

MISC 2004125444



SEP 22 2004 13:45 P 5

Received - RICHARD TAKECHI  
Register of Deeds, Douglas County, NE  
9/22/2004 13:45:19.93



2004125444

PERMANENT  
EASEMENT AND RIGHT-OF-WAY

THIS INDENTURE, made this 16<sup>th</sup> day of September, 2004 between MAPLE JOINT VENTURE, a Nebraska General Partnership, ("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 underground easement and right-of-way to lay, maintain, operate, repair, relay and remove, at any time, pipelines for the transportation of gas and water and all appurtenances thereto, together with the right of ingress and egress on, over, under and through the tract of land in Hillsborough Replat II, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska and being described as follows:

PERMANENT EASEMENT

That part of Lot 2 as depicted and described on Exhibit "A" 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, asphalt, landscaping, 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 and repair any damaged permitted covering, as nearly as is reasonably possible to its original contour or condition 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 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 except the existing first mortgage lien.

5. The person executing this instrument represents that he has authority to execute it on behalf of the partnership.

Please file & return to:

Susan E. Prazan  
Metropolitan Utilities District  
1723 Harney Street  
Omaha, NE 68102-1960

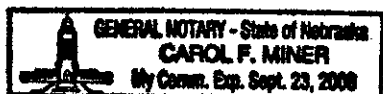
MISC 1  
FEE 25.50  
FB 19-16544  
BKP \_\_\_\_\_ C/O \_\_\_\_\_  
DEL \_\_\_\_\_ SCAN \_\_\_\_\_



ACKNOWLEDGMENT

STATE OF NEBRASKA    )  
  ) ss  
COUNTY OF DOUGLAS    )

This instrument was acknowledged before me on SEPTEMBER 16, 2004,  
by Jeffrey M. Keating, Vice-President of Venture-50, Inc., a Nebraska Corporation, on  
behalf of such corporation.



*Carol F. Miner*

\_\_\_\_\_  
Notary Public

LOT 1  
HILLSBOROUGH REPLAT 11

LOT 2  
HILLSBOROUGH REPLAT 11

LOT 9

LOT 10

HILLSBOROUGH

REPLAT 1

1 3 2 nd STREET

159

158

157

156

155

154

153

152

11

SOUTH  
15.00'

EAST, 185.04'

WEST, 179.12'

15.00'

N46°52'22"E  
127.26'

S46°52'22"W  
126.75'

N86°36'15"E  
348.95'

S86°36'15"W  
219.76'

EAST  
264.73'

WEST, 400.00'

7.00'

POINT OF  
BEGINNING

NORTH  
7.00'



SCALE: 1" = 100'

**EXHIBIT "A"**  
**SHEET 1 OF 2**

## LEGAL DESCRIPTION

THAT PART OF LOT 2, HILLSBOROUGH REPLAT 11, A SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: BEGINNING AT THE NE CORNER OF SAID LOT 2;

THENCE WEST (ASSUMED BEARING) 400.00 FEET ON THE NORTH LINE OF SAID LOT 12;

THENCE S86°36'15"W 219.76 FEET ON THE NORTH LINE OF SAID LOT 12;

THENCE S46°52'22"W 126.75 FEET;

THENCE WEST 179.12 FEET TO A POINT ON THE WEST LINE OF SAID LOT 2, SAID POINT BEING 70.53 FEET SOUTH OF THE NW CORNER OF SAID LOT 2;

THENCE SOUTH 15.00 FEET ON THE WEST LINE OF SAID LOT 2;

THENCE EAST 185.04 FEET;

THENCE N46°52'22"E 127.26 FEET TO A POINT 15.00 FEET SOUTH OF A NORTH LINE OF SAID LOT 2;

THENCE N86°36'15"E 348.95 FEET ON A LINE 15.00 FEET SOUTH OF AND PARALLEL WITH A NORTH LINE OF SAID LOT 2 TO A POINT 7.00 FEET SOUTH OF A NORTH LINE OF SAID LOT 2;

THENCE EAST 264.73 FEET ON A LINE 7.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID LOT 2 TO THE EAST LINE THEREOF;

THENCE NORTH 7.00 FEET ON THE EAST LINE OF SAID LOT 2 TO THE POINT OF BEGINNING.

## SHEET 2 OF 2