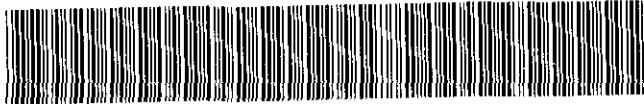


MISC 2005049421



MAY 02 2005 14:22 P 4

Received - DIANE L. BATTIATO  
Register of Deeds, Douglas County, NE  
5/2/2005 14:22:51.67  
  
2005049421

EASEMENT AND RIGHT-OF-WAY

This Indenture, made this 22 day of April, 2005, between STONE CREEK PLAZA, L.L.C., a Nebraska limited liability company (hereinafter referred to as "Grantor"), and METROPOLITAN UTILITIES DISTRICT OF OMAHA, a Municipal corporation ("Grantee"),

WITNESSETH:

That Grantor, in consideration of the sum of Two and no/100 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, an 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, together with the right of ingress and egress on, over, under and through lands described as follows:

PERMANENT EASEMENT

A tract of land in Stone Creek Plaza, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, described as follows:

The south thirty feet (30') of Lots 3, 4 and 5, inclusive, Stone Creek Plaza Replat 2 and Lots 1 and 2, inclusive, Stone Creek Plaza Replat 3, more specifically located and described on Exhibits "A" and "B", attached hereto which are hereby incorporated in and made a part of this Easement by reference.

TO HAVE AND TO HOLD this 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 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 or pavement removed for any purpose hereunder, as nearly as is reasonably possible to its original contour and construction promptly 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 person executing this instrument represents that he has authority to execute it on behalf of the limited liability company.

*misc* MC-37085  
FEE 22.50 FB MC-37086  
BKP \_\_\_\_\_ C/O \_\_\_\_\_ COMP JK  
④  
⑤

Return to:

John Q. Bachman  
PANSING HOGAN ERNST & BACHMAN LLP  
10250 Regency Circle, Suite 300  
Omaha, Nebraska 68114

05501026  
#13



✓ 116156

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

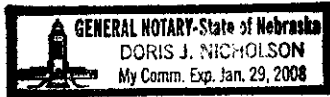
STONE CREEK PLAZA, L.L.C., a Nebraska limited liability company

By *Gerald L. Torczon*  
Manager

STATE OF NEBRASKA    )  
                                  ) ss.:  
COUNTY OF DOUGLAS    )

On this 22 day of April, 2005, before me, the undersigned, a Notary Public duly commissioned and qualified for said county, personally came GERALD L. TORCZON, Manager of STONE CREEK PLAZA, L.L.C., a Nebraska limited liability company, to me personally known to be the person whose name is affixed to the foregoing instrument in that capacity and who acknowledges the same to be his voluntary act and deed.

WITNESS my hand and notarial seal on the day and year last above written.

