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By

RICHARD W. TAKECHI
REGISTER OF DEEDS
DOUGLAS COUNTY, NE

99 APR 14 PM 2:11

RECEIVED

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FEE 16.50 FB _____
BKP COMP C/O _____ COMP VP
DEL _____ SCAN BW FV _____

EASEMENT AND RIGHT-OF-WAY

THIS INDENTURE, made this 16th day of MARCH, 1999, between OLD MILITARY SQUARE, L.L.C., a Nebraska Limited Liability Company, ("Grantor"), and METROPOLITAN UTILITIES DISTRICT OF OMAHA, a Municipal Corporation, ("Grantee"),

WITNESS:

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 gas and all appurtenances thereto, including but not limited to fire hydrants and valve boxes, together with the right of ingress and egress on, over, under and through lands described as follows:

PERMANENT EASEMENT

The westerly five feet (5') of Lot Twenty-eight (28), as the same abuts 92nd Avenue, in Northwest Village 2nd Addition, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska.

The easterly five feet (5') of Lot One (1) and the easterly five feet (5') of the southerly forty-five feet (45') of Lot Two (2), both as the same abut 92nd Avenue, and both in Northwest Village 2nd Addition, Replat Three (3), an administrative subdivision, as surveyed, platted and recorded in Douglas County, Nebraska.

This permanent easement contains a total of 0.026 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.

1. The Grantor and its successors and assigns shall not at any time erect, construct or place on or below the surface of the easement tract any building or structure, except pavement and similar covering, and shall not permit anyone else to do so.

Pls return to:

*MUP
R. Owens
1723 Harney St.
Omaha, NE 68102*

*DU-27636
DU-27642*

2. The Grantee shall restore the surface of any soil excavated for any purpose hereunder, as nearly as is reasonably possible to its original contour 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. The Grantor is a lawful possessor of this real estate; has good right and lawful authority to make such conveyance; and Grantor and its 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.

5. The person executing this instrument represents that he has authority to execute it on behalf of the limited liability company.

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

OLD MILITARY SQUARE, L.L.C.,
a Nebraska Limited Liability
Company, Grantor

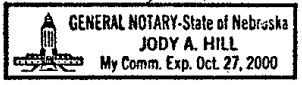
By: *Daniel M. Malone*
Daniel M. Malone,
Managing Member

ACKNOWLEDGMENT

STATE OF NEBRASKA)
) ss
COUNTY OF DOUGLAS)

This instrument was acknowledged before me on Mar. 16, 1999, by Daniel M. Malone, Managing Member of OLD MILITARY SQUARE, L.L.C., a Nebraska Limited Liability Company, on behalf of the limited liability company.

Jody A Hill
Notary Public



METROPOLITAN
UTILITIES
DISTRICT
OMAHA, NEBRASKA

EASEMENT
ACQUISITION

FOR W.C.C. 8689
G.R.M. 11561

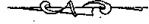
LAND OWNER
DANIEL M. MALONE
1324 S. 119TH ST.
OMAHA, NE, 68144

TOTAL ACRE
PERMANENT .026 ±

LEGEND
PERMANENT EASEMENT

PAGE 1 OF 1

DRAWN BY C.L.Y.
DATE 2-1-99
CHECKED BY LJ
DATE 3-10-99
APPROVED BY
DATE
REVISED BY
DATE
REV. CHK'D. BY
DATE
REV. APPROV. BY
DATE



SCALE: 1" = 100'-0"
NORTHWEST VILLAGE 2ND ADD.
92ND & MILITARY AVE.

