

81-607+

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EASEMENT AND RIGHT OF WAY

THIS INDENTURE, made this 15 day of March, 1973, between Millard Highlands, Inc., a corporation, hereinafter referred to as Grantor, and Metropolitan Utilities District of Omaha, a municipal corporation, hereinafter referred to as Grantee, WITNESSETH:

That the 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 transmission of water and gas, and all appurtenances thereto, together with the right of ingress and egress to and from the same, on, over, and through lands described as follows:

Several tracts of land lying in Lots 134, 135, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 191, 192, 193, 194, 195, 196, 197, 198, 199, 204, 205, 206, 207, 208, 214, 215, 216, 217, 231, 232, 233, 234, 235, 236, 237, 246, 247, 248, 249, 250, 251, 252, 253, 254, 260, 261, 262, 318 and 319 of Millard Highlands Addition, as now platted and recorded, a subdivision in Douglas County, Nebraska, being more particularly described as follows:

A strip of land Five (5) feet wide running along and parallel to the Southerly property line of Lot One Hundred Thirty-four (134), said strip being the Southerly Five (5) feet of Lot 134;

The Southerly Thirty and Eighty One-hundredths (30.80) feet of the Northerly Thirty-five and Eighty One-hundredths (35.80) feet of the Easterly Five (5) feet of Lot One Hundred Thirty-five (135), said strip running along and parallel to the Easterly property line of Lot 135;

A strip of land Five (5) feet wide running along and parallel to the Northerly property line of Lot One Hundred Thirty-five (135), said strip being the Northerly Five (5) feet of Lot 135;

A strip of land Five (5) feet wide running along and parallel to the Northerly property line of Lot One Hundred Sixty-nine (169), said strip being the Northerly Five (5) feet of Lot 169;

A strip of land Five (5) feet wide running along and parallel to the Southwesterly property line of Lot One Hundred Seventy (170), said strip being the Southwesterly Five (5) feet of Lot 170;

The Northerly Thirty and Eighty One-hundredths (30.80) feet of the Southerly Thirty-five and Eighty One-hundredths (35.80) feet of the Westerly Five (5) feet of Lot One Hundred Seventy (170), said strip running along and parallel to the Westerly property line of Lot 170;

A strip of land Five (5) feet wide running along and parallel to the Southeasterly property line of Lot One Hundred Seventy (170), said strip being the Southeasterly Five (5) feet of Lot 170;

A strip of land Five (5) feet wide running along and parallel to the Southerly property line of Lots One Hundred Seventy-one (171), 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), said strip being the Southerly Five (5) feet of Lots 171, 172, 173, 174, 175, 176, 177, 178, 179, and 180;

A strip of land Five (5) feet wide running along and parallel to the Easterly property line of Lot One Hundred Ninety-one (191), said strip being the Easterly Five (5) feet of Lot 191;

A strip of land Five (5) feet wide running along and parallel to the Southerly property line of Lots 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), One Hundred Ninety-eight (198), One Hundred Ninety-nine (199), said strip being the Southerly Five (5) feet of Lots 192, 193, 194, 195, 196, 197, 198, and 199;

A strip of land Five (5) feet wide running along and parallel to the Southerly property line of Lots Two Hundred Four (204), Two Hundred Five (205), Two Hundred Six (206), and Two Hundred Seven (207), said strip being the Southerly Five (5) feet of Lots 204, 205, 206, and 207;

A strip of land Five (5) feet wide running along and parallel to the Southwesterly property line of Lot Two Hundred Eight (208), said strip being the Southwesterly Five (5) feet of Lot 208;

A strip of land Five (5) feet wide running along and parallel to the Southerly property line of Lots Two Hundred Fourteen (214), Two Hundred Fifteen (215), and Two Hundred Sixteen (216), said strip being the Southerly Five (5) feet of Lots 214, 215, and 216;

A strip of land Five (5) feet wide running along and parallel to the Southwesterly property line of Lot Two Hundred Seventeen (217), said strip being the Southwesterly Five (5) feet of Lot 217;

A strip of land Five (5) feet wide running along and parallel to the Northerly property line of Lot Two Hundred Thirty-one (231), said strip being the Northerly Five (5) feet of Lot 231;

A strip of land Five (5) feet wide running along and parallel to the Northeasterly property line of Lot Two Hundred Thirty-two (232), said strip being the Northeasterly Five (5) feet of Lot 232;

A strip of land Five (5) feet wide running along and parallel to the Easterly property line of Lots Two Hundred Thirty-three (233), Two Hundred Thirty-four (234), Two Hundred Thirty-five (235), Two Hundred Thirty-six (236), and Two Hundred Thirty-seven (237), said strip being the Easterly Five (5) feet of Lots 233, 234, 235, 236, and 237;

