



MISC 2003131792

RICHARD J. ...  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NE.



JUL 09 2003 15:31 P 5

*West of US.*

RECEIVED

PERMANENT  
AND TEMPORARY  
EASEMENT AND RIGHT-OF-WAY

MISC. *25.50*  
FEE *25.50* FB *11-000000*  
BKP *8-14-11* C/O \_\_\_\_\_ COMP \_\_\_\_\_  
DEL \_\_\_\_\_ SCAN \_\_\_\_\_ PV \_\_\_\_\_

THIS INDENTURE, made this *26<sup>th</sup>* day of *June*, 2003, between KELLY J. WIRGES, an Individual, ("Grantor"), and METROPOLITAN UTILITIES DISTRICT OF OMAHA, a Municipal Corporation, ("Grantee"),

WITNESS: *Per our agreement (as shown on addendum A+B) Kelly Wirges will be issued a check for \$1553.84.*

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, a permanent easement and right-of-way to lay, maintain, operate, repair, relay and remove, at any time, pipelines for the transportation of water and all appurtenances thereto, and a temporary easement for construction purposes, together with the right of ingress and egress on, over, under and through lands described as follows:

Unplatted tracts of land in the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of Section 8, Township 14 North, Range 11 East of the 6<sup>th</sup> P.M. in Douglas County, Nebraska, and being described as follows:

PERMANENT EASEMENT

The northerly five feet (5.00') of the southerly fifty-five feet (55.00') of the easterly ninety-nine feet (99.00') of the westerly one hundred thirty-two feet (132.00') of the SW ¼ of the SW ¼ of Section 8-14-11.

This permanent easement contains 0.011 of an acre, more or less, and is shown on the drawing attached hereto and made a part hereof by this reference.

TEMPORARY EASEMENT

The northerly twenty feet (20.00') of the southerly seventy-five feet (75.00') of the easterly ninety-nine feet (99.00') of the westerly one hundred thirty-two feet (132.00') of the SW ¼ of the SW ¼ of Section 8-14-11.

This temporary easement contains 0.046 of an acre, more or less, and is shown on the drawing attached hereto and made a part hereof by this reference.

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

*Please Return To: JUSTIN COOPER  
MUD - Legal Dept.  
1723 Harney St.  
Omaha, Ne 68102*

1. The Grantor and his/her successors and assigns shall not at any time erect, construct or place on or below the surface of the permanent easement tract any building or structure, except pavement and similar covering and landscaping which does not interfere with the maintenance or operation of the water main, and shall not permit anyone else to do so, and, with respect to the temporary easement tract, the same prohibitions apply during the effective period of that temporary conveyance, which effective period shall commence upon the date of execution hereof and cease upon completion of the project contemplated herein.

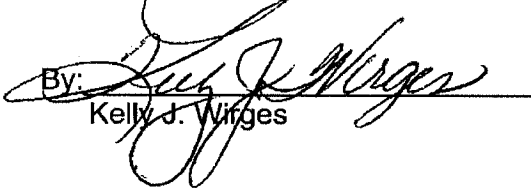
2. The Grantee shall restore and replace, if reasonably necessary, any fencing or landscaping, and shall restore the surface of any soil excavated for any purpose hereunder, as nearly as is reasonably possible to its original contour, all within a reasonable time after the work is performed.

3. Nothing herein shall be construed to waive any right of Grantor or duty and power of Grantee respecting the ownership, use, operations, extensions and connections to any pipeline constructed and maintained hereunder.

4. Grantor is lawful possessor of this real estate; has good right and lawful authority to make such conveyance; and Grantor and his/her 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.

IN WITNESS WHEREOF, Grantor executes this Easement and Right-of-Way to be signed on the above date.


KELLY J. WIRGES, an Individual,  
Grantor

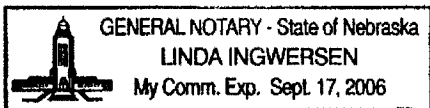
By:   
Kelly J. Wirges

ACKNOWLEDGMENT

STATE OF NEBRASKA    )  
  ) ss  
COUNTY OF DOUGLAS    )

This instrument was acknowledged before me on July 1, 2003, by Kelly J. Wirges, an individual.

