

FILED SARPY CO. NE.  
INSTRUMENT NUMBER  
2004-12320

2004 APR -9 A 11:46 R

*Glenn J. Dowd*  
REGISTER OF DEEDS

COUNTER LM C.E. AK  
VERIFY AK D.E. AK  
PROOF an  
FEES \$ 30.50  
CHECK# 19640  
CHG \_\_\_\_\_ CASH \_\_\_\_\_  
REFUND \_\_\_\_\_ CREDIT \_\_\_\_\_  
SHORT \_\_\_\_\_ NCR \_\_\_\_\_

PERMANENT AND  
TEMPORARY CONSTRUCTION  
EASEMENTS AND RIGHTS-OF-WAY

THIS INDENTURE, made this 5th day of April, 2004 between DUANE J. DOWD, an Individual, MICHAEL A. HUBER, an Individual, DUANE J. DOWD, Trustee, GRAND PRIX, INC., a Nebraska Corporation, LAWRENCE W. DOWD, an Individual, and JEFFREY B. FARNHAM, an Individual, ("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

Tracts of land in the Northwest Quarter (NW ¼) of Section 22-14-11 in Sarpy County, Nebraska and being described as follows:

**TRACT 1** ✓

The east 37 feet of the west 70 feet of the south 1460 feet of the north 2640 feet abutting the east right-of-way line of 168<sup>th</sup> Street of the NW ¼ of said Section 22.

**TRACT 4** ✓

The south 17 feet of the north 50 feet of the east 1767 feet of the west 1800 feet abutting the south right-of-way line of Giles Road of the NW ¼ of the NW ¼ of said Section 22.

This permanent easement contains 1.93 acres, more or less, and is shown on the drawing attached hereto and made a part hereof by this reference.

TEMPORARY CONSTRUCTION EASEMENT

Tracts of land in the Northwest Quarter (NW ¼) of Section 22-14-11 in Sarpy County, Nebraska and being described as follows:

**TRACT 2** ✓

The east 30 feet of the west 100 feet of the south 1460 feet of the north 2640 feet parallel to the east right-of-way line of 168<sup>th</sup> Street of the NW ¼ of said Section 22.

**TRACT 3** ✓

The east 67 feet of the west 100 feet of the north 160 feet of the south 1620 feet abutting the east right-of-way line of 168<sup>th</sup> Street of the NW ¼ of said Section 22.

RCV +

Return to: Susan Brazan  
M.U.D.  
1723 Harney Street, Omaha, NE 68102

12320

This temporary construction easement contains 1.26 acres, 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 upon the completion of the project and restoration work contemplated herein or May 1, 2005, whichever occurs first.

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.

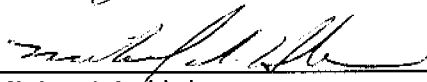
3. Nothing herein shall be construed to waive any right of Grantors or duty and power of Grantee respecting the ownership, use, operations, extensions and connections to any pipeline constructed and maintained hereunder.

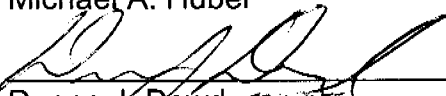
4. The Grantors are the lawful possessor of this real estate; have good, right and lawful authority to make such conveyance; and Grantors and their successors and assigns shall warrant and defend this conveyance and shall indemnify and hold harmless Grantee forever against claims of all persons asserting any right, title or interest prior to or contrary to this conveyance.

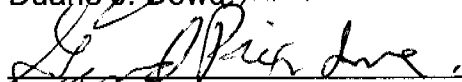
IN WITNESS WHEREOF, Grantors execute these Permanent and Temporary Easements and Rights-of-Way to be signed on the above date.

DUANE J. DOWD, an Individual, MICHAEL A. HUBER, an Individual, DUANE J. DOWD, Trustee, GRAND PRIX, INC., a Nebraska Corporation, LAWRENCE W. DOWD, an Individual, and JEFFREY B. FARNHAM, an Individual, Grantors

  
\_\_\_\_\_  
Duane J. Dowd

  
\_\_\_\_\_  
Michael A. Huber

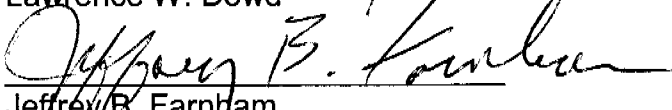
  
\_\_\_\_\_  
Duane J. Dowd, TRUSTEE

  
\_\_\_\_\_  
Grand Prix, Inc.

By:   
\_\_\_\_\_

Title:   
\_\_\_\_\_

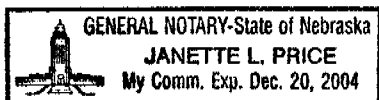
  
\_\_\_\_\_  
Lawrence W. Dowd

  
\_\_\_\_\_  
Jeffrey B. Farnham

ACKNOWLEDGMENT

STATE OF NEBRASKA )  
 ) ss  
COUNTY OF DOUGLAS )

This instrument was acknowledged before me on April 5, 2004,  
by Duane J. Dowd, an individual.

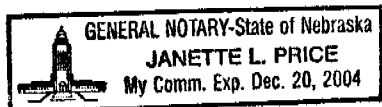


Janette L. Price  
Notary Public

ACKNOWLEDGMENT

STATE OF NEBRASKA )  
 ) ss  
COUNTY OF DOUGLAS )

This instrument was acknowledged before me on April 5, 2004,  
by Michael A. Huber, an individual,

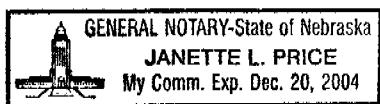


Janette L. Price  
Notary Public

ACKNOWLEDGMENT

STATE OF NEBRASKA )  
 ) ss  
COUNTY OF DOUGLAS )

This instrument was acknowledged before me on April 5, 2004,  
by Duane J. Dowd, Trustee.

