



MISC 2006130312



NOV 14 2006 14:26 P 7

Received - DIANE L. BATTIATO  
Register of Deeds, Douglas County, NE  
11/14/2006 14:26:15.03



2006130312

PERMANENT EASEMENT

THIS AGREEMENT, made this 3rd day of November 2006 between ELK CREEK PINE L.L.C., a Nebraska Limited Liability Company, ("Grantor"), and METROPOLITAN UTILITIES DISTRICT OF OMAHA, a Municipal Corporation and Political Subdivision, ("Grantee"),

WITNESS:

Grantor, in consideration of the sum of Two Dollars (\$2.00) and other valuable consideration, receipt of which is acknowledged, hereby grants to Metropolitan Utilities District of Omaha, its successors and assigns, a permanent easement to lay, maintain, operate, repair, relay and remove, at any time, underground pipelines for the transportation of gas and all appurtenances thereto, including, but not limited to, round iron covers, roadway boxes, cc box, manhole, hydrants, and pipeline markers, together with the right of ingress and egress on, over, under and through lands described as follows:

PERMANENT EASEMENT

Tracts of land along Lots 3, 4, 7, 8, and 9, and Outlots 2 and 3, known and platted as Elk Creek Pines, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, and being described as follows:

Tract 1

The westerly 20' of Lot 4.

Tract 2

The southwesterly 20' of Outlot 3.

Tract 3

A 15' x 20' wide easement beginning at the corner common to Lots 1 and 9 and Outlot 3; thence North 36°12'25" East (bearings referenced to the final plat of Elk Creek Pines) for 15' along the line common to said Lot 9 and Outlot 3; thence South 53°47'35" East for 20'; thence South 36°12'25" West for 15' to the extended southwest line of Outlot 3; thence North 53°47'35" West for 20' along said extended line to the Point of Beginning of Lot 9.

Tract 4

The northerly 20' of Lot 3.

Tract 5

The northerly 20' of Lot 4, excluding the westerly 20' of Lot 4 (this segment is included within the easement of Tract 1).

Please file & return to:

Patrick L. Tripp, Attorney  
Metropolitan Utilities District  
1723 Harney Street  
Omaha, NE 68102-1960

Misc  
FEE 38.00 FB MC-10999  
BKP \_\_\_\_\_ C/O \_\_\_\_\_ COM SN  
DEL \_\_\_\_\_ SCAN \_\_\_\_\_ FV \_\_\_\_\_

✓26443.

#### Tract 6

The northerly 20' of Outlot 3.

#### Tract 7

A 20' x 5' wide easement (contains 100 square feet) over part of Lot 7 beginning at the south right of way of Spaulding Street at the corner common to Lot 7 and Outlot 3; thence North 50°42'50" East for 5' along said south right of way of Spaulding Street; thence South 39°17'10" East for 20'; thence South 50°42'50" West for 5'; thence North 39°17'10" West for 20' and ending at the point of beginning.

#### Tract 8

A 10' wide easement (contains 8,787 square feet) over that part of Lot 7 and 8 and Outlot 2, Elk Creek Pines, a subdivision, the west and south line thereof described as follows:

Commencing in the south right of way line of Spaulding Street at the corner common to Lot 7 and Outlot 3; thence North 50°42'50" East (bearings referenced to the final plat of Elk Creek Pines for 5' along said south right of way line to the true point of beginning on the west line of said ten foot strip easement; thence south and east along the west and south line of said ten foot strip easement for the following eleven (11) courses:

1. Thence South 39°17'10" East for 24.19 feet;
2. Thence along a curve to the right (having a radius of 654.72 feet and a long chord bearing South 37°33'03" East for 69.74') for an arc length of 69.78';
3. Thence South 30°30'30" East for 59.59';
4. Thence along a curve to the left (having a radius of 492.86 feet and a long chord bearing South 30°08'18" East for 28.49') for an arc length of 28.49';
5. Thence North 50°20'03" East for 67.31';
6. Thence along a curve to the right (having a radius of 50' and a long chord bearing North 88°16'14" East for 61.48') for an arc length of 66.21';
7. Thence South 53°47'35" East for 20.20';
8. Thence along a curve to the left (having a radius of 50' and a long chord bearing South 76°17'35" East for 38.27') for an arc length of 39.27';
9. Thence North 81°12'25" East for 112.09';
10. Thence along a curve to the right (having a radius of 100' and a long chord bearing South 53°47'35" East for 141.42') for an arc length of 157.08';
11. Thence South 08°47'35" East for 234.78' to a point of terminus; said point of terminus lies North 41°50'12" East for 208.98' from the southwest corner of said Lot 8.

