with part of the Southwest Quarter of the Southwest Quarter (SW/4 SW/4) of Section 27 all in Township 16 North, Range 12 East of the 6th P.M., Douglas County, Nebraska, being shown on the attached "Exhibit C" and being more particularly described as follows:

Commencing at the Southwesterly corner of Lot 8, Star Wood, a subdivision as surveyed, platted, and recorded in Douglas County, Nebraska, said corner being at the intersection of the North line of Ida Street and the Northeasterly line of 97th Circle; thence East (assumed bearing) 32.00 feet on the South line of said Lot 8; thence North 65° 30' 00" East 169.10 feet on the Southeasterly line of said Lot 8 to the Point of Beginning; thence continuing North 65° 30' 00" East 28.90 feet on the Southeasterly line of said Lot 8; thence North 52° 28' 16" East 81.32 feet on the Southeasterly line of said Lot 8; thence South 58° 21' 53" East 95.90 feet; thence North 88° 19' 51" East 31.80 feet; thence North 60° 52' 44" East 114.31 feet; thence North 27° 52' 35" East 55.08 feet; thence North 60° 52' 44" East 408.94 feet; thence South 86° 30' 24" East 55.66 feet; thence North 60° 52' 44" East 358.24 feet to a point on the approximate centerline of a creek, said point also being on the Easterly line of a tract of land described in Deed Book 1771 at Page 77 of the Douglas County Records; thence South 38° 25' 17" East 86.68 feet on the Easterly line

of said tract of land and on the approximate centerline of said creek; thence South 43° 33' 53" East 14.93 feet on the Easterly line of said tract of land and on the approximate centerline of said creek; thence South 60° 52' 44" West 410.82 feet; thence South 89° 36' 21" West 63.47 feet; thence South 60° 52' 44" West 359.84 feet; thence South 27° 08' 07" West 113.84 feet to the North line of Ida Street; thence South 89° 36' 21" West 149.77 feet on a line 33.00 feet North of and parallel to the South line of said Section 27 and on the North line of Ida Street to the West line of the Southwest Quarter (SW/4) of said Section 37; thence West 67.53 feet on a line 33.00 feet North of and parallel to the South line of said Section 28 and on the North line of Ida Street; thence North 58° 21' 53" West 133.70 feet to the Point of Beginning.

AND

A 100.00 foot wide strip of land lying within the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 27, Township 16 North, Range 12 East of the 6th P.M., Douglas County, Nebraska, as shown on the attached "Exhibit D", said strip of land being 50 feet on each side of and parallel to the following described centerline:

Commencing at the NW corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 27; thence N89° 37' 31"E (assumed bearing) 835.89 feet on the North line of said SW $\frac{1}{4}$ to the Westerly line of Irvington Road; thence S49° 23' 49"E 453.11 feet on the Westerly line of Irvington Road to a point of curve; thence Southeasterly on the Westerly line of Irvington Road on a 1110.74 foot radius curve to the right, chord bearing S44° 03' 55"E, chord distance 206.43 feet, an arc distance of 206.73 feet to the East line of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 27; thence S00° 03' 19"E 98.94 feet on the East line of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 27 to the Point of Beginning; thence S60° 52' 44"W 478.03 feet to the Point of Termination, said point being in the approximate centerline of a creek, said point also being on the Easterly line of a tract of land which is described in Deed Book 1771 at Page 77 of the Douglas County Records, the outer boundaries of said 100.00 foot strip of land being extended to intersect the East line of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 27 on the East and the centerline of said creek on the West.

AND FURTHER EXCEPTING AND RESERVING unto Grantor, the right of ingress and egress to and from said reserved tracts together with the right to use temporary work space as may be reasonably required on, over, and across the above described released tract.

It is strictly understood that nothing herein contained shall diminish Grantor's right, title, and interest, in and to the tract of land above excepted unto Grantor.

