



MISC 2003244831

RICHARD N. TAKECHI  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NE



DEC 19 2003 11:04 P 5

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BKP \_\_\_\_\_ C/O \_\_\_\_\_ COMP LR  
DEL \_\_\_\_\_ SCAN \_\_\_\_\_

**EASEMENT AND RIGHT-OF-WAY**

THIS INDENTURE, made this 4<sup>th</sup> day of DECEMBER, 2003, between the CITY OF OMAHA, a Body Corporate and Politic, of the State of Nebraska, ("Grantor"), and the METROPOLITAN UTILITIES DISTRICT OF OMAHA, a Municipal Corporation and Political Subdivision, ("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, a permanent easement and right-of-way to lay, maintain, operate, repair, relay and remove, at any time, pipelines for the transportation of gas and all appurtenances thereto, including but not limited to, gas valve boxes, together with the right of ingress and egress on, over, under and through lands described as follows:

**PERMANENT EASEMENT TRACT**

A tract of land in Lot 22 of Gallup University Riverfront Campus, a subdivision platted and recorded in Douglas County, Nebraska, the centerline of which is described as follows:

Commencing in the northwest corner of said Lot 22; Thence along a curve to the right, having a radius of 1225.49 feet and a long chord bearing S05°22'36"W (bearings referenced to the Final Plat of GALLUP UNIVERSITY RIVERFRONT CAMPUS) for 97.62 feet, for an arc length of 97.64 feet along the west line of said Lot 22 to the True Point of Beginning; Thence S82°34'29"E a distance of 27.49 feet; Thence S68°58'44"E a distance of 112.05 feet; Thence S44°56'56"E a distance of 134.59 feet; Thence S44°58'59"W a distance of 77.59 feet; Thence S44°56'56"E a distance of 33.01 feet; Thence S00°00'00"E a distance of 33.94 feet to the east line of said Lot 22 and the Points of Terminus.

This permanent easement contains a total of 0.096 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 this 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 permanent easement any building or structure, except pavement or a similar covering, and shall not permit anyone else to do so.

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 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 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 person executing this instrument represents that he has authority to execute it on behalf of the City of Omaha.

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

CITY OF OMAHA, a Body Corporate  
and Politic, of the State of Nebraska,  
Grantor

ATTEST:

By: *[Signature]*

City Clerk

By: *[Signature]*

Mayor Mike Fahey

ACKNOWLEDGMENT

STATE OF NEBRASKA )

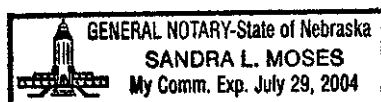
)

ss

COUNTY OF DOUGLAS )

)

This instrument was acknowledged before me on December 4, 2003, by Mayor Mike Fahey, of the City of Omaha, a Body Corporate and Politic, of the State of Nebraska, for and on behalf of the City of Omaha



*[Signature]*  
Notary Public

APPROVED AS TO FORM:

*[Signature]*  
DEPUTY CITY ATTORNEY

METROPOLITAN  
UTILITIES  
DISTRICT  
OMAHA, NEBRASKA

EASEMENT  
ACQUISITION

FOR  
G.S. 11082

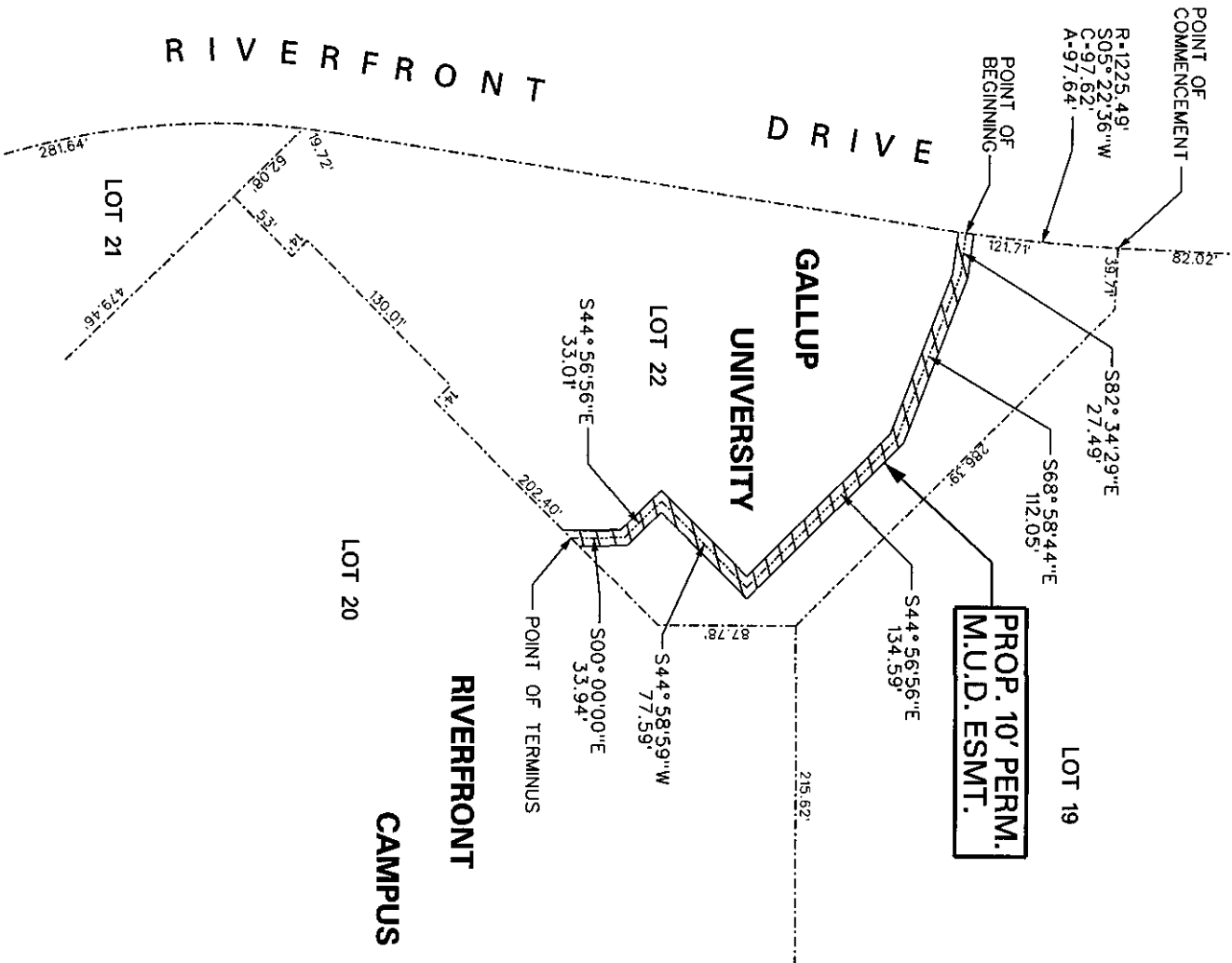
LAND OWNER  
CITY OF OMAHA  
1819 FARNAM STREET  
OMAHA, NE 68183

