

EASEMENT AND RIGHT OF WAY

THIS INDENTURE, made this 3rd day of January, 1978, between Albert L. Feldman and Eleanor J. Feldman, husband and wife, Meyer H. Feldman and Judith Feldman, husband and wife, and Sheldon J. Harris, Trustee, hereinafter referred to as "Grantors", and Metropolitan Utilities District of Omaha, a municipal corporation, hereinafter referred to as "Grantee", WITNESSETH:

That the Grantors, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, do 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 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 of Oak Heights Fourth Platting, as now platted and recorded, in Douglas County, Nebraska, said strips being more particularly described as follows:

A strip of land being Eight (8) feet wide, lying along and parallel to the right-of-way line of Nancy Circle, said strip being all that portion of Lots Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), and Nine (9), lying within Eight (8) feet of said right-of-way line;

A strip of land being Eight (8) feet wide, lying along and parallel to the right-of-way line of Suffolk Circle, said strip being all that portion of Lots Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15), and Sixteen (16), lying within Eight (8) feet of said right-of-way line.

These strips contain a total of Eight Hundredths (0.08) 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. The Grantors agree that neither they nor their heirs or assigns will at any 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 Grantors, or duties and powers of the Grantee, respecting the ownership, use, operations, extensions and connections to any pipeline constructed and maintained hereunder.

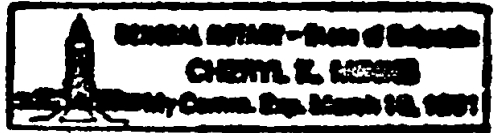
IN WITNESS WHEREOF, the Grantors have executed this easement the day and year first above written.

Albert L. Feldman
Albert L. Feldman
Eleanor J. Feldman
Eleanor J. Feldman
Meyer H. Feldman
Meyer H. Feldman
Judith Feldman
Judith Feldman
Sheldon J. Harris, Trustee
Sheldon J. Harris, Trustee
Grantors

STATE OF NEBRASKA)
) SS
COUNTY OF DOUGLAS)

On this 3rd day of January, 1978, before me, the undersigned, a Notary Public duly commissioned and qualified for said county, personally came Albert L. Feldman and Eleanor J. Feldman, to me personally known to be husband and wife and the identical persons whose names are affixed to the foregoing instrument as Grantors, and acknowledged the same to be their voluntary act and deed.

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

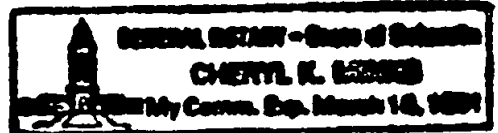


Cheryl K. Minko
Notary Public

STATE OF)
) ss
COUNTY OF)

On this 3rd day of January, 1978, before me, the undersigned, a Notary Public duly commissioned and qualified for said county, personally came Meyer H. Feldman and Judith Feldman, to me personally known to be husband and wife and the identical persons whose names are affixed to the foregoing instrument as Grantors, and acknowledged the same to be their voluntary act and deed.

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

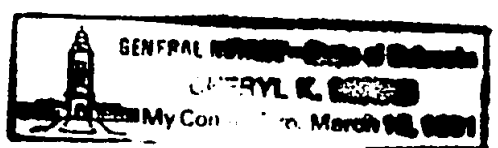


Cheryl K. Minko
Notary Public

STATE OF NEBRASKA)
) ss
COUNTY OF DOUGLAS)

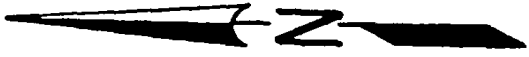
On this 3rd day of January, 1978, before me, the undersigned, a Notary Public duly commissioned and qualified for said county, personally came Sheldon J. Harris, Trustee, to me personally known to be the identical person whose name is affixed to the foregoing instrument as Grantor, and acknowledged the same to be his voluntary act and deed.

