

EASEMENT AND RIGHT OF WAY

THIS INDENTURE, made this 30th day of August, 1977, between American Development Corporation, a 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 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 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:

Several strips of land lying in Lots 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 45, 46, 47, 48, 49, 50, 51, 52, 53, and 54 of Pacific Heights Replat I, and several strips lying in Lots 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, and 69 of Pacific Heights Replat II, both subdivisions as now platted and recorded in Douglas County, Nebraska, said strips being more particularly described as follows:

A strip of land being Five (5) feet wide, lying along and parallel to the right-of-way line of 167th Circle, said strip being all that portion of Lots Sixteen (16), Seventeen (17), Eighteen (18), Nineteen (19), Twenty (20), Twenty-one (21), Twenty-two (22), Twenty-three (23), Twenty-four (24), Twenty-five (25), Twenty-six (26), Twenty-seven (27), and Twenty-eight (28) of said Replat I lying within Five (5) feet of said right-of-way line;

A strip of land being Five (5) feet wide, lying along and parallel to the right-of-way line of 166th Circle, said strip being all that portion of Lots Thirty-one (31), Thirty-two (32), Thirty-three (33), Thirty-four (34), Thirty-five (35), Thirty-six (36), Thirty-seven (37), Thirty-eight (38), Thirty-nine (39), Forty (40), Forty-one (41), and Forty-two (42) of said Replat I lying within Five (5) feet of said right-of-way line;

A strip of land being Five (5) feet wide, lying along and parallel to the right-of-way line of 165th Circle, said strip being all that portion of Lots Forty-five (45), Forty-six (46), Forty-seven (47), Forty-eight (48), Forty-nine (49), Fifty (50), Fifty-one (51), Fifty-two (52), Fifty-three (53), and Fifty-four (54) of said Replat I lying within Five (5) feet of said right-of-way line;

A strip of land being Five (5) feet wide, lying along and parallel to the right-of-way line of 167th Avenue Circle, said strip being all that portion of Lots Fifty-seven (57), Fifty-eight (58), Fifty-nine (59), Sixty (60), and Sixty-one (61) of said Replat II lying within Five (5) feet of said right-of-way line;

A strip of land lying in Lot Fifty-eight (58) of said Replat II, being Five (5) feet wide, lying along and parallel to the North-easterly property line of said Lot Fifty-eight (58);

A parcel of land lying in Lot Fifty-nine (59) of said Replat II, being described as follows: Beginning at the intersection of the Southwesterly property line of said Lot Fifty-nine (59) and the circular right-of-way line of 167th Avenue Circle; thence Northwest-erly along said Southwesterly property line a distance of One Hundred Twenty-four and Eighty-eight Hundredths (124.88) feet to the North-west corner of said Lot Fifty-nine (59); thence East along the North property line of said lot a distance of Thirty-two (32) feet; thence Southwesterly along a straight line a distance of Thirty-six (36)

feet, more or less, to a point which lies Five (5) feet Easterly of, measured perpendicularly, the said Southwesterly property line and Forty (40) feet Southeasterly from the Northwest corner of said Lot Fifty-nine (59), said Forty (40) feet measured along the said Southwesterly property line of said Lot Fifty-nine (59); thence Southeasterly along a straight line, which is parallel to the said Southwesterly property line of said Lot Fifty-nine (59), a distance of Eighty-five (85) feet, more or less, to a point on the said circular right-of-way line of 167th Avenue Circle; thence Westerly along said circular right-of-way line a distance of Five (5) feet, more or less, to the point of beginning;

A strip of land being Five (5) feet wide, lying along and parallel to the right-of-way line of 167th Avenue Circle, said strip being all that portion of Lots Sixty-two (62), Sixty-three (63), Sixty-four (64), Sixty-five (65), Sixty-six (66), Sixty-seven (67), Sixty-eight (68), and Sixty-nine (69) of said Replat II lying within Five (5) feet of said right-of-way line;

A strip of land lying in Lot Sixty-five (65) of said Replat II, being Five (5) feet wide, lying along and parallel to the Southeasterly property line of said Lot Sixty-five (65);

A strip of land lying in Lot Sixty-six (66) of said Replat II, being Five (5) feet wide, lying along and parallel to the Northwesterly property line of said Lot Sixty-six (66).

These strips contain a total of Forty-four Hundredths (0.44) 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.

