

82-782

EASEMENT AND RIGHT OF WAY

THIS INDENTURE, made this 19th day of MAY, 1975, between Omaha Industrial Foundation, a Nebraska non-profit corporation, hereinafter referred to as "Grantor", and Metropolitan Utilities District of Omaha, a municipal corporation, hereinafter referred to as "Grantee", WITNESSETH:

That the 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 and through lands described as follows:

An irregular parcel of land located in Lot Fifteen (15), Riverfront Industrial Park, as now platted and recorded in Douglas County, Nebraska, more particularly described as follows:

Beginning at the intersection of the Northerly right-of-way line of the Union Pacific Railroad Track A-645 and the Easterly property line of 4th Street;

Thence Easterly along a straight line, a distance of Forty (40) feet, more or less, to a point Twenty (20) feet Northerly, measured radially, from the center line of proposed Track No. A-645, opposite Railroad Survey Station 29+41.6 thereon;

Thence Easterly along a straight line, a distance of Ninety-five (95) feet, more or less, to a point Twenty-five (25) feet Northerly, measured radially, from said center line of proposed Track No. A-645 opposite Railroad Survey Station 30+41.6 thereon;

Thence Northeasterly along a straight line, a distance of Ninety-five (95) feet, more or less, to a point Thirty (30) feet Northwesterly, measured radially, from said center line of proposed Track No. A-645 opposite Railroad Survey Station 31+41.6 thereon;

Thence Northeasterly along a straight line, a distance of Ninety-five (95) feet, more or less, to a point Thirty-five (35) feet Northwesterly, measured radially, from said center line of proposed Track No. A-645 opposite Railroad Survey Station 32+41.6 thereon;

Thence Northeasterly along a straight line, a distance of Ninety-five (95) feet, more or less, to a point Thirty-eight (38) feet Northwesterly, measured radially, from said center line of proposed Track No. A-645 opposite Railroad Survey Station 33+41.6 thereon;

Thence Northeasterly along a straight line, a distance of Forty (40) feet, more or less, to a point Forty (40) feet Northwesterly, measured at right angles and/or radially, from said center line of proposed Track No. A-645 opposite said Railroad Survey Station 33+83.96 P.T. thereon;

Thence Northeasterly along a straight line a distance of Fifty-seven and Seven-tenths (57.7) feet, more or less, to a point Forty-two (42) feet Northwesterly, measured at right angles, from said center line of Track No. A-645 opposite said Railroad Survey Station 34+41.6;

Thence Easterly along a straight line, a distance of Forty-nine (49) feet, more or less, to a point in the Southwesterly boundary line of Ida Street, that is Ten (10) feet Northwesterly, measured at right angles, from said center line of Track No. A-645;

Thence Northwesterly, a distance of Fifty-two and Three-tenths (52.3) feet, more or less, along the Southerly right-of-way line of Ida Street to a point Sixty-two (62) feet, more or less, measured at right angles from said center line of Track No. A-645;

Thence Southwesterly in a straight line a distance of One Hundred One and Seventy-seven One-hundredths (101.77) feet, more or less, to a point Sixty-two (62) feet, more or less, measured at right angles and/or radially, from said center line of Track A-645 opposite said Railroad Survey Station 33+83.96 P.T. thereon;

Thence Southwesterly and Westerly along a curve concave Northwest-erly having a radius of Three Hundred Ninety-seven and Twenty-eight One-hundredths (397.28) feet and which is concentric with and Sixty-two (62) feet Northwest-erly and Northerly, measured radially, from said center line of Track No. A-645, to a point on the Southeasterly right-of-way line of 4th Street;

Thence Southwesterly along the Easterly right-of-way line of 4th Street to the point of beginning,

Containing Thirty-eight One-hundredths (0.38) 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. The Grantor agrees that neither it nor its successors or assigns will at any time erect, construct or place on or below the surface of said tract of land any building or structure, ~~except pavement, and that it 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 the 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 executed the day and year first above written.

OMAHA INDUSTRIAL FOUNDATION, Grantor

ATTEST:

