



MISC 2004034729



MAR 18 2004 14:51 P 4

Received - RICHARD TAKECHI
Register of Deeds, Douglas County, NE
3/18/2004 2:51:32 PM



2004034729

PERMANENT
AND
TEMPORARY CONSTRUCTION
EASEMENTS AND RIGHTS-OF-WAY

MISC
FEE 20.50
BK 26-16-11
DEL
SCAN
31-60000

THIS INDENTURE, made this ^{OK} 19th day of ^{Feb} February, 2004, between JANET EIPPERLE, a married person, and FRED G. EIPPERLE III, a single person, ("Grantors"), and METROPOLITAN UTILITIES DISTRICT OF OMAHA, a Municipal Corporation and Political Subdivision, ("Grantee"),

WITNESS:

That Grantors, in consideration of the sum of Two Dollars (\$2.00) and other valuable consideration, receipt of which is hereby acknowledged, do hereby grant to Metropolitan Utilities District of Omaha, its successors and assigns, a permanent easement and right-of-way to lay, maintain, operate, repair, relay and remove, at any time, pipelines for the transportation of water and all appurtenances thereto, including, but not limited to, hydrants, roadway boxes, pipeline markers, and a 24-inch round iron cover, and a temporary easement for construction purposes, together with the right of ingress and egress on, over, under and through lands described as follows:

PERMANENT EASEMENT

Tracts of land in the Northeast Quarter (NE ¼) of Section 26-16-11 in Douglas County, Nebraska and being described as follows:

TRACT 1

The south 42 feet of the north 75 feet of the east 1020 feet of the west 1233 feet abutting the south right-of-way line of State Street of the NE ¼ of said Section 26.

TRACT 2

The south 67 feet of the north 100 feet of the east 100 feet of the west 1333 feet abutting to the south right-of-way line of State Street of the NE ¼ of said Section 26.

These permanent easement tracts contain 1.14 acres, more or less, and are shown on the drawing attached hereto and made a part hereof by this reference.

TEMPORARY CONSTRUCTION EASEMENT

Tracts of land in the Northeast Quarter (NE ¼) of Section 26-16-11 in Douglas County, Nebraska and being described as follows:

TRACT 3

The south 20 feet of the north 53 feet of the west 213 feet of the west 1333 abutting the south right-of-way line of State Street of the NE ¼ of said Section 26.

Please Return To: JUSTIN COOPER
MUD - Legal Department
1723 Harney Street
Omaha, NE 68102

019324

TRACT 4

The south 45 feet of the north 120 feet of the east 1020 feet of the west 1233 feet parallel to the south right-of-way line of State Street of the NE ¼ of said Section 26.

TRACT 5

The south 20 feet of the north 120 feet of the east 100 feet of the west 1333 feet parallel to the south right-of-way line of State Street of the NE¼ of said Section 26.

These temporary construction easement tracts contain 1.20 acres, more or less, and are shown on the drawing attached hereto and made a part hereof by this reference.

TO HAVE AND TO HOLD said Permanent and Temporary Construction Easements and Rights-of-Way to Grantee, Metropolitan Utilities District of Omaha, its successors and assigns.

1. The Grantors and their successors and assigns shall not at any time erect, construct or place on or below the surface of the permanent easement any building or structure, except pavement or a similar covering, and shall not permit anyone else to do so, and, with respect to the temporary construction easement, the same prohibitions apply during the effective period of this temporary conveyance, which effective period shall commence upon the date of execution hereof and cease after completion of the project and restoration work contemplated herein.

2. The Grantee shall restore the retaining wall and 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. The Grantee shall pay the fair and reasonable value for crop damage, if any, which may arise in connection with the Grantee exercising the easement rights granted herein. Specifically, crop damage will only be paid in a year where the Grantee digs or excavates or where Grantee's actual use or maintenance of the easement site and such activity results in crop damage.

4. Nothing herein shall be construed to waive any right of Grantors or duty and power of Grantee respecting the ownership, use, operations, extensions and connections to any pipeline constructed and maintained hereunder.

5. The Grantors are the lawful possessors of this real estate; has good, right and lawful authority to make such conveyance; and Grantors and their 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.

IN WITNESS WHEREOF, Grantors execute these Permanent and Temporary Easements and Rights-of-Way to be signed on the above date.