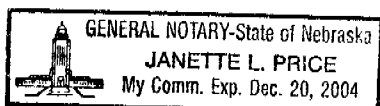


Janette L. Price  
Notary Public

ACKNOWLEDGMENT

STATE OF NEBRASKA )  
 ) ss  
COUNTY OF DOUGLAS )

This instrument was acknowledged before me on April 5, 2004,  
by Duane Dowd President of Grand Prix, Inc., on behalf of the  
corporation.



Janette L. Price  
Notary Public

C

ACKNOWLEDGMENT

STATE OF NEBRASKA    )  
                                  ) ss  
COUNTY OF DOUGLAS    )

This instrument was acknowledged before me on April 5, 2004,  
by Lawrence W. Dowd, an individual,

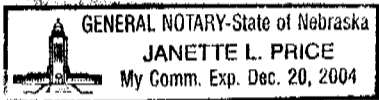


Janette L. Price  
Notary Public

ACKNOWLEDGMENT

STATE OF NEBRASKA    )  
                                  ) ss  
COUNTY OF DOUGLAS    )

This instrument was acknowledged before me on April 5, 2004,  
by Jeffrey B. Farnham, an individual.



Janette L. Price  
Notary Public

**METROPOLITAN  
UTILITIES  
DISTRICT**  
OMAHA, NEBRASKA

**EASEMENT  
ACQUISITION**



FOR **WCP 9128-1**

**LAND OWNER**

Duane Dowd *et al.*  
8424 West Center Rd.  
Omaha, Ne 68124

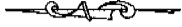
TOTAL ACRE \_\_\_\_\_  
PERMANENT .69 ±  
TOTAL ACRE \_\_\_\_\_  
TEMPORARY N/A ±

**LEGEND**

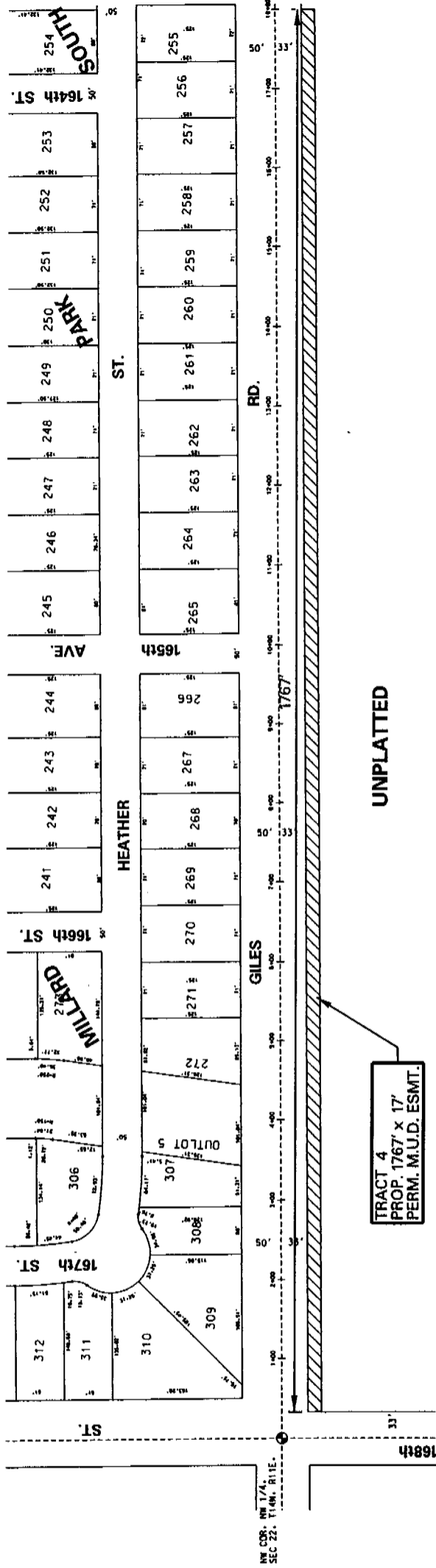
-  PERMANENT EASEMENT
-  TEMPORARY EASEMENT

PAGE 1 OF 2

DRAWN BY \_\_\_\_\_ MKM  
DATE 3-6-04  
CHECKED BY \_\_\_\_\_ MKM  
DATE 3-6-04  
APPROVED BY \_\_\_\_\_  
DATE \_\_\_\_\_  
REVISED BY \_\_\_\_\_  
DATE \_\_\_\_\_  
REV. CHK'D. BY \_\_\_\_\_  
DATE \_\_\_\_\_  
REV. APPROV. BY \_\_\_\_\_  
DATE \_\_\_\_\_



NO SCALE  
MILLARD PARK SOUTH  
168th ST. & GILES RD.



**UNPLATTED**

**METROPOLITAN UTILITIES DISTRICT**  
OMAHA, NEBRASKA

**EASEMENT ACQUISITION**



FOR **WCP 9703**

LAND OWNER

Duane Dowd *et al.*  
8424 W CENTER RD  
OMAHA, NE 68124  
TAX LOT 3  
SEC. 22 T14N R11E

TOTAL ACRE  
PERMANENT 1.24 ±  
TOTAL ACRE  
TEMPORARY 1.26 ±

LEGEND

- PERMANENT EASEMENT 
- TEMPORARY EASEMENT 

PAGE 3 OF 3

DRAWN BY            MKM  
DATE 3-4-2004  
CHECKED BY            MKM  
DATE 3-4-2004  
APPROVED BY             
DATE             
REVISED BY             
DATE             
REV. CHK'D. BY             
DATE             
REV. APPROV. BY             
DATE           