  
Notary Public



**METROPOLITAN**



**UTILITIES  
DISTRICT**  
OMAHA, NEBRASKA

**EASEMENT  
ACQUISITION**

FOR  
**WCP 9426**

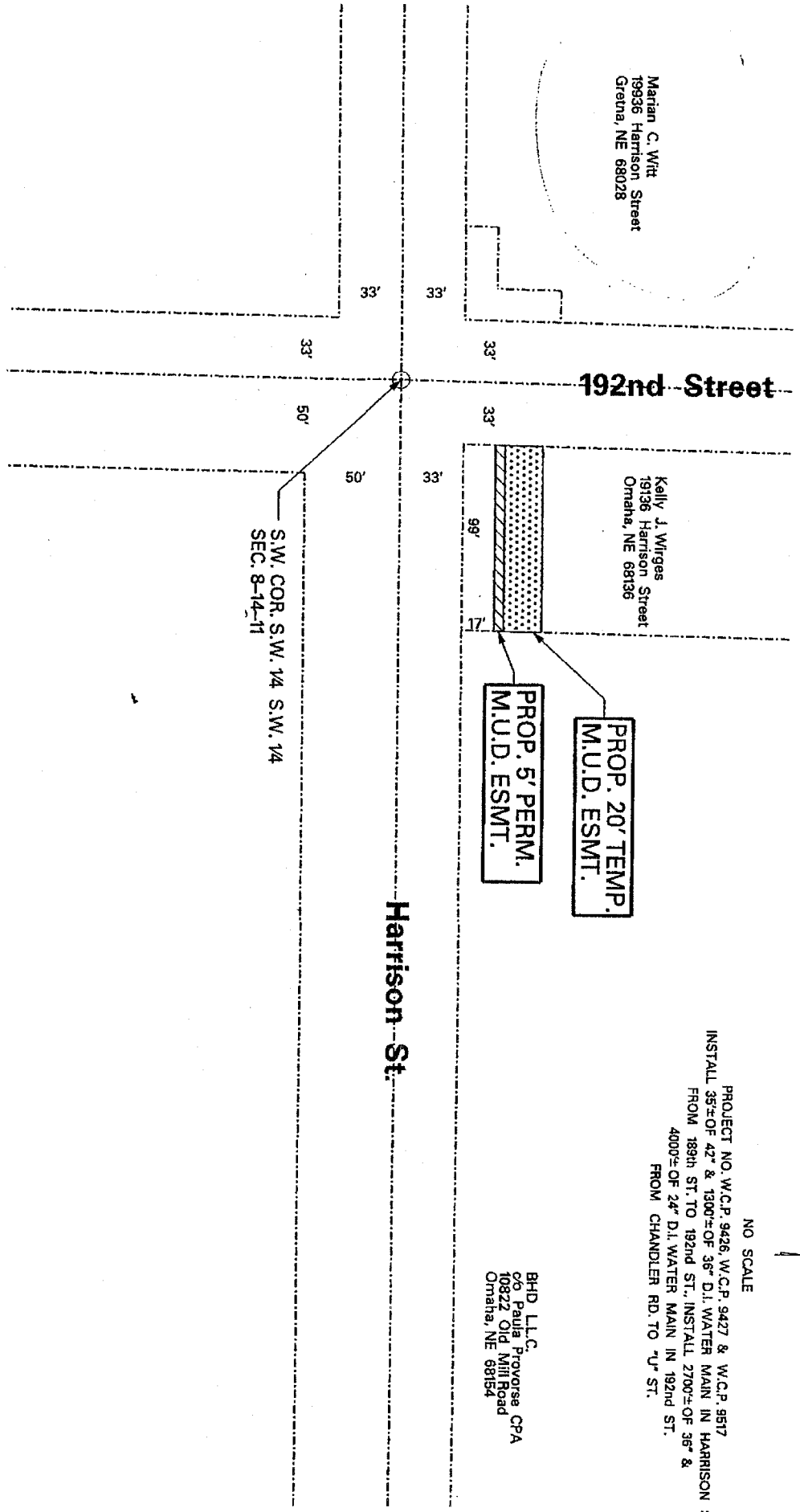
LAND OWNER  
**Kelly J. Wirges**  
19136 Harrison Street  
Omaha, NE 68136

