



BK 0904 PG 363



MISC 1989 18696

THIS PAGE INCLUDED FOR
INDEXING
PAGE DOWN FOR BALANCE OF INSTRUMENT

EASEMENT AND RIGHT-OF-WAY

THIS INDENTURE, made this 2nd day of November, 1989, between MAENNER/HORGAN DEVELOPMENT CO., a Nebraska Corporation, 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 gas and water 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:

PERMANENT EASEMENT

Several tracts in Linden Estates, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska and described as follows:

The north five feet (5') of Outlot 2, Lots 1, 7, 8, 9, 53, 46, 24, 25, 45, 44, 39 and 38 along Hamilton Street; and 13

The south five feet (5') of Outlot 1, Lots 57, 56, 54, 66, 67, 73, 74, 78, 79, 80, 81, 82, 119, 120 and 121 along Hamilton Street; and 13

The north five feet (5') of Lots 4 and 5, and the west five feet (5') of Lot 6 along 143rd Avenue Circle; and

The east five feet (5') of Lot 60, and the south five feet (5') of Lots 61 and 62 along 143rd Avenue Circle; and 3

The east five feet (5') of Lots 68 and 69, the south five feet (5') of Lot 70, and the west five feet (5') of Lot 71 along 142nd Circle; and

The west five feet (5') of Lot 19, and the south five feet (5') of Lot 20 along Lafayette Circle; and 2

The west five feet (5') of Lots 33, 34 and 35, and the north five feet (5') of Lots 31 and 32 along 138th Circle; and

The north five feet (5') of Lot 100, the east five feet (5') of Lot 101 and the south five feet (5') of Lot 102 along Decatur Circle; and

The south five feet (5') of Lot 107, and the west five feet (5') of Lots 108 and 109 along Parker Circle.

Said tracts contain a total of 0.8097 of an acre, more or less, and are shown on the four 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, sidewalks, driveways, lawn irrigation systems, landscaping, retaining and decorative walls, storm sewers, sanitary sewers and improvements by other utilities, the exceptions not being allowed if same shall unreasonably interfere with Grantee's use and enjoyment of the easement rights herein conveyed, and 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 ownership, use, operations, extensions and connections to any pipeline constructed and maintained hereunder.

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

5. The person executing this instrument represents he has the requisite authority to execute same and make this conveyance on behalf of said Corporation.

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.

MAENNER/HORGAN DEVELOPMENT CO.,
a Nebraska Corporation,
Grantor

(Corporate Seal)

ATTEST:

William Barnes

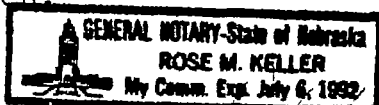
By: Robert P. Horgan
Title: Pres

ACKNOWLEDGMENT

STATE OF NEBRASKA)
) ss
COUNTY OF DOUGLAS)

On this 2nd day of November, 1989, before me, the undersigned, a Notary Public in and for said State of Nebraska, personally came Robert P. Horgan, President of Maenner/Horgan Development Co., a Nebraska Corporation, 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 such officer and the voluntary act and deed of said Corporation.

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



Rose M. Keller
Notary Public

My Commission expires: July 6, 1992.

LINDEN ESTATES

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PROP. 5' MUD EASEMENT.

