

MISC 2006139152



DEC 08 2006 10:36 P 5

Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
12/8/2006 10:36:55.32



2006139152

PERMANENT EASEMENT

THIS AGREEMENT, made this 19th day of October, 2006 between ELK CREEK PINE, L.L.C., a Nebraska limited liability company, ("Grantor"), and METROPOLITAN UTILITIES DISTRICT OF OMAHA, a Municipal Corporation and Political Subdivision, ("Grantee"),

WITNESS:

Grantor, in consideration of the sum of Two Dollars (\$2.00) and other valuable consideration, receipt of which is hereby acknowledged, hereby grants 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, round iron covers, roadway boxes, hydrants, and pipeline markers, together with the right of ingress and egress on, over, under and through lands described as follows:

PERMANENT EASEMENT

Tracts of land in Elk Creek Pines, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska and described as follows:

TRACT 1:

Commencing from the southwest corner of Lot 6 N02°13'38"W (assumed bearing), along the west property line of Lot 6, a distance of two hundred ninety-nine and eighty-eight one hundredths feet (299.88') to the Point of Beginning; thence, N02°13'38"W a distance of fifteen feet (15.00'); thence, N42°46'22"E, along the northwesterly property line of Lot 6, a distance of twenty-one and twenty-one one hundredths feet (21.21'); thence, N87°46'22"E, along the north property line of Lot 6, a distance of fourteen and six one hundredths feet (14.06'); thence, continuing east along the north property line along a radius of one hundred thirty-seven and fifty one hundredths feet (137.50') a distance of ninety-four one hundredths feet (0.94'); thence S42°46'22"W a distance of forty-two and forty-three one hundredths feet (42.43') back to the Point of Beginning.

- and -

TRACT 2:

The southerly five feet (5.00') of the easterly thirty-five feet (35.00') of Lot 5.

- and -

TRACT 3:

The northeasterly thirty feet (30.00') of Lot 3 and the northeasterly thirty feet (30.00') of the northwesterly fifteen feet (15.00') of Lot 2.

- and -

TRACT 4:

The northeasterly thirteen feet (13.00') of Lot 4.

misc
FEE 29.50 FB MC-10999
5/ SKP _____ C/O _____ COMP *[initials]*
9/ DEL _____ SCAN _____ FV _____

Please file & return to:

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

- and -

TRACT 5:

The northerly sixteen feet (16.00') of the southerly seventy-five feet (75.00') of Lots 7 and 9, and the northerly sixteen feet (16.00') of the southerly seventy-five feet (75.00') of the westerly sixty feet (60.00') of Lot 8.

- and -

TRACT 6:

Beginning at the southeast corner of Outlot 3 N36°12'25"E, along the easterly property line of Outlot 3, a distance of sixteen and sixty-six one hundredths feet (16.66'); thence, continuing along the property line of Outlot 3, northerly along a radius of one hundred feet (100.00') a distance of seventy-eight and fifty-four one hundredths feet (78.54'); thence, N08°47'35"W a distance of eighty-nine and twenty-seven one hundredths feet (89.27'); thence, N64°07'26"W a distance of thirty-one and seventy-one one hundredths feet (31.71'); thence, northwesterly along a radius of one hundred eighty-nine and ninety-six one hundredths feet (189.96') a distance of seventy-three and twelve one hundredths feet (73.12'); thence, northwesterly along a radius of four hundred ninety-seven and eighty-six one hundredths feet (497.86') a distance of seventy-nine and fifty-one one hundredths feet (79.51'); thence, N30°30'30"W a distance of fifty-nine and thirty-three one hundredths feet (59.33'); thence, northwesterly along a radius of six hundred forty-nine and seventy-two one hundredths feet (649.72') a distance of sixty-nine and thirteen one hundredths feet (69.13'); thence, N39°17'10"W a distance of twenty-four and twenty-five one hundredths feet (24.25'); thence, S50°42'50"W, along the south property line of Spaulding Street, a distance of twenty-five feet (25.00'); thence, S39°17'10"E, along the easterly property line of Lot 4, a distance twenty-four and twenty-six one hundredths feet (24.26'); thence, continuing along the property line of Lot 4, southeasterly along a radius of five hundred seventy-eight and nine one hundredths feet (578.09') a distance of sixty-four and ninety-eight one hundredths feet (64.98'); thence, S30°45'10"E a distance of one hundred two and forty-three one hundredths feet (102.43'); thence, S36°12'25"W a distance of thirteen and seventy-seven one hundredths feet (13.77'); thence southeasterly along a radius of five hundred thirty-five and eighty-six one hundredths feet (535.86'), along a line parallel to the easterly property line of Outlot 3, a distance of thirty-seven and seven one hundredths feet (37.07'); thence, along a radius of two hundred twenty-seven and ninety-six one hundredths feet (227.96') a distance of eighty-nine and twenty-six one hundredths feet (89.26'); thence, S64°07'26"E a distance of twelve and eleven one hundredths feet (12.11'); thence, S08°47'35"E a distance of sixty-nine and thirty-five one hundredths feet (69.35'); thence, southwestwesterly along a radius of sixty-two feet (62.00') a distance of forty-eight and sixty-nine one hundredths feet (48.69'); thence, S36°12'25"W a distance of sixteen and sixty-six one hundredths feet (16.66'); thence, S53°47'35"E a distance of thirty-eight feet (38.00') back to the Point of Beginning.

