

16-15-12

9.85

EASEMENT AND RIGHT OF WAY

THIS INDENTURE, made this 30th day of December, 1975, between Duchesne College and Convent of the Sacred Heart, a Nebraska corporation, hereinafter referred to as "Grantor", and Metropolitan Utilities District of Omaha, a municipal corporation, hereinafter referred to as "Grantee", WITNESSETH:

That Grantor, in consideration of the sum of One ----- Dollars (\$1.00-----), receipt of which is hereby acknowledged, does hereby grant to Metropolitan Utilities District of Omaha, its successors and assigns an easement and right of way to lay, maintain, operate, repair, relay and remove, at any time, a pipeline for the transportation of water, and all appurtenances thereto, together with the right of ingress and egress to and from the same, on, over, under and through lands described as follows:

PERMANENT EASEMENT

A strip of land lying in the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section Sixteen (16), Township Fifteen (15) North, Range Twelve (12) East of the 6th P.M., Douglas County, Nebraska, said strip being more particularly described as follows:

The South Twenty (20) feet of the North Three Hundred Thirty (330) feet of the West Three Hundred Forty-six (346) feet of the East Eight Hundred Fourteen and Six-tenths (814.6) feet of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of said Section Sixteen (16), said strip lying along and parallel to the North right-of-way line of Nicholas Street.

This strip contains a total of Sixteen Hundredths (0.16) acre, more or less, all as shown on the plat attached hereto and made a part hereof.

TEMPORARY EASEMENT

A strip of land lying in the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section Sixteen (16), Township Fifteen (15) North, Range Twelve (12) East of the 6th P.M., Douglas County, Nebraska, said strip being more particularly described as follows:

The South Fifteen (15) feet of the North Three Hundred Ten (310) feet of the West Three Hundred Forty-six (346) feet of the East Eight Hundred Fourteen and Six-tenths (814.6) feet of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of said Section Sixteen (16).

This strip contains a total of Twelve Hundredths (0.12) acre, more or less, all as shown on the plat attached hereto and made a part hereof.

TO HAVE AND TO HOLD said easement and right of way unto the said Grantee Metropolitan Utilities District of Omaha, its successors and assigns.

1. Grantor, its successors or assigns agree that they will at no time erect, construct or place on or below the surface of said strip of land any building or structure, except pavement, and that they will not give anyone else permission to do so.

2. Grantee shall restore the surface of the soil excavated for any purpose hereunder, as near as may be reasonably possible, to the original contour thereof and as soon after such work is performed as may be reasonably possible to do so.

3. Nothing herein contained shall be construed as a waiver of any rights of Grantor, or duties and powers of Grantee respecting the ownership, use, operations, extensions and connections to any pipeline constructed and maintained hereunder.

4. As further consideration for this easement, Grantee agrees that in the event Grantor or its successors shall desire to tap said water main for water service to its property abutting said main, said connection charge as provided for in Part X, Paragraph 3 of the District's Water Rules and Regulations shall not exceed \$7.80 per foot for Grantor's front footage abutting the main.

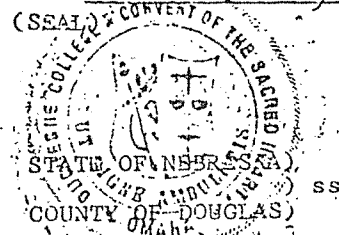
IN WITNESS WHEREOF, the Grantor has caused this easement to be signed on the day and year first above written.

ATTEST:

DUCHESNE COLLEGE AND CONVENT  
OF THE SACRED HEART, Grantor

(Sister) Helen Condon  
Title Secretary

By (Sister) Rita Ryan  
Title vice-president

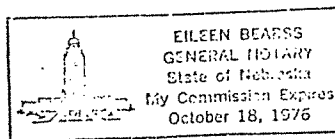


METROPOLITAN UTILITIES DISTRICT  
OF OMAHA, Grantee

By: John A. Bell

On this 30th day of December, 1975, before me, the undersigned, a Notary Public duly commissioned and qualified for said county, personally came Sister Rita Ryan, to me personally known to be the vice-president of Duchesne College and Convent of the Sacred Heart, a Nebraska corporation, whose name is affixed to the foregoing instrument in that capacity and who acknowledged the same to be her voluntary act and deed and the voluntary act and deed of said corporation.

