

BK 1518 PG 402-405

RICHARD H. TAKECHI  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NE

2003 MAY 19 AM 9:09

RECEIVED

MISC 2003 17572

PERMANENT EASEMENT AND RIGHT-OF-WAY

THIS INDENTURE, made this 2 day of MAY, 2003, between BROWN INVESTMENT PARTNERSHIP, LTD, a Nebraska Limited Partnership ("Grantor"), and METROPOLITAN UTILITIES DISTRICT OF OMAHA, a Political Subdivision, ("Grantee"),

WITNESS:

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, easement and right-of-ways to lay, maintain, operate, repair, relay and remove, at any time, pipelines for the transportation of water and all appurtenances thereto, together with the right of ingress and egress on, over, under and through lands described as follows:

PERMANENT EASEMENT

A permanent easement for the construction and maintenance of water mains over a tract of land located in the NE 1/4 Section 21, Township 15 North, Range 11 East of the 6<sup>th</sup> P.M., Douglas County, Nebraska, more particularly described as follows:

Commencing at the Northeast Corner of said Section 21; thence S87°31'32"W (assumed bearing) along the North line of said NE 1/4 of Section 21, a distance of 766.41 feet; thence S02°28'28"E, a distance of 192.26 feet to a point on the Southerly right-of-way line of West Dodge Road, said point also being the point of beginning; thence S86°52'50"E along said Southerly right-of-way line of West Dodge Road, a distance of 25.00 feet; thence Southerly along said Southerly right-of-way line of West Dodge Road on a curve to the right with a Radius of 95.14 feet, a distance of 136.26 feet, said curve having a long chord which bears S43°58'26"E, a distance of 124.91 feet to a point on the Westerly right-of-way line of Relocated 168<sup>th</sup> Street, thence S02°56'35"E along said Westerly right-of-way line of Relocated 168<sup>th</sup> Street, a distance of 20.24 feet; thence Southeasterly along said Westerly right-of-way line of Relocated 168<sup>th</sup> Street on a curve to the left with a Radius of 945.83 feet, a distance of 646.43 feet, said curve having a long chord which bears S22°31'22"E, a distance of 633.92 feet; thence S42°06'06"E along said Westerly right-of-way line of Relocated 168<sup>th</sup> Street, a distance of 318.84 feet; thence Southeasterly along said Westerly right-of-way line of Relocated 168<sup>th</sup> Street on a curve to the right with a Radius of 825.82 feet, a distance of 38.11 feet, said curve having a long chord which bears S40°46'55"E, a distance of 38.10 feet; thence

*W*  
4 FEE 20.50 FB 21-60000  
BKP 21-15-11 C/O \_\_\_\_\_ COMP \_\_\_\_\_  
DEL \_\_\_\_\_ SCAN R \_\_\_\_\_

RECEIVED  
APR 22 2003

Please Return to:  
JUSTIN COOPER - MUD Legal  
1723 Harney  
Omaha, Ne 68102

016060

S13°59'17"W, a distance of 12.49 feet; thence Northwesterly on a curve to the left with a Radius of 815.82 feet, a distance of 45.06 feet, said curve having a long chord which bears N40°31'12"W, a distance of 45.06 feet; thence N42°06'06"W, a distance of 220.15 feet; thence S47°52'56"W, a distance of 12.50 feet; thence N42°06'06"W, a distance of 98.72 feet; thence Northerly on a curve to the right with a Radius of 968.33 feet, a distance of 362.84 feet, said curve having a long chord which bears N31°22'03"W, a distance of 360.72 feet; thence N68°33'32"E, a distance of 12.50 feet; thence Northerly on a curve to the right with a Radius of 955.83 feet, a distance of 294.93 feet, said curve having a long chord which bears N11°46'58"W, a distance of 293.76 feet; thence N02°56'35"W, a distance 20.24 feet; thence Westerly on a curve to the left with a Radius of 85.14 feet, a distance of 121.94 feet, said curve having a long chord which bears N43°58'26"W, a distance of 111.78 feet; thence N86°52'50"W, a distance of 24.67 feet; thence N03°06'22"E, a distance of 10.00 feet to the point of beginning.

The tract contains 0.4037 acres, 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 to Grantee, Metropolitan Utilities District of Omaha, its successors and assigns.

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

2. The Grantee shall restore the lawn, trees, bushes, irrigation system, landscaping, driveway, and any other items damaged as a result of installing Grantee's water main to its condition prior to construction within a reasonable time after the work is performed. In addition, Grantee shall restore to its original condition any such items damaged in the future as a result of Grantee operating and/or maintaining its water mains.

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

4. The Grantor is a lawful possessor of this real estate; has good, right and lawful authority to make such conveyance; and Grantor and its 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 limited partnership.

