

EASEMENT AND RIGHT-OF-WAY

THIS INDENTURE, made this 9<sup>th</sup> day of November, 1988, between CAMBRIDGE OAKS LIMITED PARTNERSHIP, a Nebraska Limited Partnership, 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 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, pipelines for the transportation of gas and 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 tract in Cambridge Oaks, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, and being described as follows:

The westerly 5 feet of Lots 117, 118, 119, 120, 121, 122, 123, 124, 133, 134, 146, 147, 169 and 185 adjacent to 166th Street. 92-533-539  
532-536-549

The easterly 5 feet of Lots 17, 33, 34, 51, 52, 69, 70, 87, 88, 100, 101, 102 and 116 adjacent to 166th Street. 92-507-515-524-528  
511-520-527-531

The easterly 10 feet of Lot 16 adjacent to 166th Street. 92-506

The easterly 5 feet of Outlot 1 adjacent to 166th Street between Lots 100 and 101. 92-549

The westerly 5 feet of Outlot 2 adjacent to 166th Street between Lots 120 and 121, between Lots 123 and 124, and between Lots 146 and 147. 92-549

The southerly 3 feet of Lots 82 and 83 adjacent to Jackson Street. 92-519

The southerly 3 feet of Lots 66 and 67 adjacent to Jones Street. 92-519

The southerly 3 feet of Lots 47 and 48 adjacent to Leavenworth Street. 92-519

Said tract contains 0.592 of an acre, more or less, and is shown on the drawing 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 they will not give anyone else permission to do so.

868  
667-669 92-503 DEL VK MC WC  
TWOCCO. INC. FIB 11-2-88

1988 NOV 17 PM 2:00

RECEIVED

GEORGE J. PROUTY, JR.  
REGISTERED TO RECORD

14315-3122

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 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 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 lawful authority to make such conveyance and it and its executors, administrators, successors and assigns shall warrant and defend the same and will indemnify and hold harmless the Grantee forever against the claims of all persons whomsoever in any way asserting any right, title or interest prior to or contrary to this conveyance.

5. The person executing this instrument represents he has the requisite authority to execute same and make this conveyance on behalf of said partnership.

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

CAMBRIDGE OAKS LIMITED PARTNERSHIP,  
a Nebraska Partnership,  
Grantor

By DODGE LAND COMPANY,  
a Nebraska Corporation,  
General Partner

ATTEST:

George D. Wade

By Nathan P. Dodge, Jr.  
Nathan P. Dodge, Jr.

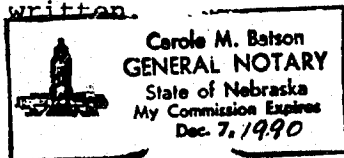
Title: President

ACKNOWLEDGMENT

STATE OF NEBRASKA )  
 ) ss  
COUNTY OF DOUGLAS )