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

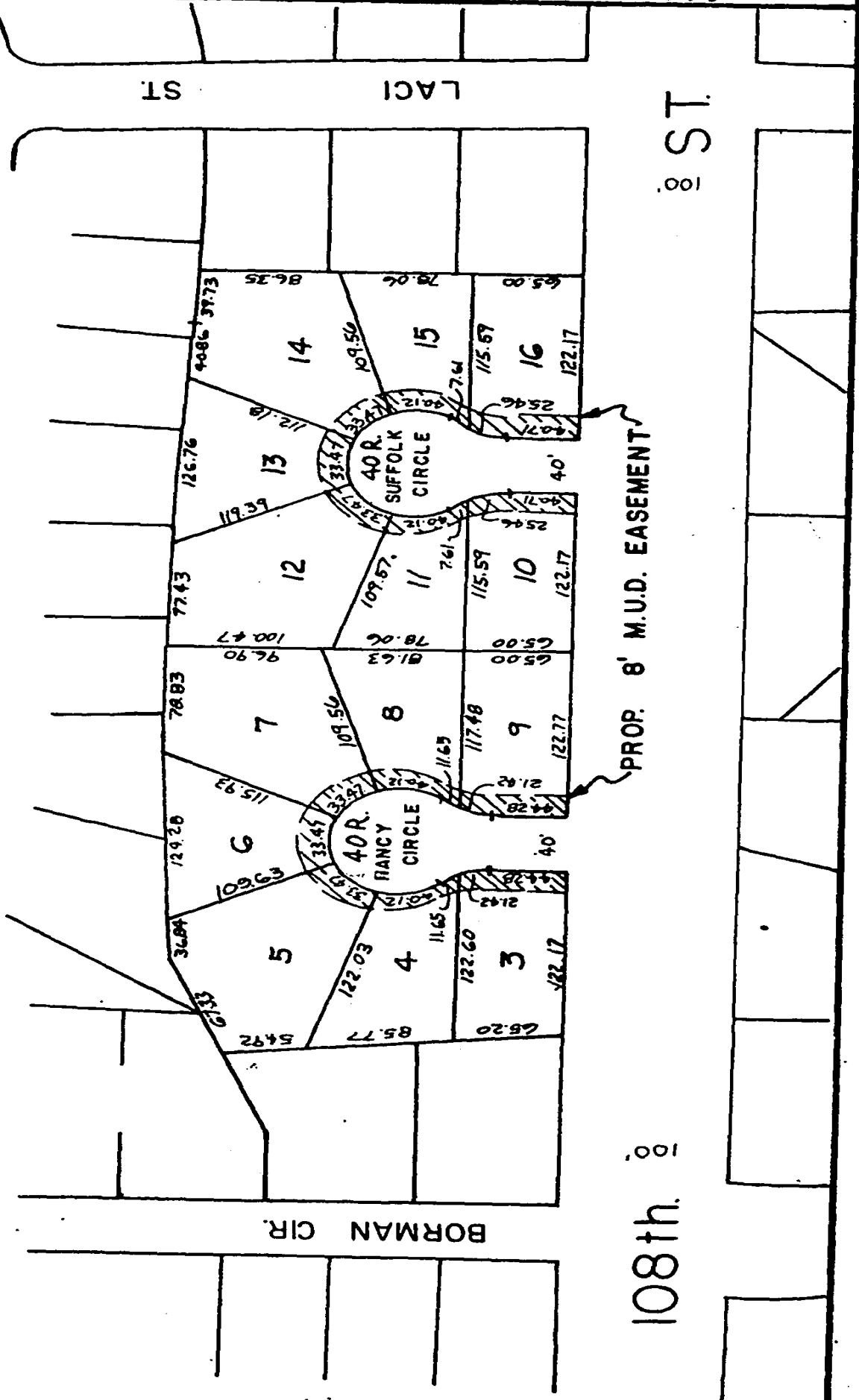


Cheryl K. Minko
Notary Public

OAK HEIGHTS FOURTH PLATTING



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METROPOLITAN UTILITIES DISTRICT
OMAHA, NEBRASKA

EASEMENT ACQUISITION
FOR U.C.C. 5477
G.C.C. 7962

LAND OWNER
ALBERT L. FELDMAN
MEYER H. FELDMAN
SHELDON J. HARRIS
TRUSTEE

TOTAL ACRE 0.08
LEGEND
PERMANENT EASEMENT ZZ

PAGE 1 OF 1

DRAWN BY C.A.G. DATE 10-31-77
CHECKED BY A.F. DATE 11-2-77
APPROVED BY T.P.S. DATE 11-3-77
REVISED BY DATE
REV. CHK'D BY DATE
REV. APPROV. BY DATE

RECEIVED
1378 MAR -3 AM 9:58
G. HAROLD OSTLER
REGISTER OF DEEDS
DOUGLAS COUNTY, NEBR.

18 feet

85 / 85-301
11-11-77
12-30