This permanent easement contains 0.062 of an acre, more or less, and is shown on the 4-page drawing attached hereto, and made a part hereof by reference.

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, landscaping, grass, trees, or a similar covering; provided, however, that trees shall not be placed in any location which interferes with the operation or maintenance of Grantee's gas distribution system. Grantee may remove any tree(s) which interfere with the operation or maintenance of its gas distribution system and shall have no liability to Grantor for such removal.

2. The Grantee shall restore the soil excavated for any purpose hereunder, as nearly as is reasonably possible to its original contour promptly after the work is performed.

3. The Grantor is the lawful possessor of this real property and has good, right and lawful authority to make this conveyance.

4. The person executing this instrument has authority to execute it on behalf of the limited liability company.

IN WITNESS WHEREOF, Grantor executes this Permanent Easement on the above date.

ELK CREEK PINE L.L.C.,  
a Nebraska limited liability company  
Grantor

  
Authorized Representative

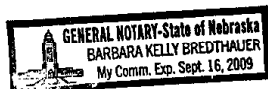
Jay B. Noddle  
Printed Name

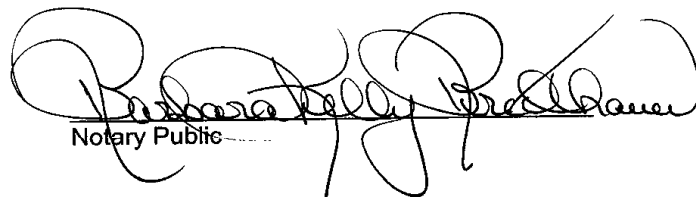
Vice President  
Title

ACKNOWLEDGMENT

STATE OF NEBRASKA )  
 ) ss  
COUNTY OF DOUGLAS )

This instrument was acknowledged before me on Nov. 6, 2006,  
by Jay B. Noddle Vice President of ELK CREEK  
PINE L.L.C., on behalf of the limited liability company.



  
Notary Public

METROPOLITAN  
UTILITIES  
DISTRICT  
OMAHA, NEBRASKA

EASEMENT  
ACQUISITION

FOR GRM 13154

LAND OWNER

Jay Noddle, Noddle Development  
P.O. Box 24169, 1125 S. 103rd St.  
Omaha, Nebraska 68124

