

DECLARATION OF INTENT

WHEREAS, Metropolitan Utilities District of Omaha entered into a certain contract with A.W. Gordon dated September 4, 1941 and recorded September 11, 1941, Book 159, Miscellaneous Records, Page 261, Register of Deeds office, Douglas County, Nebraska, which agreement had reference to the construction of a water main to be laid on 96th Street from a point 60 feet south of the north line of the S E 1/4 of the N E 1/4 of Section 21, Township 15, Range 12, East to the South line of said N E 1/4 of Section 21, Township 15, Range 12, East and also from the North line of the S E 1/4 of Section 21, Township 15, Range 12 East to a point 125 feet north of the South line of the N E 1/4 of the S E 1/4 of said Section 21, Township 15, Range 12, East and granting to all present and future owners of the strip of land abutting and extending 300 feet in depth from 96th Street and having a frontage on 96th Street of 3,650 feet, the right to private water service connection from said main subject to certain conditions upon the payment by A.W. Gordon of half of the cost of such main, the contract to constitute a covenant running with the land, and

WHEREAS, by mistake, A.W. Gordon was described as the owner of the S E 1/4 of the NE 1/4 of said Section 21, and of the N E 1/4 of the S E 1/4 of said Section 21, and of the N W 1/4 of the S W 1/4 of Section 22, said Township 15, Range 12, east of the 6th P.M., all in Douglas County, Nebraska, and

WHEREAS, in fact such property was owned by Gordon Company, a Nebraska Corporation of which A.W. Gordon was and is the president and was actually acting as president for and on behalf of such corporation and the consideration of half of the cost of such main was actually paid by said corporation from corporate funds.

NOW, THEREFORE, the parties hereto declare that it was and is their intention, notwithstanding the mistake in describing the ownership of said Land, that, as specifically stated in said contracts for water service, "This contract is not only for the benefit of the Applicant herein named, but is also for the use and benefit of the land above-described, and all present and future owners thereof, and it shall be binding upon and inure to the benefit of the parties hereto, their grantees, transferees, successors, heirs, and assigns, it being the specific intention of the parties that this contract shall constitute a covenant

running with the land," and is and shall be binding upon and inure to the benefits of Gordon Company, its grantees, transferees, successors and assigns.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed by their duly authorized officers and their Corporate Seals to be affixed hereto.

Dated this 1st day of May, 1959.

NO
(CORPORATE SEAL)

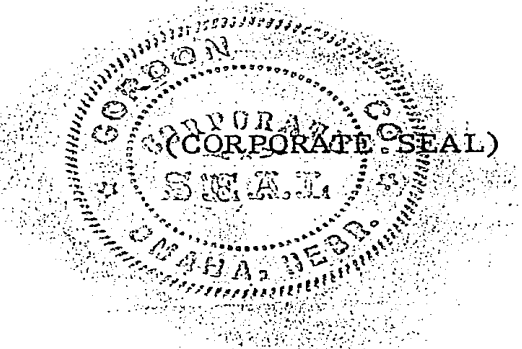
METROPOLITAN UTILITIES DISTRICT
OF OMAHA,

By R. N. Pester
General Manager

GORDON COMPANY,

By A. W. Gordon
Treasurer

A. W. Gordon
A. W. Gordon



STATE OF NEBRASKA)
) SS.
COUNTY OF DOUGLAS)

On this 18 day of Feb., 1959, before me the undersigned and Notary Public given before said county, personally came R. N. Pester, General Manager of Metropolitan Utilities District of Omaha to me personally known to be the General Manager and the identical person whose name is affixed to the above instrument and acknowledge the execution thereof to be his voluntary act and deed as such officer and the voluntary act and deed of said District and the Corporate Seal of said District was thereto affixed by its authority.

Witness my hand and notarial seal at Omaha, in said county, the day and year last above written.

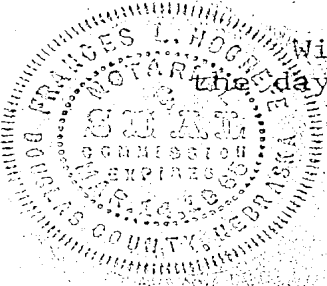
W. B. Hoge
NOTARY PUBLIC



STATE OF NEBRASKA)
) SS.
COUNTY OF DOUGLAS)

On this 1st day of May, 1959, before me the under-
signed and Notary Public in and for said county, personally
came A. W. Gordon, Jr., Treasurer of Gordon Company, a corpo-
ration to me personally known to be the Treasurer and identical
person whose name is affixed to the above instrument and acknowledge
execution thereof to be his voluntary act and deed as such officer
and the voluntary act and deed of such corporation and that the
Corporate Seal of said corporation was thereunto affixed by
its authority.

Witness my hand and notarial seal at Omaha, in said county,
the day and year last above written.

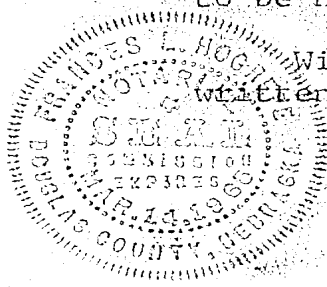


Frances L. Hogue
NOTARY PUBLIC

State of Nebraska
County of Douglas
)
) SS.

On this 1st day of May, 1959, before me the
undersigned personally came A.W. Gordon, to me personally
known to be the identical person whose name is affixed to
the above instrument and acknowledge the execution thereof
to be his voluntary act and deed.

Witness my hand and seal the day and year last above
written.



Frances L. Hogue