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

BROWN INVESTMENT  
PARTNERSHIP, LTD, a Nebraska  
limited partnership,  
Grantor

By: RED Development of West Dodge  
Road, LLC, a Missouri corporation  
authorized to do business in Nebraska

*Mike E*

Mike Ebert, Managing Member

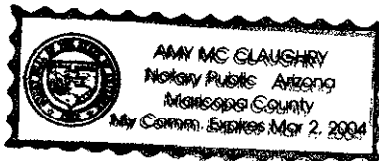
ACKNOWLEDGMENT

STATE OF *Arizona* )  
NEBRASKA )  
COUNTY OF *Maricopa* ) ss  
DOUGLAS )

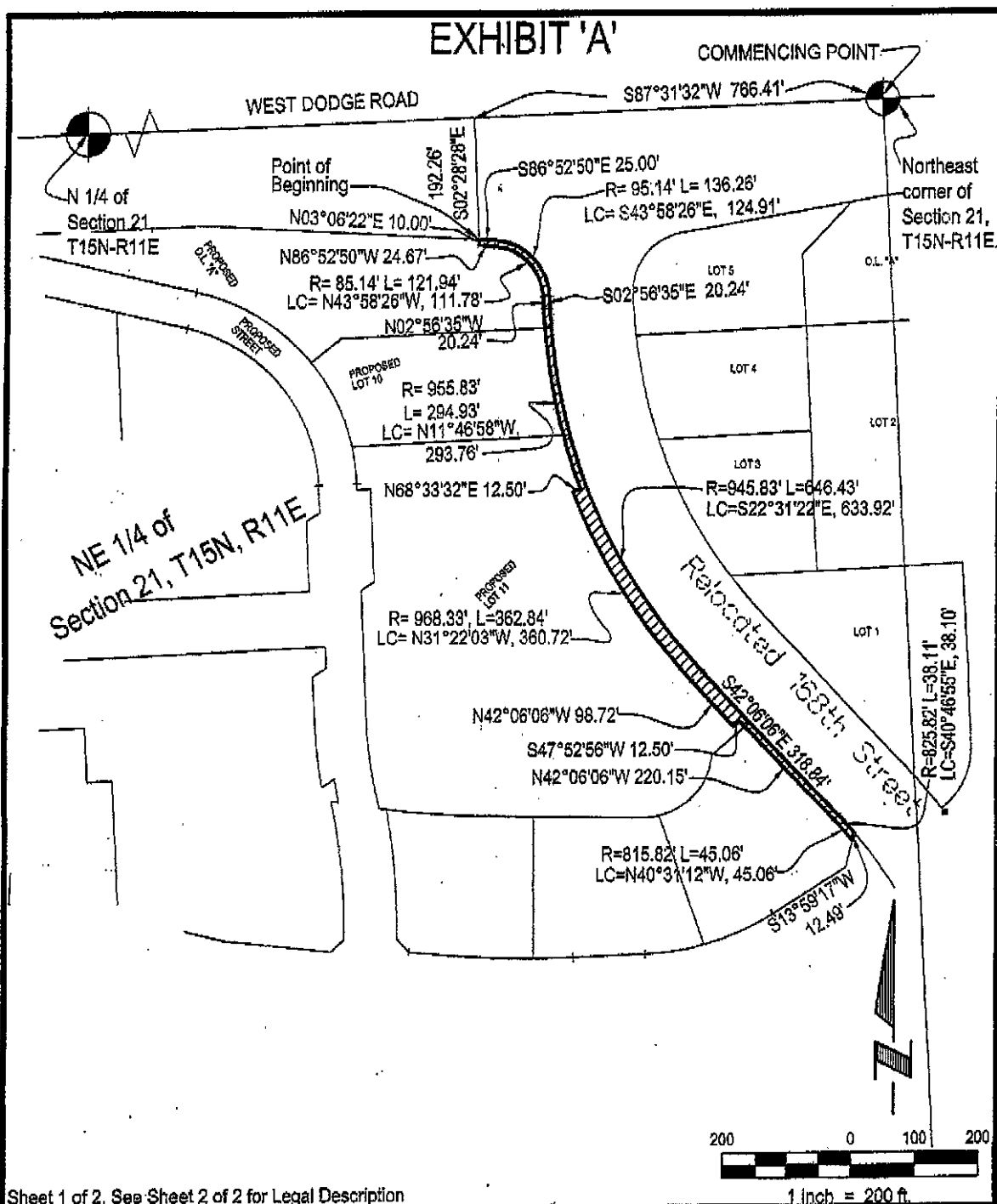
This instrument was acknowledged before me on May 2,  
2003, by Mike Ebert, Managing Member of Brown Investment Partnership, LTD,  
a Nebraska limited partnership.

*Am*

Notary Public



# EXHIBIT 'A'



Sheet 1 of 2, See Sheet 2 of 2 for Legal Description



**E&A CONSULTING GROUP, INC.**  
ENGINEERS • PLANNERS • SURVEYORS

12001 O STREET, OMAHA, NE 68137 PHONE: (402) 593-4700

Drawn by: DM Chkd by: Date: Chkd by: Date:

Job No.: 2001221.01 Date: 11/21/02

**PERMANENT MUD  
EASEMENT**

DOUGLAS COUNTY, NEBRASKA