It is further understood and agreed that the said Grantee will not erect, construct, or create any building, improvement, structure, or obstruction of any kind either on, above, or below the surface of the ground on the strip or tract of land above excepted unto Grantor, or change the grade or elevation thereof, or cause or permit these things to be done by others, without the express written permission of Grantor. The Grantee shall assume, indemnify, and save harmless the Grantor, its successors and assigns, from all cost, loss, damage, expense, or claim of any nature arising from any acts of the Grantee so permitted by the Grantor or from the existence of any construction so permitted.

In consideration of One Dollar (\$1.00) and other consideration paid by Williams, the aforementioned Right of Way Agreement is hereby amended by Grantees, to grant Williams, its successors and assigns the right within the land excepted and reserved above, to construct, install, operate, maintain, replace, repair and remove such pipeline and underground communications systems as Williams may from time to time require for pipeline communications or transmission of communications for or by others. Such communications systems shall consist of underground conduits, cables, and other appurtenances, together with the rights of ingress and egress over and across the above described released tracts. The conduits and cables will be placed in an existing pipeline. Any appurtenances not capable of being installed in the pipeline will be buried at a depth equal to the pipeline containing the communications system.

It is further understood and agreed that Grantor may clear any trees, shrubs, or other landscape objects from the reserved tract at any time or times it desires. Grantee is not entitled to any compensation for such items removed. The covenants contained in this agreement shall constitute covenants running with land and shall be binding upon and inure to the benefit of the parties hereto, their personal representatives, heirs, successors, and assigns. It is further understood and agreed that Grantor is hereby released from the covenants contained in the aforesaid Right of Way Agreement as to the lands herein released from the burdens thereof.

TO HAVE AND TO HOLD unto the said Grantee, (his, her, their/heirs, successors) and assigns forever.

IN WITNESS WHEREOF, we hereunto set our hands and seals on the day and year below our signatures indicated.

GRANTOR:

WILLIAMS PIPE LINE COMPANY

By: *C. M. Proud*
C. M. Proud, Manager
Land, Records & Claims
Attorney-in-Fact

Date: October 10, 1990

GRANTEES:

IRVIN GENDLER, AN INDIVIDUAL

Irvin Gendler
Date: 9-18-90

THE COUNTY OF DOUGLAS, NEBRASKA

By: *[Signature]*
Date: _____

H. LEE GENDLER, AN INDIVIDUAL

H. Lee Gendler
Date: 9-18-90

H. LEE GENDLER, TRUSTEE

H. Lee Gendler
Date: 9-18-90

APPROVED AS TO FORM:

Michael W. Anderson
Deputy County Attorney

Attest: *[Signature]*
Douglas County Clerk

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WPL TRACT 116-DO-31
(TSF 434)
DOUGLAS COUNTY, NE

STATE OF OKLAHOMA)
) SS
COUNTY OF TULSA)

Before me, the undersigned a Notary Public duly commissioned in and for the county and state aforesaid, on this 10th day of October, 1990, personally appeared C. M. Proud, Manager of Land, Records and Claims, who being by me duly sworn, did say that he is the Attorney-in-Fact for Williams Pipe Line Company, a Delaware corporation, by virtue of the Power of Attorney filed for record January 16, 1990, in the County of Tulsa, State of Oklahoma, in Book 5230 at Page 1837, and said C. M. Proud acknowledged said instrument to be the free act and deed of said corporation.

In testimony whereof, I have hereunto set my hand and affixed my official seal at my office in said county and state the day and year last above written.

My Commission Expires:

May 6, 1994

Archie J. Gibson

Notary Public

STATE OF NEBRASKA)
) SS
COUNTY OF DOUGLAS)

Before me, the undersigned, a Notary Public in and for the State and county aforesaid on this 2nd day of October, 1990, personally appeared Michael L. Stibert, Board of Commissioners of the County of Douglas, Nebraska, to me known to be the identical person who executed the within and foregoing instrument and acknowledged to me that he executed the same on behalf of said County.

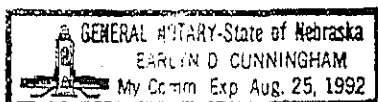
Witness my hand and notarial seal this 2nd day of October, 1990.

