

91-03654

EASEMENT AND RIGHT-OF-WAY

THIS INDENTURE, made this 4th day of March, 1991, between OMAHA PUBLIC POWER DISTRICT, a Political Subdivision of the State of Nebraska, 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 water and all appurtenances thereto, including but not limited to two (2) fire hydrants and two (2) 24-inch R.I. covers, together with the right of ingress and egress to and from the same, on, over, under and through lands described as follows:

PERMANENT AND TEMPORARY EASEMENT

Several tracts all in Section 22, Township 14 North, Range 13 East of the 6th P.M., and in a portion of Lot Fourteen (14), Old Orchard Place, a subdivision, as surveyed, platted and recorded, all in Sarpy County, Nebraska, and all further described and shown on Exhibit "A" and the 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.

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 agrees that any and all trenching done in conjunction with the construction or maintenance of this water main shall be done in accordance with the attached typical plan, "Exhibit B" and that a minimum clearance of 10' from the overhead 69KV and 12' from the overhead 161KV phase wires must be maintained at all times during construction or maintenance of said water main.

3. 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.

4. 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.

5. 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 lawful claims of all persons whomsoever in any way asserting any right, title or interest prior to or contrary to this conveyance.

Proof	<u>m</u>
D.E.	<u>L</u>
Verify	<u>m</u>
Filed	<u>m</u>
Checked	
Fee \$	<u>51.00</u>

FILED SARPY CO. NE.
INSTRUMENT NUMBER
91-03654

31 MAR 21 PM 12:16

Carol A. Givens
REGISTER OF DEEDS

03654

91-03654A

6. Grantee hereby covenants and agrees with Grantor that it shall install, operate, repair, maintain, relay and remove all pipelines and appurtenances thereto constructed hereunder in a good and workmanlike manner and in conformance with all laws, building codes, and other ordinances applicable thereto, including, but not limited to, all environmental laws, rules, and regulations applicable to the Property.

7. Grantee covenants and agrees to indemnify, defend and hold Grantor harmless from and against any loss, damage, casualty or injury to any persons or property, and from any and all claims or liabilities, including reasonable attorneys fees, in any way attributable to any actions of Grantee, its employees, agents, contractors, subcontractors arising from:

(i) the installation, maintenance, operation, repair, relay and removal of Grantee's pipelines and all appurtenances thereto on, under, or about the Property;

(ii) ingress and egress to and from the Property;

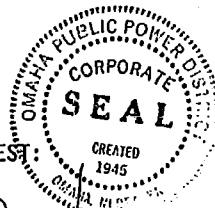
(iii) the exercise of any other rights granted to Grantee hereunder; and

(iv) the violation of any laws, rules, ordinances, or regulations applicable to Grantee's rights hereunder, including, but not limited to, all applicable environmental laws, rules and regulations.

8. The person executing this instrument represents that he has the requisite authority to execute same and make this conveyance on behalf of the Grantor.

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.

ATTEST:



Case J. Kelley
Assistant Secretary

OMAHA PUBLIC POWER DISTRICT,
a Political Subdivision of the
State of Nebraska, Grantor

By: *D. Wittke*
Title: Vice-President

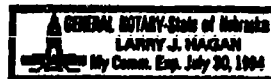
ACKNOWLEDGMENT

STATE OF NEBRASKA }
COUNTY OF DOUGLAS } ss

On this 4th day of March, 1991, before me, the undersigned, a Notary Public in and for said State of Nebraska, personally came Dayton D. Wittke, Vice-President of the Omaha Public Power District, a Political Subdivision of the State of Nebraska, 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 said officer and the voluntary act and deed of said Political Subdivision.

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

Larry J. Hagan
Notary Public



My Commission expires: _____.

91-03654B

PERMANENT EASEMENT

Two tracts in the Northwest Quarter (NW 1/4) of Section 22, Township 14 North, Range 13 East of the Sixth Principal Meridian, in Sarpy County, Nebraska, described as follows:

Tract 1 - The South 10 feet and the West 10 feet of Tax Lot 5A2 in the Southwest Quarter (SW 1/4) of Said Quarter.