TOTAL ACRE **0.011 ±**  
PERMANENT **0.011 ±**  
TOTAL ACRE  
TEMPORARY **0.046 ±**

LEGEND  
PERMANENT EASEMENT   
TEMPORARY EASEMENT 

PAGE 1 OF 1

DRAWN BY DAS  
DATE 1-15-2003  
CHECKED BY \_\_\_\_\_  
DATE \_\_\_\_\_  
APPROVED BY \_\_\_\_\_  
DATE \_\_\_\_\_  
REVISED BY \_\_\_\_\_  
DATE \_\_\_\_\_  
REV. CHK'D. BY \_\_\_\_\_  
DATE \_\_\_\_\_  
REV. APPROV. BY \_\_\_\_\_  
DATE \_\_\_\_\_



**PROP. 20' TEMP.  
M.U.D. ESMT.**

**PROP. 5' PERM.  
M.U.D. ESMT.**

NO SCALE  
PROJECT NO. W.C.P. 9426 W.C.P. 9427 & W.C.P. 9817  
INSTALL 35"± OF 42" & 1300"± OF 36" D.I. WATER MAIN IN HARRISON ST.  
FROM 189th ST. TO 192nd ST., INSTALL 2700"± OF 36" &  
4000"± OF 24" D.I. WATER MAIN IN 192nd ST.  
FROM CHANDLER RD. TO "L" ST.

BHD, L.L.C.  
c/o Paula Provorse CPA  
10822 Old Mill Road  
Omaha, NE 68154

# ADDENDUM A

## METROPOLITAN UTILITIES DISTRICT

DANIEL G. CROUCHLEY  
GENERAL COUNSEL  
449-8212

1723 HARNEY STREET

OMAHA, NEBRASKA 68102

TIJUANA R. SECRET  
ASSISTANT GENERAL COUNSEL  
449-8208

AREA CODE 402  
FACSIMILE 449-8166

RANDALL W. OWENS  
ATTORNEY  
449-8209

June 12, 2003

SUSAN E. PRAZAN  
ATTORNEY  
449-8126

A. JUSTIN COOPER  
ATTORNEY  
449-8207

Kelly J. Wirges  
19136 Harrison Street  
Omaha, NE 68136

Re: Proposed Water Main Easement – 19136 Harrison Street

Dear Ms. Wirges:

When we last spoke, you indicated that the tax-assessed value of your property had risen to \$98,000. Based on that new valuation, you requested that the District reassess its offer for compensation for the water main easement.

If the District uses the new tax-assessed value of your entire\* property rounding to \$100,000, we can calculate the value per acre by dividing the \$100,000 price by 0.650 (the number of acres the county assessor shows you own).

$$\$100,000 \div 0.650 = \$153,846 \text{ per acre}$$

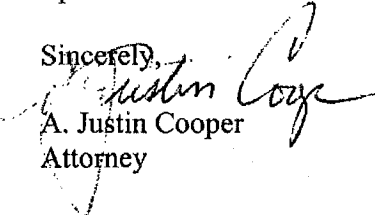
For the permanent easement we are requesting 0.011 of an acre and for the temporary easement we are requesting 0.046 of an acre. Using our standard formulas, we calculate the following easement values:

Permanent:	0.011 of an acre x \$153,846 x 50%	= \$846.15
Temporary:	0.046 of an acre x \$153,046 x 10%	= <u>\$707.69</u>
		\$1553.84

\*Please note that the District is NOT required to use the improved value of the property (your building) for our easement calculation as the easement affects the land only; however, that notwithstanding, for your benefit we used the improved value.

Our last offer was \$1500. We believe that this offer is fair and reasonable. As construction is scheduled for the summer or fall of 2003, we must conclude this matter. If we cannot resolve this by June 19, 2003, the District will proceed with condemnation.

Sincerely,

  
A. Justin Cooper  
Attorney

AJC:kl

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JUL 07 2003  
LAW DEPT.

# ADDENDUM B

Subj: Easement  
Date: 6/18/2003  
To: Justin\_Cooper@mudnebr.com

Justin,

While I still beleive your offer is far less than the value of the land, based on your last letter, I guess I have no choice but to accept the \$1,553.84. Please forward the contract for my final review and signature.

Kelly

Kelly Wirges  
ProMax Training & Consulting, Inc.  
*Maximizing Productivity, Profits and People.*  
19136 Harrison Street  
Omaha, NE 68136  
800-898-0444/402-493-7771  
Fax: 402-493-7772  
E-mail: PMaxTrain@aol.com  
www.promaxtraining.com

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Tuesday, July 01, 2003 America Online: PMaxTrain

