

98-24548

FILED SARPY CO. NE.

INSTRUMENT NUMBER

98 024548

98 SEP -1 AM 8:25

*Glenn J. Lawling*

REGISTER OF DEEDS

Counter SS  
Verify [Signature]  
D.E. [Signature]  
Proof \_\_\_\_\_  
Fee \$ 26.00  
Ck  Cash  Chg

EASEMENT AND RIGHT-OF-WAY

THIS INDENTURE, made this 27 day of August, 1998, between OMAHA DEVELOPMENT FOUNDATION, INC., a Nebraska non-profit Corporation, ("Grantor"), and METROPOLITAN UTILITIES DISTRICT OF OMAHA, a Municipal Corporation, ("Grantee"),

WITNESS:

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 on, over, under and through lands described as follows:

PERMANENT EASEMENT

A tract of land in the NE 1/4 of the NW 1/4 of Section 19, Township 14 North, Range 12 East of the 6th P.M. in Sarpy County, Nebraska, and described as follows:

The westerly sixty (60) feet of the southerly fifteen (15) feet of the parcel bounded by the quarter section line on the east, Giles Road south right-of-way on the north, 126th Street east right-of-way on the west, and Burlington Northern Railroad right-of-way on the south.

This permanent easement contains 0.021 of an acre, more or less, and is shown on the drawing attached hereto and made a part hereof by this reference.

A tract of land in the NE 1/4 of the NW 1/4 of Section 19, Township 14 North, Range 12 East of the 6th P.M. in Sarpy County, Nebraska, and described as follows:

Commencing at the North 1/4 Corner of said Section 19, thence S02°13'20"E (assumed bearing) along the east line of the NW 1/4 of said Section 19, 886.11 feet to the Point of Beginning; said point also a point on 126th Street east right-of-way curve to the left; said curve having a radius of 640.00 feet, an arc length of 15.18 feet and a chord bearing of N23°15'58"W; thence N23°56'44"W, 284.82 feet along 126th Street east right-of-way; thence N66°03'16"E, 15.00 feet perpendicular to 126th Street east right-of-way; thence S23°56'44"E, 261.90 feet parallel to 126th Street east

*Retn to:*  
*TJ Secrest*  
*MUP Law Dept*  
*1723 Harvard St*  
*Omaha, NE 68104*

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right-of-way to a point on the east line of the NW 1/4 of said Section 19; thence S02°13'20"E, 41.01 feet along said east line to the Point of Beginning.

This permanent easement contains 0.099 of an acre, more or less, and is shown on the drawing attached hereto and made a part hereof by this reference.

A tract of land in Sarpy County Industrial Park, a subdivision, as surveyed, platted, and recorded in Sarpy County, Nebraska, and described as follows:

The west forty (40) feet of the south six hundred fifty (650) feet of Lot 1, Sarpy County Industrial Park, except the parcel dedicated as 126th Street right-of-way.

This permanent easement contains 0.105 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 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 for any purpose hereunder, as nearly as is reasonably possible to its original contour within a reasonable time after the work is performed.

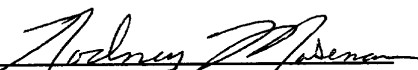
3. Nothing herein shall be construed to waive any right of Grantor or duty and power of Grantee respecting the ownership, use, operations, extensions and connections to any pipeline constructed and maintained hereunder.

4. The Grantor is a 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 person executing this instrument represents that he has authority to execute it on behalf of the non-profit corporation.

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

OMAHA DEVELOPMENT  
FOUNDATION, INC., a Nebraska  
Non-profit Corporation, Grantor

By:   
Rodney Moseman, Secretary and  
Executive Director

98-24548B

ACKNOWLEDGMENT

STATE OF NEBRASKA    )  
                                  ) ss  
COUNTY OF SARPY     )

This instrument was acknowledged before me on August 28, 1998, by Rodney Moseman, Secretary and Executive Director of Omaha Development Foundation, Inc., a Nebraska non-profit Corporation, on behalf of the non-profit corporation.