My Commission Expires:

8/25/92

Earlyn D. Cunningham

Notary Public



STATE OF NEBRASKA)
)SS
COUNTY OF DOUGLAS)

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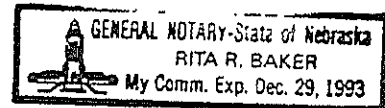
Before me, the undersigned, a Notary Public in and for the State and county aforesaid on this 18 day of September, 1990, personally appeared Irvin Gendler, an individual, to me known to be the identical person who executed the within and foregoing instrument and acknowledged to me that he executed the same as his free voluntary act and deed, for the uses and purposes as herein set forth.

Witness my hand and official seal

My Commission Expires:

12-29-93
Notary Public

Rita R. Baker



STATE OF NEBRASKA)
)SS
COUNTY OF DOUGLAS)

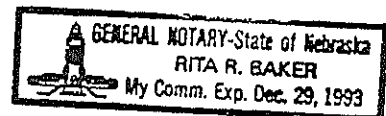
Before me, the undersigned, a Notary Public in and for the State and county aforesaid on this 18 day of September, 1990, personally appeared H. Lee Gendler, Trustee, to me known to be the identical person who executed the within and foregoing instrument and acknowledged to me that he executed the same as his free voluntary act and deed, for the uses and purposes as herein set forth.

Witness my hand and official seal

My Commission Expires:

12-29-93
Notary Public

Rita R. Baker



STATE OF NEBRASKA)
)SS
COUNTY OF DOUGLAS)

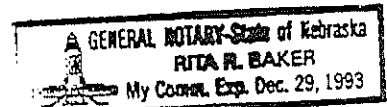
Before me, the undersigned, a Notary Public in and for the State and county aforesaid on this _____ day of _____, 1990, personally appeared H. Lee Gendler, an individual, to me known to be the identical person who executed the within and foregoing instrument and acknowledged to me that he executed the same as his free voluntary act and deed, for the uses and purposes as herein set forth.

Witness my hand and official seal

My Commission Expires:

