

79-5347

BOOK 513 PAGE 151

EASEMENT AND RIGHT OF WAY

THIS INDENTURE, made this 27th day of August, 1972, between The Edward E. Wilczewski - Hawkins Investment Company, Inc. Limited Partnership No. One, Joint Venture, hereinafter referred to as "Grantor", and Metropolitan Utilities District of Omaha, a municipal corporation, hereinafter referred to as "Grantee", WITNESSETH:

That the 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 transmission of gas and water, and all appurtenances thereto, together with the right of ingress and egress to and from the same, on, over and through lands described as follows:

Several tracts of land lying in Lots 35, 36, 48, 51, 52, 123, 98, 99, 120, 121, 122, 174, 192, and 210 of The Knolls, as now platted and recorded, a subdivision in Douglas County, Nebraska, being more particularly described as follows:

The Southerly Seven (7) feet of Lot 35.

The Northerly Seven (7) feet of Lot 36.

The Southeasterly Seven (7) feet of Lot 51.

The Northwesterly Seven (7) feet of Lot 52.

A 20-foot strip of land lying in Lot 48, centered on the following described centerline. Said centerline being the straight line between the Northwest corner of Lot 52 and the Northwest corner of Lot 36.

The Northeasterly Seven (7) feet of Lot 99.

The Southwesterly Seven (7) feet of Lot 98 and the North Fourteen (14) feet of the West Seventy-five (75) feet of Lot 98.

The Westerly Seven (7) feet of Lot 120.

The Easterly Seven (7) feet of Lot 121.

The Southerly Seven (7) feet of Lot 122.

The Northerly Seven (7) feet of Lot 123.

A tract of land lying in Lot 174, said tract being more particularly described as follows: Beginning at the Northwest corner of Lot 123; thence Southeasterly along the Southwesterly property line of Lot 123 a distance of Seven and Fifty-eight One-hundredths (7.58) feet; thence South $89^{\circ} 55' 19''$ West a distance of Thirty-one and Eighty-five One-hundredths (31.85) feet; thence North $0^{\circ} 4' 41''$ East a distance of One hundred Forty-four and Ninety-nine One-hundredths (144.99) feet to a point on the North property line of Lot 174; thence North $89^{\circ} 55' 19''$ East a distance of Two Hundred

Ten and Five-tenths (210.5) feet, to the Northwest corner of Lot 120; thence Southwesterly along the Northwesterly property line of Lot 121 a distance of One Hundred Twenty-seven and Ninety-one One-hundredths (127.91) feet to the Northwest corner of Lot 121; thence South $89^{\circ} 55' 19''$ West a distance of Sixty-nine and Nine One-hundredths (69.09) feet; thence South $0^{\circ} 4' 41''$ West a distance of One Hundred Nineteen and Sixty-nine One-hundredths (119.69) feet; thence North $89^{\circ} 55' 19''$ East a distance of Seventeen and Ninety-five (17.95) feet, to a point on the Northwesterly property line of Lot 122; thence Southwesterly along the Northwesterly property line a distance of Seven and Sixty-one One-hundredths (7.61) feet to the point of beginning.

The West Fifteen (15) feet of Lot 192.

