

FILED SARPY CO. NE.
INSTRUMENT NUMBER
2004-15367

2004 APR 30 A 10:45 R

Glenn J. Dowling

REGISTER OF DEEDS

COUNTER 144 C.E. rk
VERIFY sm D.E. D
PROOF _____
FEES \$ 20.50
CHECK# 19772
CHG _____ CASH _____
REFUND _____ CREDIT _____
SHORT _____ NCR _____

PERMANENT
AND
TEMPORARY CONSTRUCTION
EASEMENTS AND RIGHTS-OF-WAY

THIS INDENTURE, made this 16 day of APRIL, 2004 between JANET and BRADLEY GOLDENSTEIN, Co-trustees of the John E. Goldenstein Marital Trust created under the John E. Goldenstein Revocable Trust dated April 4, 1997 and JANET M. GOLDENSTEIN, Trustee of the Janet M. Goldenstein and John E. Goldenstein Revocable Trusts under Trust Agreement dated April 4, 1997, ("Grantors"), and METROPOLITAN UTILITIES DISTRICT OF OMAHA, a Municipal Corporation and Political Subdivision, ("Grantee"),

WITNESS:

That Grantors, in consideration of the sum of Two Dollars (\$2.00) and other valuable consideration, receipt of which is hereby acknowledged, do hereby grant to Metropolitan Utilities District of Omaha, its successors and assigns, a permanent 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, including, but not limited to, one 24-inch round iron cover, hydrants, roadway boxes, and pipeline markers, and a temporary easement for construction purposes, together with the right of ingress and egress on, over, under and through lands described as follows:

PERMANENT EASEMENT

A tract of land in the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of Section 21-14-11 in Sarpy County, Nebraska and being described as follows:

TRACT 1

The west 35 feet of the east 68 feet of the south 993 feet of the north 1126 feet abutting the west right-of-way line of 168th Street of the NE ¼ of the NE ¼ of said Section 21.

This permanent easement contains 0.69 of an acre, more or less, and are shown on the drawing attached hereto and made a part hereof by this reference.

TEMPORARY CONSTRUCTION EASEMENT

Tracts of land in the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of Section 21-14-11 in Sarpy County, Nebraska and being described as follows:

TRACT 2

The west 20 feet of the east 88 feet of the south 793 feet of the north 1126 feet adjacent to the Tract 1 permanent easement of the NE ¼ of the NE ¼ of said Section 21.

R+ Return to: Susan Pagan
M.U.D.
1723 Hainey Street
Omaha, NE 68102

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TRACT 3

The west 40 feet of the east 108 feet of the south 300 feet of the north 333 feet parallel to the west right-of-way line of 165th Street of the NE ¼ of the NE ¼ of said Section 21.

This temporary construction easement contains 0.64 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 and Temporary Construction Easements and Rights-of-Way to Grantee, Metropolitan Utilities District of Omaha, its successors and assigns.

1. The Grantors and their 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 or a similar covering, and shall not permit anyone else to do so, and, with respect to the temporary construction easement, the same prohibitions apply during the effective period of this temporary conveyance, which effective period shall commence upon the date of execution hereof and cease after completion of the project and restoration work contemplated herein.

2. The Grantee shall restore 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.

3. Nothing herein shall be construed to waive any right of Grantors or duty and power of Grantee respecting the ownership, use, operations, extensions and connections to any pipeline constructed and maintained hereunder.

4. The Grantors are the lawful possessor of this real estate; has good, right and lawful authority to make such conveyance; and Grantor and its 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.

5. The persons executing this instrument represents that they have authority to execute it on behalf of the trusts.

IN WITNESS WHEREOF, Grantors execute these Permanent and Temporary Easements and Rights-of-Way to be signed on the above date.

JANET and BRADLEY GOLDENSTEIN, Co-trustees of the John E. Goldenstein Marital Trust created under the John E. Goldenstein Revocable Trust dated April 4, 1997 and JANET M. GOLDENSTEIN, Trustee of the Janet M. Goldenstein and John E. Goldenstein Revocable Trusts under Trust Agreement dated April 4, 1997,
Grantors

By: Janet M. Goldenstein
Janet M. Goldenstein, Co-trustee

By: Bradley J. Goldenstein
Bradley J. Goldenstein, Co-trustee