TOTAL ACRE  
PERMANENT 0.62 ±

TOTAL ACRE  
TEMPORARY

LEGEND

PERMANENT EASEMENT

TEMPORARY EASEMENT

PAGE 2 OF 4

DRAWN BY RLB

DATE 10-04-2008

CHECKED BY

DATE

APPROVED BY

DATE

REVISED BY

DATE

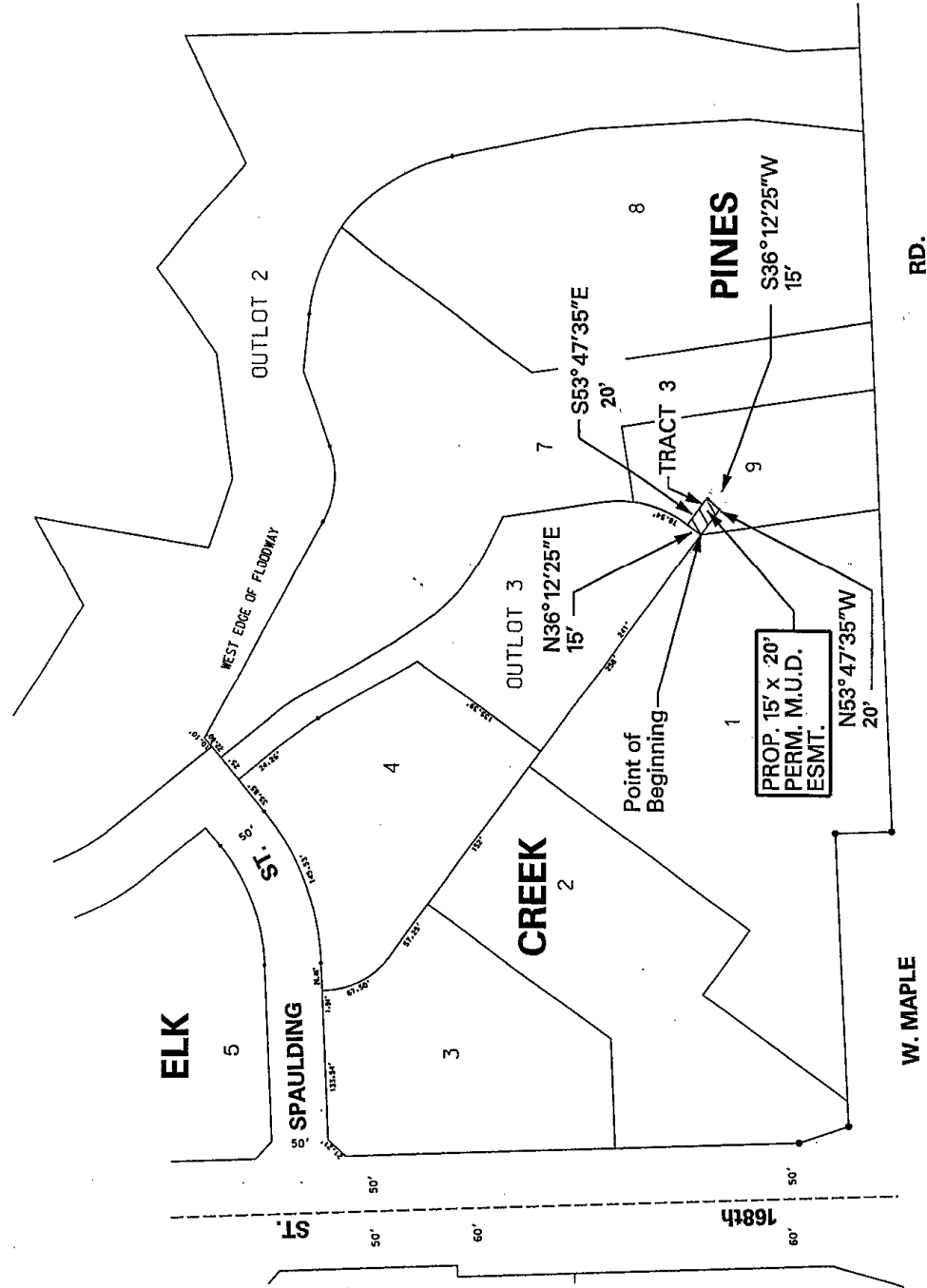
REV. CHK'D. BY

DATE

REV. APPROV. BY

DATE

## Detail of Tract 3 Easement



NO SCALE  
N. 168th St. & Spaulding St.  
N. 168th St. & W. Maple Rd.

## REV. APPROV. BY \_\_\_\_\_

RD.

UDGN\PROPOSED\GAS\am 13154.dgn 10/5/2006 10:52:28 AM

# METROPOLITAN

## UTILITIES

## DISTRICT

OMAHA, NEBRASKA

## EASEMENT ACQUISITION

FOR GRM 13154

### LAND OWNER

Jay Noddle, Noddle Development

P.O. Box 24169, 1125 S. 103rd St.