Tract 2 - The South 10 feet of Tax Lot 6A2 in the Southeast Quarter (SE 1/4) of Said Quarter, excluding therefrom the following:

Referring to the Southeast Corner of Said Quarter Section; Thence Westerly a distance of 87.36 feet along the south line of Said Quarter Section to the Point of Beginning; Thence Westerly Deflecting 000 degrees, 00 minutes, 00 seconds a Distance of 417.00 feet along the South Line of Said Quarter Section; Thence Northerly Deflecting 084 degrees, 18 minutes, 54 seconds right, a distance of 49.74 feet; Thence easterly deflecting 095 degrees, 41 minutes, 06 seconds right, a distance of 417.09 feet along the property line of the Grantor(s); Thence Southerly deflecting 084 degrees, 25 minutes, 25 seconds right, a distance of 49.74 feet to the Point of Beginning Containing 0.47 Acres, more or less.

And Also:

Two tracts located in the Southwest Quarter (SW 1/4) of Section 22, Township 14 North, Range 13 East of the Sixth Principal Meridian, in Sarpy County, Nebraska, described as follows:

Tract 3 - The North 10 feet of Tax Lot 5A2 in the Northwest Quarter (NW 1/4) of Said Quarter.

Tract 4 - The North 10 feet of Tax Lot 6A2 in the Northeast Quarter (NE 1/4) of Said Quarter, excluding therefrom the following:

Referring to the Northeast Corner of Said Quarter Section; Thence Westerly a distance of 87.36 feet along the North line of Said Quarter Section to the Point of Beginning; Thence Westerly Deflecting 000 degrees, 00 minutes, 00 seconds a Distance of 417.00 feet along the North Line of Said Quarter Section; Thence Southerly Deflecting 095 degrees, 41 minutes, 06 seconds Left, a distance of 49.74 feet; Thence easterly deflecting 084 degrees, 18 minutes, 54 seconds Left, a distance of 416.90 feet along the property line of the Grantor(s); Thence Northerly deflecting 095 degrees, 34 minutes, 35 seconds Left, a distance of 49.74 feet to the Point of Beginning Containing 0.47 Acres, more or less.

And Also:

Two tracts in the Northeast Quarter (NE 1/4) of Section 22, Township 14 North, Range 13 East of the Sixth Principal Meridian, in Sarpy County, Nebraska, described as follows:

Tract 5 - The South 10 feet of the portion of Tax Lot 6A2 in the Southwest Quarter (SW 1/4) of Said Quarter.

Tract 6 - The South 10 feet of Lot 14B of Old Orchard Place in the Southwest Quarter (SW 1/4) of Said Quarter.

And Also:

Two tracts in the Southeast Quarter (SE 1/4) of Section 22, Township 14 North, Range 13 East of the Sixth Principal Meridian, in Sarpy County, Nebraska, described as follows:

Tract 7 - The North 10 feet of Tax Lot 6A2 in the Northwest Quarter (NW 1/4) of Said Quarter.

Tract 8 - The North 10 feet of Lot 14B of Old Orchard Place in the Northwest Quarter (NW 1/4) of Said Quarter.

91-03654D

TEMPORARY EASEMENT

Several Tracts in the Northwest Quarter (NW1/4) of Section 22, Township 14 North, Range 13 East of the Sixth Principal Meridian, in Sarpy County, Nebraska, described as follows:

Tract A - The North 23 feet of Tax lot 5A2 in the Southwest Quarter (SW 1/4) of Said Quarter, excluding therefrom the West 10 feet of same.

Tract B - Tax Lot 6A2 in the Southwest Quarter (SW 1/4) of Said Quarter.

