

THIS INDENTURE, made this 4th day of March, 1977, between CIC-NISI Joint Venture, organized under and subject to the Uniform Partnership Act of Nebraska, composed of the parties listed below, 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 strips of land lying in Lots 245, 246, 247, 248, 249, 250, 251, 268, 287, 314, 315, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 341, 342, 343, 344, 345, 346, and 347 of Harvey Oaks III, and Lots 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 414, 415, 416, and 417 of Harvey Oaks III Replat, both subdivisions as now platted and recorded in Douglas County, Nebraska, said strips being more particularly described as follows:

A strip of land being Five (5) feet wide, lying along and parallel to the right-of-way line of 154th Circle, said strip being the front Five (5) feet of Lots 245, 246, 247, 248, 249, 250, 251, and 268 of Harvey Oaks III and of Lots 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, and 377 of Harvey Oaks III Replat;

A strip of land being Five (5) feet wide, lying along and parallel to the right-of-way line of 155th Circle, said strip being the front Five (5) feet of Lot 287 of Harvey Oaks III and of Lots 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, and 393 of Harvey Oaks III Replat;

A strip of land being Five (5) feet wide, lying along and parallel to the right-of-way line in 153rd Avenue Circle, said strip being all that portion of the following lots lying within Five (5) feet of said right-of-way line: Lots 314, 315, 321, 322, 323, 324, 325, 326, 327, and 328 of Harvey Oaks III, and Lots 414, 415, 416, and 417 of Harvey Oaks III Replat;

A strip of land being Five (5) feet wide, lying along and parallel to the right-of-way line of 154th Circle, said strip being all that portion of the following lots lying within Five (5) feet of said right-of-way line: Lots 329, 330, 331, 332, 333, 334, 335, 336, 337, and 338 of Harvey Oaks III;

A strip of land being Five (5) feet wide, lying along and parallel to the right-of-way line of 155th Circle, said strip being all that portion of the following lots lying within Five (5) feet of said right-of-way line: Lots 341, 342, 343, 344, 345, 346, and 347 of Harvey Oaks III, and Lots 394, 395, 396, 397, 398, 399, 400, and 401 of Harvey Oaks III Replat.

These strips contain a total of Sixty-one Hundredths (0.61) 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. Grantor, its successors or assigns agree that they will at no time erect, construct or place on or below the surface of said strips of land any building or structure, except pavement, and that they 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 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 signed on the day and year first above written.

CLC-NISI JOINT VENTURE, Grantor
By NEBRASKA INVESTMENT SERVICES, INC.,
A Nebraska corporation

By *C. E. W. W. W.*
Title *President*

By CREATIVE LAND CONSULTANTS, INC.,
A Nebraska corporation

By *M. J. J.*
Title *President*

ATTEST:

Chas. E. Stilwell
Title *Notary*
(Seal)
ATTEST:
Therese J. Dwyer
Title *Notary Secretary*

(Seal)
CORPORATE
STATE OF NEBRASKA
) ss
COUNTY OF DOUGLAS)

On this 7 day of March, 1977, before me, the undersigned, a Notary Public in and for said county, personally came C. E. W. W. W., to me personally known to be President of Nebraska Investment Services, Inc., a Nebraska corporation, and the identical person whose name is affixed to the foregoing instrument and said corporation to be one of the members of CLC-NISI Joint Venture, and acknowledged the execution of this instrument to be his voluntary act and deed as a person, his voluntary act and deed as such officer of said corporation, the voluntary act and deed of said corporation, and the voluntary act and deed of CLC-NISI Joint Venture, and that the corporate seal of said corporation was affixed by its authority.

Witness my hand and notarial seal at Omaha in said County the day and year last above written.

Evelyn M. Oswald
Notary Public

GENERAL NOTARY - State of Nebraska
EVELYN M. OSWALD
My Comm. Exp. Mar. 23, 1981

STATE OF NEBRASKA)

