



MISC 2004065240



MAY 20 2004 14:03 P 4

Received - RICHARD TAKECHI  
Register of Deeds, Douglas County, NE  
5/20/2004 14:03:44.83



2004065240

PERMANENT  
AND  
TEMPORARY CONSTRUCTION  
EASEMENTS AND RIGHTS-OF-WAY

*misc 4*

*20.50*

*26-16-11*

*01-620000*

FEE \_\_\_\_\_

IMP \_\_\_\_\_

DEL \_\_\_\_\_

SCAN \_\_\_\_\_

COMP \_\_\_\_\_

FV \_\_\_\_\_

THIS INDENTURE, made this 11th day of May, 2004 between LYMAN-RICHEY CORPORATION, a Nebraska Corporation, ("Grantor"), and METROPOLITAN UTILITIES DISTRICT OF OMAHA, a Municipal Corporation and Political Subdivision, ("Grantee"),

WITNESS:

That Grantor, in consideration of the sum of Two Dollars (\$2.00) and other valuable consideration, receipt of which is hereby acknowledged, does 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 67 feet of the north 100 feet of the west 300 feet of the east 1334 feet abutting the south right-of-way line of State Street of the NE ¼ of said Section 26.

**TRACT 2**

The south 42 feet of the north 75 feet of the west 300 feet of the east 1034 feet abutting to the south right-of-way of State Street of the NE ¼ of said Section 26.

**TRACT 3**

The south 52 feet of the north 85 feet of the west 701 feet of the east 734 feet abutting the south right-of-way line of State Street of the NE ¼ of said Section 26.

These permanent easement tracts contain 1.59 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:

*Return to: Susa Hagan  
M.U.D.  
1723 Harvey Street  
Omaha, NE 68102*

**TRACT 4**

The south 20 feet of the north 120 feet of the west 300 feet of the east 1334 feet parallel to the south right-of-way of State Street of the NE ¼ of said Section 26.

**TRACT 5**

The south 45 feet of the north 120 feet of the west 300 feet of the east 1034 feet parallel to the south right-of-way of State Street of the NE ¼ of said Section 26.

**TRACT 6**

The south 35 feet of the north 120 feet of the west 701 feet of the east 734 feet parallel to the south right-of-way of State Street of the NE¼ of said Section 26.

These temporary construction easement tracts contain 1.01 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 Grantor and its 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 or January 31, 2005, whichever occurs first.

2. The Grantee shall restore the 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 compensate the Grantor or Grantor's tenant, as their interests may appear, for any and all crop damages incurred as a result of the water main installation. Crop damages shall be determined by Grantor or Grantor's tenant providing to Grantee appropriate documentation verifying the actual crop damages which will be calculated as if the growing crop had matured during the normal growing season and had produced a yield of a marketable crop on a per-acre basis equivalent to the number of crop acres on the Grantor's property immediately adjacent to the easement area adversely affected by Grantee's water main installation. The resulting number of acres and the crop yield data shall then be multiplied by the then current crop market prices and the resulting calculation of damage shall be paid to Grantor or Grantor's tenant as their interests may appear.

4. The Grantee shall maintain temporary rocked access for the Grantor at all times while the Grantee is installing water main along State Street. The driveway(s) shall be repaired to their original condition or better at the Grantee's expense.

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

6. The Grantor is the lawful possessor of this real estate; has good, right and lawful authority to make such conveyance; and Grantor and its 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.

7. The person executing this instrument represents that he/she has authority to execute it on behalf of the corporation.

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

LYMAN-RICHEY CORPORATION, a  
Nebraska corporation,  
Grantor

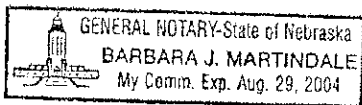
By: *Kenn Schmidt*

Title: Executive Vice President

ACKNOWLEDGMENT

STATE OF NEBRASKA    )  
                                  ) ss  
COUNTY OF DOUGLAS    )

This instrument was acknowledged before me on May 11, 2004,  
by *Kenn Schmidt*, Executive Vice President of LYMAN-RICHEY  
CORPORATION, a Nebraska corporation on behalf of the corporation.



