

~~On Commission~~

54-751

EASEMENT AND RIGHT OF WAY

THIS INDENTURE, made this 14th day of JULY, 1981, between First Northwestern Trust Co. of Nebraska, Trustee, 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:

Several tracts of land in Golden Hills II, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska. Said tracts are more particularly described as follows:

Beginning at the Southwesterly corner of Lot Twelve (12); thence Northeasterly along the Westerly right-of-way line of 35th Street a distance of Ten (10) feet; thence in a straight line to a point on the Northerly right-of-way line of Glory Circle, said point being Ten (10) feet Northwesterly from the Southwesterly corner of Lot Twelve (12); thence Southeasterly along the Northerly right-of-way line of Glory Circle a distance of Ten (10) feet to the point of beginning;

The Northerly Five (5) feet of the Easterly Fifty-five (55) feet of Lot Thirty (30);

The Westerly Five (5) feet of Lot Fifty (50) abutting the Easterly right-of-way line of 35th Street;

The Westerly Five (5) feet of Lot Fifty-one (51) abutting the Easterly right-of-way line of 35th Street;

The Westerly Five (5) feet of Lot Eighty-one (81) abutting the Easterly right-of-way line of 35th Street.

Said tracts are shown on the plat attached hereto and made a part hereof by this reference. Said tracts contain Five Hundredths (0.05) of an acre, more or less.

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 the said tracts of land any building or structure, except pavement and other utilities, and it or 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

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Cal. & Hill  
Metropolitan Utilities District of Omaha

ownership, use, operations, extensions and connections to any pipeline constructed and maintained hereunder.

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.

FIRST NORTHWESTERN TRUST CO.  
OF NEBRASKA, TRUSTEE, Grantor

ATTEST:

Carol A. Richardson  
Title Assistant Trust Officer

By Ronald G. Weber  
Title Vice President

\_\_\_\_\_  
Title \_\_\_\_\_

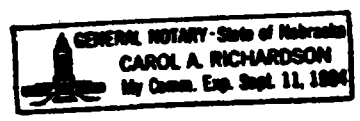
By \_\_\_\_\_  
Title \_\_\_\_\_

(SEAL)

STATE OF NEBRASKA )  
                                  ) ss  
COUNTY OF Douglas )

On this 14 day of July, 1981, before me, the undersigned, a Notary Public in and for said State of Nebraska, personally came \_\_\_\_\_  
Ronald G. Weber and \_\_\_\_\_  
to me personally known to be the Vice-President and \_\_\_\_\_, respectively, of First Northwestern Trust Co. of Nebraska, Trustee, and the identical persons whose names are affixed to the foregoing instrument, and each acknowledged the execution of this instrument to be his/her voluntary act and deed as an individual and as such officer and the voluntary act and deed of said First Northwestern Trust Co. of Nebraska, Trustee.

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



Carol A. Richardson  
Notary Public

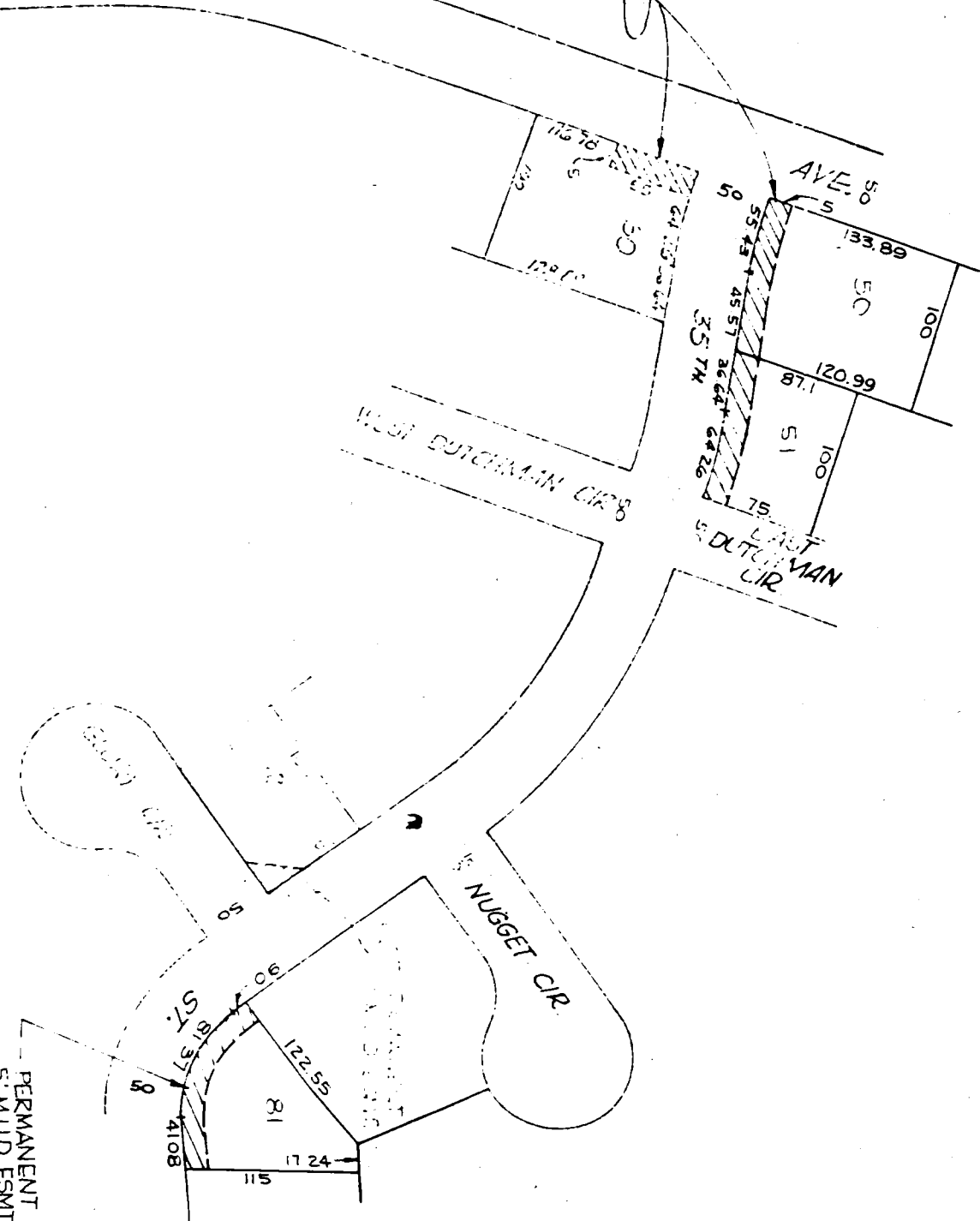
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NO SCALE

PERMANENT  
S.M.U.D. ESMT.

COMSTOCK

Golden Hills II



GLC. 5-4-81  
SAC. 5-4-81

FIRST NORTHWESTERN  
TRUST CO. OF NEBR.  
TRUSTEE

W.C.C. 5980  
G.C.C. 8509