Tract C - The North 39.5 feet of Tax Lot 6A2 in the Southeast Quarter (SE 1/4) of Said Quarter, excluding therefrom the following:

Referring to the Southeast Corner of Said Quarter Section; Thence Westerly a distance of 87.36 feet along the south line of Said Quarter Section to the Point of Beginning; Thence Westerly Deflecting 000 degrees, 00 minutes, 00 seconds a Distance of 417.00 feet along the South Line of Said Quarter Section; Thence Northerly Deflecting 084 degrees, 18 minutes, 54 seconds right, a distance of 49.74 feet; Thence easterly deflecting 095 degrees, 41 minutes, 06 seconds right, a distance of 417.09 feet along the property line of the Grantor(s); Thence Southerly deflecting 084 degrees, 25 minutes, 25 seconds right, a distance of 49.74 feet to the Point of Beginning Containing 0.47 Acres, more or less.

And Also:

Two tracts in the Southwest Quarter (SW 1/4) of Section 22, Township 14 North, Range 13 East of the Sixth Principal Meridian, in Sarpy County, Nebraska, described as follows:

Tract D - The South 39.5 feet of Tax Lot 5A2 in the Northwest Quarter (NW 1/4) of Said Quarter.

Tract E - The South 39.5 feet of Tax Lot 6A2 in the Northeast Quarter (NE 1/4) of Said Quarter, excluding therefrom the following:

Referring to the Northeast Corner of Said Quarter Section; Thence Westerly a distance of 87.36 feet along the North line of Said Quarter Section to the Point of Beginning; Thence Westerly Deflecting 000 degrees, 00 minutes, 00 seconds a Distance of 417.00 feet along the North Line of Said Quarter Section; Thence Southerly Deflecting 095 degrees, 41 minutes, 06 seconds Left, a distance of 49.74 feet; Thence easterly deflecting 084 degrees, 18 minutes, 54 seconds Left, a distance of 416.90 feet along the property line of the Grantor(s); Thence Northerly deflecting 095 degrees, 34 minutes, 35 seconds Left, a distance of 49.74 feet to the Point of Beginning Containing 0.47 Acres, more or less.

And Also:

Two tracts in the Northeast Quarter (NE 1/4) of Section 22, Township 14 North, Range 13 East of the Sixth Principal Meridian, in Sarpy County, Nebraska, described as follows:

Tract F - The North 39.5 feet Tax Lot 6A2 in the Southwest Quarter (SW 1/4) of Said Quarter.

Tract G - Lot 14B of Old Orchard Place in the Southwest Quarter (SW 1/4) of Said Quarter, excluding the South 10 feet of Said Lot.

And Also:

Two tracts in the Southeast Quarter (SE 1/4) of Section 22, Township 14 North, Range 13 East of the Sixth Principal Meridian, in Sarpy County, Nebraska, described as follows:

Tract H - The South 39.5 feet of Tax Lot 6A2 in the Northwest Quarter (NW 1/4) of Said Quarter.

Tract I - Lot 14B of Old Orchard Place in the Northwest Quarter (NW 1/4) of Said Quarter, excluding the North 10 feet of Said Lot.

41-07054

S.E. 1/4
N.W. 1/4

N.E. 1/4
S.W. 1/4

1320 ±

PT. TAX LOT 6A2

TRACT B

TRACT A.

~~TRACT~~

~~TRACT 3~~

TAX LOT: 5A2

TRACT D

SCALE: NONE
1/4 PG. 202-C, & 202-D

**METROPOLITAN
UTILITIES
DISTRICT**

ОМАН, НЕБРАСКА

**EASEMENT
ACQUISITION
FOR WC 7204-2**

LAND OWNER OPPD

TOTAL ACRE **0.6113 ±**
PERMANENT

TOTAL ACRE 2.3887 ±

LEGEND
PERMANENT EASEMENT
TEMPORARY EASEMENT

PAGE 1 OF 3

DATE	7-15-91
DRAWN BY	mm
CHECKED BY	7-15-91
APPROVED BY	
DATE	
REVISED BY	
DATE	
REV. CHK'D BY	
DATE	
REV. APPROV. BY	
DATE	