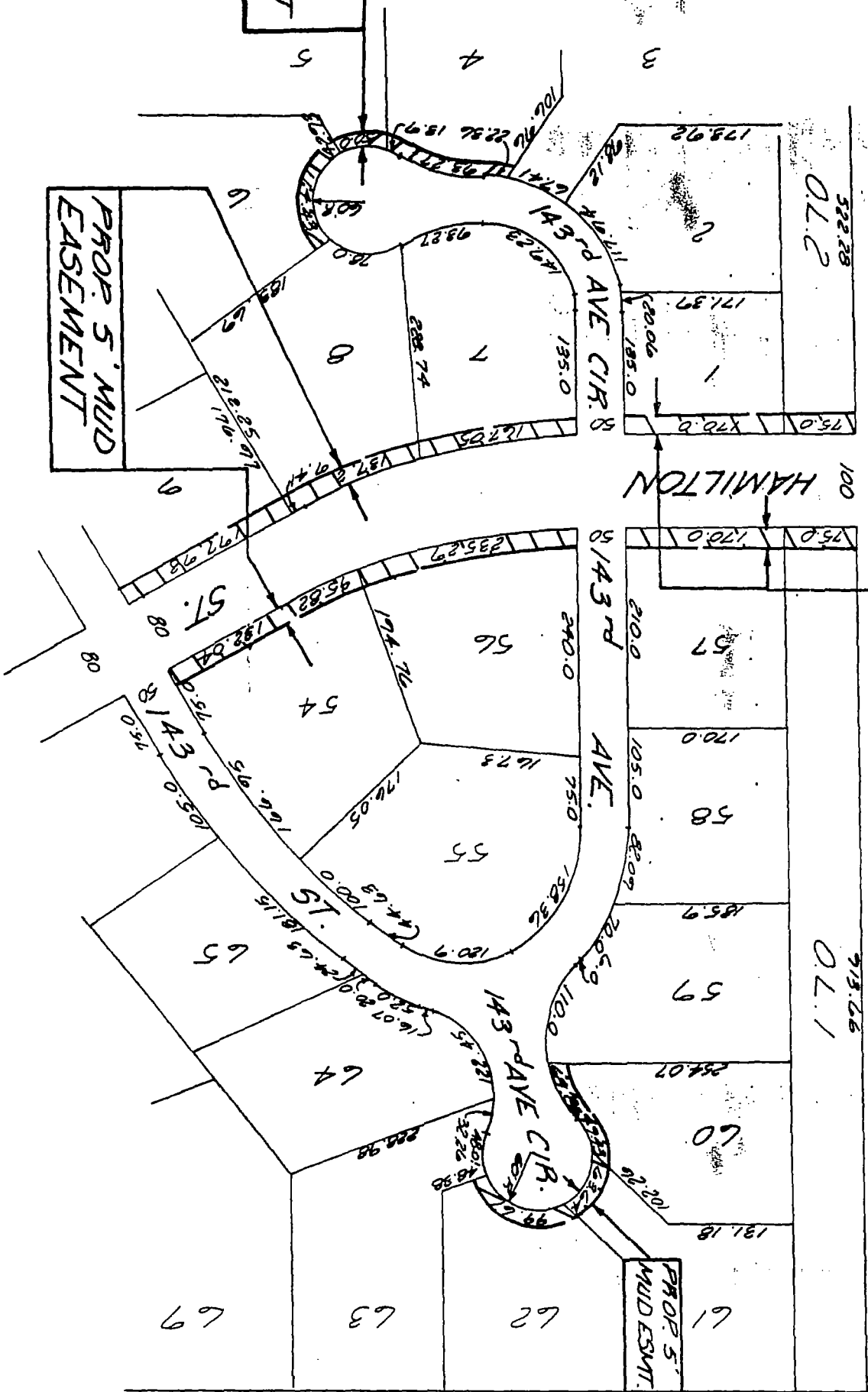


144 TH

ST.