12-29-93
Notary Public

Rita R. Baker



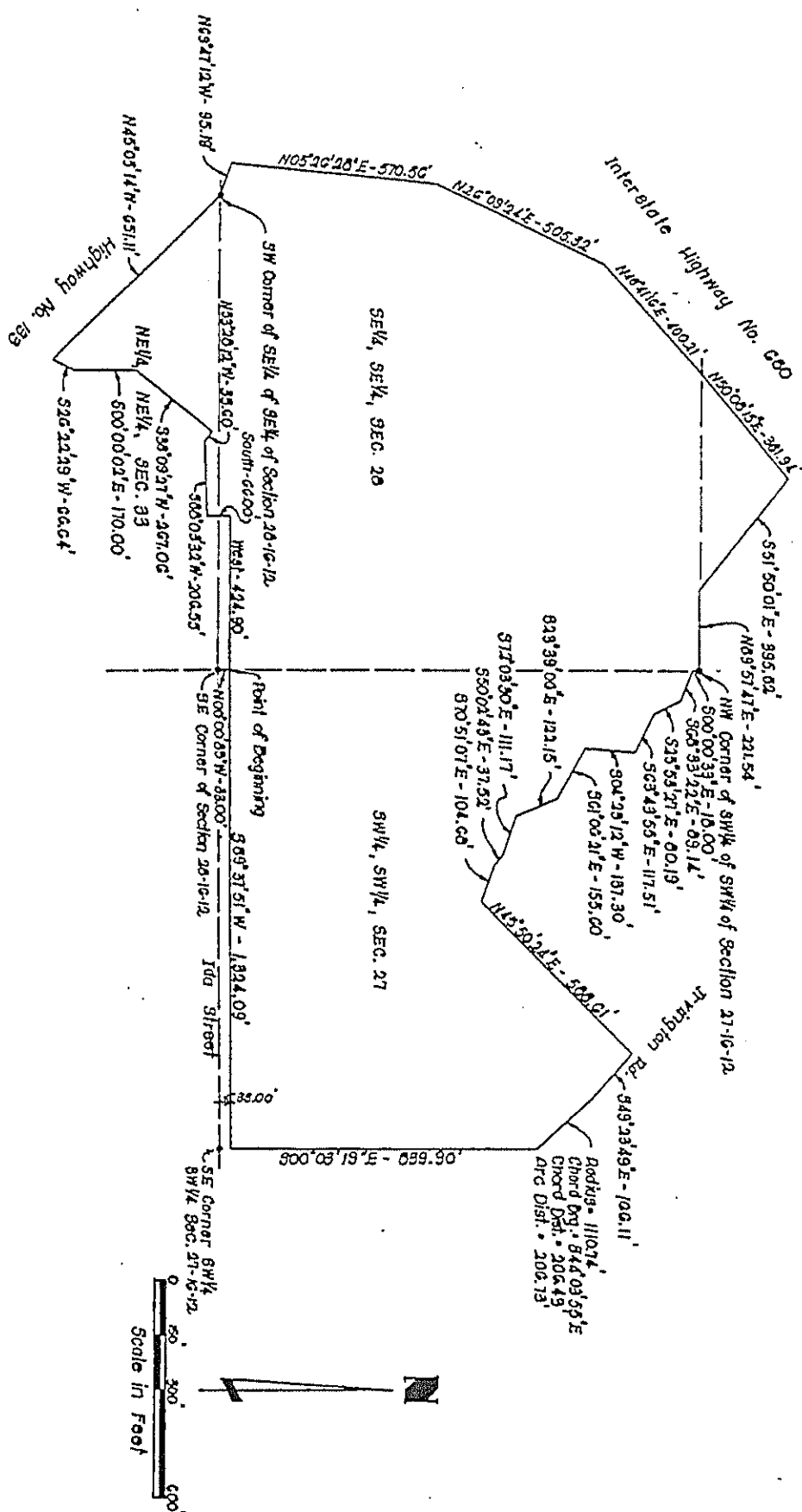
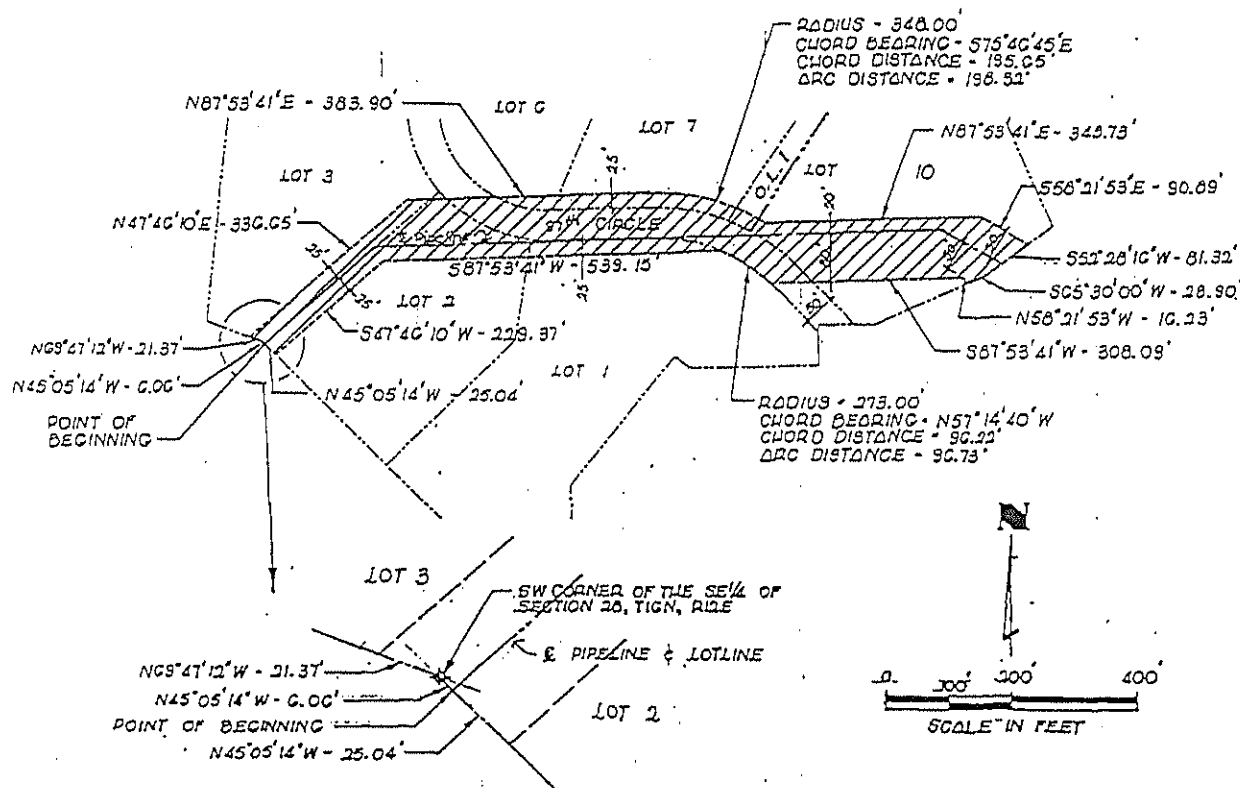