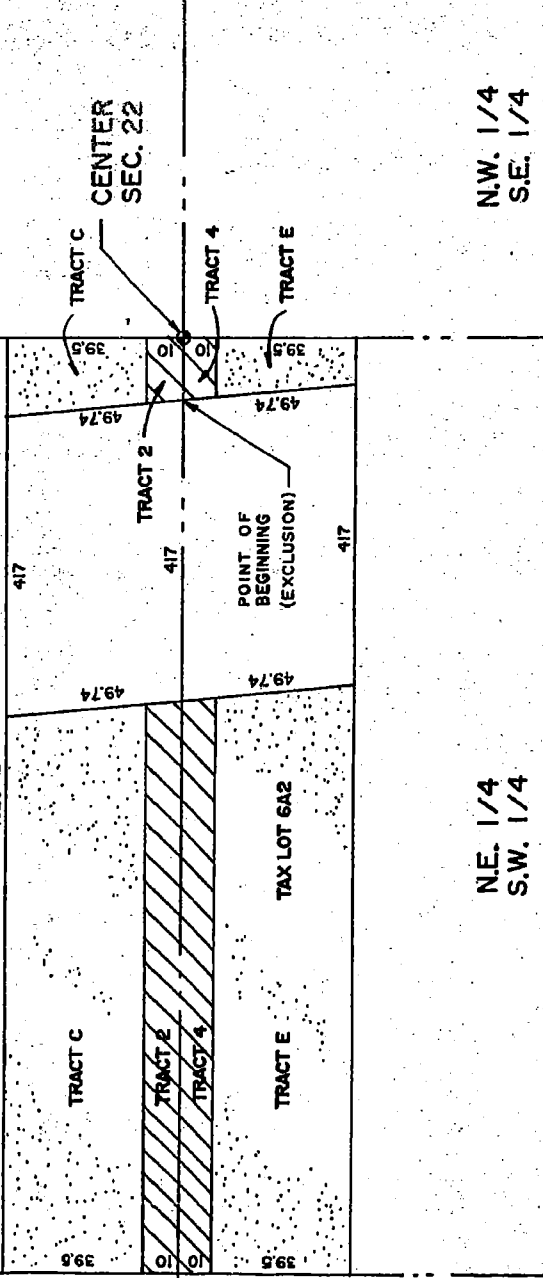
SECTION 22, T 14 N, R 13 E

S.W. 1/4
N.W. 1/4

S.E. 1/4
N.W. 1/4

S.W. 1/4
N.E. 1/4

1320 ±



SCALE: NONE
1/4 PG. 202-C, & 202-D

METROPOLITAN
UTILITIES