Richard D. Souman


SECRETARY
STATE OF NEBRASKA
) ss
COUNTY OF DOUGLAS

By *George F. Russell*

Title *Pres*

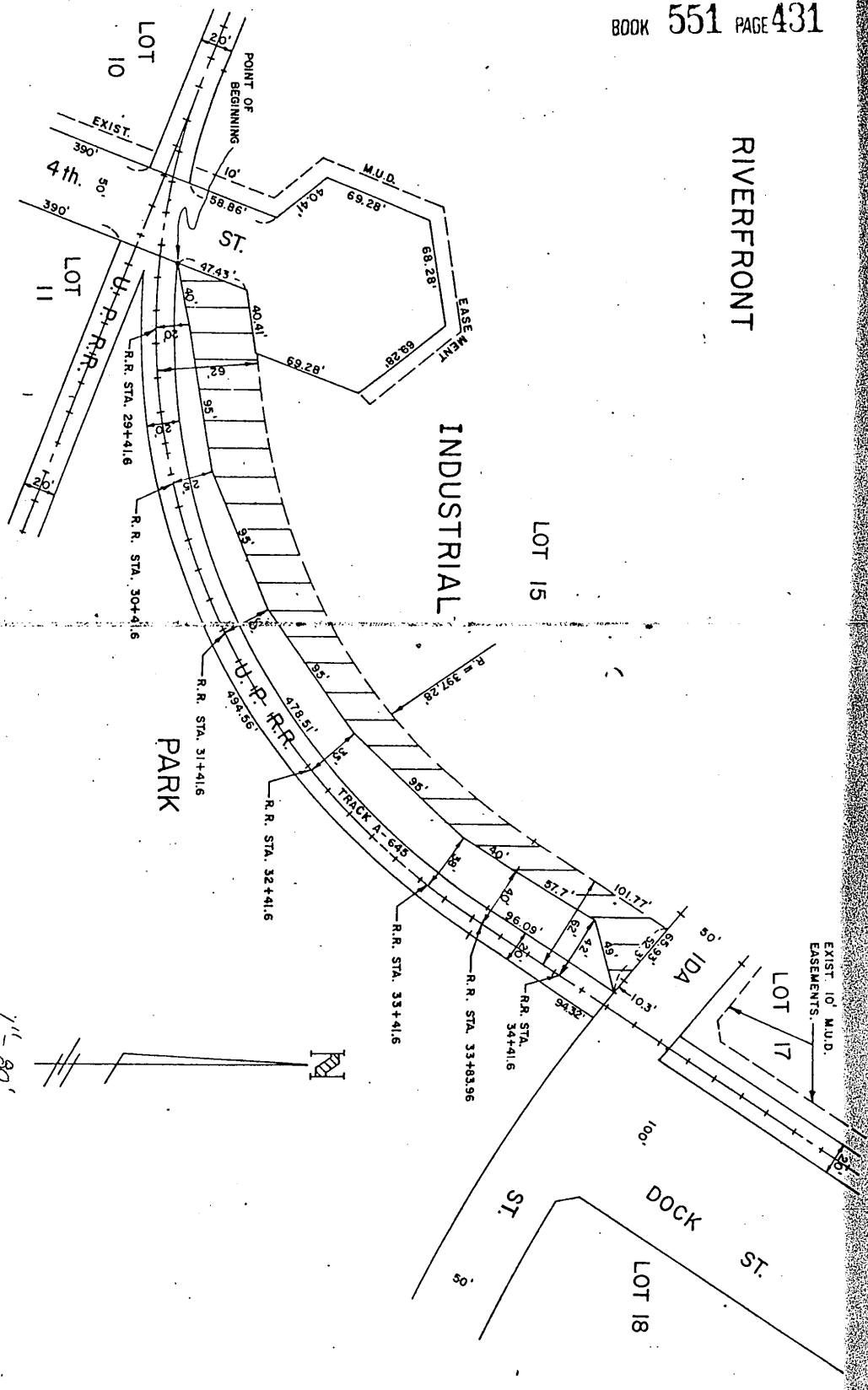
On this 19th day of MAY, 1975, before me, the undersigned, a Notary Public duly commissioned and qualified for said county, personally came George F. Russell, to me personally known to be the PRESIDENT of Omaha Industrial Foundation, a Nebraska non-profit corporation, whose name is affixed to the foregoing instrument in that capacity and who acknowledged the same to be his voluntary act and deed and the voluntary act and deed of said corporation.

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

 MERLE C. NEWQUIST
General Notary Public, State of Nebr.
My Commission Expires
August 27, 1978

Merle C. Newquist

Notary Public



ENTERED IN NUMERICAL INDEX AND RECORDED IN THE REGISTER OF DEEDS OFFICE IN DOUGLAS COUNTY, NEBRASKA
 DAY OF June 19 75 AT 2:35 P.M. C. HAROLD OSTLER, REGISTER OF DEEDS

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DRAWN BY G.L.C. DATE 2-17-75 CHECKED BY J.A.P. DATE 3-17-75 APPROVED BY <u>W.C.C.</u> DATE 3-4-75 REVISED BY _____ DATE _____ REV. CHECKED BY _____ DATE _____ REV. APPROVED BY _____ DATE _____	TOTAL ACRE 0.38 PERMANENT EASEMENT	LAND OWNER: _____ OMAHA INDUSTRIAL FOUNDATION	EASEMENT ACQUISITION FOR <u>W.C.C. 4838</u>	METROPOLITAN UTILITIES DISTRICT OMAHA, NEBRASKA
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