

FILED SARPY CO. NE.
INSTRUMENT NUMBER
2002-04727

2002 FEB -5 P 1:20 8

Glenn J. Dowling
REGISTER OF DEEDS

Counter SM
Verify SM
D.E. SM
Proof SM
Fee \$ 16.00
Ck Cash Chg
10294

PERMANENT
AND TEMPORARY
EASEMENT AND RIGHT-OF-WAY

THIS INDENTURE, made this 29 day of January, 2002, between B.H.I. INVESTMENT COMPANY, a Nebraska corporation, ("Grantor"), and METROPOLITAN UTILITIES DISTRICT OF OMAHA, a Municipal Corporation, ("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 hydrant, and a temporary easement for construction purposes, together with the right of ingress and egress on, over, under and through lands described as follows:

A tract of land in Highway Crossing, a subdivision, as surveyed, platted and recorded in Sarpy County, Nebraska, and described as follows:

PERMANENT EASEMENT

The southerly twenty feet (20') of Lot 12.

This permanent easement contains 0.139 of an acre, more or less, and is shown on the drawing attached hereto and by this reference made a part hereof.

TEMPORARY EASEMENT

The northerly twenty feet (20') of the southerly forty feet (40') of Lot 12 and the northerly twenty feet (20') of Lot 13.

This temporary easement contains 0.278 of an acre, 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 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 tract any building or structure, except pavement and similar covering, and shall not permit anyone else to do so, and, with respect to the temporary easement tract, the same prohibitions apply during the effective period of that temporary conveyance, which effective period shall commence upon the date of execution hereof and cease upon completion of the project contemplated herein.

Return to: SUSAN PRAZAN
M.U.D.
1723 HARVEY STREET
Omaha, NE 68102
R+R

04727

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 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 corporation.

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

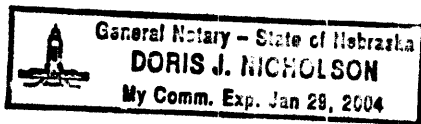
B.H.I. INVESTMENT COMPANY,
a Nebraska corporation,
Grantor

By: Gerald L. Torczon
Gerald L. Torczon
President

ACKNOWLEDGMENT

STATE OF NEBRASKA)
) ss
COUNTY OF DOUGLAS)

This instrument was acknowledged before me on January 29 2002, 2002, by Gerald L. Torczon, President of B.H.I. Investment Company, a Nebraska corporation, on behalf of the corporation.



Doris J. Nicholson
Notary Public

**METROPOLITAN
UTILITIES
DISTRICT**
OMAHA, NEBRASKA

**EASEMENT
ACQUISITION**

FOR **WCC 9315-2**

LAND OWNER

JERRY TORCZON

Bethel Investment Company

5004 S. 110th St.

OMAHA, NE 68137

TOTAL ACRE

PERMANENT 0.139 ±

TOTAL ACRE

TEMPORARY 0.278 ±

LEGEND



PERMANENT EASEMENT



TEMPORARY EASEMENT

PAGE 1 OF 1

DRAWN BY KCG

DATE 1-17-02

CHECKED BY _____

DATE _____

APPROVED BY _____

DATE _____

REVISED BY _____

DATE _____

REV. CHK'D. BY _____

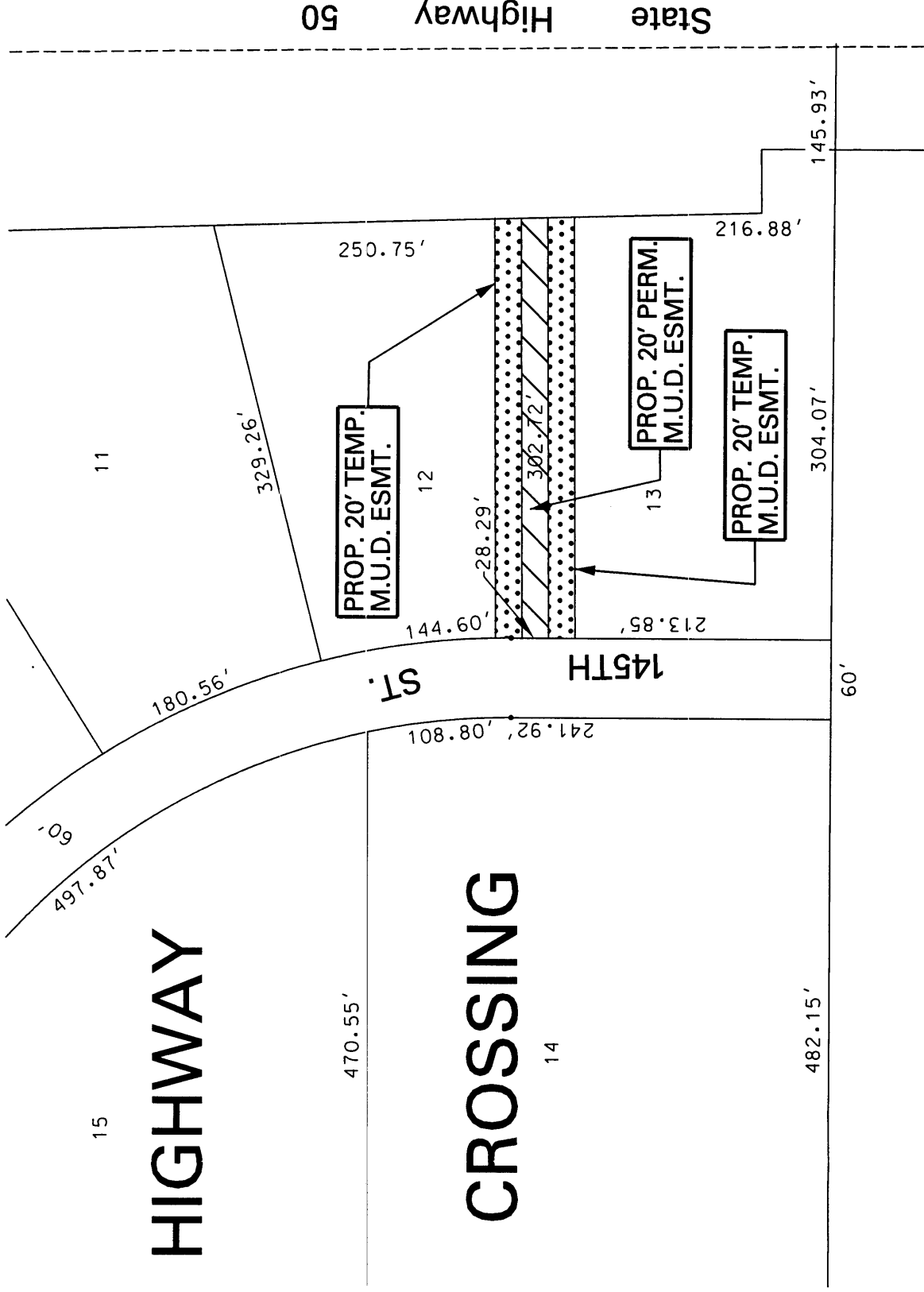
DATE _____

REV. APPROV. BY _____

DATE _____

HIGHWAY

CROSSING



2002-04727B