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# EASEMENT AND RIGHT OF WAY

THIS INDENTURE, made this 3rd day of November, 1970, between Regency, Inc., 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 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, a pipeline for the transmission of water, together with the right of ingress and egress to and from the same, on, over and through lands described as follows:

> The East Five feet (E5') of Lot Seventy-Three (73) and the East Five feet (E5') of Lot Fifty-Eight (58), both in Regency 1st Addition in Douglas County, Nebraska.

TO HAVE AND TO HOLD said easement and right of way unto 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 tract of land any building or structure, except pavement, and that they will not permit anyone else 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, and shall re-seed any seeded area that is destroyed or damaged by such work.

3. Nothing herein contained shall be construed as a waiver of any rights of Grantor, or duties and powers of the Grantee, respecting ownership, use, operations, extensions and connections to any water main constructed and maintained hereunder.

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

REGENCY, INC., Grantor

By R. S. Sagyards
Vice President

Attest:
Donald F. Evans
Secretary

(Corporate Seal)

STATE OF NEBRASKA)
) ss
COUNTY OF DOUGLAS)

On this 3rd day of November, 1970, before me, the undersigned, a Notary Public duly commissioned and qualified for said county, personally came R. S. SAGYARDS, to me personally known to be the President of Regency, Inc., a Nebraska 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 the day and year last above written.

Notary Public

My commission expires the 26th day of April, 1974.

4 ENTERED IN NUMERICAL INDEX AND RECORDED IN THE REGISTER OF DEEDS OFFICE IN DOUGLAS COUNTY, NEBRASKA
9 DAY OF November 1970 AT 10:16A M. G. HAROLD OSTLER, REGISTER OF DEEDS 3.50