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EASEMENT AND RIGHT-OF-WAY

THIS INDENTURE, made this 17th day of June, 1992, between KV-CENTER ASSOCIATES, a Nebraska General Partnership, hereinafter referred to as "Grantor", and METROPOLITAN UTILITIES DISTRICT OF OMAHA, a Municipal Corporation, hereinafter referred to as "Grantee",

WITNESSETH:

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, an 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 to and from the same, on, over, under and through lands described as follows:

PERMANENT EASEMENT

A tract in Lots Nineteen (19) and Twenty (20) of Oak View, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, as further described and shown on the drawing attached hereto, marked Exhibit "A", and incorporated herein by this reference.

GEORGE J. HERRING  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NE

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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. The Grantor agrees that neither it nor its successors or assigns will at any time erect, construct or place on or below the surface of said easement tract any building or structure, except pavement, and they will not give anyone else permission to do so.

2. The Grantee shall restore the surface of the soil excavated for any purpose hereunder, as near as may be reasonably possible, to the original contour thereof and as soon after such work is performed as may be reasonably possible to do so.

3. Nothing herein contained shall be construed as a waiver of any rights of the Grantor, or duties and powers of the Grantee, respecting the ownership, use, operations, extensions and connections to any pipeline constructed and maintained hereunder.

4. It is further agreed the Grantor has lawful possession of said real estate, good right and lawful authority to make such conveyance and it and its executors, administrators, successors and assigns shall warrant and defend the same and will indemnify and hold harmless the Grantee forever against the claims of all persons whomsoever in any way asserting any right, title or interest prior to or contrary to this conveyance.

5. Each person executing this instrument represents he/she has the requisite authority to execute same and make this conveyance on behalf of the entities designated.

IN WITNESS WHEREOF, the Grantor has caused this Easement and Right-of-Way to be signed and executed on the day and year first above written.

Return to:  
R. Owens  
M.U.D.  
1723 HARVEY STREET  
OMAHA, NE 68102

1028 Camp  
536-539  
MUCOMP  
F/B 61-28224

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**KV-CENTER ASSOCIATES, a Nebraska  
General Partnership, Grantor**

WITNESSETH:

[Signature]

By: KVI Ltd., a Nebraska  
Corporation, General Partner

By: [Signature]  
George W. Venteicher,  
President

WITNESSETH:

[Signature]

By: OLD MILL ASSOCIATES, a General  
Partnership, General Partner

By: [Signature]  
George W. Venteicher,  
General Partner

WITNESSETH:

[Signature]

By: [Signature]  
Frank R. Krejci,  
General Partner

**ACKNOWLEDGMENT**

STATE OF NEBRASKA )  
                          ) ss  
COUNTY OF DOUGLAS )

On this 17<sup>th</sup> day of June, 1992, before me, the undersigned, a Notary Public in and for said State of Nebraska, personally came George W. Venteicher, President of KVI Ltd., a Nebraska Corporation and General Partner of KV-CENTER ASSOCIATES, a Nebraska General Partnership, Grantor, to me known to be the identical person whose name is affixed to the foregoing instrument, and he acknowledged the execution of this instrument to be his voluntary act and deed as an individual and as said President and the voluntary act and deed of both of said corporation and said general partnership.

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

[Signature]  
Notary Public



My Commission expires: \_\_\_\_\_

**ACKNOWLEDGMENT**

STATE OF NEBRASKA )  
                          ) ss  
COUNTY OF DOUGLAS )

On this 17<sup>th</sup> day of June, 1992, before me, the undersigned, a Notary Public in and for said State of Nebraska, personally came George W. Venteicher, General Partner of OLD MILL ASSOCIATES, a General Partnership and General Partner of KV-CENTER ASSOCIATES, a Nebraska General Partnership, Grantor, to me known to be the identical person whose name is affixed to the foregoing instrument, and he acknowledged the execution of this instrument to



P.O.B.

34.26'  
R=3627.77  
CH=1016.61'  
N62°32'49"W  
ARC=1019.97'

689.85  
S 23°33'16" E

S 01°47'48" E  
29.10'

R=125.00'  
L=3.53'

S 00°10'50" E  
25.00'

R=3802.77  
CH=986.48'  
S62°21'41"E  
ARC=989.59'

**EASEMENT DESCRIPTION**

A MULTI-USE UTILITY EASEMENT FOR ELECTRIC POWER, WATER, GAS, COMMUNICATIONS AND CABLE TELEVISION PURPOSES LOCATED IN LOTS 19 AND 20 OF OAK VIEW, A PLATTED AND RECORDED SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHEASTERLY CORNER OF SAID LOT 19, SAID POINT BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT; THENCE ALONG THE SOUTHERLY LINE OF SAID LOT 19 AND ALONG SAID CURVE, HAVING A RADIUS OF 3627.77 FEET AND A CHORD BEARING N62°32'49"W (PLATTED BEARING), 1016.61 FEET, AN ARC DISTANCE OF 1019.97 FEET; THENCE CONTINUING ALONG SAID SOUTHERLY LINE, AND ALONG THE SOUTHERLY LINE OF SAID LOT 20, N54°29'08"W, 1519.53 FEET; THENCE N30°02'33"E, 262.15 FEET; THENCE N35°11'16"E, 89.21 FEET; THENCE N30°02'33"E, 82.00 FEET; THENCE S58°24'38"E, 25.01 FEET; THENCE S30°02'33"W, 82.45 FEET; THENCE S35°11'16"W, 89.21 FEET; THENCE S30°02'33"W, 184.95 FEET; THENCE S09°29'08"E, 28.83 FEET; THENCE S35°30'52"W, 32.73 FEET; THENCE S54°29'08"E, 1481.51 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE ALONG SAID CURVE, HAVING A RADIUS OF 3802.77 FEET AND A CHORD BEARING S62°21'41"E, 986.48 FEET, AN ARC DISTANCE OF 989.59 FEET TO THE EASTERLY LINE OF SAID LOT 19; THENCE ALONG SAID EASTERLY LINE, S23°33'16"E, 34.26 FEET TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 1.701 ACRES, MORE OR LESS.

R=100.00'  
L=157.08'

S 00°10'50" E  
484.90  
140TH STREET (VACATED)

S 07°50'52" E  
248.32

OAK VIEW DRIVE  
S 90°00'00" E  
458.89

S 54°29'08" E  
1481.51  
N 54°29'08" W  
1519.53

UNION PACIFIC RAILROAD

MULTI-USE UTILITY EASEMENT FOR M.U.D., O.P.P.D., U. S. WEST, AND COX CABLE

R=340.00'  
L=187.46'

S30°02'33"W  
82.45'

N30°02'33"E  
82.00'

S35°11'16"W  
89.21'

N35°11'16"E  
89.21'

S30°02'33"W  
184.95'

N30°02'33"E  
262.15'

S35°30'52"W  
32.73'

S09°29'08"E  
28.83'

S58°24'38"E  
25.01'

N 30°02'33" E - 267.00'

N59°37'27"W - 11.00'



0 50' 100' 200'

• 1" X 24" REBAR FOUND