

FILED SARPY CO. NE.

INSTRUMENT NUMBER

2003-42891

2003 AUG -1 P 1:59 8

*Steve J. Downing*

REGISTER OF DEEDS

Counter *sona*  
 Verily *DH*  
 D.E. *LM*  
 Proof *LM*  
 Fees *15.50*  
 OK  Case  City   
 16938

EASEMENT AND RIGHT-OF-WAY

THIS INDENTURE, made this 24 day of JULY, 2003, between HORSE CREEK FARMS, a Colorado Partnership, ("Grantor"), and METROPOLITAN UTILITIES DISTRICT OF OMAHA, a Political Subdivision, ("Grantee"),

WITNESS:

That Grantors, in consideration of the sum of Two Dollars (\$2.00) and other valuable consideration, receipt of which is hereby acknowledged, do 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 all appurtenances thereto, together with the right of ingress and egress on, over, under and through lands described as follows:

PERMANENT EASEMENT

A tract of land in the SW ¼ of the NW ¼ of Section 36, Township 14 North, Range 11 East of the 6<sup>th</sup> P.M. in Sarpy County, Nebraska and described as follows:

Commencing at the SW corner of the NW ¼ of Section 36, Township 14 North, Range 11 East of the 6<sup>th</sup> P.M.; thence N88°16'11"E (an assumed bearing relative to all bearings contained herein), a distance of 69.60' to the point of beginning, said point also being on the east right-of-way line of state Highway 50; thence N88°16'11"E a distance of 33.45'; thence N01°25'52"W a distance of 1330.94'; thence S87°04'02"W a distance of 20.00'; thence S01°25'52"E a distance of 1163.02'; thence S03°13'47"W a distance of 152.32'; thence S02°34'25"E a distance of 2.08' to the point of beginning.

Said permanent easement contains 0.64 of an acre, more or less, and is shown on the drawing attached hereto and by this reference made a part hereof.

TEMPORARY CONSTRUCTION EASEMENT

A tract of land in the SW ¼ of the NW ¼ of Section 36, Township 14 North, Range 11 East of the 6<sup>th</sup> P.M. in Sarpy County, Nebraska and described as follows:

Commencing at the SW corner of the NW ¼ of Section 36, Township 14 North, Range 11 East of the 6<sup>th</sup> P.M.; thence N88°16'11"E (an assumed bearing relative to all bearings contained herein), a distance of 103.05' to the point of beginning; thence N01°25'52"W a distance of 1330.94'; thence N87°04'02"E a distance of 49.00';

2052  
Please Return:  
JUSTIN COOPER  
MUD - LEGAL DEPT  
1723 HARVEY  
OMAHA, NE 68102

A

thence S01°28'29"E a distance of 1331.96'; thence S88°16'11"W a distance of 50.00' to the point of beginning.

Said temporary easement contains 1.51 acres, more or less, and is shown on the drawing attached hereto and by this reference made a part hereof.

TO HAVE AND TO HOLD said Permanent and Temporary Construction Easements and Rights-of-Way to Grantee, Metropolitan Utilities District of Omaha, its successors and assigns.

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

2. The Grantee shall restore the surface of any 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.

4. The Grantors are a lawful possessor of this real estate; have good right and lawful authority to make such conveyance; and Grantors and their 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.

IN WITNESS WHEREOF, Grantors execute these Permanent and Temporary Easements and Rights-of-Way to be signed on the above date.

HORSE CREEK FARMS, a Colorado Partnership, Grantors

By: David Esch  
Title: Managing Partner

ACKNOWLEDGMENT

Colorado  
STATE OF ~~NEBRASKA~~ )  
                  *boulder* ) ss  
COUNTY OF DOUGLAS )

This instrument was acknowledged before me on July 24<sup>th</sup>, 2003, by David Esch, \_\_\_\_\_ of Horse Creek Farms on behalf of the \_\_\_\_\_.