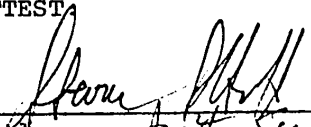
1. Grantor, its successors or assigns agree that they will at no time erect, construct or place on or below the surface of said strips of land any building or structure, except pavement, and that they will not give anyone else permission to do so.

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 Grantor, or duties and powers of Grantee, respecting the ownership, use, operations, extensions and connections to any pipeline constructed and maintained hereunder.

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

AMERICAN DEVELOPMENT CORPORATION,
Grantor

ATTEST


Title Asst Sec

By 

Title resident

(SEAL)


PACIFIC HEIGHTS REPLAT I

METROPOLITAN
UTILITIES
DISTRICT
OMAHA, NEBRASKA

EASEMENT
ACQUISITION
FOR W.C.C. 5387
G.C.C. 7840

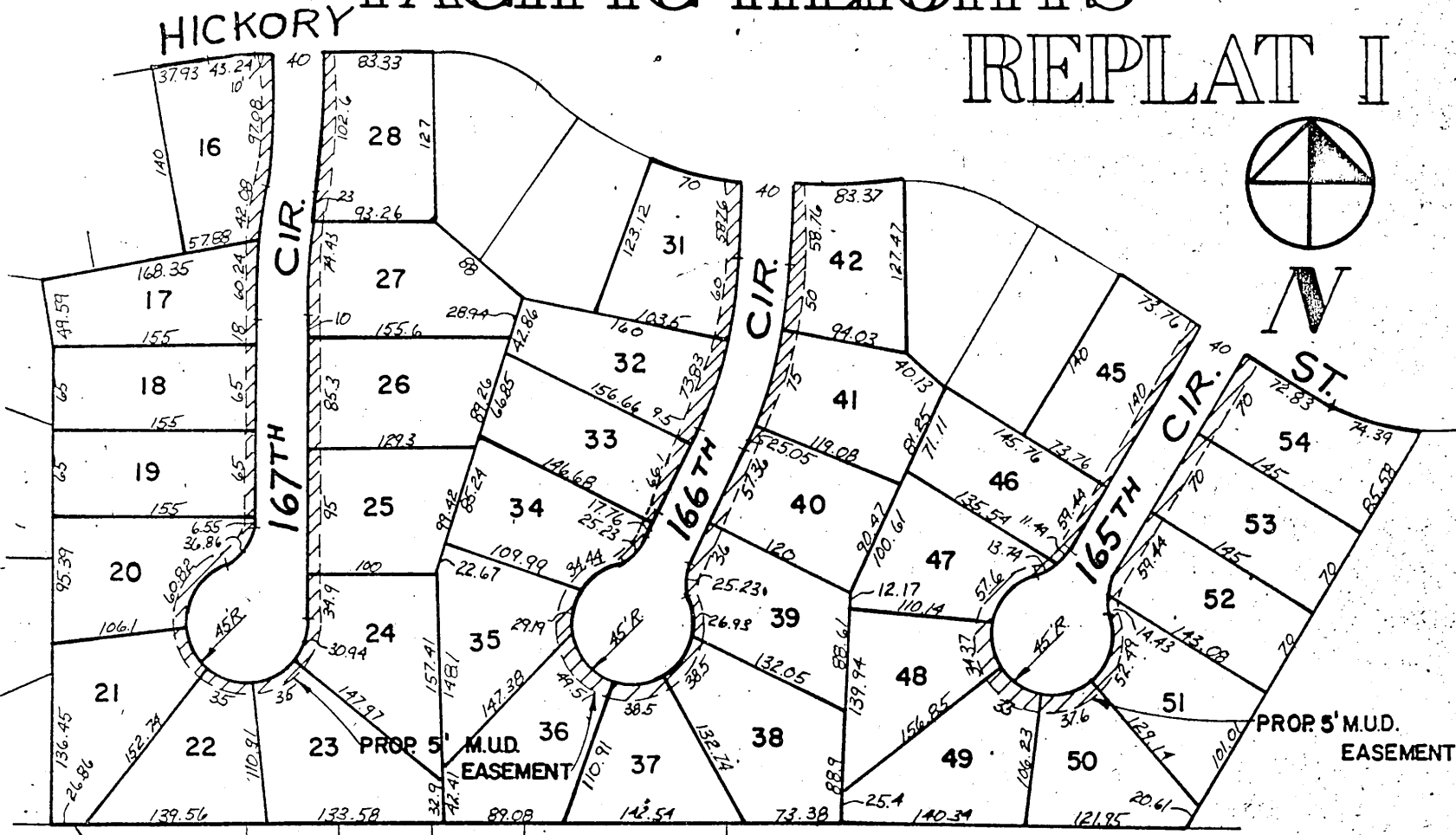
LAND OWNER
AMERICAN DEVELOP-
MENT CORPORATION.

