

FILED SARPY CO. NE.

INSTRUMENT NUMBER

2003-51998

2003 SEP 12 P 1:32 PM

Glenn J. Dowling
REGISTER OF DEEDS

Counter *[Signature]*
Verify *[Signature]*
D.E. *[Signature]*
Proof *[Signature]*
Fee \$ 15.50
Ck Cash Chg
17277

FEE _____ FB _____
BKP _____ C/O _____ COMP _____
DEL _____ SCAN _____ F6 _____

PERMANENT
EASEMENT AND RIGHT-OF-WAY

THIS INDENTURE, made this 28 day of August, 2003 between MENARDS, INC., a/k/a Menard Cashway Lumber, a Wisconsin Corporation ("Grantor"), and METROPOLITAN UTILITIES DISTRICT OF OMAHA, a Municipal Corporation and 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, a permanent easement and right-of-way to lay, maintain, operate, repair, relay and remove, at any time, pipelines for the transportation of water and all appurtenances thereto, including, but not limited to one fire hydrant, together with the right of ingress and egress on, over, under and through lands described as follows:

PERMANENT EASEMENT

A tract of land in Lot One (1), Cornhusker Center Replat 1, a subdivision, as surveyed, platted and recorded in Sarpy County, Nebraska, and described as follows:

Commencing at the northeasternmost corner of said Lot 1, Cornhusker Center Replat 1; thence south 90°00'00" west (assumed bearing), a distance of 600.80 feet; thence south 04°53'24" east, a distance of 53.47 feet to the point of beginning; thence north 89°15'49" east, a distance of 25.00 feet; thence south 04°53'24" east, a distance of 20.00 feet; thence south 89°15'49" west, a distance of 25.00 feet; thence north 04°53'24" west, a distance of 20.00 feet, to the Point of Beginning.

This permanent easement contains 0.012 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 Permanent 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 permanent easement any building or structure, except pavement or a similar covering, and shall not permit anyone else to do so.
2. The Grantee shall restore the 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 Grantor or duty and power of Grantee respecting the ownership, use, operations, extensions and connections to any pipeline constructed and maintained hereunder.

Please Return To: JUSTIN COOPER
MUD Legal Dept
1723 Hamley
Omaha, Ne 68102

RJR

51998

A

4. The Grantor is the 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/she has authority to execute it on behalf of the corporation.

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

MENARD, INC., a/k/a Menard Cashway Lumber, a Wisconsin Corporation, Grantor

By: Maureen Prael

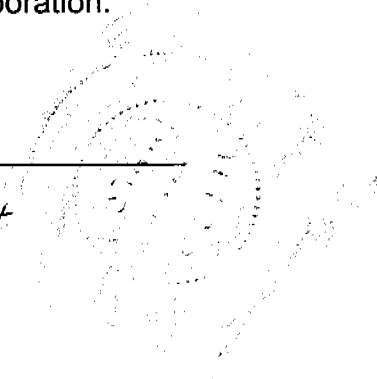
Title: Vice Pres

ACKNOWLEDGMENT

^{Wisconsin}
STATE OF ~~NEBRASKA~~)
^{Franklin County}) SS
COUNTY OF ~~DOUGLAS~~)

This instrument was acknowledged before me on August 28, 2003, by Maureen Prael, V.P. of MENARD, INC., a/k/a Menard Cashway Lumber, a Wisconsin corporation, on behalf of the corporation.

[Signature]
Notary Public
My Commission is permanent



METROPOLITAN UTILITIES DISTRICT
OMAHA, NEBRASKA



EASEMENT ACQUISITION

FOR W.C.H. 9716

W.A.H. 3234

LAND OWNER
MENARDS INC.
4777 MENARD DRIVE
EACLAIRE, WI 54703

TOTAL ACRE
PERMANENT 0.012 ±
TOTAL ACRE
TEMPORARY _____

LEGEND
 PERMANENT EASEMENT
 TEMPORARY EASEMENT

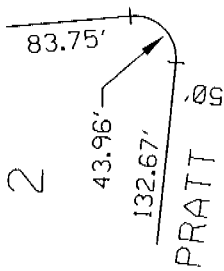
PAGE 1 OF 1

DRAWN BY PMR
DATE 8-2-03
CHECKED BY BA
DATE _____
APPROVED BY _____
DATE _____
REVISED BY _____
DATE _____
REV. CHK'D. BY _____
DATE _____
REV. APPROV. BY _____
DATE _____

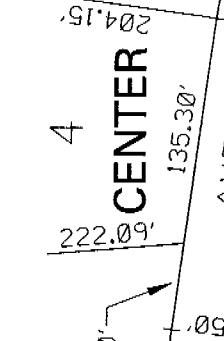
CORNHUSKER

2

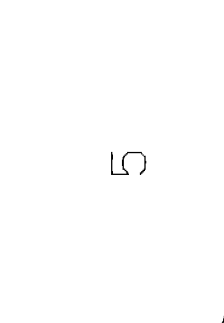
STREET



3



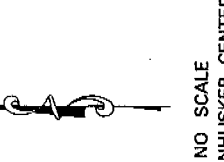
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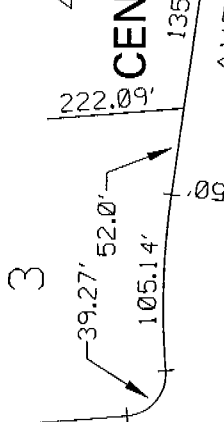
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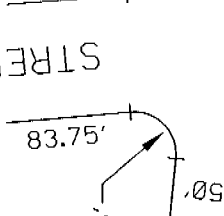
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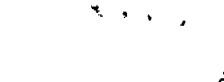
9



10



11



NO SCALE
CORNHUSKER CENTER;
21st ST. & PRATT AVE.

PRATT AVE.

CENTER AVE.

POINT OF COMMENCEMENT

POINT OF BEGINNING

LOT 1

LOT 2

UNPLATTED

CORNHUSKER CENTER

REPLAT I

REPLAT II

EX. 20'x25' PERM. M.U.D. ESMT.
PROP. 20'x25' M.U.D. ESMT.

S 4°53'24" E, 53.47'

N 89°15'49" E, 25'

S 4°53'24" E, 20'

S 89°15'49" W, 25'

N 4°53'24" W, 20'

S 90°00'00" W, 600.80'

2003-51998B