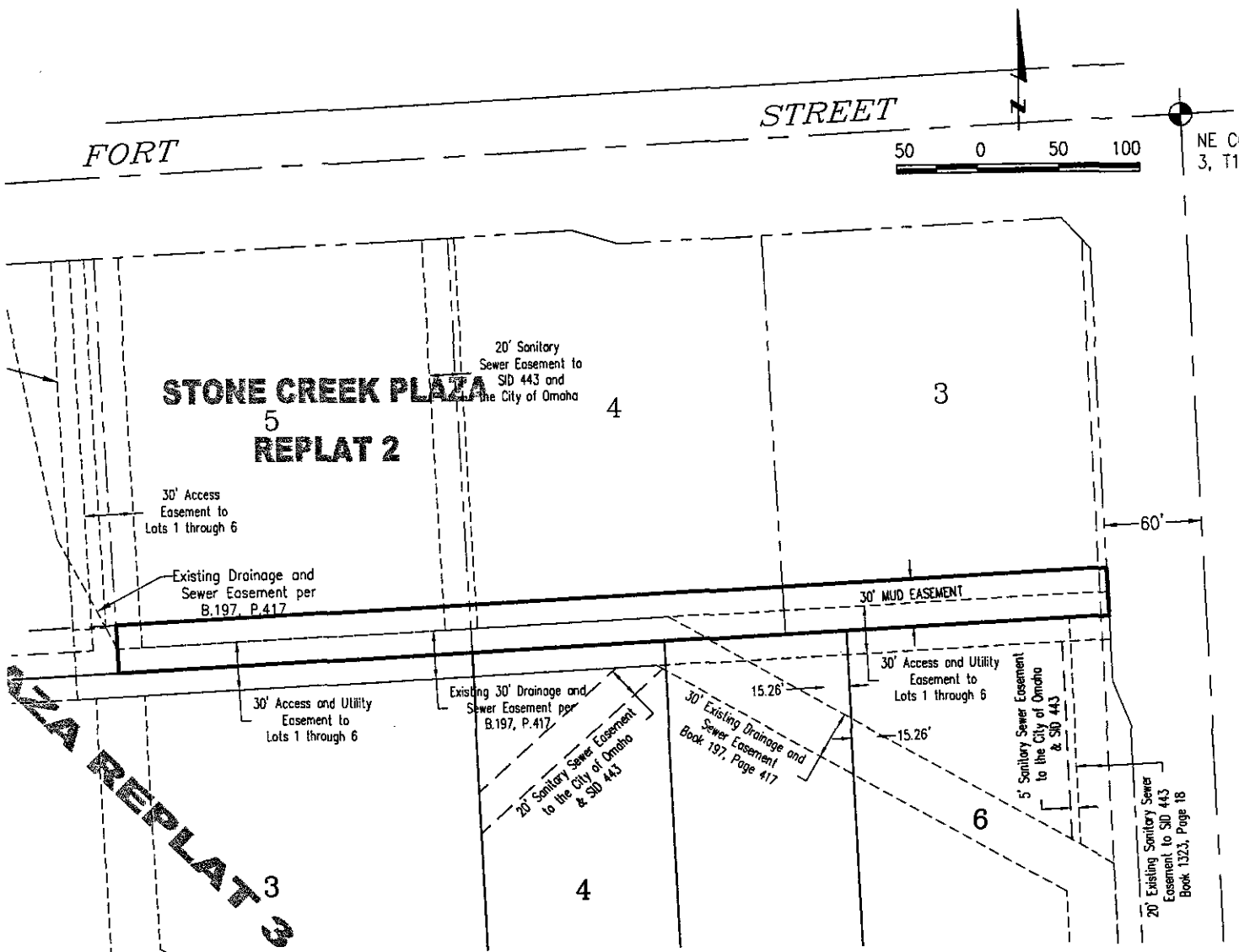


*Doris J. Nicholson*  
Notary Public

# EASEMENT EXHIBIT

## LEGAL DESCRIPTION

A permanent easement over the South thirty foot (30') of Lots 3, 4 and 5, STONE CREEK PLAZA REPLAT 2, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska.



97034\dwg\9734L098.dwg

Book \_\_\_\_\_ Page \_\_\_\_\_ Date 04-12-05 Dwn.By CTM Job Number 97034.00-050



Lamp, Rynearson & Associates, Inc.