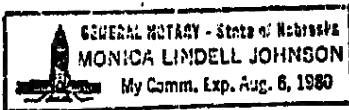
BOOK 580 PAGE 207

) SS

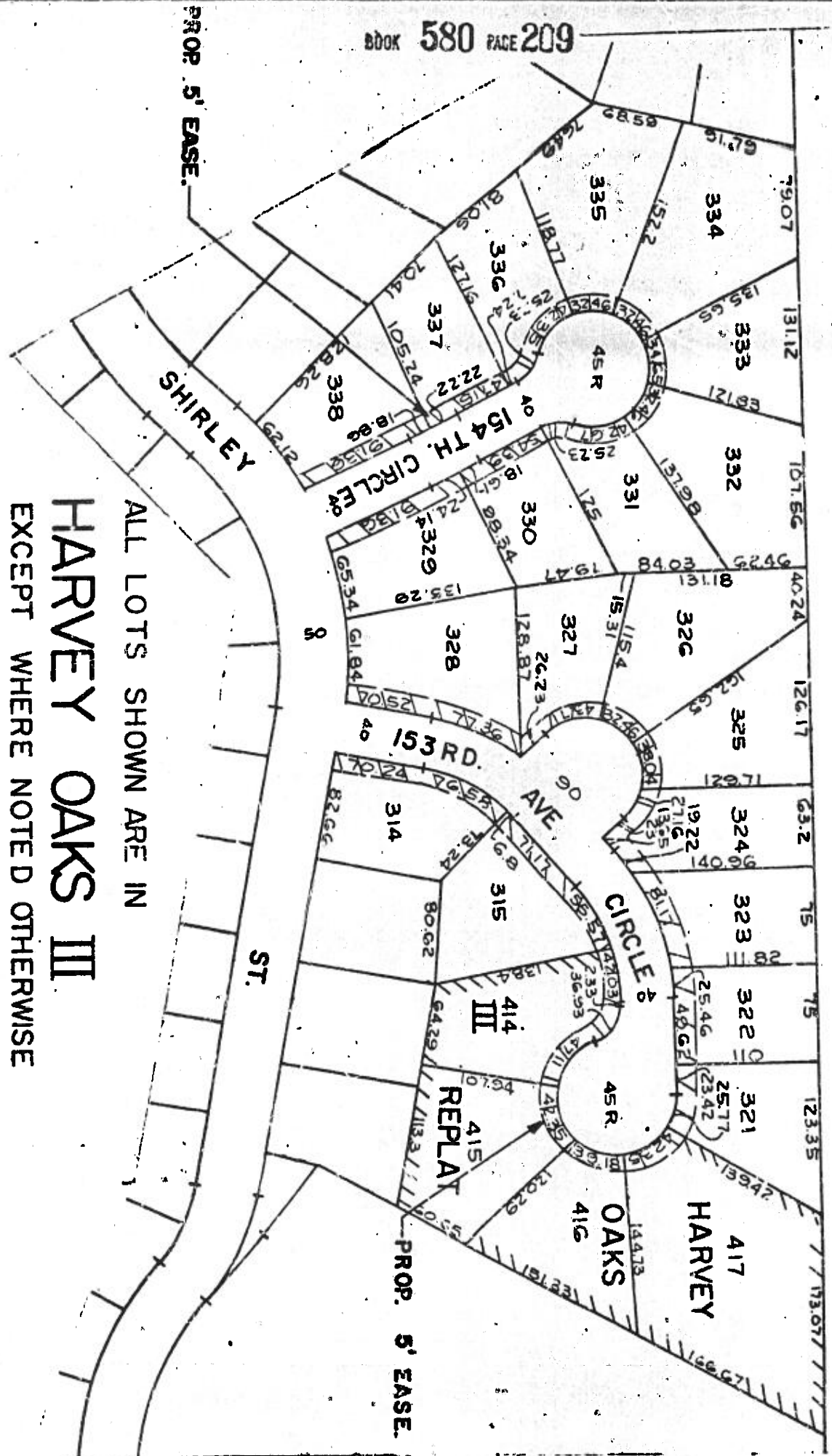
COUNTY OF DOUGLAS)

On this 4th day of March, 1977, before me, the undersigned, a Notary Public in and for said county, personally came Herb Bick, to me personally known to be President of Creative Land Consultants, Inc., a Nebraska corporation, and the identical person whose name is affixed to the foregoing instrument and said corporation to be one of the members of CLC-NISI Joint Venture, and acknowledged the execution of this instrument to be his voluntary act and deed as a person, his voluntary act and deed as such officer of said corporation, the voluntary act and deed of said corporation, and the voluntary act and deed of CLC-NISI Joint Venture, and that the corporate seal of said corporation was affixed by its authority.

Witness my hand and notarial seal at Omaha in said County the day and year last above written.