This permanent easement contains 0.63 of an acre, more or less, and is shown on the drawing attached hereto and made a part hereof by 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, landscaping, grass, trees or a similar covering; provided, however, that trees shall not be placed in any location which interferes with the operation or maintenance of Grantee's water distribution system. Grantee may remove

any tree(s) which interfere with the operation or maintenance of its water distribution system and shall have no liability to Grantor for such removal.

2. The Grantee shall restore the soil excavated for any purpose hereunder, as nearly as is reasonably possible to its original contour promptly after the work is performed.

3. The Grantor is the lawful possessor of this real estate and has good, right and lawful authority to make such conveyance.

4. The person executing this instrument has authority to execute it on behalf of the limited liability company.

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

ELK CREEK PINE, L.L.C.,
a Nebraska limited liability company,
Grantor

By:  _____
Signature

Jay B. Noddle

Printed Name

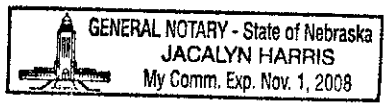
Vice President

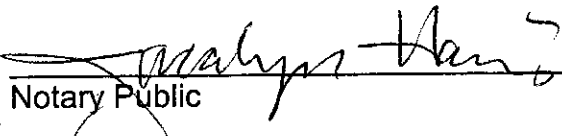
Title

ACKNOWLEDGMENT

STATE OF NEBRASKA)
) ss
COUNTY OF DOUGLAS)

This instrument was acknowledged before me on October 19, 2006,
by Jay B. Noddle, Vice President of Elk Creek Pine,
L.L.C., on behalf of the limited liability company.