WWW.LRA-INC.COM

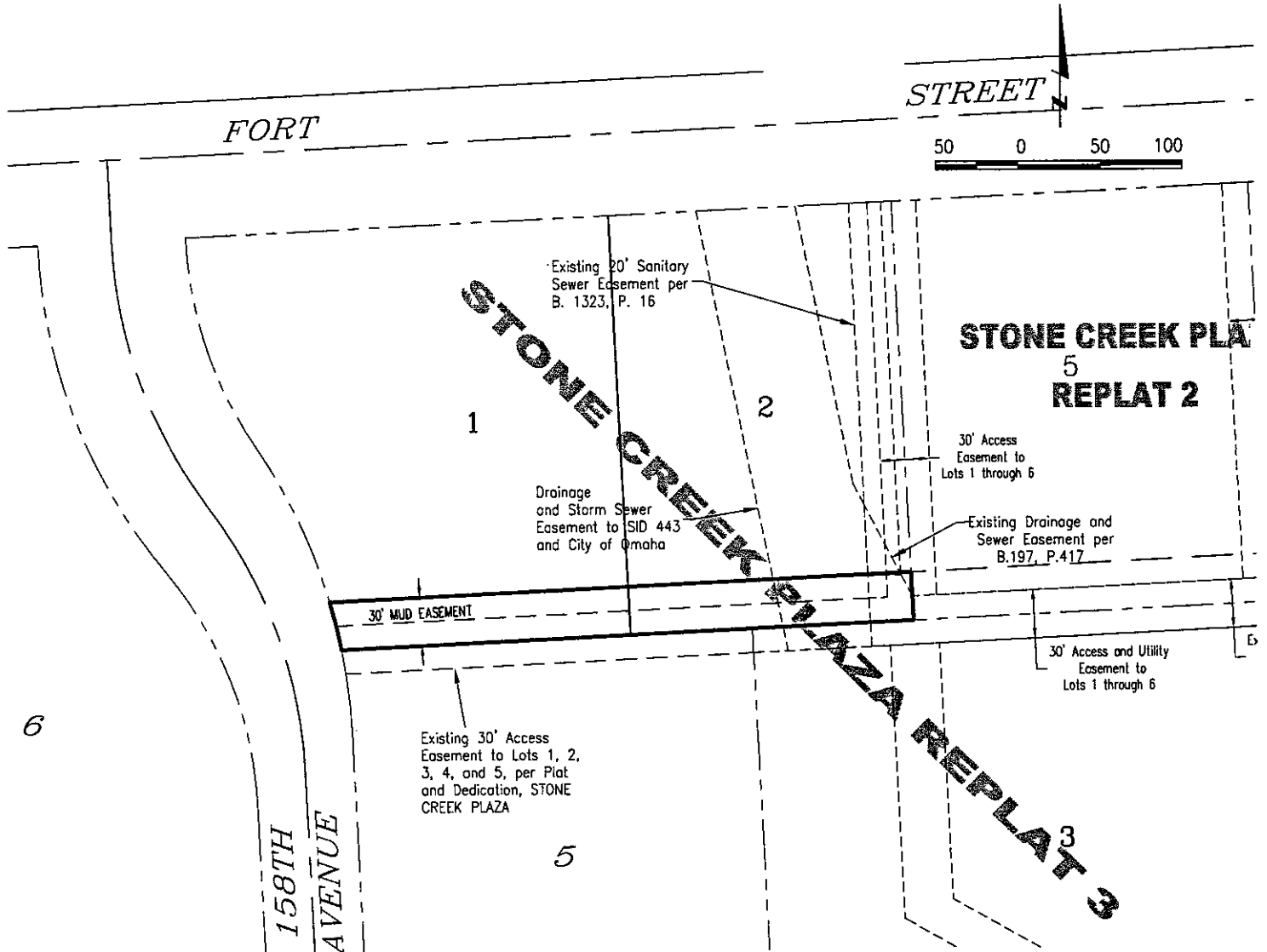
14710 West Dodge Road, Suite 100  
Omaha, Nebraska 68154-2027

(Ph) 402.496.2498  
(Fax) 402.496.2730

EASEMENT  
EXHIBIT

LEGAL DESCRIPTION

A permanent easement over the South thirty foot (30') of Lots 1 and 2, STONE CREEK PLAZA REPLAT 3, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska.



97034\dwg\9734L099.dwg

Book \_\_\_\_\_ Page \_\_\_\_\_ Date 04-12-05 Dwn.By CTM Job Number 97034.00-050



Lamp, Rynearson & Associates, Inc.

WWW.LRA-INC.COM

14710 West Dodge Road, Suite 100  
Omaha, Nebraska 68154-2027

(Ph) 402.496.2498  
(Fax) 402.496.2730