Sean McKeon

My Commission Expires 3/27/2005  
500 S. McCaslin Blvd.  
Louisville, CO 80027

2003-42891 B

# METROPOLITAN UTILITIES DISTRICT

## EASEMENT ACQUISITION

### OMAHA, NEBRASKA

FOR G.C. 12163-2

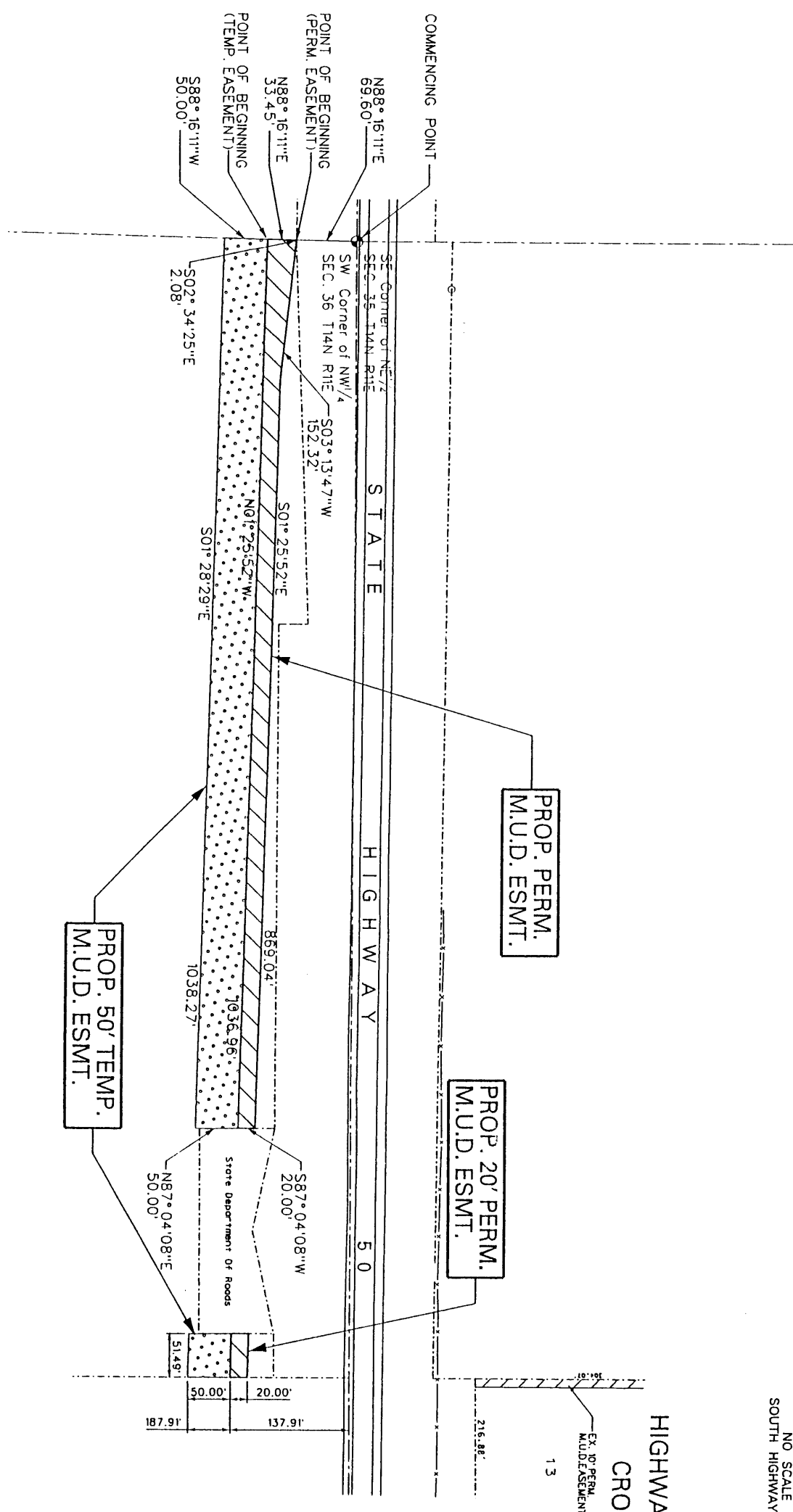
LAND OWNER  
HORSE CREEK FARMS  
2006 N. 101st CIRCLE  
OMAHA, NE 68134

TOTAL ACRE 0.53±  
PERMANENT \_\_\_\_\_  
TEMPORARY 1.25±

LEGEND  
PERMANENT EASEMENT [Hatched Box]  
TEMPORARY EASEMENT [Dotted Box]

PAGE 2 OF 2

DRAWN BY JSTANEK  
DATE 08-12-2002  
CHECKED BY \_\_\_\_\_  
DATE \_\_\_\_\_  
APPROVED BY \_\_\_\_\_  
DATE \_\_\_\_\_  
REVISED BY JSTANEK  
DATE 05-12-2003  
REV. CHK'D. BY JSS  
DATE 5/12/2003  
REV. APPROV. BY \_\_\_\_\_  
DATE \_\_\_\_\_



PROP. PERM. M.U.D. ESMT.

PROP. 50' TEMP. M.U.D. ESMT.

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

HIGHWAY CROSSING

NO SCALE SOUTH HIGHWAY 50