A strip of land Five (5) feet wide running along and parallel to the Westerly property line of Lot Two Hundred Forty-six (246), said strip being the Westerly Five (5) feet of Lot 246;

The East Twenty-six and Fifty-six One-hundredths (26.56) feet of the West Thirty-one and Fifty-six One-hundredths (31.56) feet of the South Five (5) feet of Lot Two Hundred Forty-six (246);

A strip of land Five (5) feet wide running along and parallel to the Easterly property line of Lots Two Hundred Forty-seven (247), Two Hundred Forty-eight (248), Two Hundred Forty-nine (249), Two Hundred Fifty (250), Two Hundred Fifty-one (251), Two Hundred Fifty-two (252), Two Hundred Fifty-three (253), and Two Hundred Fifty-four (254), said strip being the Easterly Five (5) feet of Lots 247, 248, 249, 250, 251, 252, 253, and 254;

A strip of land Five (5) feet wide running along and parallel to the Northeasterly property line of Lot Two Hundred Forty-seven (247), said strip being the Northeasterly Five (5) feet of Lot 247;

A strip of land Five (5) feet wide running along and parallel to the Northerly property line of Lot Two Hundred Sixty (260), said strip being the Northerly Five (5) feet of Lot 260;

A strip of land Five (5) feet wide running along and parallel to the Easterly property line of Lot Two Hundred Sixty-one (261), said strip being the Easterly Five (5) feet of Lot 261, along the right-of-way line of 140th Circle;

A strip of land Five (5) feet wide running along and parallel to the Northeasterly property line of Lot Two Hundred Sixty-two (262), said strip being the Northeasterly Five (5) feet of Lot 262;

A strip of land Five (5) feet wide running along and parallel to the Easterly property line of Lot Three Hundred Eighteen (318), said strip being the Easterly Five (5) feet of Lot 318;

The West Twenty-six and Fifty-six One-hundredths (26.56) feet of the East Thirty-one and Fifty-six One-hundredths (31.56) feet of the North Five (5) feet of Lot Three Hundred Eighteen (318);

A strip of land Five (5) feet wide running along and parallel to the Westerly property line of Lot Three Hundred Nineteen (319), said strip being the Westerly Five (5) feet of Lot 319;

All these tracts containing a total of Four Hundred Fourteen One-thousandths (0.414) acre, more or less, all as shown on the plats 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.

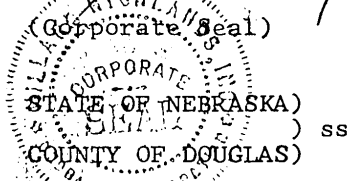
1. Grantor, its successors or assigns agree that they will at no time erect, construct or place on or below the surface of said tracts of land any building or structure, except pavement, and that they will not give anyone else permission to do so.
2. Grantee shall restore the surface of the soil excavated 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 water main or gas main constructed and maintained hereunder.

IN WITNESS WHEREOF, the Grantor has caused this easement to be signed on the day and year first above written.

MILLARD HIGHLANDS, INC., Grantor

Attest:

[Signature]
 Title Secretary



By [Signature]
 Title President

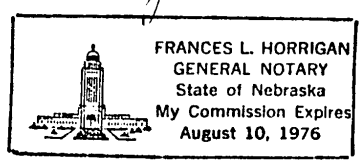


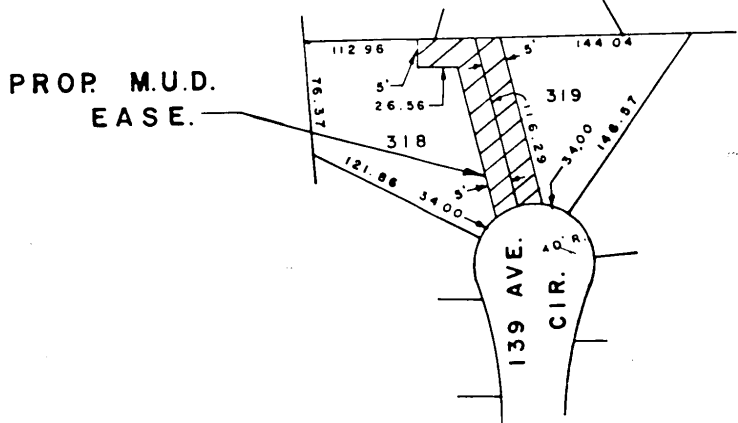
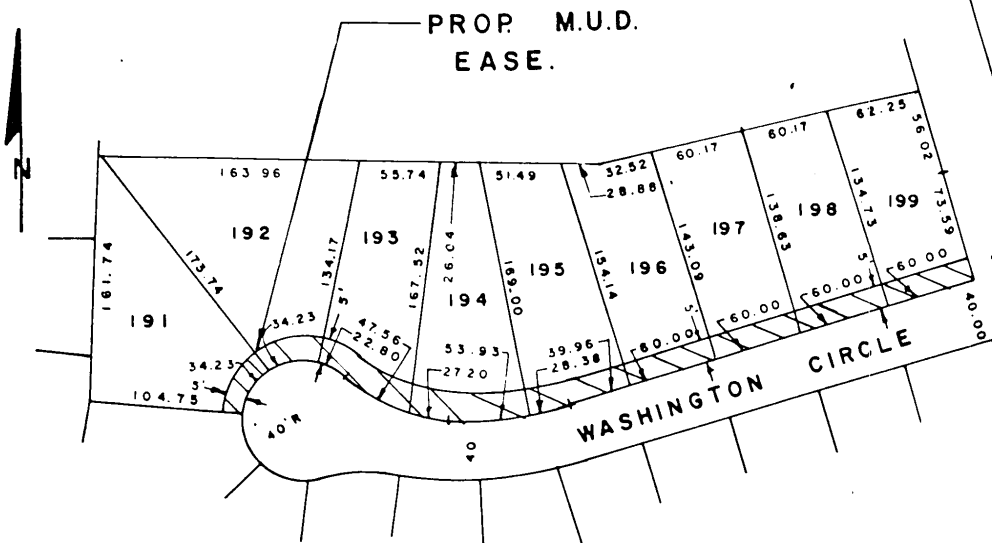
On this 15 day of March, 1973, before me, the undersigned, a Notary Public duly commissioned and qualified for said county, personally came Francis L. Horrigan, to me personally known to be the President of Millard Highlands, Inc., a corporation, whose name is affixed to the foregoing instrument in that capacity and who acknowledged the same to be his voluntary act and deed and the voluntary act and deed of said corporation.

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

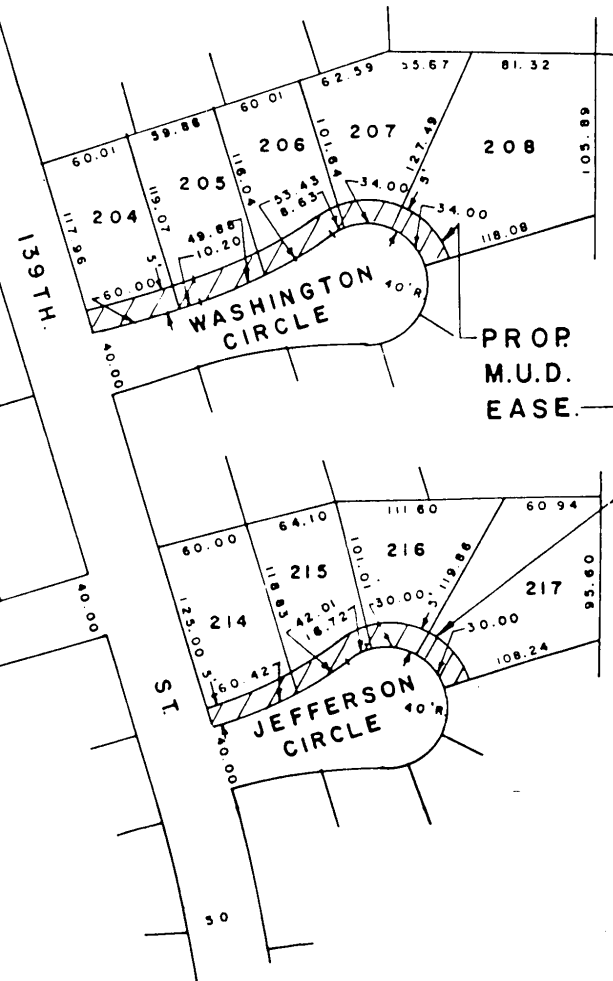
[Signature]
 Notary Public

My commission expires the 10 day of August, 1976.