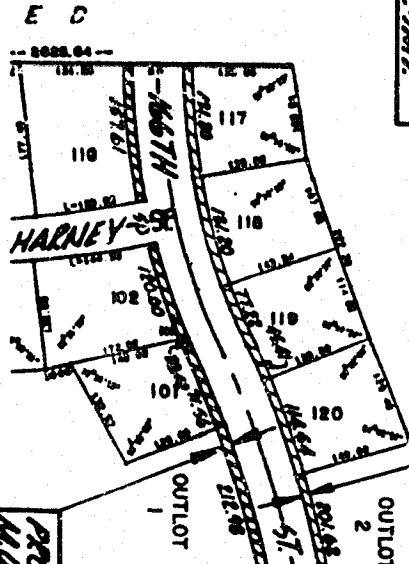
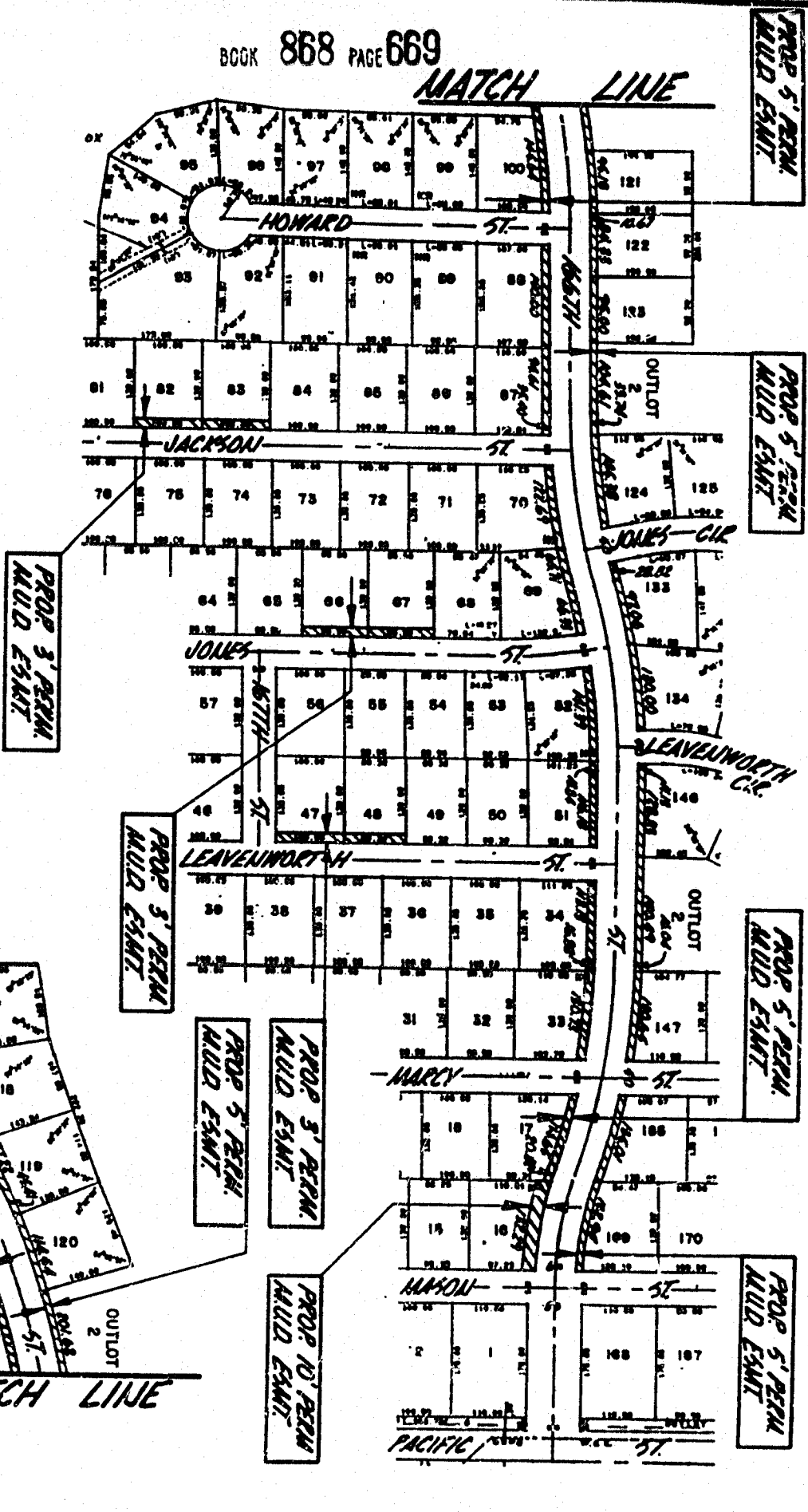
On this 9<sup>th</sup> day of November, 1988, before me, the undersigned, a Notary Public in and for said State of Nebraska, personally came Nathan P. Dodge, Jr., President of Dodge Land Company, a Nebraska Corporation and General Partner of Cambridge Oaks Limited Partnership, a Nebraska Partnership, 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 said officer and the voluntary act and deed of said Corporation as General Partner and of said Partnership.

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



Carol M. Batson  
Notary Public

My Commission expires: 12-7-90.



DRAWN BY <u>C.Y.</u> DATE <u>9-1-88</u>		<p>LEGEND</p> <p>PERMANENT EASEMENT</p> <p>PERMANENT EASEMENT</p>	<p>TOTAL ACRES <u>0.552</u></p> <p>PERMANENT <u>0.552</u></p>	<p>LAND OWNER</p> <p><u>CHARLOTTE DAVIS</u></p> <p><u>LIMITED PARTNER</u></p> <p><u>SUP. 5' PROP. LAND</u></p> <p><u>CO. GENERAL PARTNER</u></p>	<p>EASEMENT ACQUISITION</p> <p>FOR <u>WCC 6950-2</u></p> <p><u>GEN 9635-2</u></p>	<p>METROPOLITAN UTILITIES DISTRICT</p> <p>OMAHA, NEBRASKA</p>
REVIEWED BY <u>W.R.</u> DATE <u>9-7-88</u>	DATE <u>9-8-87</u>					
APPROVED BY <u>W.R.</u> DATE <u>9-8-87</u>	DATE <u>9-8-87</u>					
REV. CHK'D BY <u>W.R.</u> DATE <u>9-8-87</u>	DATE <u>9-8-87</u>					
FINAL APPROV. BY <u>W.R.</u> DATE <u>9-8-87</u>	DATE <u>9-8-87</u>					