MISC 2007074611

JUL 02 2007 11:21 P 6

Misc
31.00 FB OC-08150
BKP ____ C/O ____ COMP ____
DEL ____ SCAN ____ FV ____

Effects lt 2 K 6/2
Cov. Re I + Lt 49 Coventy

Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
7/2/2007 11:21:08.04
2007074611

PERMANENT EASEMENT

THIS AGREEMENT, made this 18th day of June, 2007 between AVG-CFM 204Q, L.L.C., a Delaware 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 hereby 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, pipelines for the transportation of water and all appurtenances thereto, including, but not limited to, round iron covers, roadway boxes, 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 in Coventy, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, a portion of Lot 49 and a portion of Outlot B, and described as follows:

Beginning at the northeasterly corner of Lot 49 North 69°39'09" West (assumed bearing), along the northerly property line of Lot 49, a distance of one hundred seventy-two and sixty-one one hundredths feet (172.61') to the easterly right-of-way line of George B. Lake Parkway; thence South 24°09'53" West, along the easterly right-of-way line of George B. Lake Parkway, a distance of ten and two one hundredths feet (10.02'); thence South 69°39'09" East a distance of one hundred seventy-four and twenty-nine one hundredths feet (174.29') to the easterly property line of Lot 49; thence northeasterly along the easterly property line of Lot 49 along a curve with a radius of fifty feet (50.00') a distance of ten and seven one hundredths feet (10.07') back to the Point of Beginning.

This permanent easement contains .040 of an acre, more or less, and is shown on the drawing attached hereto and made a part hereof by reference.

TO HAVE AND TO HOLD said Permanent Easement 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.

Please file & return to:

A. Justin Cooper, Attorney
Metropolitan Utilities District
1723 Harney Street
Omaha, Nebraska 68102-1960

V028044

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. 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.

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.

AVG-CFM 204Q, L.L.C.,
a Delaware limited liability company,
Grantor

By: _____
J.F. Carter

Member
Title

By: _____
Greg Scott

Member
Title

By: _____
Arnold Schlesinger

Member
Title

By: _____
Ty Fangman, Jr.

Member
Title

ACKNOWLEDGMENT

STATE OF Nebraska)
) ss
COUNTY OF Douglas)

This instrument was acknowledged before me on June 18, 2007, by J.F. Carter, Member of AVG-CFM 204Q, L.L.C., on behalf of the limited liability company.

JESSICA COOPER
MY COMMISSION EXPIRES
January 31, 2011

Jessica Cooper
Notary Public

ACKNOWLEDGMENT

STATE OF _____)
) ss
COUNTY OF _____)

This instrument was acknowledged before me on _____, 2007, by Greg Scott, _____ of AVG-CFM 204Q, L.L.C., on behalf of the limited liability company.

_____
Notary Public

ACKNOWLEDGMENT

SEE ATTACHED

STATE OF _____)
) ss
COUNTY OF _____)

This instrument was acknowledged before me on _____, 2007, by Arnold Schlesinger, _____ of AVG-CFM 204Q, L.L.C., on behalf of the limited liability company.

_____
Notary Public

ACKNOWLEDGMENT

STATE OF Nebraska)
) ss
COUNTY OF Douglas)

This instrument was acknowledged before me on June 18, 2007, by Ty Fangman, Jr., Member of AVG-CFM 204Q, L.L.C., on behalf of the limited liability company.

