

Oct 22 12 36 PM '93

EASEMENT AND RIGHT-OF-WAY

THIS INDENTURE, made October 18th, 1993, between 9802 NICHOLAS STREET, a Nebraska Limited Partnership and DEVELOPERS CONSOLIDATED, INC., a Nebraska Corporation and a General Partner ("Grantors"), and METROPOLITAN UTILITIES DISTRICT OF OMAHA, a Municipal Corporation, ("Grantee"), witness:

Grantors, in consideration of the sum of Two Dollars (\$2.00) and other valuable consideration, receipt of which is acknowledged, grant to Grantee, its successors and assigns, a permanent easement and right-of-way to lay, maintain, operate, repair, relay and remove, at any time, pipelines for the transportation of natural gas and all appurtenances thereto, including but not limited to one CC box, together with the right of ingress and egress to and from the same, on, over, under and through a tract(s) of land(s) described as follows:

16-15-12
NESE

A tract in the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section Sixteen (16), Township Fifteen (15) North, Range Twelve (12) East of the 6th P.M., Douglas County, Nebraska described as follows:

Commencing at the east quarter corner of Section 16; then S00°04'07"E (assumed bearing) on the East line of Section 16 330.00 feet; then S89°57'16"W a distance of 774.12 feet to the point of beginning:

Then N45°02'44"W a distance of 84.85 feet; then S89°57'16"W a distance of 59.80 feet; then S00°02'44"E a distance of 10.0 feet; then N89°57'16"E a distance of 55.66 feet; then S45°02'44"E a distance of 70.71 feet; then N89°57'16"E along north right-of-way line of Nicholas Street a distance of 14.14 feet to the point of beginning.

This tract contains 0.036 of an acre, more or less, and is shown on the drawing attached hereto and made a part hereof by reference.

TO HAVE AND TO HOLD this Easement and Right-of-Way to Grantee, Metropolitan Utilities District of Omaha, its successors and assigns forever.

1. The Grantors and their successors and assigns shall not at any time erect, construct or place on or below the surface of the easement tract any building or structure, except pavement and shall not permit anyone else to do so.

2. The Grantee shall restore the surface of any soil excavated for any purpose hereunder, as nearly as is reasonably possible to its original contour within a reasonable time after the work is performed.

3. Nothing herein shall be construed to waive any right of Grantors or duty and power of Grantee respecting the ownership, use, operations, extensions and connections to any pipeline constructed and maintained hereunder.

4. The Grantors are lawful possessors of this real estate; have good, right, and lawful authority to make such conveyance;

Handwritten notes and stamps on the right side of the page, including "CASH", "TYPE", "FEE", "OF", "LEGAL PG 290", and "SCANS".

Please refer to:
TJ Secret
MUD
1723 Harney Street
Omaha, NE
48102-1950

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and Grantors and their executors, administrators, successors and assigns shall warrant and defend this conveyance and shall indemnify and hold harmless Grantee forever against claims of all persons asserting any right, title or interest prior to or contrary to this conveyance.

5. The person executing this instrument represents that he has authority to execute it on behalf of the partnerships and corporation.

IN WITNESS WHEREOF, Grantors cause this Easement and Right-of-Way to be signed on the above date.

9802 NICHOLAS STREET, a Nebraska Limited Partnership, and DEVELOPERS CONSOLIDATED, INC., a Nebraska Corporation and General Partner, Grantors

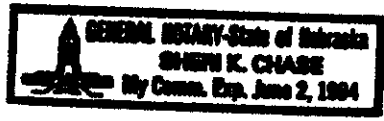
(Corporate Seal)