TOTAL ACRE 0.44

LEGEND
PERMANENT EASEMENT 

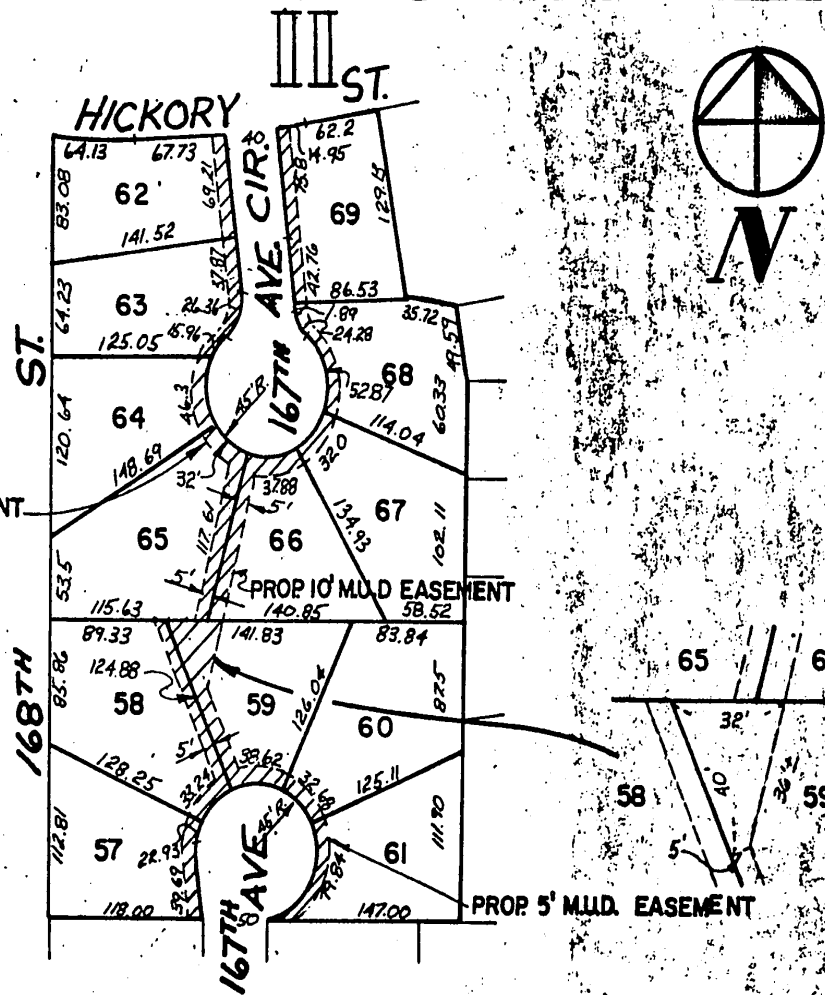
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DRAWN BY A.S.M. DATE 7-28-77
CHECKED BY A.V. DATE 7-29-77
APPROVED BY I.P.S. DATE 7-29-77
REVISED BY _____ DATE _____
REV. CHK'D BY _____ DATE _____
REV. APPROV. BY _____ DATE _____



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PACIFIC HEIGHTS REPLAT



METROPOLITAN
UTILITIES
DISTRICT
OMAHA, NEBRASKA

EASEMENT
ACQUISITION
FOR W.C.C. 5387
G.C.C. 7840

LAND OWNER
AMERICAN DEVELOP-
MENT CORPORATION

TOTAL ACRE 0.44

LEGEND
PERMANENT EASEMENT

PAGE 2 OF 2

DRAWN BY JMS/LL DATE 7-28-77
CHECKED BY JAE DATE 7-29-77
APPROVED BY JLS DATE 7-29-77
REVISED BY _____ DATE _____
REV. CHK'D BY _____ DATE _____
REV. APPROV. BY _____ DATE _____

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RECEIVED
1977 OCT 28 AM 10:57
S. HAROLD STILER
REGISTERED SURVEYOR
DOWNS COUNTY, NEBR.

11/1/77

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