Omaha, Nebraska 68124

TOTAL ACRE 0.62 ±

PERMANENT

TOTAL ACRE

TEMPORARY

### LEGEND



PERMANENT EASEMENT



TEMPORARY EASEMENT

PAGE 3 OF 4

DRAWN BY RLB

DATE 10-05-2006

CHECKED BY

DATE

APPROVED BY

DATE

REVISED BY

DATE

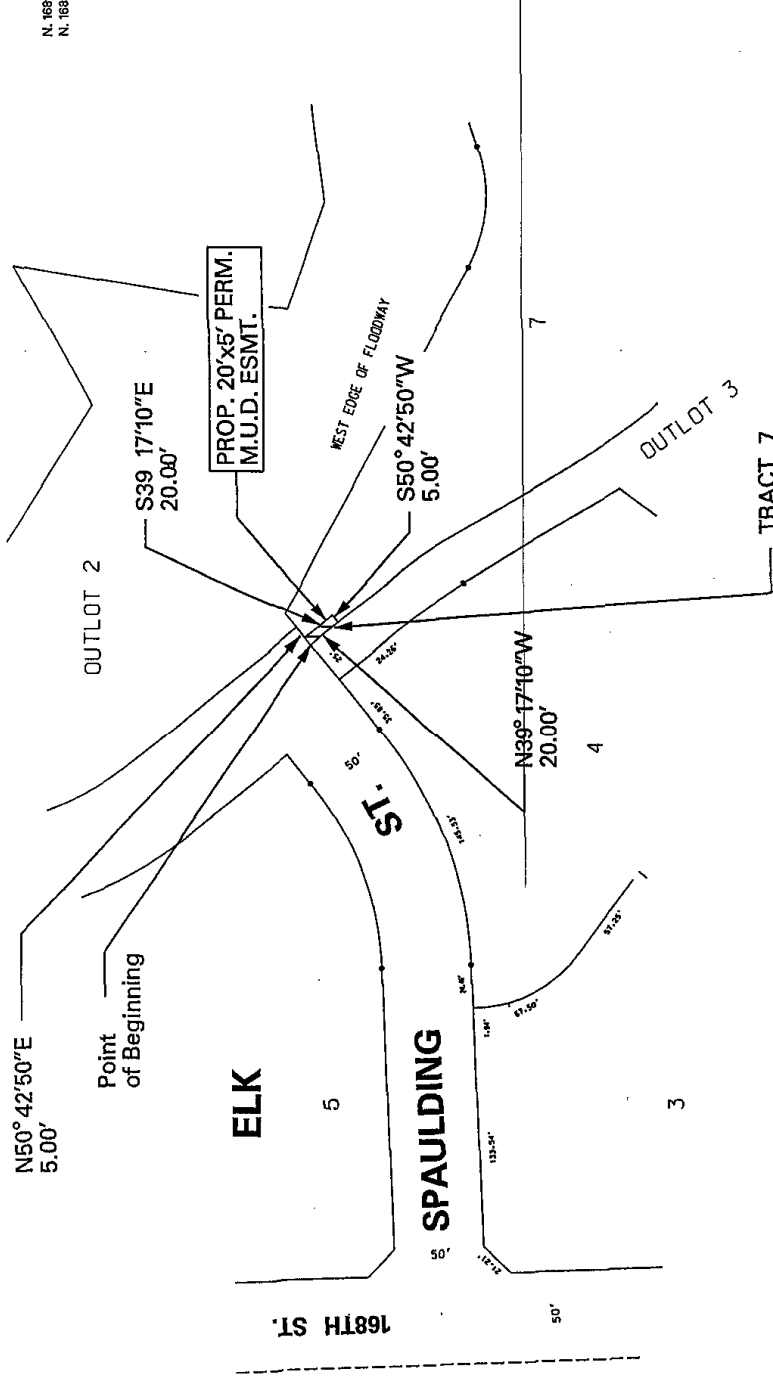
REV. CHK'D. BY

DATE

REV. APPROV. BY

DATE

## Details of Tract 7 Easement





PINES

CREEK

**EASEMENT  
ACQUISITION  
GRM 13154**

LAND OWNER  
Jay Noddle, Noddle Development  
P.O. Box 24169, 1125 S. 103rd St.  
Omaha, Nebraska 68124

**LEGEND**

	<b>PERMANENT EASEMENT</b>
	<b>TEMPORARY EASEMENT</b>

DRAWN BY \_\_\_\_\_ ALB  
DATE 10-04-2006  
CHECKED BY \_\_\_\_\_  
DATE \_\_\_\_\_  
APPROVED BY \_\_\_\_\_  
DATE \_\_\_\_\_  
REVISED BY \_\_\_\_\_  
DATE \_\_\_\_\_  
REV. CHK'D. BY \_\_\_\_\_  
DATE \_\_\_\_\_  
REV. APPROV. BY \_\_\_\_\_  
DATE \_\_\_\_\_

[illegible]

**NO SCALE**  
N. 168th St. & Spaulding St.  
N. 168th St. & W. Maple Rd.

- (A) S39°17'10"E  
24.19'  
 (B) R = 654.72'  
S37°33'03"E  
C = 69.74'  
A = 69.78'  
 (C) S30°30'30"E  
59.59'  
 (D) R = 492.86'  
S30°08'18"E  
C = 28.49'  
A = 28.49'  
 (E) N50°20'03"E  
67.31'  
 (F) R = 50'  
N88°16'14"E  
C = 61.48'  
A = 66.21'  
 (G) S63°47'35"E  
20.20'  
 (H) R = 50'  
S76°17'35"E  
C = 38.27'  
A = 39.27'  
 (I) N81°12'25"E  
112.09'  
 (J) S08°47'35"E  
234.78'

**W. MAPLE**

RD.

10/15/2006 9:07:03 AM