

EASEMENT AND RIGHT OF WAY

THIS INDENTURE, made this 24 day of SEPTEMBER, 1979, between Omaha Industrial Foundation, a Nebraska Corporation, hereinafter referred to as "Grantor", and Metropolitan Utilities District of Omaha, a Municipal Corporation, hereinafter referred to as "Grantee", WITNESSETH:

That the Grantor, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, does hereby grant to Grantee, its successors and assigns, an easement and right of way to lay, maintain, operate, repair, relay and remove, at any time, a pipeline or 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:

Several tracts of land lying in Lots Two (2), Three (3), Four (4) and Thirteen (13) of Omaha Industrial Foundation District Number Four (4), a subdivision as now platted and recorded in Douglas County, Nebraska, said tracts being more particularly described as follows:

A strip of land lying in said Lot 2 being ten (10) feet wide lying along and parallel to the southwesterly right of way line of Lamont Street, said strip extending northwesterly from the southeasterly property line of said Lot 2 along said right of way line a distance of one hundred forty-five and ninety-one hundredths (145.91) feet.

A strip of land lying in said Lot 3 being ten (10) feet wide lying along and parallel to the southeasterly right of way line of 139th Street, said strip extending northeasterly from the southeasterly property line of said Lot 2 along said right of way line a distance of two hundred ninety-two and eighty-four hundredths (292.84) feet. Also, the north fifteen (15) feet of said Lot 3. Also, the south one hundred seventy (170) feet of the north one hundred eighty-five (185) feet of the east thirty-five (35) feet of said Lot 3.

The south five (5) feet of said Lot 4.

A tract of land lying in said Lot 13, beginning at the northeast corner of said Lot 13; thence S. 0° 23' 45" W. along the east property line of said Lot 13 a distance of thirty and ninety-three hundredths (30.93) feet; thence N. 46° 18' 3" W. a distance of forty-three and seventy-two hundredths (43.72) feet to a point on the north property line of said Lot 13; thence N. 88° 41' 57" E. along said north property line a distance of thirty (30) feet to the point of beginning.

These tracts, as shown on the two-page plat attached hereto and by this reference made a part hereof, contain a total of 0.43 acres, more or less.

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 described land any building or structure, except pavement, and they or it will not give anyone else permission to do so.

2. 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 Grantor, or duties and powers of Grantee, respecting the ownership, use, operations, extensions and connections to any pipelines constructed and maintained hereunder.

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.

OMAHA INDUSTRIAL FOUNDATION,
A Nebraska Corporation, Grantor

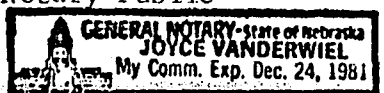
ATTEST:
Arde C. Neuzum

BY: B.R. Morris
B. R. Morris, President

COUNTY OF DOUGLAS)
) ss.
STATE OF NEBRASKA)

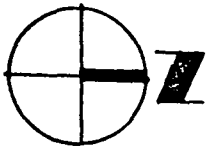
On this 24 day of September, 1979, before me, the undersigned, a Notary Public in and for the State of Nebraska, personally came B. R. Morris, to me personally known to be the President of Omaha Industrial Foundation, a Nebraska Corporation, and the identical person whose name is affixed to the foregoing instrument, and he acknowledged the execution of this instrument to be his voluntary act and deed and the voluntary act and deed of said Corporation.

Joyce Vanderwiel
Notary Public



OMAHA

INDUSTRIAL



SCALE: 1"=100'

LAYOUT

LOT 7

DISTRICT

LOT 2

333.77'

437.68'



PERM. M.U.D. EASEMENT

1,309.27'

139 TH. ST.

50'

125.20'

494.80'

LOT 3

LOT 4

FOUNDATION

5'

400.44'

5'

170'

35'

1001.21

513.65

100'

100'

100'

100'

90'

387.83'

SOUTHWEST

22

21

20

PARK

DRAWN BY LB DATE 6-25-79
 CHECKED BY W.W.P. DATE 6-28-79
 APPROVED BY IPS DATE 6-28-79
 REVISED BY _____ DATE _____
 REV CHK'D BY _____ DATE _____
 REV APPROV BY _____ DATE _____