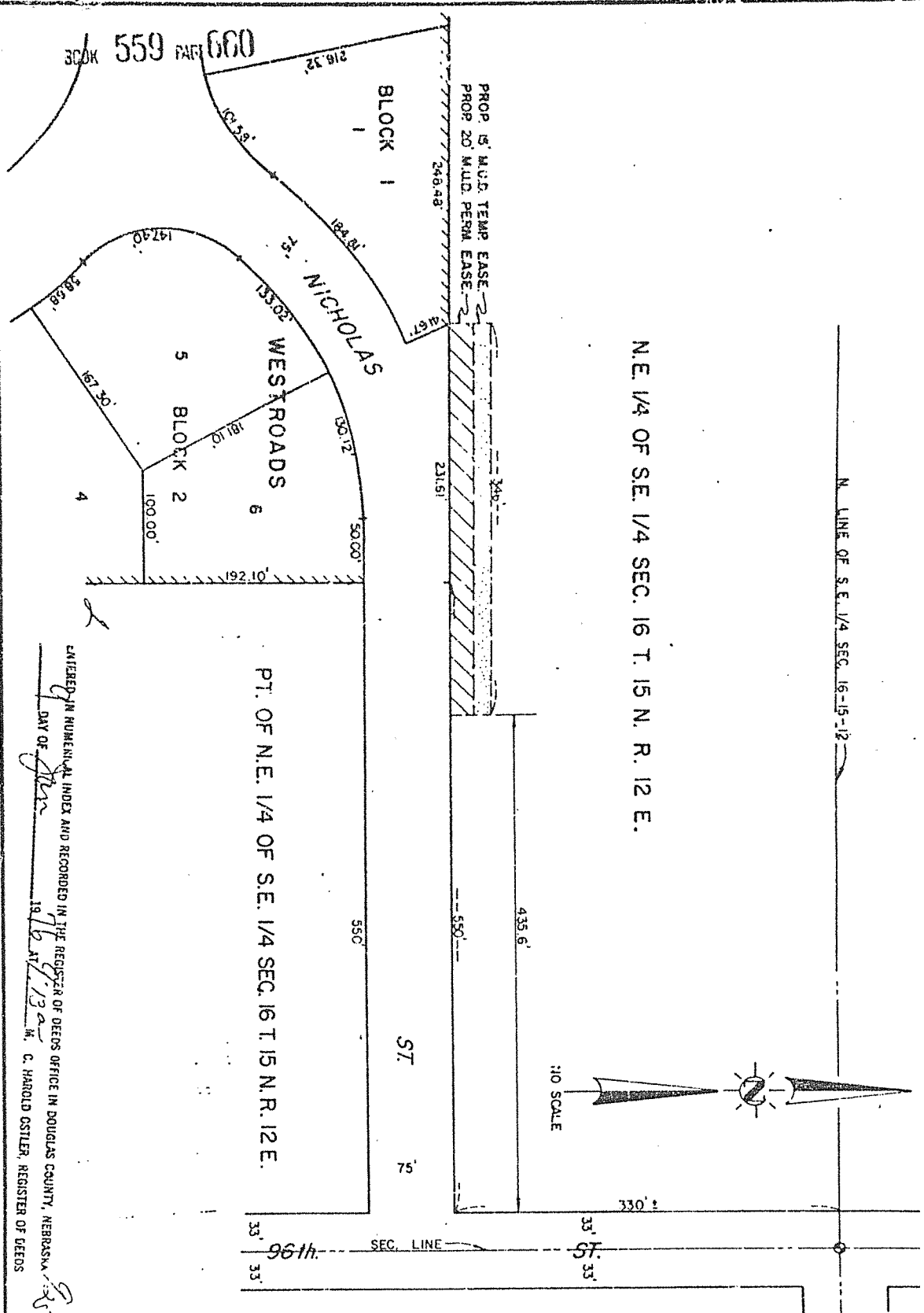
Witness my hand and Notarial Seal on the day and year last above written.



Eileen Beers  
Notary Public

N. LINE OF S. E. 1/4 SEC. 16 - 15 - 12

N. E. 1/4 OF S. E. 1/4 SEC. 16 T. 15 N. R. 12 E.



PT. OF N. E. 1/4 OF S. E. 1/4 SEC. 16 T. 15 N. R. 12 E.

ENTERED IN NUMERICAL INDEX AND RECORDED IN THE REGISTER OF DEEDS OFFICE IN DOUGLAS COUNTY, NEBRASKA  
 DAY OF Jan 1976 AT 9:13 a.m.  
 M. C. HAROLD OSTLER, REGISTER OF DEEDS

METROPOLITAN  
 UTILITIES  
 DISTRICT  
 OMAHA, NEBRASKA

EASEMENT  
 ACQUISITION  
 FOR W.C. 5148

LAND OWNER  
 DUCHESNE COLLEGE

TOTAL ACRE  
 PERMANENT 0.16  
 TOTAL ACRE  
 TEMPORARY 0.12

LEGEND  
 PERMANENT EASEMENT  
 TEMPORARY EASEMENT

PAGE 1 OF 1

DRAWN BY G.L.C. DATE 9-19-75  
 CHECKED BY V.R.P. DATE 9-19-75  
 APPROVED BY T.P.D. DATE 9-22-75  
 REVISED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 REV. CHK'D BY \_\_\_\_\_ DATE \_\_\_\_\_  
 REV. APPROV. BY \_\_\_\_\_ DATE \_\_\_\_\_