JESSICA COOPER
MY COMMISSION EXPIRES
January 31, 2011

Jessica Cooper
Notary Public

METROPOLITAN UTILITIES DISTRICT
OMAHA, NEBRASKA

EASEMENT ACQUISITION

FOR WCC 10306-1

LAND OWNER
2040 L.L.C.
1923 HARNEY ST., STE. 100
OMAHA, NE 68102

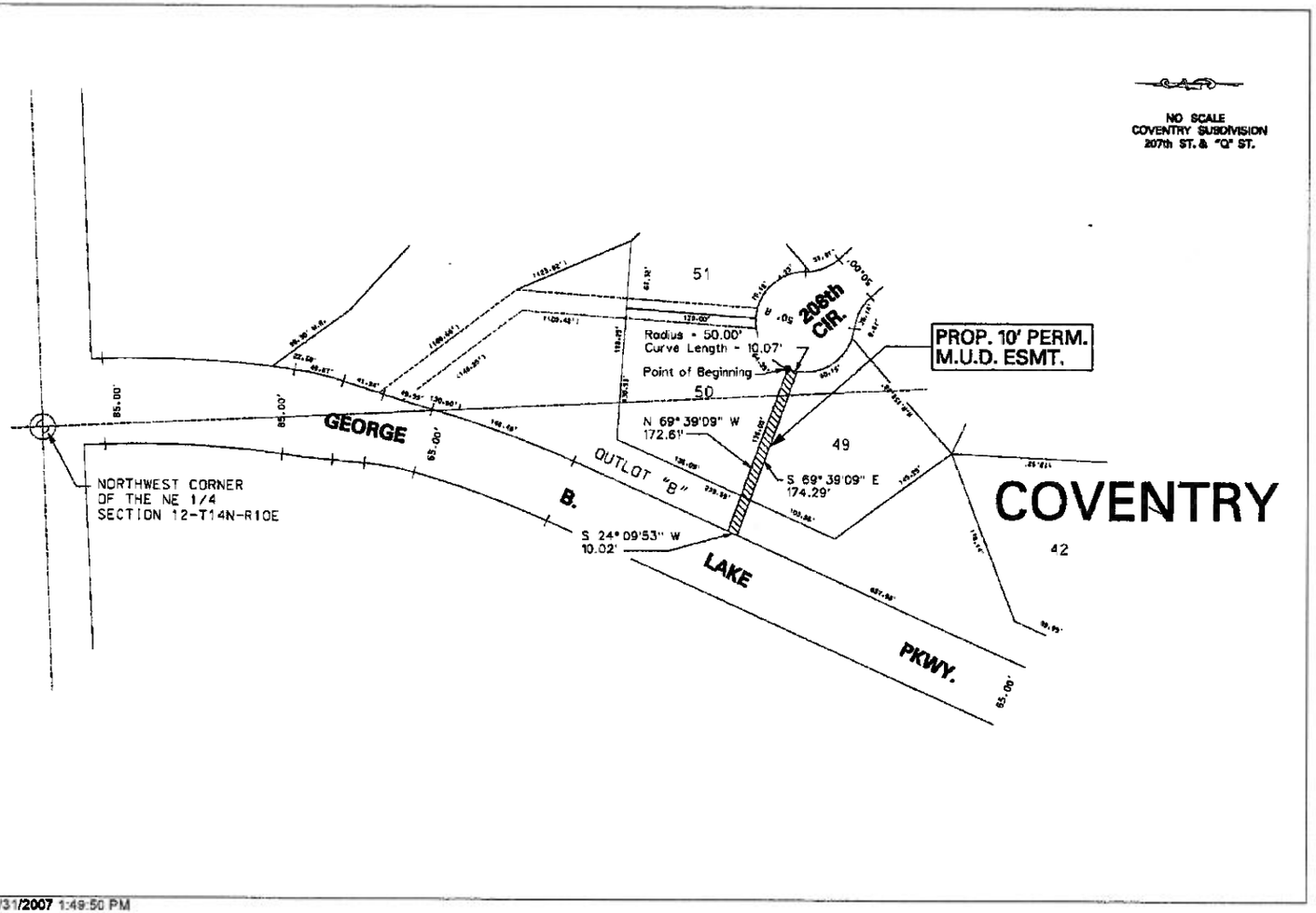
TOTAL ACRE PERMANENT 0.040 ±

TOTAL ACRE TEMPORARY 0.000

LEGEND
PERMANENT EASEMENT
TEMPORARY EASEMENT

PAGE 1 OF 1

DRAWN BY DJS
DATE 5-23-07
CHECKED BY
DATE
APPROVED BY
DATE
REVISED BY
DATE
REV. CHK'D. BY
DATE
REV. APPROV. BY
DATE



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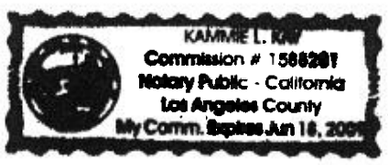
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

On June 20, 2007, before me, KAMMIE L. KAY, Notary Public – California, personally appeared **GREG SCOTT** personally known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

KAMMIE L. KAY
Notary Public #1588281
In and for State of California

MY COMMISSION EXPIRES:
JUNE 18, 2009

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA)
) ***ss.***
COUNTY OF LOS ANGELES)

On June 20, 2007, before me, KAMMIE L. KAY, Notary Public – California, personally appeared **ARNOLD SCHLESINGER** personally known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

KAMMIE L. KAY
Commission # 1588281
Notary Public - California
Los Angeles County
My Comm. Expires Jun 18, 2009

WITNESS my hand and official seal.

KAMMIE L. KAY
Notary Public #1588281
In and for State of California

MY COMMISSION EXPIRES:
JUNE 18, 2009