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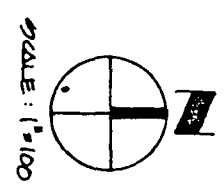
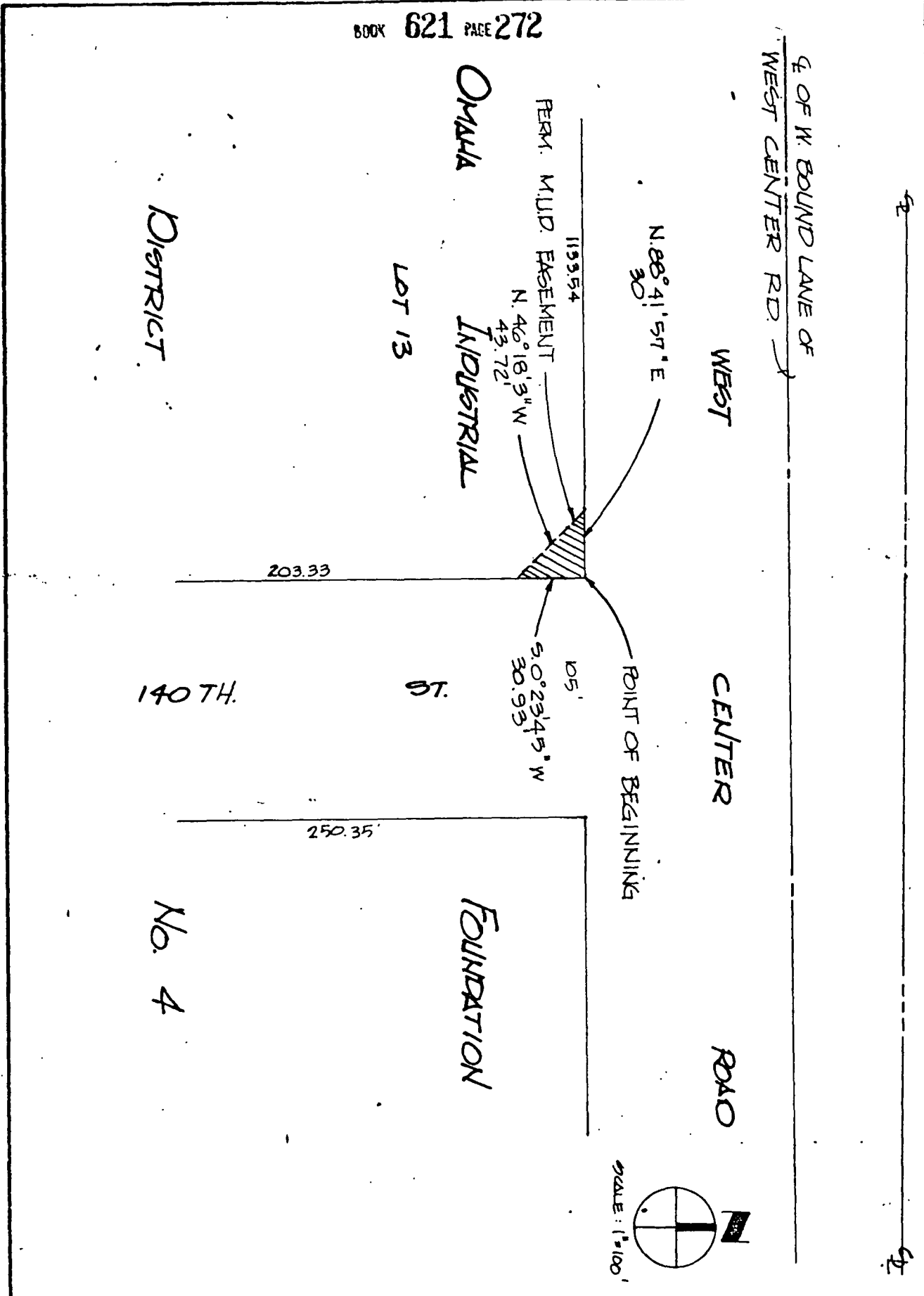
LEGEND
 PERMANENT EASEMENT

TOTAL ACRE 0.43±

LAND OWNER
 OMAHA INDUSTRIAL
 FOUNDATION

EASEMENT
 ACQUISITION
 FOR WCC 5092
 CCC 8181

METROPOLITAN
 UTILITIES
 DISTRICT
 OMAHA, NEBRASKA



METROPOLITAN UTILITIES DISTRICT OMAHA, NEBRASKA	EASEMENT ACQUISITION FOR WCC 5092 5008181	LAND OWNER OMAHA INDUSTRIAL FOUNDATION	TOTAL ACRE 0.43± LEGEND PERMANENT EASEMENT [hatched pattern]	DRAWN BY J.B. DATE 6-25-79 CHECKED BY W.W.P. DATE 6-28-79 APPROVED BY J.P.S. DATE 6-28-79 REVISED BY _____ DATE _____ REV CHK'D BY _____ DATE _____ REV APPROV BY _____ DATE _____
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FILE NO. 417075

RECEIVED
 1979 SEP 27 PH 12: 12

C. HAROLD OSTLER
 REGISTER OF DEEDS
 DOUGLAS COUNTY, NEBR.

Handwritten notes:
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