DISTRICT
OMAHA, NEBRASKA

EASEMENT
ACQUISITION
FOR WC 7204.2

LAND OWNER OPPD

TOTAL ACRE 0.418

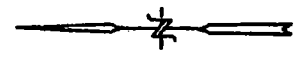
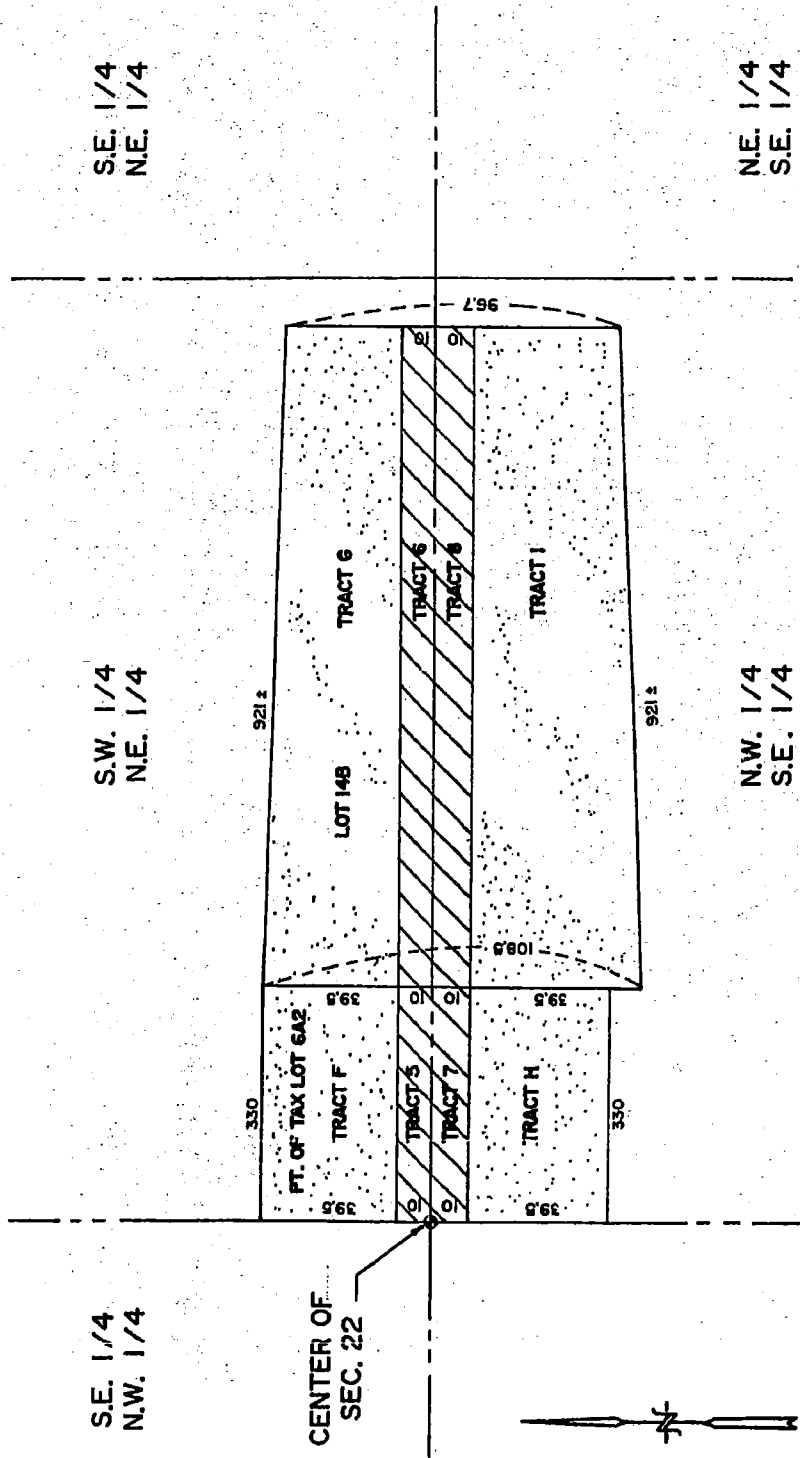
TOTAL ACRE 1.6331