EXHIBIT A

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LEGAL DESCRIPTION

Part of Lots 1, 2, 3, and 6, of Starwood, and part of Lots 7, 10 & Outlot 1, Starwood Replat, subdivisions as surveyed, platted and recorded in Douglas County, Nebraska, all more particularly described as follows: Beginning at the most Westerly corner of said Lot 2; thence N45°05'14"W (assumed bearing) 6.06 feet on the Southwesterly line of said Lot 3 to the SW corner of the SE1/4 of Section 28, T16N, R12E of the 6th P.M., Douglas County, Nebraska; thence N69°47'12"W 21.37 feet on the Southwesterly line of said Lot 3; thence N47°46'10"E 336.65 feet on a line 25.00 feet Northwesterly of and parallel to the Southeasterly line of said Lot 3; thence N87°53'41"E 383.90 feet to a point of curve; thence Southeasterly on a 348.00 foot radius curve to the right, chord bearing S75°46'45"E, chord distance 195.65 feet, an arc distance of 198.32 feet; thence N87°53'41"E 343.73 feet; thence S58°21'53"E 90.89 feet to the Southeasterly line of said Lot 10; thence S52°28'16"W 81.32 feet on the Southeasterly line of said Lot 10; thence S65°30'00"W 28.90 feet on the Southeasterly line of said Lot 10; thence N58°21'53"W 16.23 feet; thence S87°53'41"W 308.09 feet to the Northeasterly line of said Lot 1; thence Northwesterly on the Northeasterly line of said Lot 1 on a 273.00 foot radius curve to the left, chord bearing N57°14'40"W, chord distance 96.22 feet, an arc distance of 96.73 feet; thence S87°53'41"W 539.15 feet; thence S47°46'10"W 229.37 feet on a line 25.00 feet Southeasterly of and parallel to the Northwesterly line of said Lot 2 to the Southwesterly line of said Lot 2; thence N45°05'14"W 25.04 feet on the Southwesterly line of said Lot 2 to the point of beginning.

