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EASEMENT AND RIGHT-OF-WAY

THIS INDENTURE, made this 23 day of October, 1989, between MAENNER/HORGAN DEVELOPMENT COMPANY, a Nebraska Corporation, 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 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, an easement and right-of-way to lay, maintain, operate, repair, relay and remove, at any time, pipelines for the transportation of gas and water 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:

PERMANENT EASEMENT

Several tracts in Eagle Run, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska and described as follows:

The southerly seven (7) feet of Lots 1, 10, 11, 22 through 30, 45 through 52, and 72, all as the same abut the northerly right-of-way line of Eagle Run Drive.

The southerly seven (7) feet of the westerly seven (7) feet of Lot 19 as the same abuts

Eagle Run Drive and 130th Circle.

The westerly seven (7) feet of Lots 20 and 21 as both abut the northerly right-of-way line of Eagle Run Drive.

The northerly five (5) feet of Lots 73, 89 through 92, 105, 106, and 114 through 128, all as the same abut the southerly right-of-way line of Eagle Run Drive.

A seven (7) foot strip in Lot 141 abutting the northerly right-of-way line of Eagle Run Drive from the east property line of Lot 72 to the east property line of Lot 141.

A five (5) foot strip in Lot 142 abutting the southerly right-of-way line of Eagle Run Drive from the east property line of Lot 73 to the east property line of Lot 142.

A triangular parcel in the northeast corner of Lot 105 with a twenty-five (25) foot leg along the north property line and a twenty (20) foot leg along the east property line.

Said tracts contain a total of 0.75 of an acre, more or less, and are shown on the two drawings attached hereto and made a part hereof by this reference.

TO HAVE AND TO HOLD said Easement and Right-of-Way unto the said Grantee, Metropolitan Utilities District of Omaha, its successors and assigns.

Oct 30 3 54 PM '89

GEORGE J. DUGLEWIGZ REGISTER OF DEEDS DOUGLAS COUNTY, NE PG 348 N DEL 1/L MC W CP OF MINCTE COMP F/3 MC - 09990

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- 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 easement tract any building or structure, except pavement, and they will not give anyone else permission to do so.
- 2. The 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 the Grantor, or duties and powers of the Grantee, respecting the ownership, use, operations, extensions and connections to any pipeline constructed and maintained hereunder.
- 4. It is further agreed the Grantor has lawful possession of said real estate, good right and lawful authority to make such conveyance and it and its executors, administrators, successors and assigns shall warrant and defend the same and will indemnify and hold harmless the Grantee forever against the claims of all persons whomsoever in any way asserting any right, title or interest prior to or contrary to this conveyance.
- 5. The person executing this instrument represents he has the requisite authority to execute same and make this conveyance on behalf of said Corporation.

IN WITNESS WHEREOF, the Grantor has caused this Easement and Right-of-Way to be signed and executed on the day and year first above written.

MAENNER/HORGAN DEVELOPMENT COMPANY, a Nebraska Corporation, Grantor

(Corporate Seal)

ATTEST:

ACKNOWLEDGMENT

STATE OF NEBRASKA)
) ss
COUNTY OF DOUGLAS)

On this day of ________, 1989, before me, the undersigned, a Notary Public in and for said State of Nebraska, personally came Robert P. Hogan, President of Maenner/Horgan Development Company, a Nebraska Corporation, to me known to be the identical person whose name is affixed to the foregoing instrument, and he acknowledged the execution of this instrument to be his voluntary act and deed as an individual and as such officer and the voluntary act and deed of said Corporation.

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

GENERAL MUTARY-State of Behranks
ELAINE L LIMPACH
My Comm. Exp. Sept. 14, 1991
My Commission expires:

Notary Public