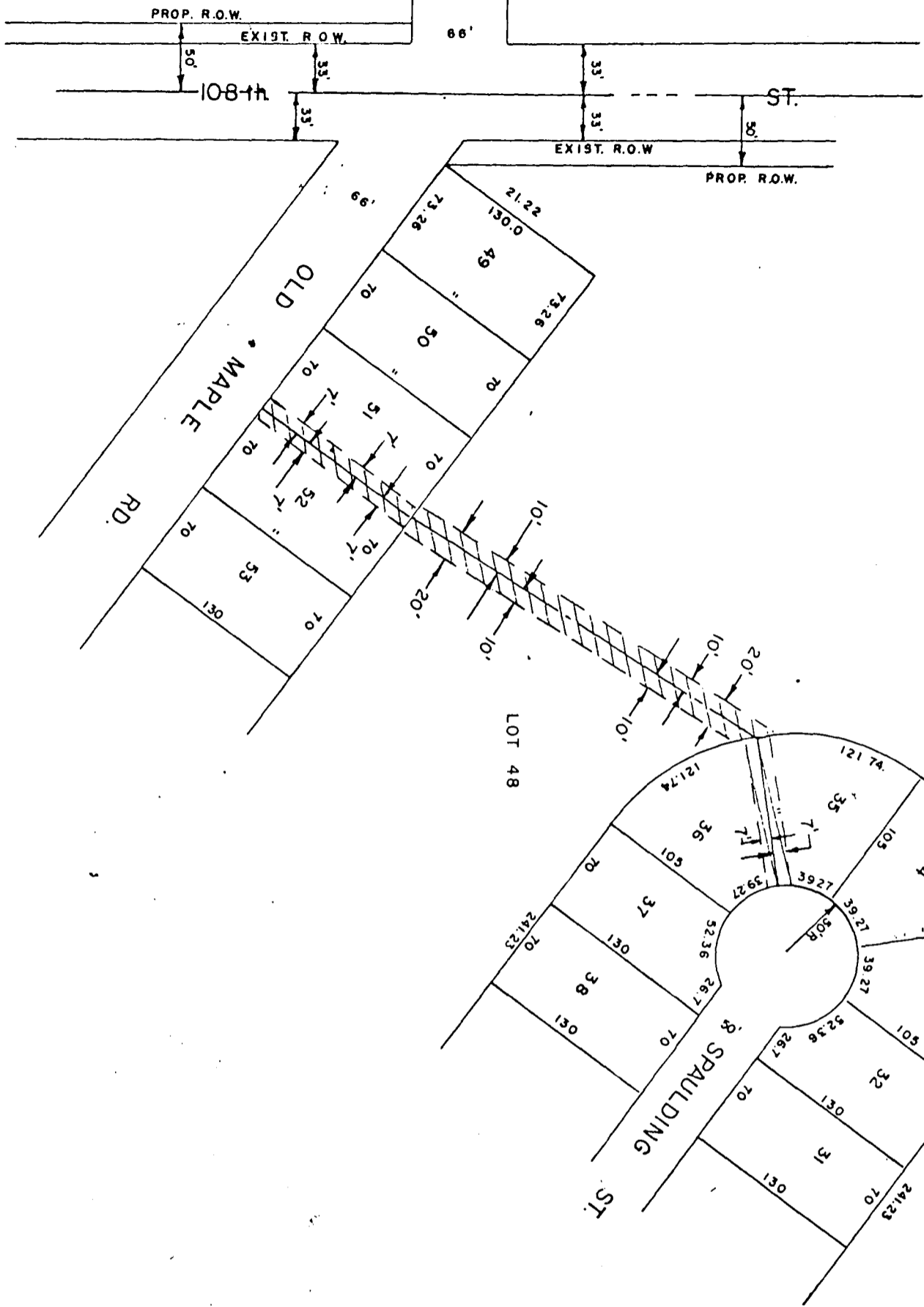
A tract of land lying in Lot 210, said tract being more particularly described as follows: Beginning at the Northwest corner of Lot 192; thence Southerly along the Easterly property line of Lot 210 a distance of One Hundred Fifteen and Twelve One-hundredths (115.12) feet; thence South $89^{\circ} 54' 32''$ West a distance of Six Hundred Ninety-five and Sixty-three One-hundredths (695.63) feet; thence South $0^{\circ} 14' 38''$ West a distance of Three Hundred Sixty-six and Fifty-seven One-hundredths (366.57) feet; thence North $79^{\circ} 34' 26''$ West a distance of Twenty and Thirty-two One-hundredths (20.32) feet; thence North $00^{\circ} 14' 38''$ East a distance of Three Hundred Eighty-two and Ninety-eight One-hundredths (382.98) feet; thence North $89^{\circ} 54' 32''$ East a distance of Seven Hundred Ten and Sixty-three One-hundredths (710.63) feet; thence North $0^{\circ} 20' 32''$ East a distance of Ninety-five and Nineteen One-hundredths (95.19) feet; thence North $89^{\circ} 54' 32''$ East a distance of Five (5) feet to the point of beginning.

All of these tracts, containing a total of Sixty-eight One-hundredths (0.68) acres, more or less, are shown on the attached plats marked Exhibits "A", "B", "C" and "D", 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 strip 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,