Notary Public



METROPOLITAN UTILITIES DISTRICT
OMAHA, NEBRASKA

EASEMENT ACQUISITION

FOR **WCC 10242**

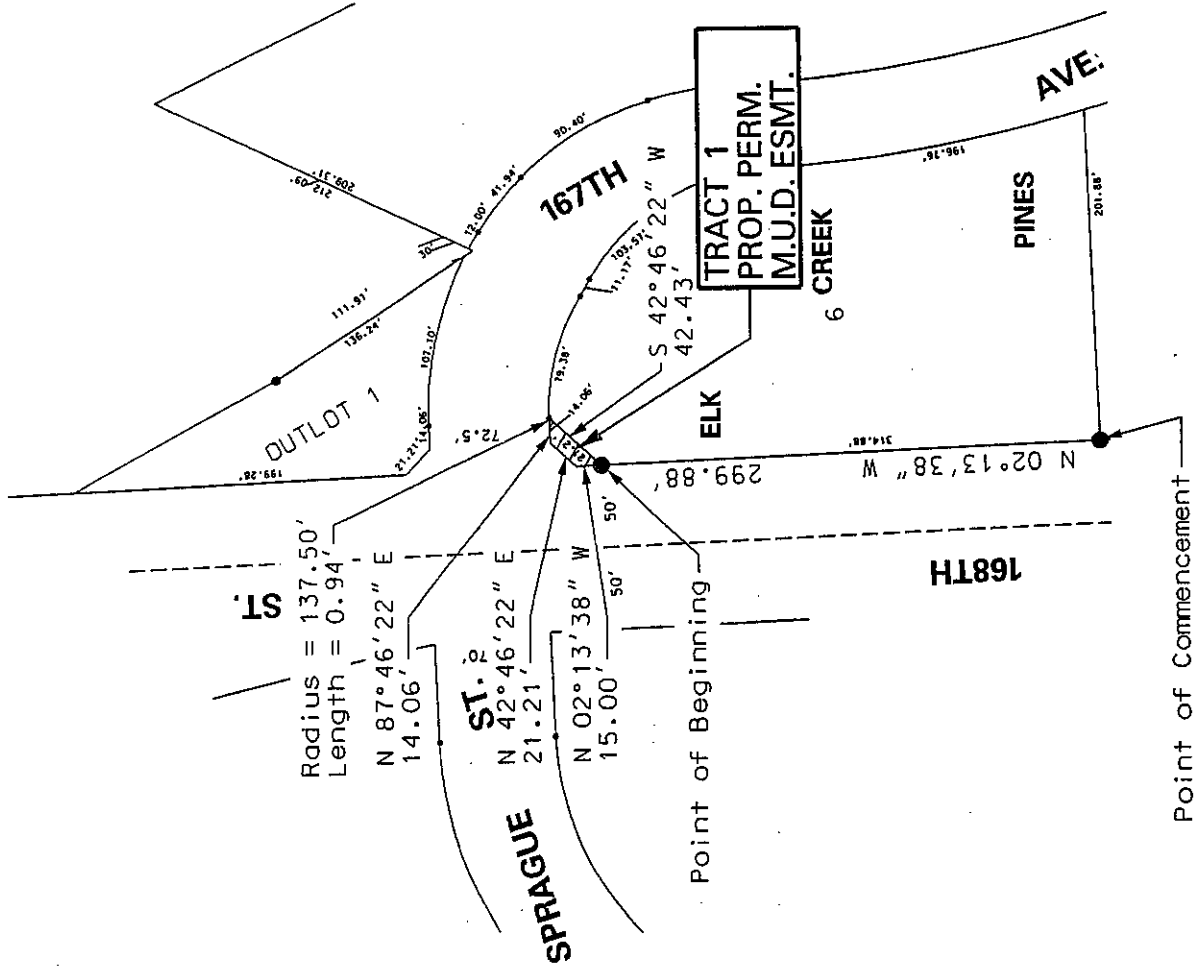
LAND OWNER
Elk Creek Pine LLC
Noddle Companies
1125 S 103rd St. #450
Omaha, NE 68124

TOTAL ACRE PERMANENT 0.630 ±
TOTAL ACRE TEMPORARY 0.000 ±

LEGEND
 PERMANENT EASEMENT
 TEMPORARY EASEMENT

PAGE 1 OF 2

DRAWN BY JJG
 DATE 9-18-06
 CHECKED BY _____
 DATE _____
 APPROVED BY _____
 DATE _____
 REVISED BY _____
 DATE _____
 REV. CHK'D. BY _____
 DATE _____
 REV. APPROV. BY _____
 DATE _____



Radius = 137.50'
Length = 0.94'
N 87° 46' 22" E
14.06'

ST. P
N 42° 46' 22" E
21.21'

N 02° 13' 38" W
15.00'

Point of Beginning

Point of Commencement

NO SCALE
ELK CREEK PINES
168th ST. & SPAULDING ST.

TRACT 2
PROP. 5' x 35'
PERM. M.U.D. ESMT.

TRACT 3
PROP. 30' PERM.
M.U.D. ESMT.

TRACT 4
PROP. 13' PERM.
M.U.D. ESMT.

TRACT 5
PROP. 16' PERM.
M.U.D. ESMT.

METROPOLITAN UTILITIES DISTRICT
OMAHA, NEBRASKA



EASEMENT ACQUISITION

FOR **WCC 10242**

LAND OWNER
Elk Creek Pine LLC
Elk Creek Pine LLC
& Noddle Companies

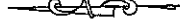
1125 S 103rd St. #450
Omaha, NE 68124

TOTAL ACRE PERMANENT _____
TOTAL ACRE TEMPORARY _____

LEGEND
 PERMANENT EASEMENT
 TEMPORARY EASEMENT

PAGE 2 OF 2

DRAWN BY JUG
 DATE 9-18-06
 CHECKED BY _____
 DATE _____
 APPROVED BY _____
 DATE _____
 REVISED BY _____
 DATE _____
 REV. CHK'D. BY _____
 DATE _____
 REV. APPROV. BY _____
 DATE _____



NO SCALE
ELK CREEK PINES
188th ST. & SPAULDING ST.

**TRACT 6
PROP. PERM.
M.U.D. ESMT.**

