

EASEMENT AND RIGHT OF WAY

THIS INDENTURE, made this 15th day of November, 1968, between Milton B. Faulk and Betty J. Faulk, husband and wife, hereinafter referred to as "Grantors", and Metropolitan Utilities District of Omaha, a municipal corporation, hereinafter referred to as "Grantee", WITNESSETH:

That Grantors, in consideration of the sum of One Dollar (\$1.00) 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 water and gas, and all appurtenances thereto, including hydrants and valve boxes, together with the right of ingress and egress to and from the same, on, over and through lands described as follows:

Permanent Easement

An irregular tract of land, except that part taken for public right of way, situated in the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ ) of Section Fifteen (15), Township Fourteen (14) North, Range Thirteen (13) East of the 6th P.M. in Sarpy County, Nebraska, being more particularly described as follows:

Beginning at a point on the East-West center line of said Section Fifteen (15), said centerline having an assumed bearing of North 90 degrees 0 minutes East, said point of beginning being a distance of 298.50 feet Southwesterly, measured at right angles, from the centerline of the Southwesterly main track of the Union Pacific Railroad Company as now constructed and operated; thence North 29 degrees 29 minutes West a distance of 238.97 feet; thence North 43 degrees 30 minutes West a distance of 154.90 feet to a point, said point being a distance of 336.00 feet Southwesterly, measured at right angles, from the centerline of the above said railroad tracks; thence North 29 degrees 29 minutes West a distance of 900.00 feet along a line parallel to and 336.00 feet Southwesterly from the centerline of the above said railroad tracks; thence South 60 degrees 31 minutes West a distance of 25.00 feet; thence South 29 degrees 29 minutes East a distance of 903.07 feet; thence South 43 degrees 30 minutes East a distance of 154.90 feet; thence South 21 degrees 10 minutes East a distance of 206.99 feet; thence North 90 degrees 0 minutes East a distance of 63.18 feet along the East-West centerline of said Section Fifteen (15) to the point of beginning, all as shown on the attached plat made a part hereof; and

Temporary Easement

An irregular tract of land, except that part taken for public right of way, and that part taken for permanent easement, situated in the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ ) of Section Fifteen (15), Township Fourteen (14) North, Range Thirteen (13) East of the 6th P.M. in Sarpy County, Nebraska, being more particularly described as follows:

RECORDED FOR RECORD IN SARPY COUNTY NEB. *Milton B. Faulk* AT 9 O'CLOCK AM

BY *Miss Bess* OF *Miss Bess* PAGE 613

7530 *Alvina Henderson* REGISTER OF DEEDS 625

Beginning at a point on the East-West center line of said Section Fifteen (15), said centerline having an assumed bearing of North 90 degrees 0 minutes East; said point of beginning being a distance of 298.50 feet Southwesterly, measured at right angles, from the centerline of the Southwesterly main track of the Union Pacific Railroad Company as now constructed and operated; thence North 29 degrees 29 minutes West a distance of 238.97 feet; thence North 43 degrees 30 minutes West a distance of 154.90 feet to a point, said point being a distance of 336.00 feet Southwesterly, measured at right angles, from the centerline of the above said railroad tracks; thence North 29 degrees 29 minutes West a distance of 900.00 feet along a line parallel to and 336.00 feet Southwesterly from the centerline of the above said railroad tracks; thence South 60 degrees 31 minutes West a distance of 50.00 feet; thence South 29 degrees 29 minutes East a distance of 906.14 feet; thence South 43 degrees 30 minutes East a distance of 153.04 feet; thence South 21 degrees 10 minutes East a distance of 192.38 feet; thence North 90 degrees 0 minutes East a distance of 89.99 feet along the East-West centerline of said Section Fifteen (15) to the point of beginning, all as shown on the attached plat made a part hereof.

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. Grantors, their heirs, grantees or assigns agree that they will at no time erect, construct or place on or below the surface of said strip of land any building or structure, except pavement, and that they will not permit anyone else to do so.
2. Grantee shall restore the surface of the soil on said land following the installation, maintenance, repair or removal of its pipelines therein, as soon as may be reasonably possible so to do, to the original contour thereof.
3. Grantors shall have the right, at their expense, to have the Grantee change the location of the easement and pipelines in the event the aforescribed easement conflicts with the use of the land in the future. Grantors agree to give whatever easement is necessary in connection with said change in location of the pipelines.
4. Nothing herein contained shall be construed as a waiver of any rights of Grantors, or duties and powers of Grantee, respecting the ownership, use, operations, extensions and connections to any water or gas main constructed and maintained hereunder.
5. Grantors also agree to indemnify and hold Grantee harmless from any expense that may be incurred for relocation or lowering of its pipelines resulting from construction of improvements, road or street reconstruction or change of grade within the easement area by the Grantors, their assigns and licensees.

*Metropolitan Utilities District of Omaha*  
 \_\_\_\_\_  
 Grantors

STATE OF NEBRASKA )  
 ) ss  
 COUNTY OF DOUGLAS )

On this 15<sup>th</sup> day of November, 1968, before me, the undersigned, a General Notary Public duly commissioned and qualified, personally

came Milton B. Faulk and Betty J. Faulk, personally known to me to be husband and wife and the identical persons whose names are affixed to the foregoing instrument as Grantors, and they acknowledged said instrument to be their voluntary act and deed.