MILLARD HIGHLANDS



METROPOLITAN UTILITIES DISTRICT
OMAHA, NEBRASKA

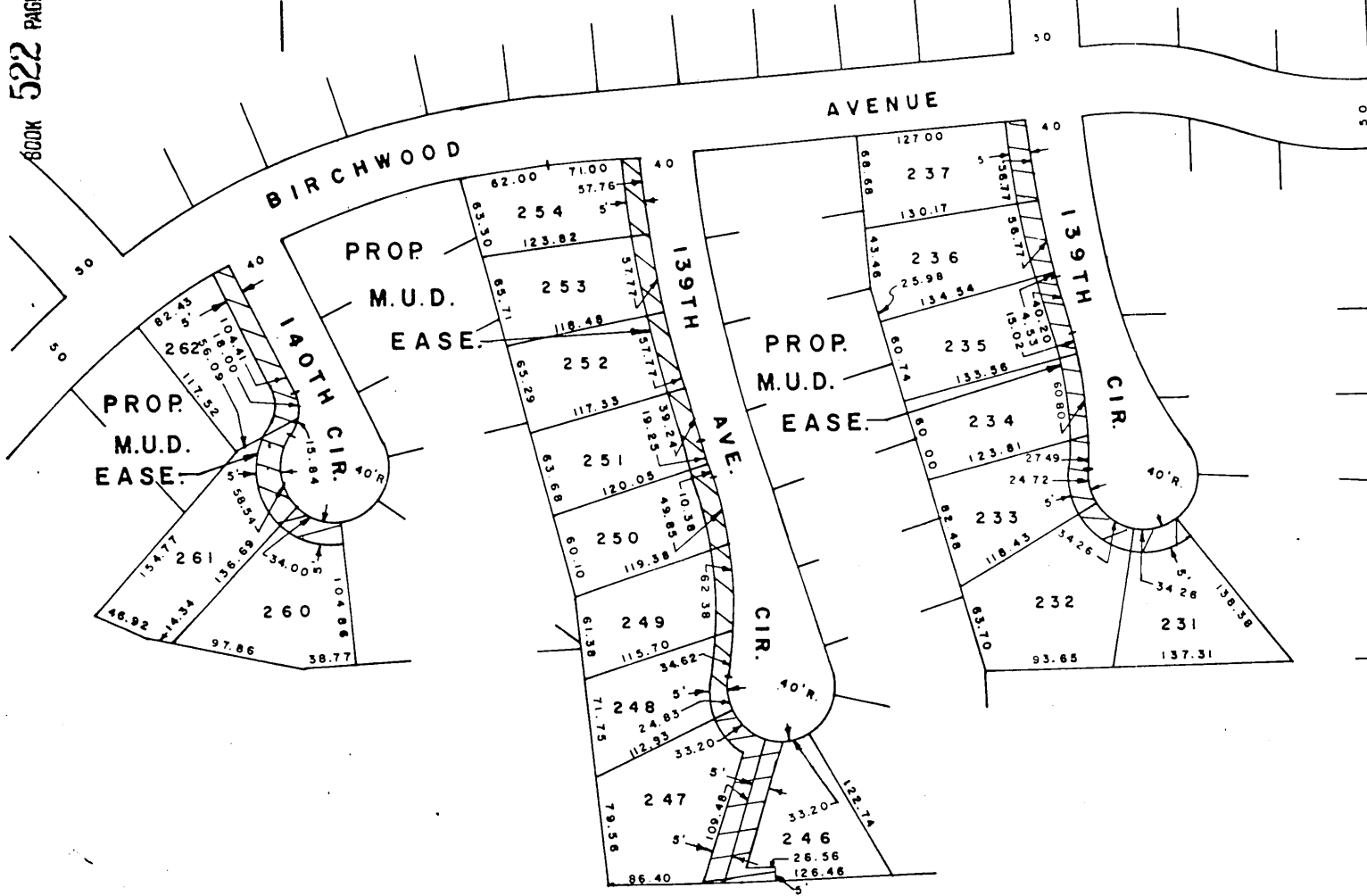
EASEMENT ACQUISITION FOR **WCC 4689**

LAND OWNER MILLARD HIGHLANDS, INC.

LEGEND
PERMANENT EASMT

DRAWN BY D.H.C. DATE 2-7-73
CHECKED BY JJJ DATE 2-8-73
APPROVED BY JKS DATE 2-15-73
REVISIONS BY _____ DATE _____
/ CHK'D BY _____ DATE _____
SCALE: 1" = 100'

