

EASEMENT AND RIGHT OF WAY

THIS INDENTURE, made this 22 day of June, 1976, between CLC-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 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 204, 205, 206, 207, 208, and 209, of Harvey Oaks III, a subdivision, as now platted and recorded, in Douglas County, Nebraska, said strips being more particularly described as follows:

A strip of land Five (5) feet wide lying along and parallel to the right of way of Cedar Circle, said strip being the front Five (5) feet of Lots One Hundred Seventy-two (172), One Hundred Seventy-three (173), One Hundred Seventy-four (174), One Hundred Seventy-five (175), One Hundred Seventy-six (176), One Hundred Seventy-seven (177), One Hundred Seventy-eight (178), One Hundred Seventy-nine (179), and One Hundred Eighty (180) lying along the right of way of Cedar Circle;

A strip of land Five (5) feet wide lying along and parallel to the right of way of Brookside Circle, said strip being the front Five (5) feet of Lots One Hundred Eighty-one (181), One Hundred Eighty-two (182), One Hundred Eighty-three (183), One Hundred Eighty-four (184), One Hundred Eighty-five (185), One Hundred Eighty-six (186), One Hundred Eighty-seven (187), One Hundred Eighty-eight (188), One Hundred Eighty-nine (189), and One Hundred Ninety (190) lying along the right of way of Brookside Circle;

A strip of land Five (5) feet wide lying along and parallel to the right of way of Dorcas Circle, said strip being the front Five (5) feet of Lots One Hundred Ninety-one (191), One Hundred Ninety-two (192), One Hundred Ninety-three (193), One Hundred Ninety-four (194), One Hundred Ninety-five (195), One Hundred Ninety-six (196), One Hundred Ninety-seven (197), and One Hundred Ninety-eight (198) lying along the right of way of Dorcas Circle;

A strip of land Five (5) feet wide lying along and parallel to the right of way of Castelar Circle, said strip being the front Five (5) feet of Lots Two Hundred Four (204), Two Hundred Five (205), Two Hundred Six (206), Two Hundred Seven (207), Two Hundred Eight (208), and Two Hundred Nine (209) lying along the right of way of Castelar Circle.

These strips contain a total of Twenty-two Hundredths (0.22) 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 [Signature]
Title President

By CREATIVE LAND CONSULTANTS, INC.,
a Nebraska corporation

By [Signature]
Title President

(Seal)

ATTEST: [Signature]

Title Vice President

(Seal)

STATE OF NEBRASKA)
) ss
COUNTY OF DOUGLAS)

On this 22 day of June, 1976, before me, the undersigned, a Notary Public in and for said county, personally came C. E. Westphal, 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 such officer of said corporation, and 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.

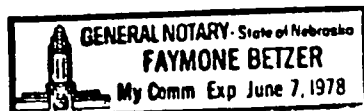
Witness my hand and notarial seal at Omaha in said County the day and year last above written.

Evelyn M. Oswald
Notary Public

STATE OF NEBRASKA)
) ss
COUNTY OF DOUGLAS)

On this 22 day of June, 1976, before me, the undersigned, a Notary Public in and for said county, personally came Henry L. Buck, 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.



Faymone Betzer
Notary Public



ОБЪЕКТ, ПРЕДМЕТ

GC-C-7711

CLC/NISL, JOINT VENTURE

TOTAL ACRE 1772

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PERMANENT EASEMENT ☒

PAGE 1 OF 1

DRAWN BY CJP DATE 5-20-76
CHECKED BY AE DATE 5-24-76
APPROVED BY TPS DATE 5-25-76
REVISED BY _____ DATE _____
REV. CHK'D BY _____ DATE _____
REV. APPROV. BY _____ DATE _____

RECEIVED
1976 AUG 13 AM 10:55

C. HAROLD OSTLER
REGISTER OF DEEDS
DOUGLAS COUNTY, NEBR.

THE STATE OF NEBRASKA }
Douglas County

Entered in Numerical Index and filed
Record in the office of the Register
Deeds of said County and recorded in

REGISTER OF DEEDS

Deputy

Fee 1

Empire

84-237 G.P.N.-PG 1725

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