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

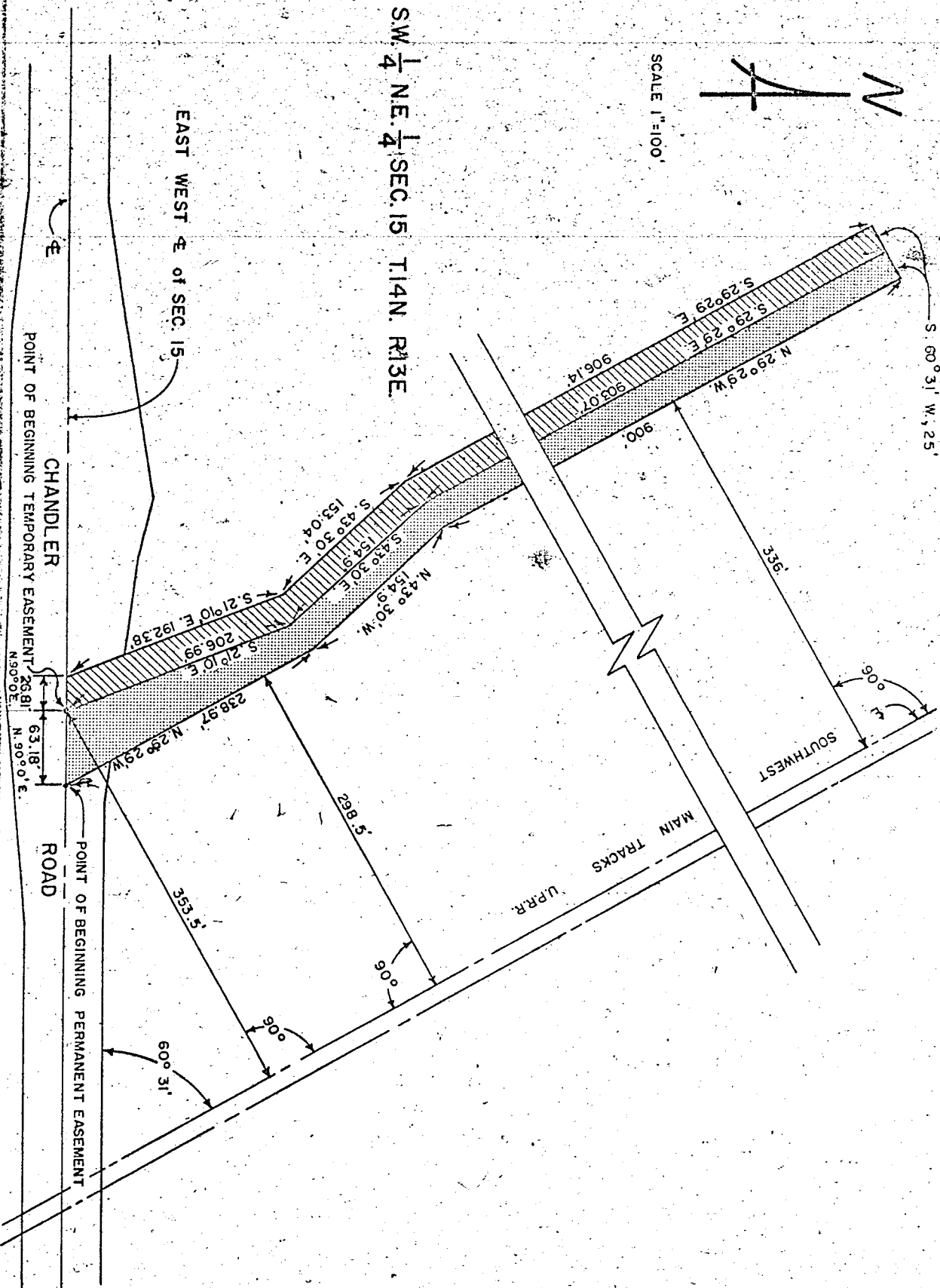
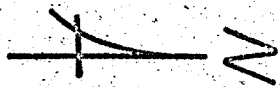
*M. Faulk*  
\_\_\_\_\_  
Notary Public

My commission expires the 31<sup>st</sup> day of October, 1972.

40-616

SW 1/4 NE 1/4 SEC. 15 T.14N. R.13E

SCALE 1"=100'



METROPOLITAN  
UTILITIES  
DISTRICT  
OMAHA, NEBRASKA

EASEMENT  
ACQUISITION  
FOR W.C-C 4032  
G.R-M. 6542

TRACT NO. 1  
LAND OWNER  
MR. MILTON B. FAULK

LINEAL FEET  
AREA PERMANENT 32,170 sq. ft.  
TEMPORARY 31,460 sq. ft.  
MORE PERMANENT 74 ACRE \*  
TOTAL ONLY 172 ACRE \*  
\*EXCEPT PART TAKEN FOR PUBLIC

LEGEND  
PERMANENT EASEMENT [Hatched Box]  
TEMPORARY EASEMENT [Dotted Box]  
ROW [Dashed Line]

DRAWN BY P.M.R. DATE 11-13-68  
CHECKED BY K.W.P. DATE 11-13-68  
APPROVED BY \_\_\_\_\_ DATE \_\_\_\_\_  
REVISED BY \_\_\_\_\_ DATE \_\_\_\_\_  
REV. CHK'D. BY \_\_\_\_\_ DATE \_\_\_\_\_