EASEMENT AND RIGHT-OF-WAY

THIS INDENTURE, made this /3t day of down 1991, between PACIFIC LOTS, INC., 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 Two Dollars (\$2.00) and other valuable consideration, receipt of which is hereby acknowledged, does hereby grant to Metropolita: 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, pipelines for the transportation of gas and water and all appurtenances thereto, including but not limited to a 5% inch R.I. cover, together with the right of ingress and egress to and from the same, on, over, under and through lands described as follows:

PERMANENT EASEMENT

Several tracts in Cambridge Estates, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska and described as follows:

The East Five Feet (E.5') of Lots 1, 8, 9, 15 and 16, all adjacent to 166th Street.

The North Five Feet (N.5') of Lots 20, 21 and 22, adjacent to Burke Street.

The North to Northeasterly Five Feat of Lot 23 adjacent to Burke Street and to 166th Street.

The West Five Feet (W.5') of Lots 24, 25, 26, 32, 33, 34, 35, 36, 37 and 38, all adjacent to 166th Street.

The South to Southwesterly Five Feet of Lot 39 adjacent to Burke Street and to 166th Street.

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The South Five Feet (S.5') and the North
Two Feet (N.2') of the South Seven Feet
(S.7') of the West Seven Feet (W.7'), all of the West Seven Feet (W.7'), all of the West Street.

Said tracts contain a total of 0.4649 of an mon acre, more or less, and are shown on the two drawings attached hereto and made a part hereof by this reference.

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. The Grantor agrees that neither it nor its successors or assigns will at any time erect, construct or place on or below the surface of said easement tract any building or structure, except pavement and other similar covering, and it will not give anyone else permission to do so.
- 2. The 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

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soon after such work is performed as may be reasonably possible to do so.

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- any rights of the Grantor, or duties and powers of the Grantee, respecting the ownership, use, operations, extensions and connections to any pipeline constructed and maintained hereunder.
- 4. It is further agreed the Grantor has lawful possession of said real estate, good right and level authority to make such conveyance and it and its executors. Imministrators, successors and assigns shall variant and derive the same and will indemnify and hold harmless the Grantee forever against the claims of all persons whomsoever in any way accepting any right, title or interest prior to or contrary to this conveyance.
- 5. The person executive this instrument represents he has the requisite authority to execute same and make this conveyance on behalf of said Corporation.

IN WITHFUS WHEREOF, the Grantor has caused this Easement and Right-of-Way to be signed and executed on the day and year first above written.

PACIFIC LOTS, INC., a Nebraska Corporation, Grantor

(Corporate Seal)

ATTEST:

By: W. J. Manning W. L. Morrison, Jr., President

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ACKNOWLEDGMENT

STATE OF NEBRASKA)

COUNTY OF DOUGLAS)

On this /3/Lday of ________, 1991, before me, the undersigned, a Notary Public in and for said State of Nebraska, personally came W. L. Morrison, Jr., President of Pacific Lots, Inc., a Nebraska Corporation, to me known to be the identical person whose name is affixed to the foregoing instrument, and he acknowledged the execution of this instrument to be his voluntary act and deed as an individual and as such officer and the voluntary act and deed of said Corporation.

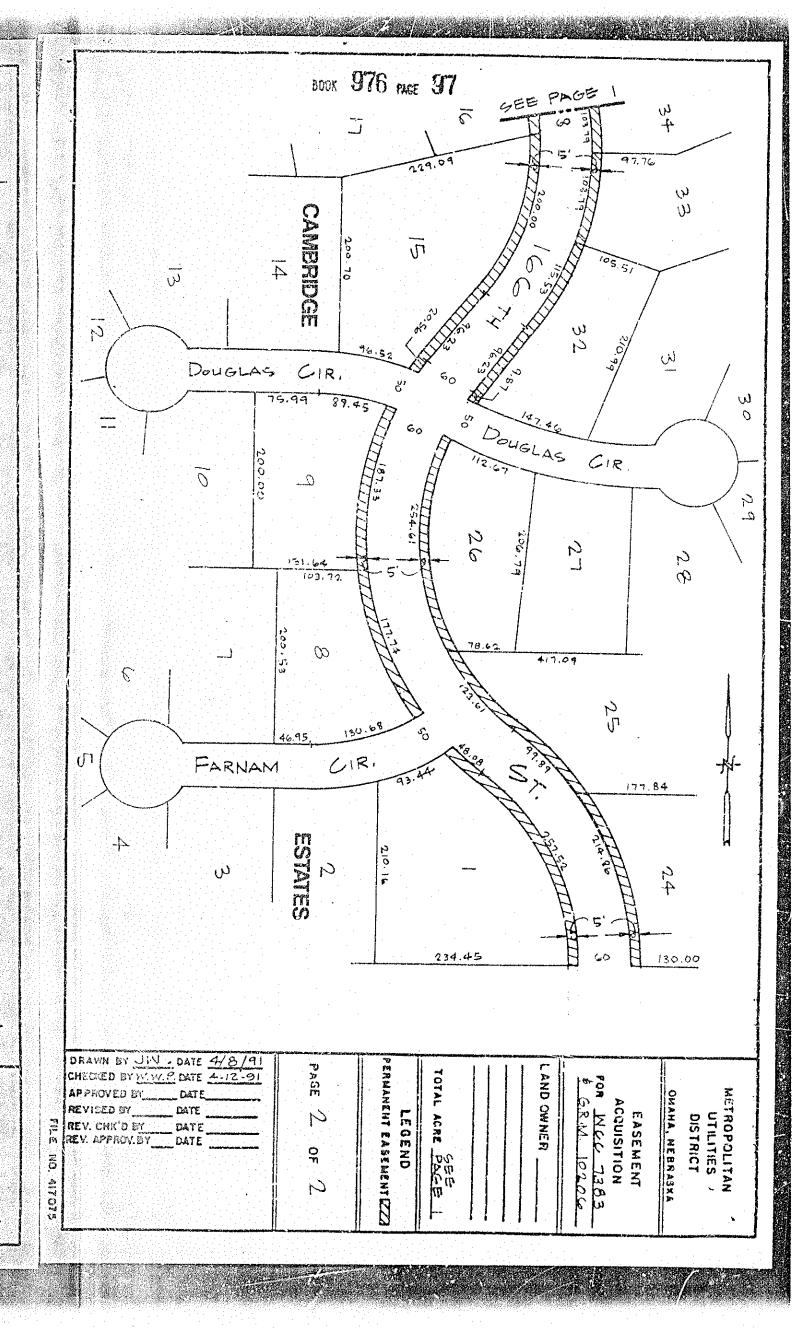
WITNESS my hand and Notarial Seal the day and year last above written.

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CAROLE M. BATEON

My Come Lie 12-7-94

My Commission expires:



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