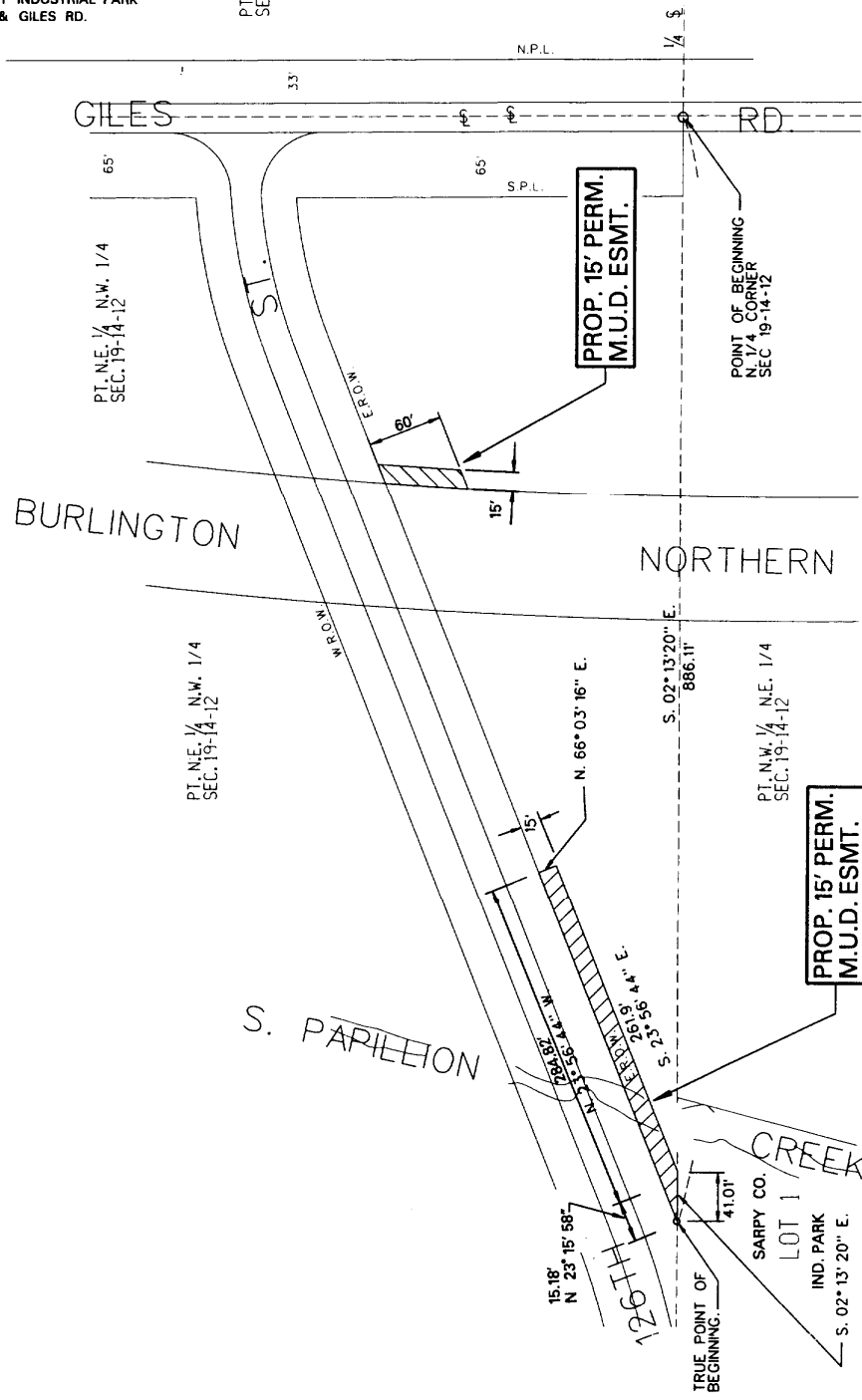


Diana L. Kelly  
Notary Public

98-24548C

NO SCALE  
SARPY COUNTY INDUSTRIAL PARK  
126TH & GILES RD.