LEGEND
PERMANENT EASEMENT 1/2" Z
TEMPORARY EASEMENT 1/2" Z

PAGE 2 OF 3

DRAWN BY DATE 1-15-91
CHECKED BY DATE 1-15-91
APPROVED BY DATE
REVISED BY DATE
REV. CHK'D BY DATE
REV. APPROV. BY DATE

SECTION 22, T14 N, R13 E



SCALE: NONE
1/4 PG. 201-C, & 201-D

METROPOLITAN
UTILITIES
DISTRICT

OMAHA, NEBRASKA

EASEMENT
ACQUISITION
FOR WC 7204-2

LAND OWNER OPPO

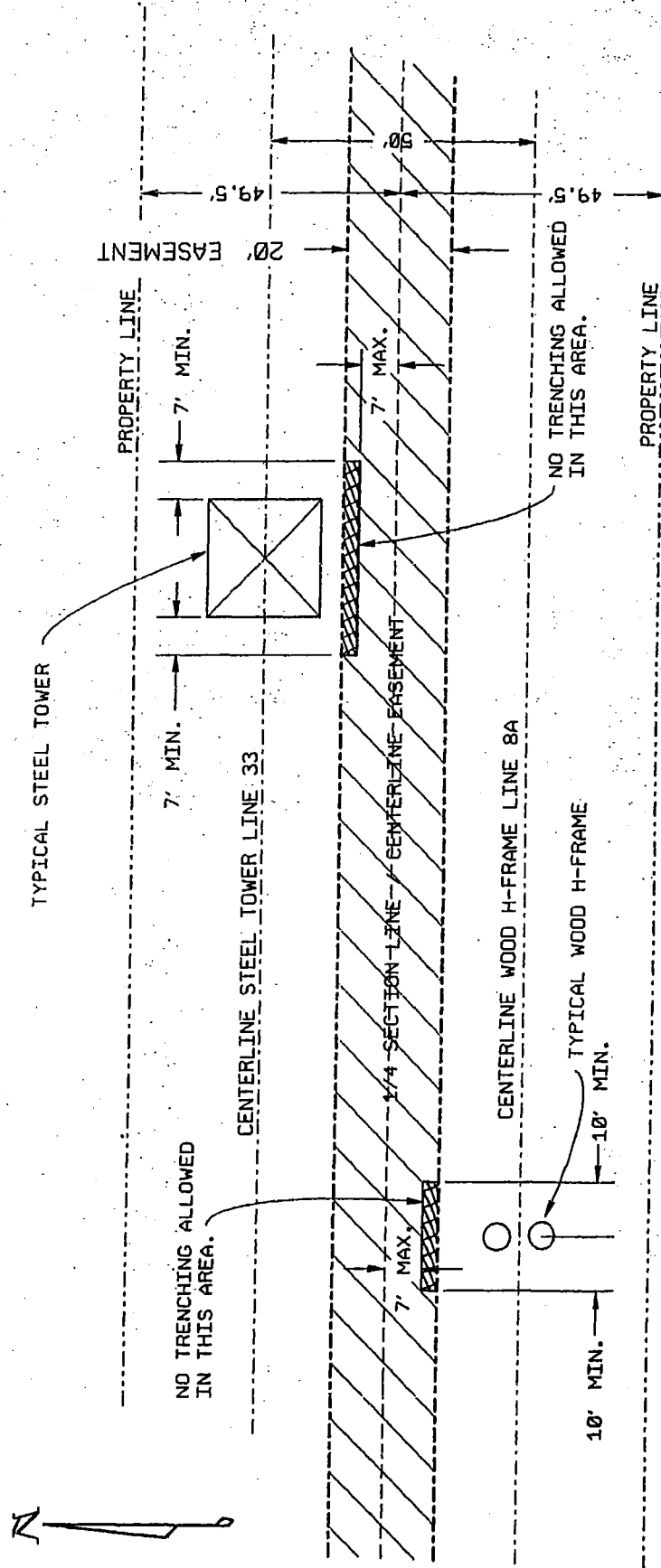
TOTAL ACRE 0.574
PERMANENT
TOTAL ACRE 2.345
TEMPORARY

LEGEND
PERMANENT EASEMENT 222
TEMPORARY EASEMENT 223

PAGE 3 OF 3

DRAWN BY DATE 1-15-91
CHECKED BY DATE 1-15-91
APPROVED BY DATE
REVISED BY DATE
REV. CHK'D BY DATE
REV. APPROV. BY DATE

91-03654I



TYPICAL PLAN AT STRUCTURES

EXHIBIT "B"

SCALE	DRAFT	CHECK	PROJ. ENG.	APPD.	DEPT.	TRANS.
1-16-91	1-17-91	1-17-91	R. L. SAMSON			
1-17-91	1-17-91	1-17-91	R. L. SAMSON			
1-17-91	1-17-91	1-17-91	R. L. SAMSON			
1-17-91	1-17-91	1-17-91	R. L. SAMSON			
1-17-91	1-17-91	1-17-91	R. L. SAMSON			
1-17-91	1-17-91	1-17-91	R. L. SAMSON			
1-17-91	1-17-91	1-17-91	R. L. SAMSON			
1-17-91	1-17-91	1-17-91	R. L. SAMSON			
1-17-91	1-17-91	1-17-91	R. L. SAMSON			

PROPOSED M.U.D.
WATER MAIN EASEMENT

SEC. 22, T14N, R13E, S4PY CO.
LINE 33 / 8A

B-6092

OMAHA PUBLIC POWER DISTRICT