EXHIBIT B

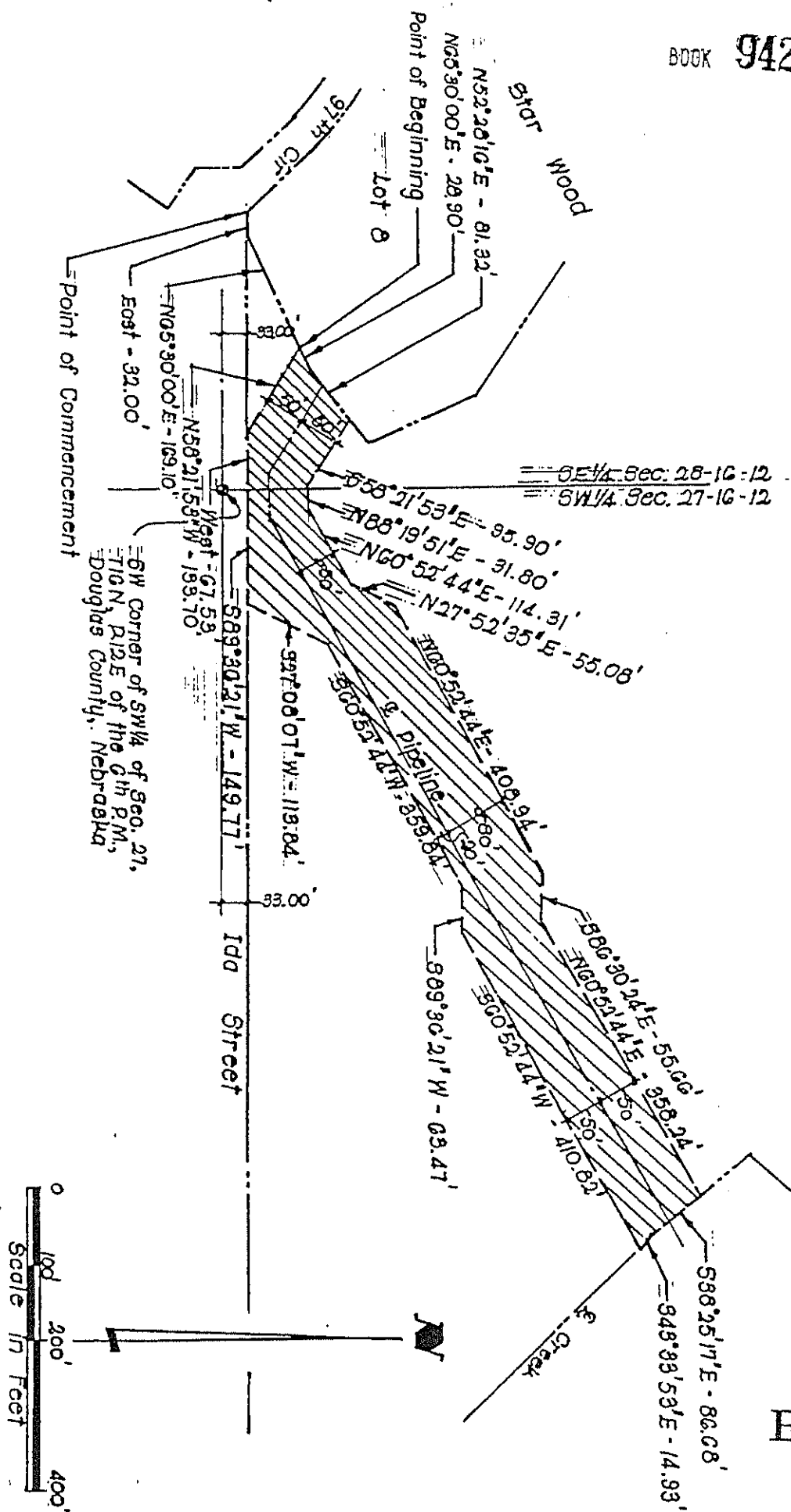


EXHIBIT C

Point of Commencement
NW Corner of the SW 1/4 of the
SW 1/4 of Section 27, T16N, R12E
of the 6th P.M., Douglas County, Nebraska

N 89° 37' 31" E
0 835.89'

S 49° 23' 49" E - 453.11'

Irvington

Radius = 1110.74'
Chord Brg. = S 44° 03' 55" E
Chord Dist. = 206.43'
Arc Dist. = 206.73'

S 00° 03' 19" E
98.94'

50'

50'

S 60° 52' 44" W
478.03'

Q of Pipeline

N

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0 100' 200' 400'
Scale in Feet

Point of Beginning

Road

2

3

4

5

6

7

8

9

10

Ida

Street

SE Corner of the SW 1/4 of
the SW 1/4 of Section 27,
T16N, R12E of the 6th P.M.,
Douglas County, Nebraska.

RECEIVED
Oct 23 9 00 AM '30
GEORGE J. MULLEN
REGISTER OF DEEDS
DOUGLAS COUNTY, NE

BM 942 N 27-16-DEP 64.80
PG 145-154 N 33-16-12 DEC VK MC WS
OF Misc COMP OF FIB 01-60000

EXHIBIT D

119-122

Misc
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