PT. S.E. 1/4 S.W. 1/4  
SEC. 18-14-12



**METROPOLITAN UTILITIES DISTRICT**  
OMAHA, NEBRASKA

**EASEMENT ACQUISITION**

FOR WCP 8641  
GRM 11525

LAND OWNER  
OMAHA DEV. FOUNDATION, INC.  
1301 HARNEY ST.  
OMAHA, NE 68102

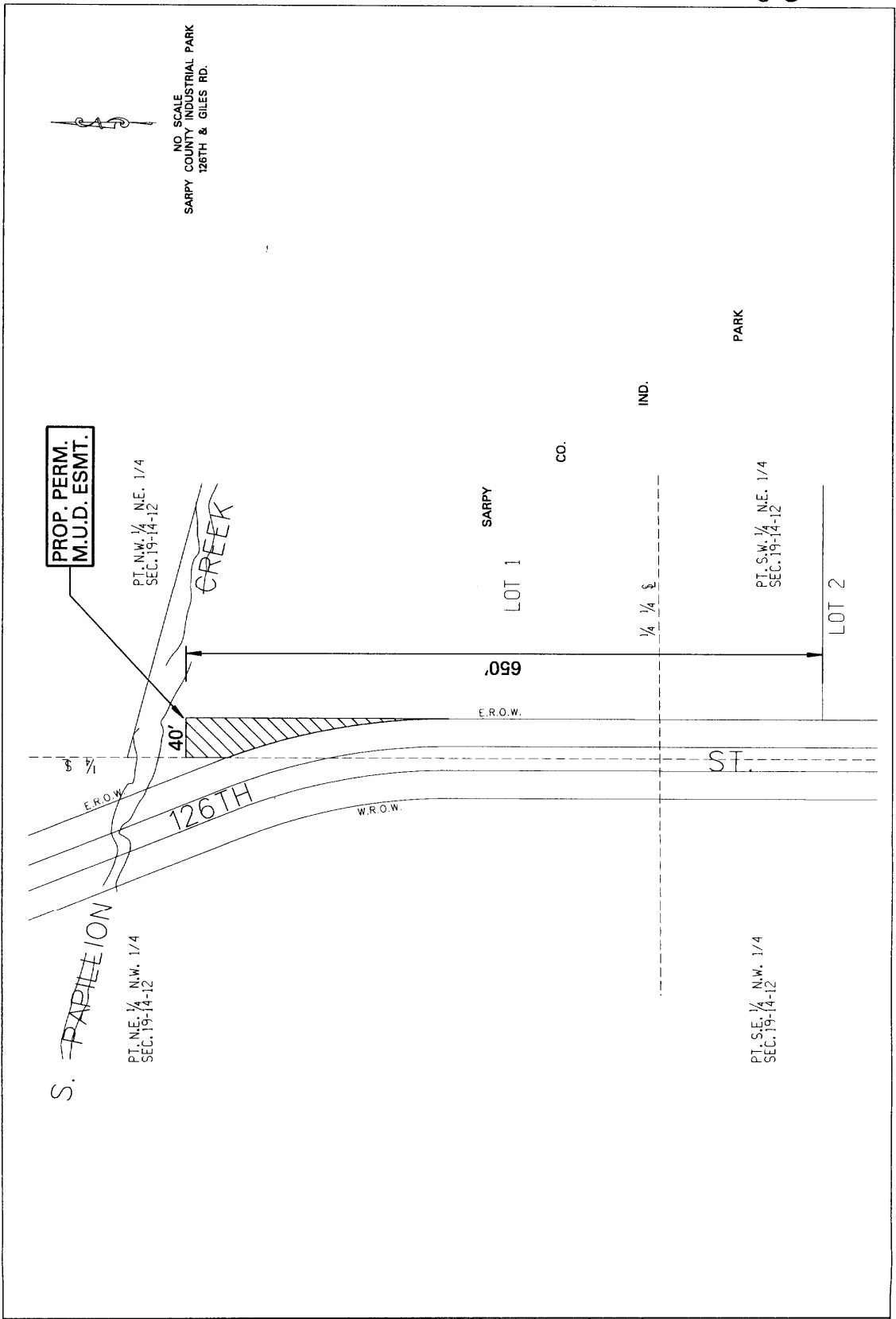
TOTAL ACRE .1197 ±  
PERMANENT  
TOTAL ACRE  
TEMPORARY

LEGEND  
 PERMANENT EASEMENT  
 TEMPORARY EASEMENT

PAGE 1 OF 2

DRAWN BY J.J.G.  
DATE 5-28-98  
CHECKED BY [Signature]  
DATE 7-2-98  
APPROVED BY [Signature]  
DATE 7-2-98  
REVISED BY  
DATE  
REV. CHK'D. BY  
DATE  
REV. APPROV. BY  
DATE

98-24548D



<b>METROPOLITAN UTILITIES DISTRICT</b> OMAHA, NEBRASKA	
<b>EASEMENT ACQUISITION</b>	
FOR	WCP 8641
	GRM 11525
LAND OWNER OMAHA DEV. FOUNDATION, INC. 1301 HARNEY ST. OMAHA, NE 68102	
TOTAL ACRE PERMANENT	.1049 ±
TOTAL ACRE TEMPORARY	X ±
LEGEND <input checked="" type="checkbox"/> PERMANENT EASEMENT <input type="checkbox"/> TEMPORARY EASEMENT	
PAGE	2 OF 2
DRAWN BY	J.J.G.
DATE	5-28-98
CHECKED BY	LLI
DATE	7-2-98
APPROVED BY	JWS
DATE	7-2-98
REVISED BY	
DATE	
REV. CHK'D. BY	
DATE	
REV. APPROV. BY	
DATE	