

18041

WARRANTY DEED

(5)

KNOW ALL MEN BY THESE PRESENTS, that THE CITY OF LINCOLN, NEBRASKA, a municipal corporation, organized and existing under and by virtue of the laws of the State of Nebraska and its home rule charter, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration received, does grant, bargain, sell, convey, and confirm unto HIGHLANDS EAST LIMITED PARTNERSHIP, a Nebraska limited partnership, herein called the Grantee whether one or more, the following described real property in Lancaster County, Nebraska:

Outlot "E", Highlands East Addition, Lincoln, Lancaster County, Nebraska.

To have and to hold the above described premises together with all tenements, hereditaments, and appurtenances thereto belonging unto the Grantee and to Grantee's heirs and assigns forever subject, however, to the following exceptions and reservations:

The City hereby excepts and reserves in perpetuity to itself and to any person, firm, or corporation, public or private, lawfully engaged in a utility operation, their successor and assigns, all existing and recorded easements for and rights of access to any and all existing electrical power and light, sanitary sewer, gas, telephone, water service, open or underground storm sewage and drainage services and utilities, public or private, in, through, over, upon, or under the above described real property, regardless of whether such utility easements were conveyed directly to the City, to former Sanitary and Improvement District No. 7 of Lancaster County, Nebraska, to any other public entity, or to any utility operating by virtue of a franchise granted by the City. This exception and reservation includes, but is not limited to, the right to construct, reconstruct, operate, maintain, repair, replace, and remove such utilities, including lines, conduits, cables, wires, poles, mains, meters, pipes, and all appurtenances thereto. No building or structure shall be constructed or used so as to interfere in any manner with any of the aforesaid exceptions and reservations, unless Grantee: (1) bears the cost of relocating such utilities to the extent that such relocation is necessitated by such construction or use; and (2) obtains and provides at Grantee's expense the easements and rights of access required by reason of any such relocation, whether such relocation be upon any property owned by Grantee or upon any property owned by any persons other than Grantee; provided, of course, that this shall not prohibit the affected utility operations from agreeing to bear any or all of the foregoing expense.

The City, for itself and its successors, does hereby covenant with the Grantee and with Grantee's heirs and assigns that City is lawfully seized of said premises; that they are free from encumbrance, except for easements and restrictions of records and as excepted and reserved above, and that City has good, right, and lawful authority to convey the same; and that City warrants and will defend the title to said premises against the lawful claims of all persons whosoever.

In witness whereof, City has hereunto caused its corporate seal to be affixed and these presents signed by its Mayor.

NEBRASKA DOCUMENTARY
STAMP TAX

APR 14 1994

\$ X2 BY Co

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Dated this 14 day of April, 1994.

ATTEST

CITY OF LINCOLN, NEBRASKA,
a municipal corporation

City Clerk

Mayor

STATE OF NEBRASKA)

) ss:

COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this 14th day of April, 1994, by Mike Johanns, Mayor of the City of Lincoln, Nebraska.



Teresa J. Meier
Notary Public

(HD-E, HE)

X

BLOCK
NO
CODE
HIEA
CHECKED
ENTR
EDITED

ck 06/29/96

LANCASTER COUNTY, NEB

Dan Nalte
REGISTER OF DEEDS

APR 14 4 28 PM '94

INST. NO. 94- 18041

\$10.50

SB