MILLARD HIGHLANDS



STREET
138TH

METROPOLITAN
UTILITIES
DISTRICT
OMAHA, NEBRASKA

EASEMENT
ACQUISITION
FOR **WCC 4689**

LAND OWNER
**MILLARD HIGH -
LANDS, INC.**

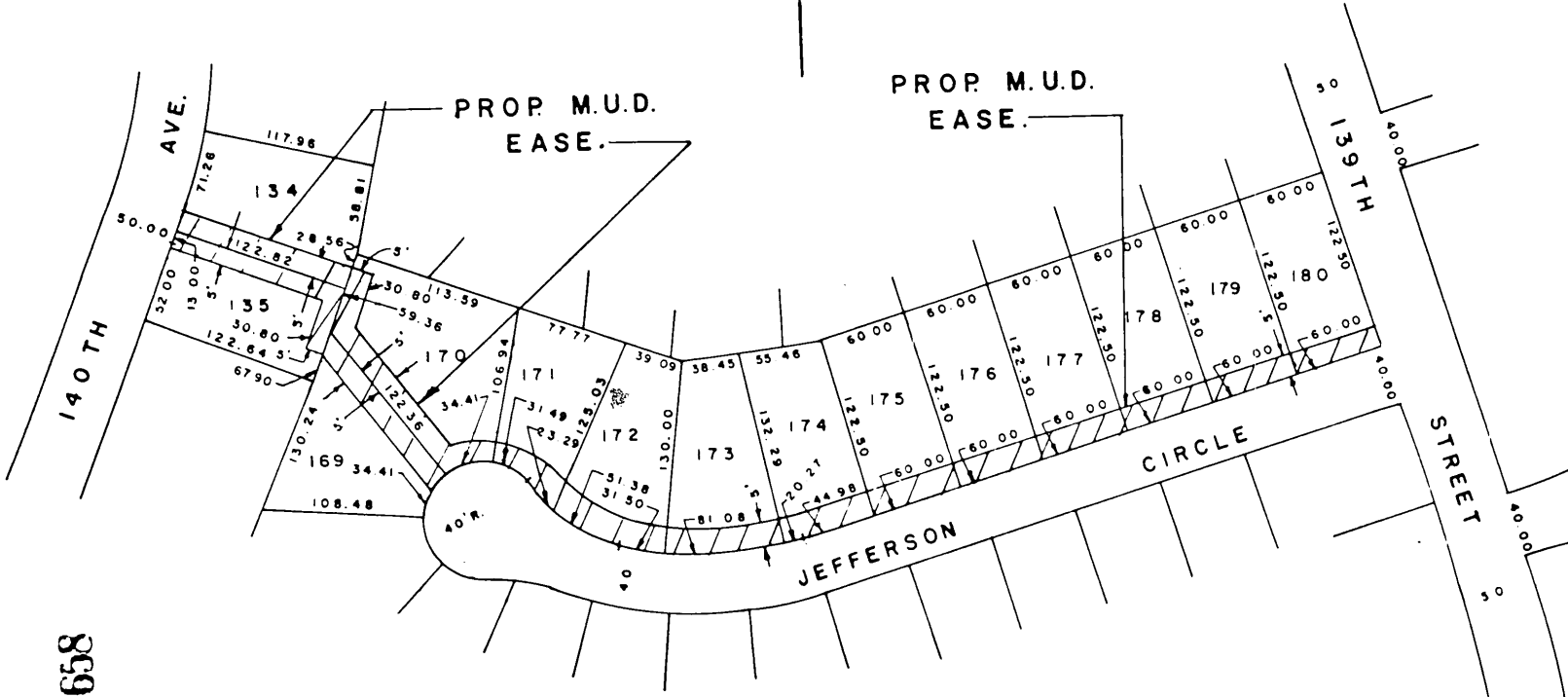
LEGEND
PERMANENT EASM'T

DRAWN BY D.H.C. DATE 2-6-73
 CHECKED BY LLJ DATE 2-8-73
 APPROVED BY [Signature] DATE 2-15-73
 REVISED BY _____ DATE _____
 V. CHK'D BY _____ DATE _____
 SCALE: 1" = 100'

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MILLARD

HIGHLANDS



17 ENTERED IN NUMERICAL INDEX AND RECORDED IN THE REGISTER OF DEEDS OFFICE IN DOUGLAS COUNTY, NEBRASKA 3/25
31 DAY OF *March* 1973 AT 9:57 A.M. C. HAROLD OSTLER, REGISTER OF DEEDS

METROPOLITAN
UTILITIES
DISTRICT
OMAHA, NEBRASKA

EASEMENT
ACQUISITION
FOR WCC 4689

LAND OWNER
MILLARD HIGH-
LANDS, INC.

ACRE PERMANENT .414

LEGEND
PERMANENT EASM'T

RAWN BY D.H.C. DATE 2-7-73
CHECKED BY LLJ DATE 2-8-73
APPROVED BY [Signature] DATE 3-3-73
REVISED BY _____ DATE _____
EV. CHK'D BY _____ DATE _____
SCALE: 1" = 100'