PROP. 5' MUD EASEMENT

PROP. 5' MUD EASEMENT



METROPOLITAN UTILITIES DISTRICT
OMAHA, NEBRASKA

EASEMENT ACQUISITION

FOR W.C.C. 7096
G.M. 9798

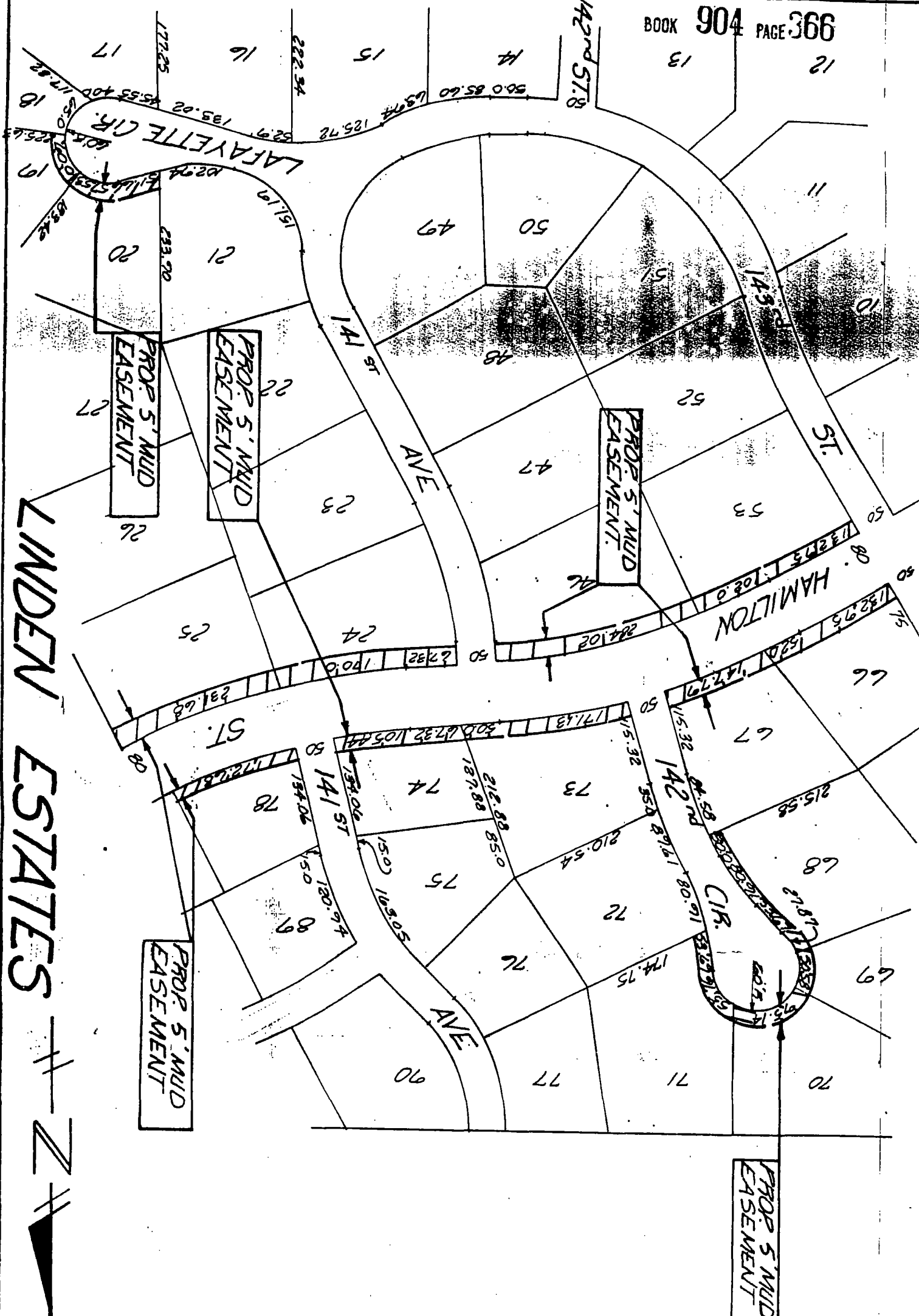
LAND OWNER

TOTAL ACRES
PERMANENT, 0.2328+
TOTAL ACRES
TEMPORARY

LEGEND
PERMANENT EASEMENT
TEMPORARY EASEMENT

PAGE 1 OF 4

DRAWN BY S.N. DATE 7-11-89
 CHECKED BY W.W.P. DATE 7-17-89
 APPROVED BY _____ DATE _____
 REVISED BY _____ DATE _____
 REV. CHK'D BY _____ DATE _____
 REV. APPROV. BY _____ DATE _____



DRAWN BY S.N. DATE 7-11-89
 CHECKED BY W.W.P. DATE 7-17-89
 APPROVED BY _____ DATE _____
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 REV. CHK'D BY _____ DATE _____
 REV. APPROV. BY _____ DATE _____

