

EASEMENT AND RIGHT OF WAY

THIS INDENTURE, made this 15th day of February, 1978, between Old Orchard West, a Nebraska partnership, hereinafter referred to as "Grantor", and Metropolitan Utilities District of Omaha, a municipal corporation, hereinafter referred to as "Grantee", WITNESSETH:

That 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 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 water and gas, 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:

A tract of land lying in Lot One (1), Block One (1), of Sherwood Plaza Commercial, as now platted and recorded, in Douglas County, Nebraska, said tract being more particularly described as follows:

Commencing at the southeast corner of Section Twenty-five (25), Township Fifteen (15) North, Range Eleven (11) East of the 6th P.M.; thence North 0° 0' 0" West (assumed bearing) along the East line of said Section Twenty-five (25) a distance of Six Hundred Twelve and Thirty-one Hundredths (612.31) feet; thence North 90° 0' 0" West a distance of Seventy-five (75) feet to the point of beginning, said point lying on the West right-of-way line of 132nd Street; thence North 90° 0' 0" West a distance of Four Hundred Eighty-one and Ninety-two Hundredths (481.92) feet; thence South 0° 0' 0" West a distance of Five Hundred and Seven Hundredths (500.07) feet to a point on the Northerly right-of-way line of West Center Road; thence North 87° 41' 7" West along said Northerly right-of-way line a distance of Thirty-eight and Three Hundredths (38.03) feet; thence North 0° 0' 0" West a distance of Five Hundred Thirty-six and Fifty-three Hundredths (536.53) feet; thence North 90° 0' 0" East a distance of Five Hundred Nineteen and Ninety-two Hundredths (519.92) feet to a point on the West right-of-way line of 132nd Street; thence South 00° 0' 0" East along said West right-of-way line a distance of Thirty-eight (38) feet to the point of beginning.

This tract contains a total of Eighty-nine Hundredths (0.89) acre, more or less, all as shown on the plat attached hereto and made a part hereof.

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. Grantor agrees that neither it nor its successors or assigns will at any time erect, construct or place on or below the surface of the soil within Five (5) feet of Grantee's mains any building or structure, except pavement, and that they 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 pipeline constructed and maintained hereunder.

IN WITNESS WHEREOF, the Grantor has caused this easement to be signed on the day and year first above written.

ATTEST:
 Dennis B. Anderson
Title _____

Old Orchard West, Nebraska Partnership, Grantor

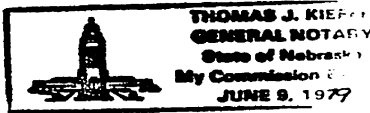
By [Signature]
Title (J. Leo)

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STATE OF NEBRASKA)
) ss
COUNTY OF DOUGLAS)

On this 1st day of FEBRUARY, 1978, before me, the undersigned, a Notary Public in and for said county, personally came FRANK R. WEST, to me personally known to be the PRESIDENT of Old Orchard West, a Nebraska partnership, and the identical person whose name is affixed to the foregoing instrument, and acknowledged the execution of this instrument as his voluntary act and deed and the voluntary act and deed of said partnership.

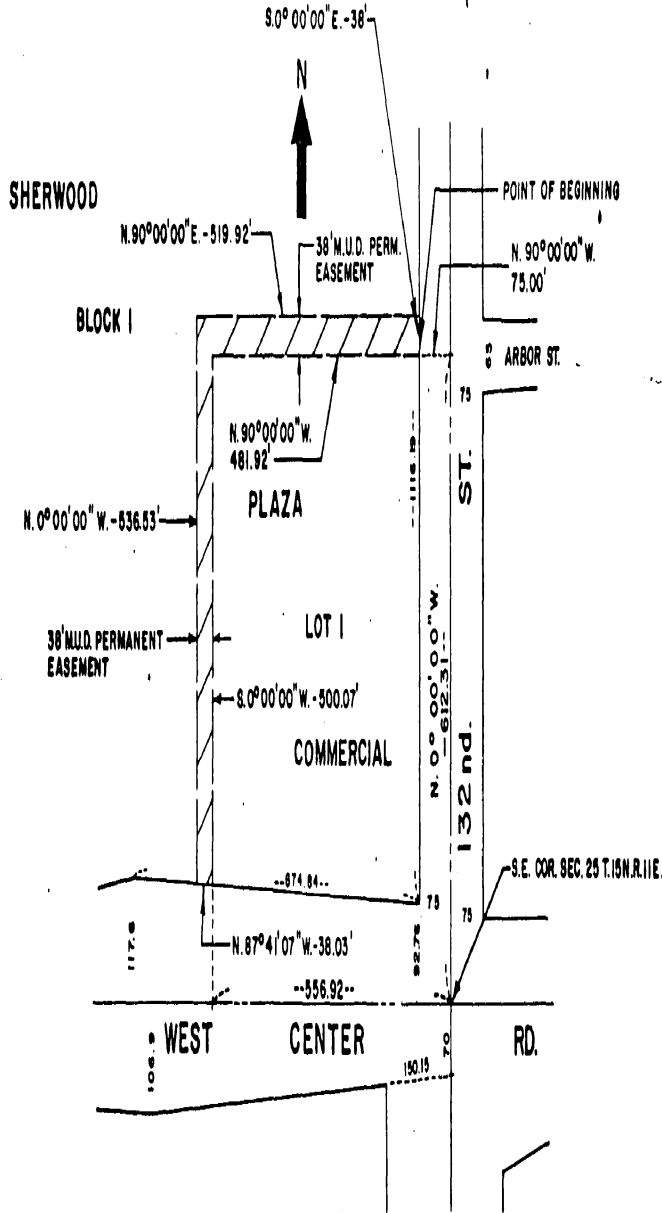
Witness my hand and Notarial Seal the day and year last above written.





Notary Public

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METROPOLITAN UTILITIES DISTRICT
OMAHA, NEBRASKA

EASEMENT ACQUISITION
FOR W.C.C. 8490

LAND OWNER
NEBRASKA ORDER BUYERS INC.

TOTAL ACRES 0.89 ACRES

LEGEND
PERMANENT EASEMENT

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DRAWN BY: SAJA DATE: 1-15-78
CHECKED BY: AVE DATE: 1-17-78
APPROVED BY: JES DATE: 1-18-78
REVISED BY: JES DATE: 1-18-78
REV. APPROV. BY: DATE:

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