



MISC 2005155055



DEC 08 2005 13:11 P 4

Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
12/8/2005 13:11:13.53



2005155055

PERMANENT EASEMENT

THIS INDENTURE, made this 10th day of November, 2005 between K.S. PHOENIX, L.L.C., a Nebraska Limited Liability Company ("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 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, a 24-inch round iron cover, hydrants and roadway boxes, together with the right of ingress and egress on, over, under and through lands described as follows:

PERMANENT EASEMENT

Tracts of land in Pacific Springs Vista, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, described as follows:

The southerly 20 feet of Lot 4 and southerly 20 feet of the westerly 15 feet of Lot 3, Pacific Springs Vista, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska.

This permanent easement contains 0.18 of an acre, more or less, and is shown on the drawing attached hereto and made a part hereof by this reference.

-and-

A 20 feet wide strip of land lying within Lots 4 and 2, Pacific Springs Vista, a subdivision in Douglas County, Nebraska, described as follows:

Beginning at the most northerly corner of said Lot 4; thence S50°16'53"E (assumed bearing) 199.48 feet on the northeast line of said Lot 4 and its southeasterly extension; thence N87°42'29"E 139.01 feet on a line 60.00 feet south of and parallel with the north line of said Lot 2; thence S02°47'27"E 20.00 feet on a line 30.00 feet west of and parallel with the east line of said Lot 2; thence S87°42'29"W 146.87 feet on a line 80.00 feet south of and parallel with the north line of said Lot 2; thence N50°16'53"W 207.16 feet on a line 20.00 feet southwest of and parallel with the northeast line of said Lot 4 to the northwest line thereof; thence N39°43'07"E 20.00 feet on the northwest line of said Lot 4 to the point of beginning.

Please file & return to:

A. Justin Cooper
Metropolitan Utilities District
1723 Harney Street
Omaha, NE 68102-1960

a
Misc FEE 2150 FB OC-29225
BKP _____ C/O _____ COMP BW
4
3 DEL _____ SCAN _____ FV _____

This permanent easement contains 0.16 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 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 and similar covering, and shall not permit anyone else to do so. Grantee acknowledges Grantor's right to use the easement area for placement of entrance gate footings provided footings are not directly on top of Grantee's main.

2. The Grantee shall restore or replace 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. Grantee shall replace any paving or sidewalk disrupted by the Grantee's main installation or repair.

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 conveyances; and Grantor and his 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, excluding therefrom the legal effect of easements of record on the date of execution hereof.

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

IN WITNESS WHEREOF, Grantor executes this Permanent Easement to be signed on the above date.

K.S. PHOENIX, L.L.C., a Nebraska Limited Liability Company, Grantor

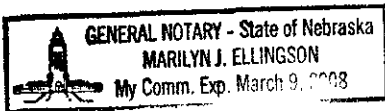
By: Frank R Kreyci

Title: member

ACKNOWLEDGMENT

STATE OF NEBRASKA)
) ss
 COUNTY OF DOUGLAS)

This instrument was acknowledged before me on the 10 day of November, 2005, by Frank R Kreyci, member of K.S. PHOENIX, L.L.C., a Nebraska limited liability company.