PAGE 2 OF 4

LEGEND
 PERMANENT EASEMENT

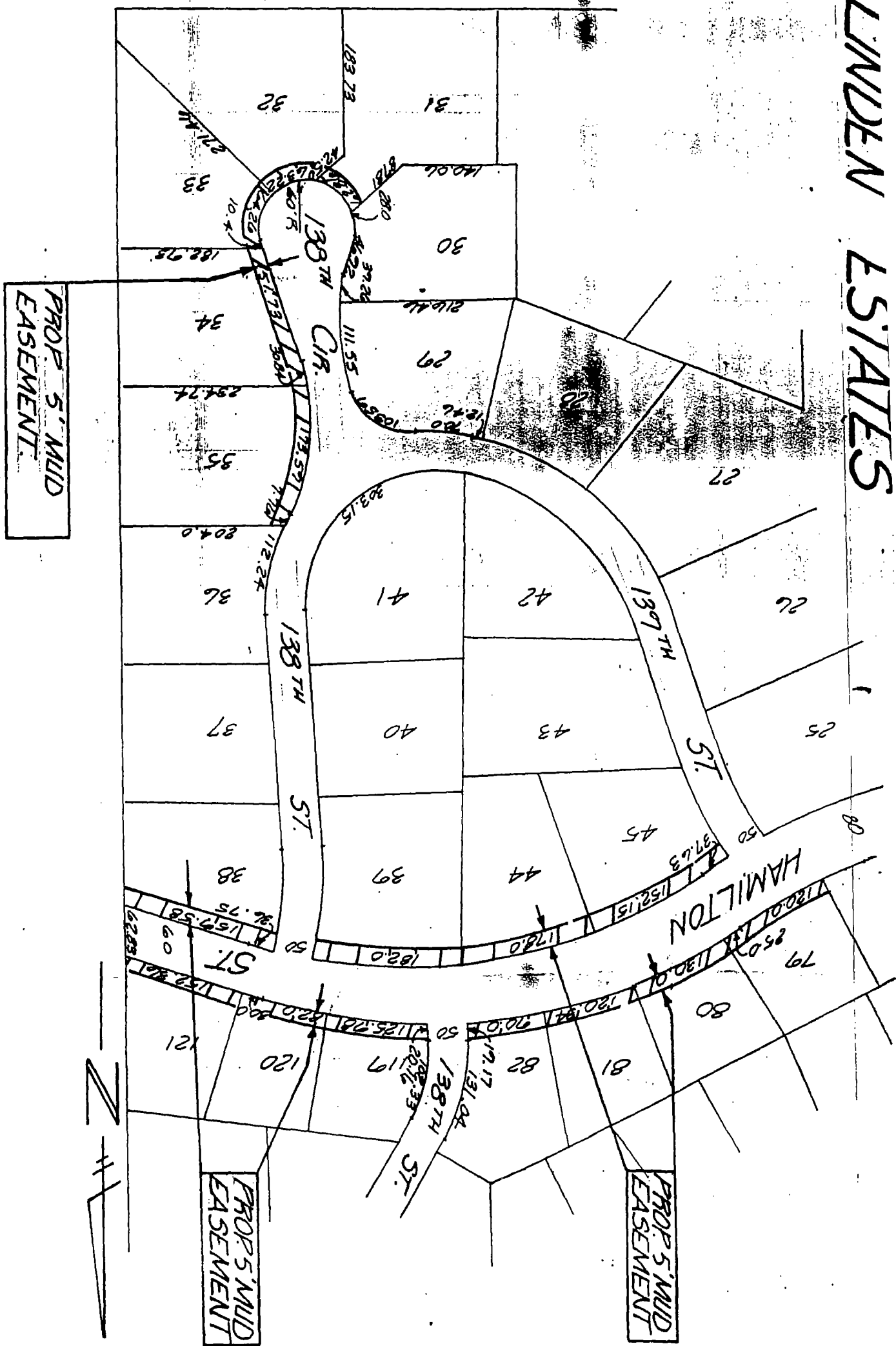
TOTAL ACRES 2875.7

LAND OWNER _____

EASEMENT ACQUISITION
 FOR W.C.C. 7096
GRA. 9793

METROPOLITAN UTILITIES DISTRICT
 OMAHA, NEBRASKA

LINDEN ESTATES



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 REV. APPROV. BY _____ DATE _____