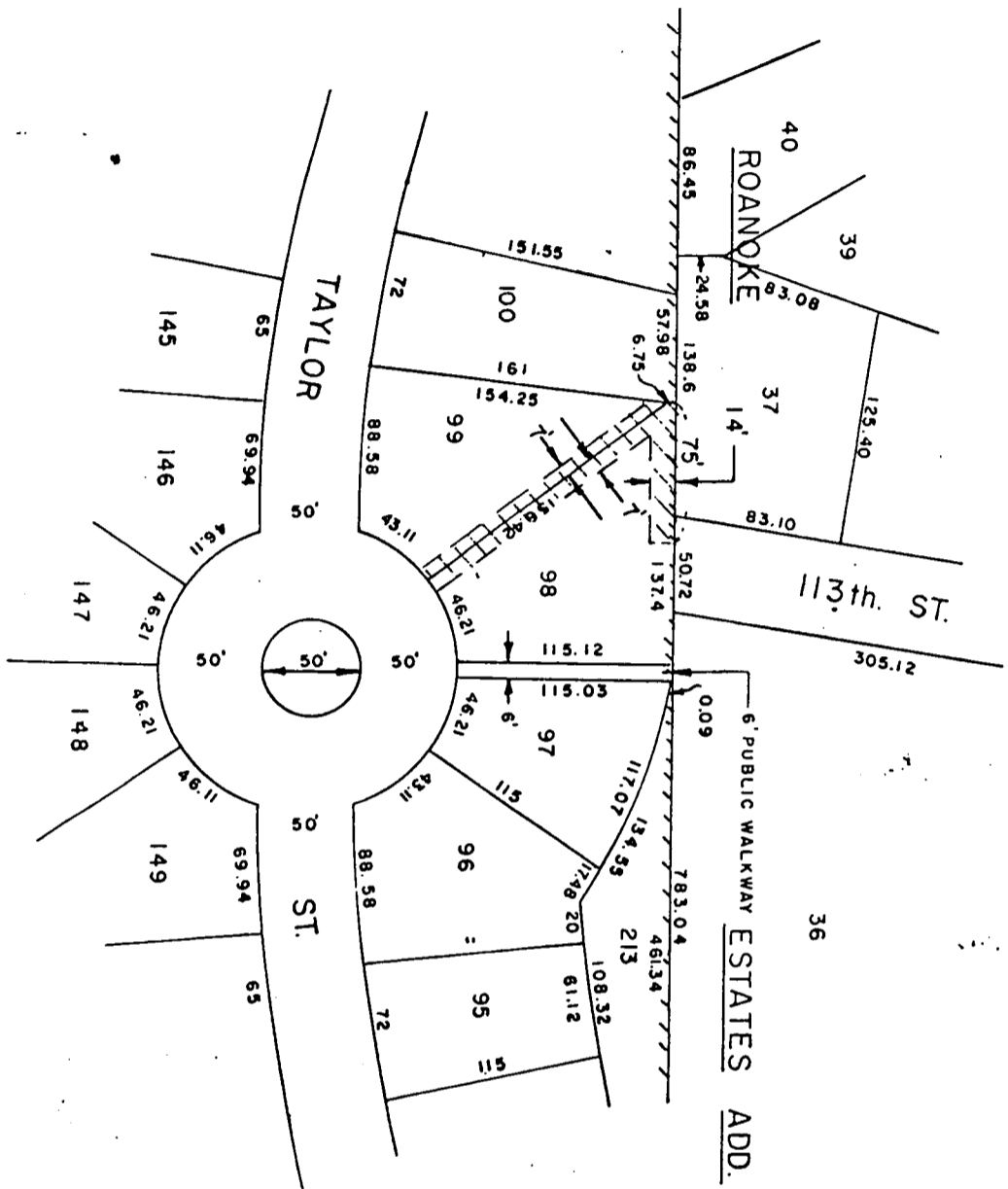


ALL LOTS SHOWN ARE IN THE KNOLLS ADD.

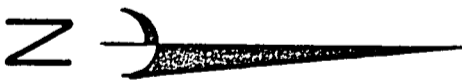


EXHIBIT "A"

<p>DRAWN BY <u>E.A.K.</u> DATE <u>3-9-72</u> CHECKED BY <u>[Signature]</u> DATE <u>3-10-72</u> APPROVED BY <u>[Signature]</u> DATE <u>3-10-72</u> REVISED BY _____ DATE _____ REV. CHKD BY _____ DATE _____</p>	<p>PAGE 1 of 4</p>	<p>PERMANENT EASEMENT. </p> <p>LEGEND</p>	<p>ACRE PERMANENT _____</p> <p>LAND OWNER <u>MARK DEVELOPMENT CO.</u></p>	<p>EASEMENT ACQUISITION FOR WCC - 4546 B GRM-7109</p>	<p>METROPOLITAN UTILITIES DISTRICT OMAHA, NEBRASKA</p>
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ALL LOTS SHOWN ARE IN THE KNOLLS ADD. EXCEPT AS NOTED.