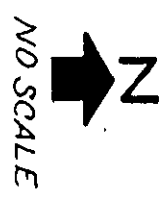
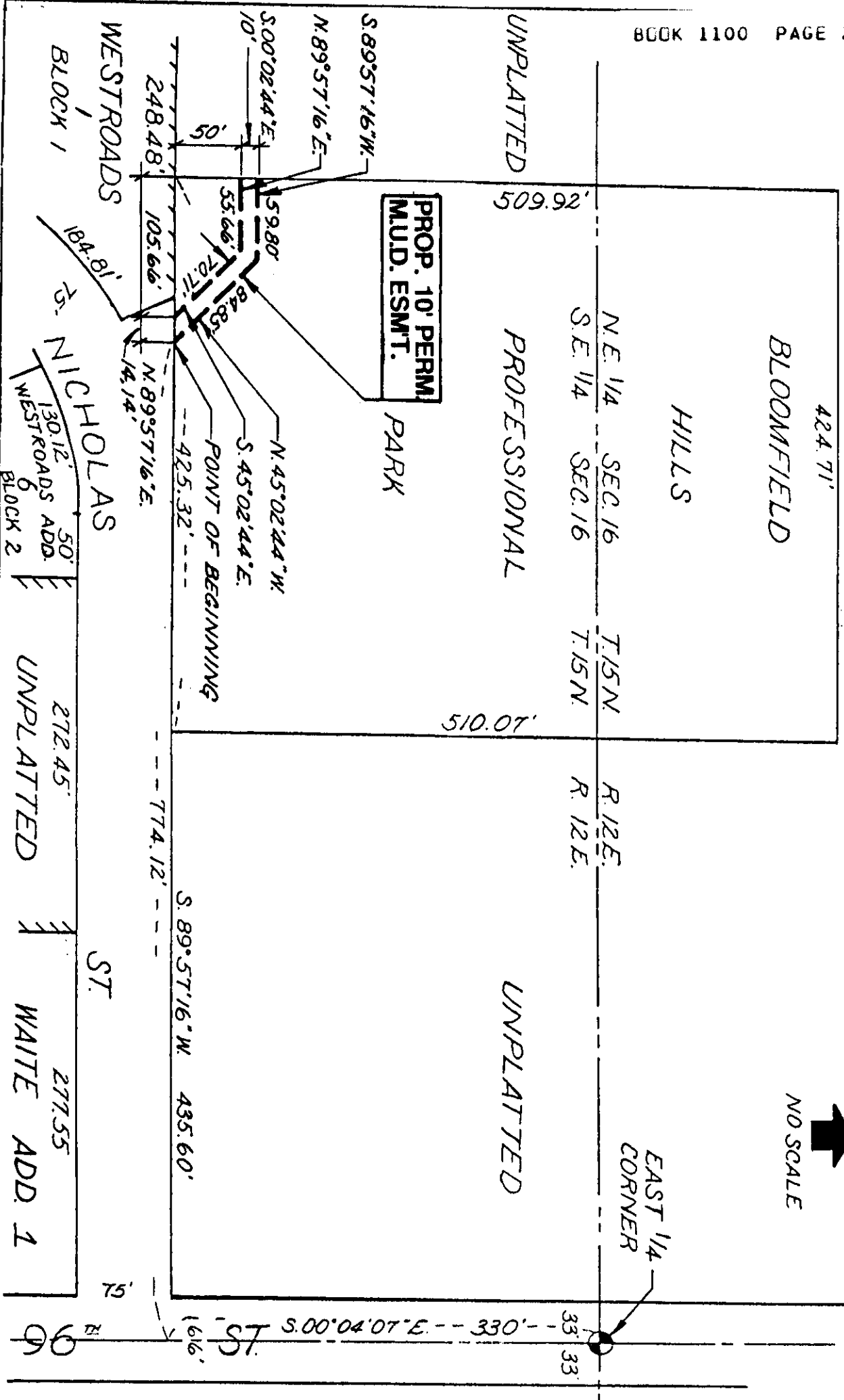
By: *Michael L. Day*
Michael L. Day, President,
on behalf of both 9802
Nicholas Street, a Nebraska
Limited Partnership, and
Developers Consolidated, Inc.,
a Nebraska Corporation and
General Partner

STATE OF NEBRASKA)
) ss
COUNTY OF DOUGLAS)

This instrument was acknowledged before me on October 18th, 1993 by Michael L. Day, President of the 9802 Nicholas Street, a Nebraska Limited Partnership, and President of Developers Consolidated, Inc., a Nebraska Corporation and General Partner, on behalf of the Limited Partnership and the Corporation and General Partner of same.

Brian K. Chase
Notary Public





METROPOLITAN UTILITIES DISTRICT OMAHA, NEBRASKA EASEMENT ACQUISITION	
FOR G.R.M. 10606	
LAND OWNER ESSEX CORP	TOTAL ACRE PERMANENT 0.036±
LEGEND PERMANENT EASEMENT	
PAGE <u>1</u> OF <u>1</u>	DRAWN BY <u>SPW</u> DATE <u>08-10-93</u> CHECKED BY <u>GL</u> DATE <u>8-10-93</u> APPROVED BY <u>GL</u> DATE <u>8-10-93</u> REVISED BY <u>J.F.W.</u> DATE <u>08-13-93</u> REV. CHGD. BY <u>GL</u> DATE <u>9-14-93</u> REV. APPROV. BY <u>GL</u> DATE <u>9-14-93</u>