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PERMANENT EASEMENT

TOTAL ACRE 0.2497

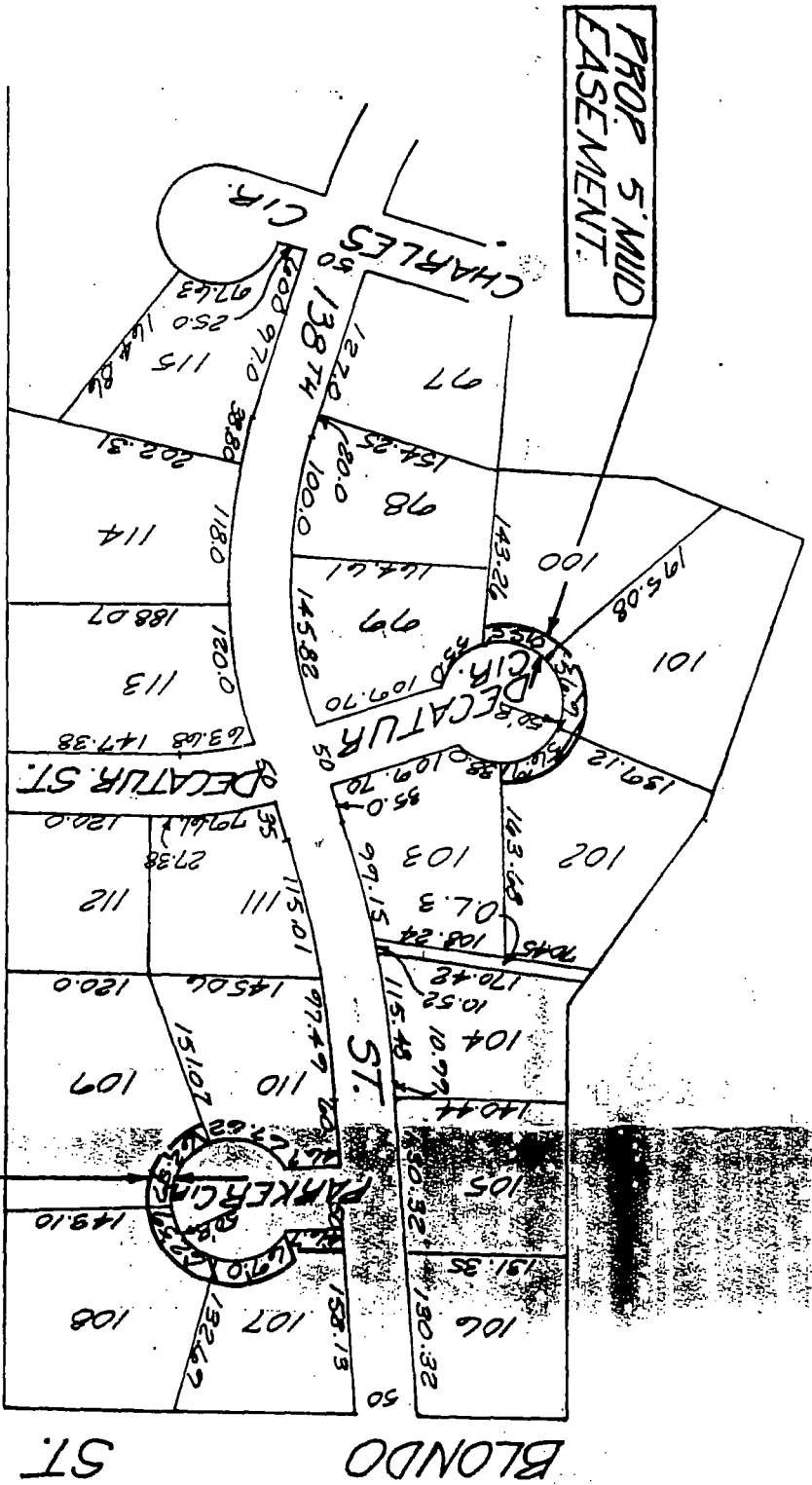
LAND OWNER _____

EASEMENT ACQUISITION
 FOR W.C.C. 7096
GBM 9799

METROPOLITAN UTILITIES DISTRICT
 OMAHA, NEBRASKA

LINDEN ESTATES

BOOK 904 PAGE 368



RECEIVED

NOV 7 3 39 PM '89

GEORGE J. BUGLEWICZ
REGISTER OF DEEDS
DOUGLAS COUNTY, NE

Handwritten: 1869 main 8981

BOOK 904 PAGE 368
OF Map B DISTRICT MC-22585

DRAWN BY S.N. DATE 7-12-89
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 APPROVED BY _____ DATE _____
 REVISED BY _____ DATE _____
 REV. CHK'D BY _____ DATE _____
 REV. APPROV. BY _____ DATE _____

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PERMANENT EASEMENT

LEGEND

TOTAL ACRES 003977

LAND OWNER _____

EASEMENT ACQUISITION FOR W.C.C. 70916

METROPOLITAN UTILITIES DISTRICT
OMAHA, NEBRASKA