Marilyn J Ellingson
 Notary Public



METROPOLITAN UTILITIES DISTRICT
OMAHA, NEBRASKA

EASEMENT ACQUISITION

FOR **WCC 9965**

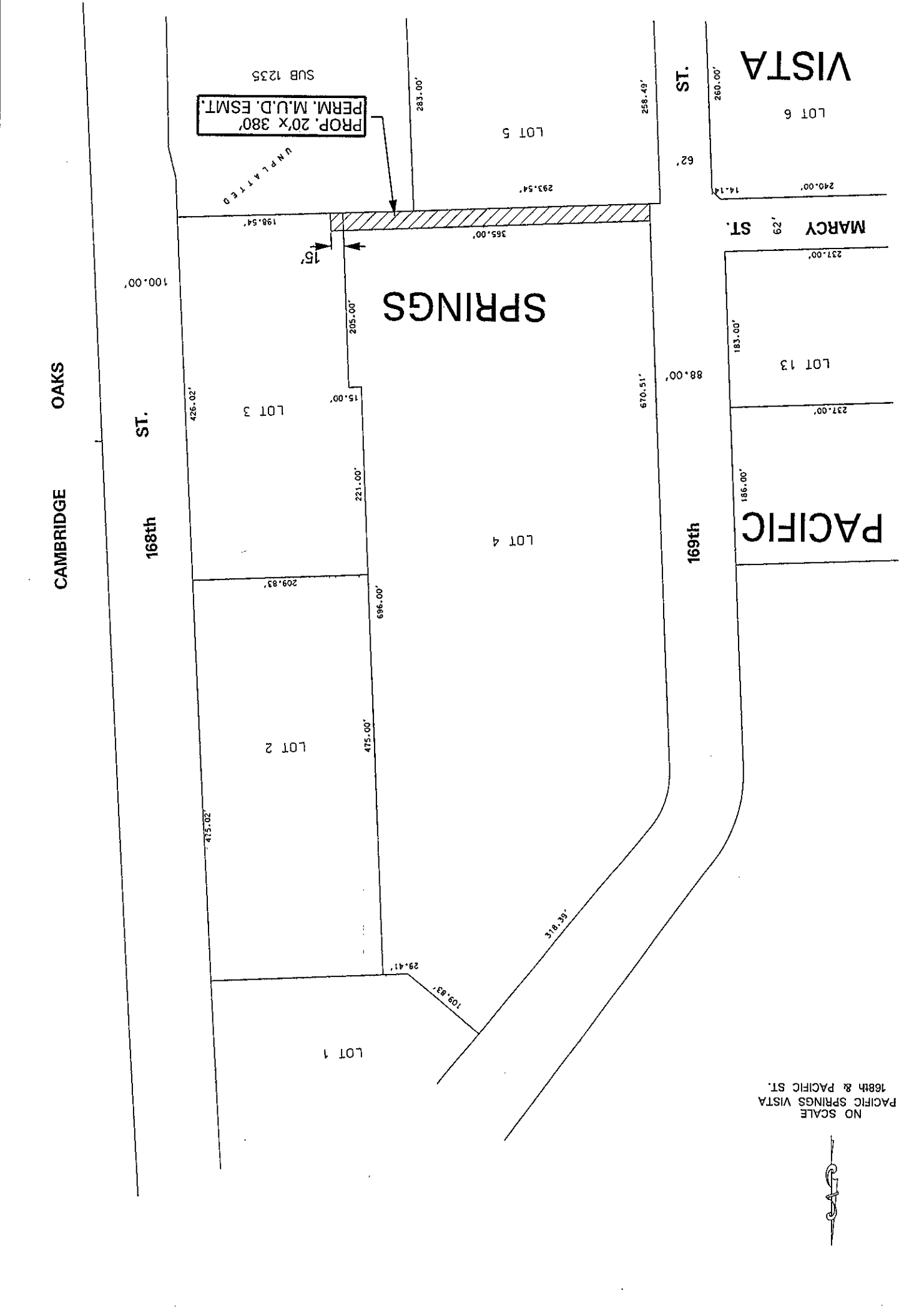
LAND OWNER
K.S. PHOENIX, LLC
c/o FRANK KREJCI
3323 N. 107th STREET
OMAHA, NE 68134
(402) 493-6165