TOTAL ACRE  
PERMANENT 0.096±  
TOTAL ACRE  
TEMPORARY

LEGEND  
PERMANENT EASEMENT  
TEMPORARY EASEMENT

PAGE 1 OF 1

DRAWN BY J. STANEK  
DATE 09-18-2003  
CHECKED BY  
DATE  
APPROVED BY JSS  
DATE 9-18-2003  
REVISED BY  
DATE  
REV. CHK'D. BY  
DATE  
REV. APPROV. BY  
DATE



NO SCALE  
GALLUP UNIVERSITY  
RIVERFRONT CAMPUS  
6th & RIVERFRONT DRIVE

ORDINANCE NO. 36455

AN ORDINANCE to transfer a permanent easement to Metropolitan Utilities District of Omaha for purposes of constructing gas pipelines for service to the Burt/Izard Sewer Station and the National Parks Service Building as part of the Gallup University Riverfront Campus; to authorize the Mayor to execute the attached Easement and Right-Of-Way; and to provide an effective date thereof

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

Section 1. That the City of Omaha, notwithstanding the procedure outlined in Section 27-51 to 27-75 of the Omaha Municipal Code, will transfer to the Metropolitan Utilities District a permanent easement to the extent it has any interest in the following piece of property:

See the attached Exhibit "A".

Section 2. That the Mayor of the City of Omaha shall be authorized to execute the Easement and Right-of-Way attached to this Ordinance.

Section 3. That this ordinance shall be in full force and take effect on the date of its passage.

INTRODUCED BY COUNCIL MEMBER

*James D. Volkert Jr.*

APPROVED BY:

*Mike Soley* 12/4/03  
MAYOR OF THE CITY OF OMAHA DATE

PASSED DEC - 2 2003 7-0

ATTEST:

*Bonita Brown* 12/4/03  
CITY CLERK OF THE CITY OF OMAHA DATE

APPROVED AS TO FORM:

*Ben J. J. J.* 10/20/03  
ASST CITY ATTORNEY DATE

I hereby certify that the foregoing is a true and correct copy of the original document now on file in the City Clerk's Office.

*Bonita Brown*  
CITY CLERK

BY



City of Omaha  
Mike Fahey, Mayor

November 4, 2003

RECEIVED

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CITY CLERK  
OMAHA, NEBRASKA

**Public Works Department**

Omaha/Douglas Civic Center  
1819 Farnam Street, Suite 601  
Omaha, Nebraska 68183-0601  
(402) 444-5220  
Telefax (402) 444-5248

**Norm Jackman, P.E.**  
Acting Public Works Director

Honorable President


and Members of the City Council,

Transmitted herewith is an Ordinance requested by the Public Works Department providing for the transfer of a permanent easement to Metropolitan Utilities District of Omaha. Metropolitan Utilities District of Omaha will be installing gas services pipelines for service to the Burt/Izard Sewer Station and the National Park Service Building as part of the improvements necessary for the Gallup University Riverfront Campus.

This Ordinance authorizes the Mayor to execute the attached Easement and Right-of-Way which will transfer the property interest to Metropolitan Utilities District of Omaha. Your favorable consideration of this Ordinance is respectfully requested.

Sincerely,

Referred to City Council for Consideration:

  
Norm Jackman  
Acting Public Works Director

10-20-03

  
Mayor's Office

10/22/03  
Date

P:\Law1\9662pjm.doc

Please Return to: JUSTIN COOPER  
MUD LEGAL DEPT.  
1723 HARNEY ST.  
OMAHA, NE 68102