Monica Lindell Johnson
Notary Public



ALL LOTS SHOWN ARE IN
HARVEY OAKS III
 EXCEPT WHERE NOTED OTHERWISE



METROPOLITAN
 UTILITIES
 DISTRICT
 OMAHA NEBRASKA

EASEMENT
 ACQUISITION
 FOR W.C.C. 5325
 G.C.C. 7811

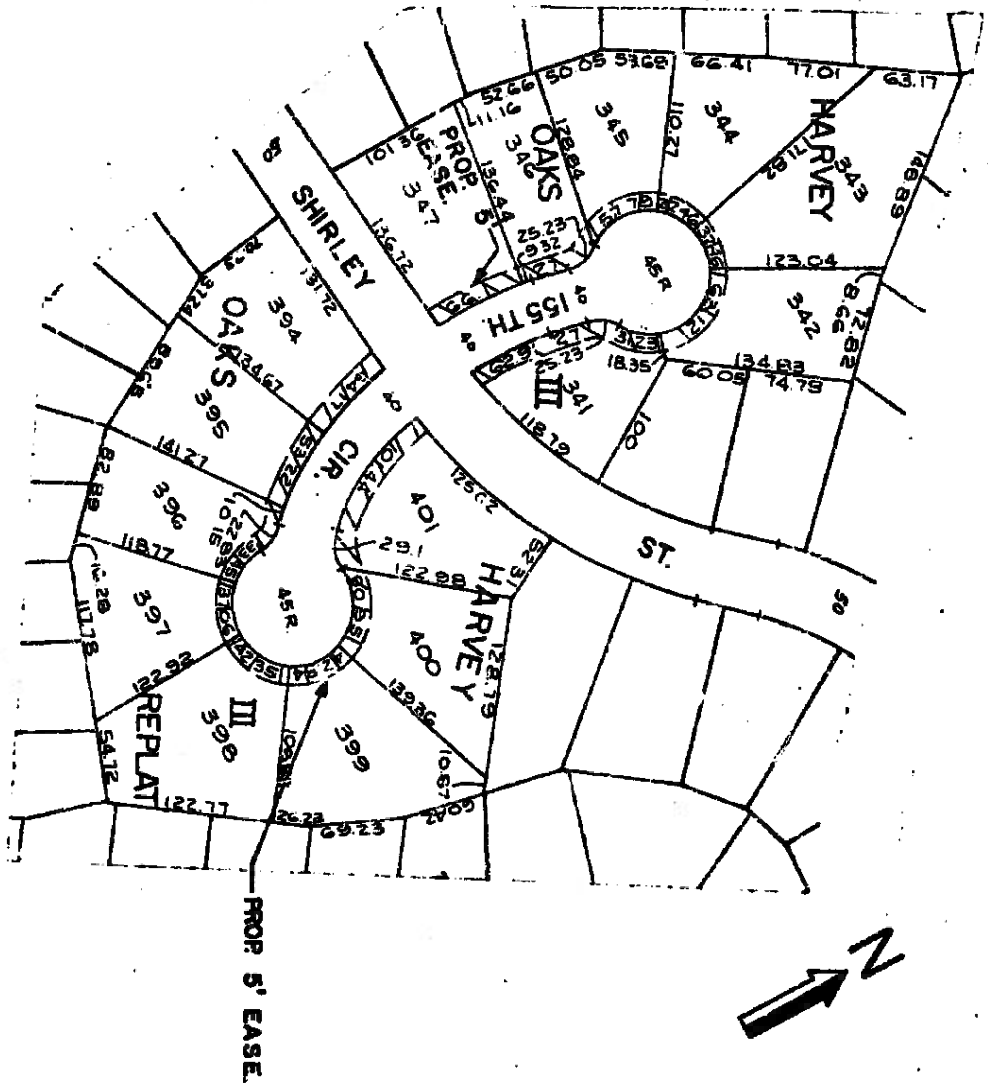
LAND OWNER
 CLE/NI/SI JOINT
 VENTURE

TOTAL ACRE 0.61

LEGEND
 EMANENT EASEMENT [hatched symbol]

PAGE 2 OF 3

DRAWN BY K.L. DATE 1-24-77
 CHECKED BY A.E. DATE 1-24-77
 APPROVED BY [Signature] DATE 1-25-77
 REVISED BY _____ DATE _____
 REV. CHK'D BY _____ DATE _____
 REV. APPROV. BY _____ DATE _____



DRAWN BY <u>KL</u> DATE <u>1-24-77</u>	PAGE 3 OF 3	TOTAL ACRES <u>0.61</u>	LAND OWNER <u>CLC/NISL JOINT VENTURE</u>	EASEMENT ACQUISITION FOR W.C.C. 5325 G.C.C. 7811	METROPOLITAN UTILITIES DISTRICT OMAHA, NEBRASKA
CHECKED BY <u>AE</u> DATE <u>1-24-77</u>					
APPROVED BY <u>TRG</u> DATE <u>1-25-77</u>					
REVISED BY _____ DATE _____					
REV. CHK'D BY _____ DATE _____					
REV. APPROV. BY _____ DATE _____					
PERMANENT EASEMENT	LEGEND				

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RECEIVED
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REGISTERED CLERK
COUNTY CLERK, NEBR.

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