*Barbara J. Martindale*  
Notary Public

**METROPOLITAN  
UTILITIES  
DISTRICT**  
OMAHA, NEBRASKA

**EASEMENT  
ACQUISITION**

FOR **W.C. 9319-2**

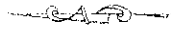
LAND OWNER  
KEVIN SCHMIDT  
LYMAN-RICHY CORPORATION  
4315 CUMING ST.  
OMAHA NE 68131  
558-2727

TOTAL ACRE  
PERMANENT 1.59 ±  
TOTAL ACRE  
TEMPORARY 1.01 ±

LEGEND  
PERMANENT EASEMENT  
TEMPORARY EASEMENT

PAGE 1 OF 1

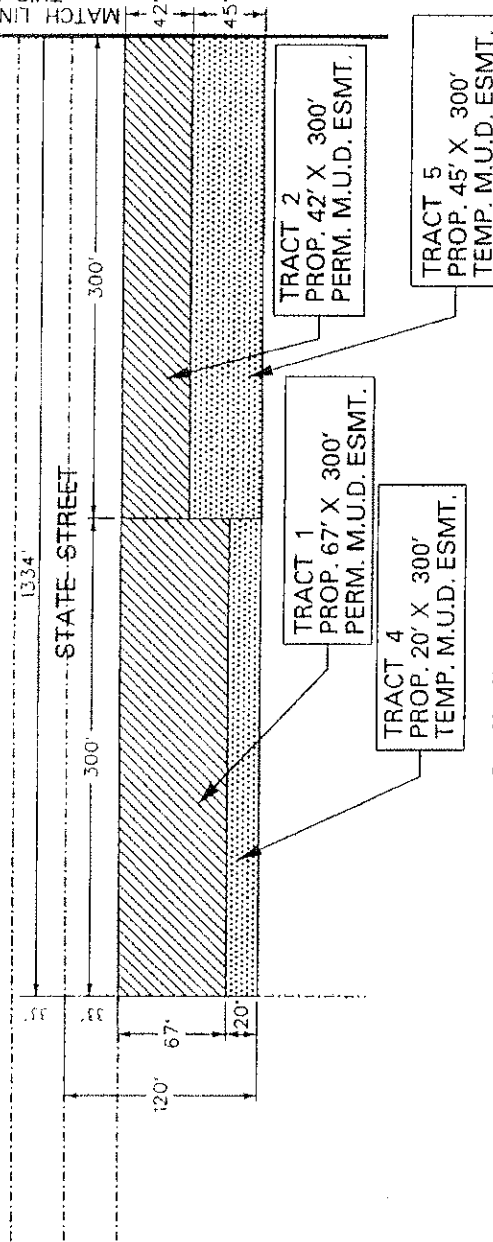
DRAWN BY DAS  
DATE 12-19-2003  
CHECKED BY MKM  
DATE 4/2/2004  
APPROVED BY  
DATE  
REVISED BY  
DATE  
REV. CHK'D. BY  
DATE  
REV. APPROV. BY  
DATE



NO SCALE

MATCH LINE SEE "A"  
THIS PAGE

SE 1/4 SEC. 23-16-11



KEVIN SCHMIDT  
EXECUTIVE VICE PRESIDENT & C.O.O.  
LYMAN-RICHY CORPORATION  
4315 CUMING ST.  
OMAHA, NE 68131  
558-2727  
NE 1/4 SEC. 26-16-11

ERNEST E. KOBS &  
MARJORE L. KOBS, H&W, JT  
8625 N. 144TH ST.  
BENNINGTON, NE 68007  
402-493-3533  
S/2 SW/4  
S.W. 1/4 SEC. 24-16-11

N.W. 1/4 SEC. 25-16-11  
WILLIE F. MARKMANN  
14335 STATE ST.  
BENNINGTON, NE 68007  
402-493-3538

MATCH LINE SEE "A"  
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SE 1/4 SEC. 23-16-11

STATE STREET

KEVIN SCHMIDT  
EXECUTIVE VICE PRESIDENT & C.O.O.  
LYMAN-RICHY CORPORATION  
4315 CUMING ST.  
OMAHA, NE 68131  
558-2727  
NE 1/4 SEC. 26-16-11

TRACT 3  
PROP. 52' X 701'  
PERM. M.U.D. ESMT.

TRACT 6  
PROP. 35' X 701'  
TEMP. M.U.D. ESMT.