TOTAL ACRE PERMANENT 0.18 ±
TOTAL ACRE TEMPORARY ±

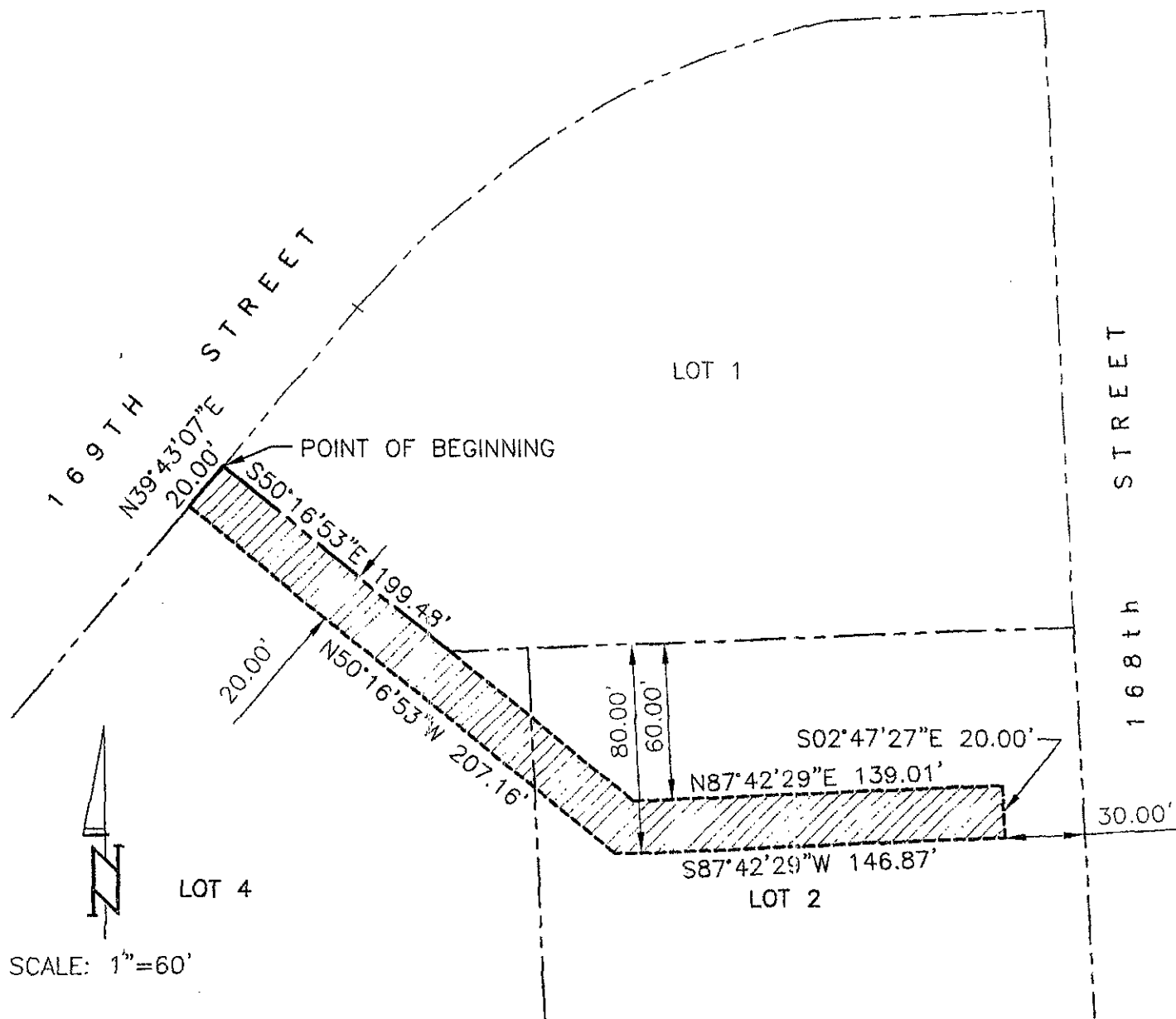
LEGEND
 PERMANENT EASEMENT
 TEMPORARY EASEMENT

PAGE 1 OF 2

DRAWN BY DML
DATE 7-26-05
CHECKED BY MKM
DATE 7-28-05
APPROVED BY _____
DATE _____
REVISED BY _____
DATE _____
REV. CHK'D. BY _____
DATE _____
REV. APPROV. BY _____
DATE _____



NO SCALE
168th & PACIFIC ST.
PACIFIC SPRINGS VISTA



SCALE: 1"=60'

LEGAL DESCRIPTION

A 20.00 FOOT WIDE STRIP OF LAND LYING WITHIN LOTS 4 AND 2, PACIFIC SPRINGS VISTA, A SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: BEGINNING AT THE MOST NORTHERLY CORNER OF SAID LOT 4; THENCE S50°16'53"E (ASSUMED BEARING) 199.48 FEET ON THE NORTHEAST LINE OF SAID LOT 4 AND ITS SOUTHEASTERLY EXTENSION; THENCE N87°42'29"E 139.01 FEET ON A LINE 60.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID LOT 2; THENCE S02°47'27"E 20.00 FEET ON A LINE 30.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID LOT 2; THENCE S87°42'29"W 146.87 FEET ON A LINE 80.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID LOT 2; THENCE N50°16'53"W 207.16 FEET ON A LINE 20.00 FEET SOUTHWEST OF AND PARALLEL WITH THE NORTHEAST LINE OF SAID LOT 4 TO THE NORTHWEST LINE THEREOF; THENCE N39°43'07"E 20.00 FEET ON THE NORTHWEST LINE OF SAID LOT 4 TO THE POINT OF BEGINNING.

S.I.D. 402, PACIFIC SPRINGS VISTA TD2 FILE NO.:1407103EASE.DWG DATE: OCT. 25, 2005
 THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860