JANET EIPPERLE, a married person, and
FRED G. EIPPERLE III, a single person,
Grantor

Janet Eipperle
Janet Eipperle

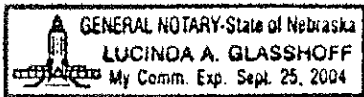
Fred G. Eipperle III
Fred G. Eipperle III

ACKNOWLEDGMENT

STATE OF NEBRASKA)
) ss
COUNTY OF DOUGLAS)

This instrument was acknowledged before me on February 19, 2004,
by Janet Eipperle, a married person.

Lucinda A. Glasshoff
Notary Public

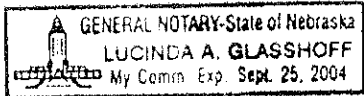


ACKNOWLEDGMENT

STATE OF NEBRASKA)
) ss
COUNTY OF DOUGLAS)

This instrument was acknowledged before me on February 20, 2004,
by Fred G. Eipperle III, a single person.

Lucinda A. Glasshoff
Notary Public



METROPOLITAN

UTILITIES

DISTRICT

OMAHA, NEBRASKA

EASEMENT ACQUISITION

FOR W.C. 9319-2

LAND OWNER

JANET EPPERLE

14951 STATE ST.

BENNINGTON, NE. 68007

402-238-9943

TOTAL ACRE 1.14 ±

PERMANENT 1.14 ±

TOTAL ACRE 1.20 ±

TEMPORARY 1.20 ±

LEGEND



PERMANENT EASEMENT



TEMPORARY EASEMENT

PAGE 1 OF 1

DRAWN BY DAS

DATE 12-19-2003

CHECKED BY

DATE

APPROVED BY

DATE

REVISED BY

DATE

REV. CHK'D. BY

DATE

REV. APPROV. BY

DATE

MATCH LINE SEE "A" THIS PAGE

TRACT 3
PROP. 20' X 213'
TEMP. M.U.D. ESMT.

SW 1/4 SEC. 25-18-11

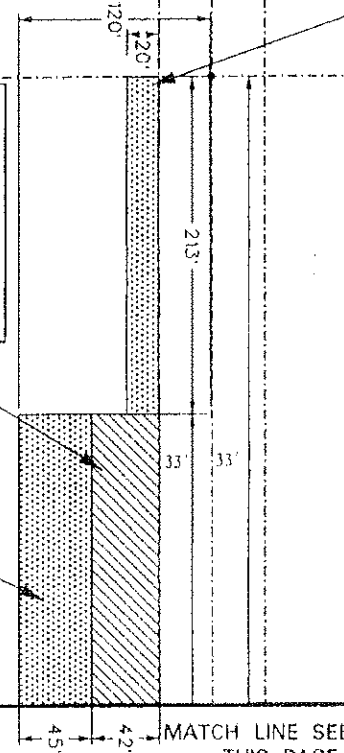
STATE STREET

STATE STREET LLC
C/O JOHN FULFINKAMP
(ATTORNEY) BARBARA JONES SHAW (MANAGER)
10922 OLD MILL ROAD
SUITE 1
OMAHA NE 68154
402-334-9011

NW 1/4 SEC. 25-18-11

120'

120'



TRACT 1
PROP. 42' X 1020'
PERM. M.U.D. ESMT.

TRACT 4
PROP. 45' X 1020'
TEMP. M.U.D. ESMT.

JANET EPPERLE
14951 STATE ST.
BENNINGTON, NE 68007
402-238-9943
NW 1/4 SEC. 25-18-11

STATE STREET

1020'

15'

15'

15'

15'

15'

15'

15'

15'

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TRACT 1
PROP. 42' X 1020'
PERM. M.U.D. ESMT.

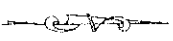
TRACT 4
PROP. 45' X 1020'
TEMP. M.U.D. ESMT.

TRACT 2
PROP. 67' X 100'
PERM. M.U.D. ESMT.

TRACT 5
PROP. 20' X 100'
TEMP. M.U.D. ESMT.

JANET EPPERLE
14951 STATE ST.
BENNINGTON, NE 68007
402-238-9943
NW 1/4 SEC. 25-18-11

KEVIN SCHMIDT
EXECUTIVE VICE PRESIDENT & C.O.O.
TYMAY FIELD MARKING OPERATION
13100 N. 130TH ST.
OMAHA, NE 68131
558-2727



NO SCALE