SCALE 1"=100'

EXHIBIT "B"

DRAWN BY E.A.K DATE 3-10-72
 CHECKED BY [Signature] DATE 3-10-72
 APPROVED BY [Signature] DATE [Blank]
 REVISED BY [Blank] DATE [Blank]
 REV CH'D BY [Blank] DATE [Blank]

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PERMANENT EASEMENT

LEGEND

ACRE PERMANENT _____

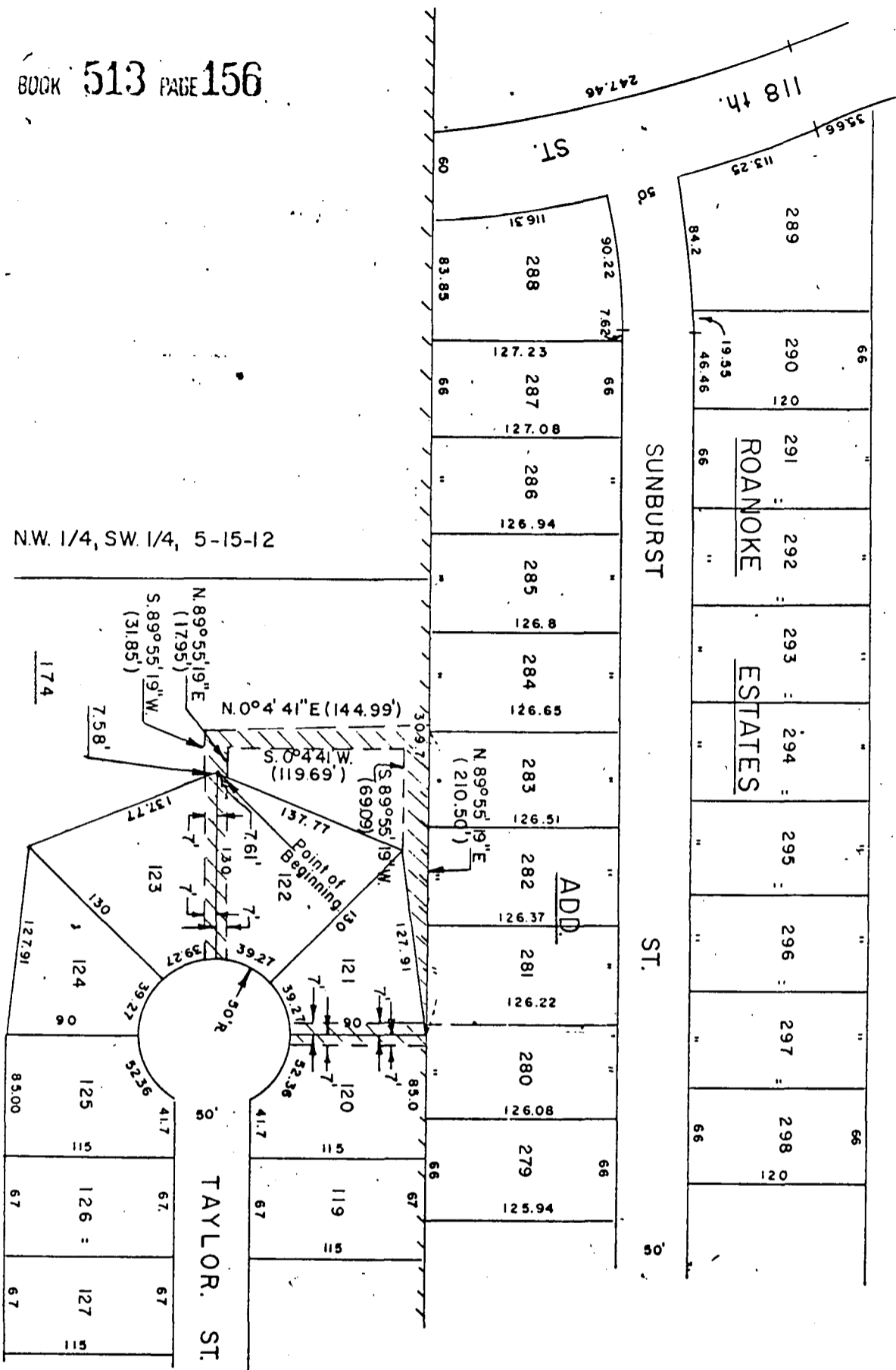
LAND OWNER MARK
 DEVELOPMENT CO.

EASEMENT ACQUISITION
 FOR WCC-4546 B
 GRM-7109

METROPOLITAN UTILITIES DISTRICT
 OMAHA, NEBRASKA

ALL LOTS SHOWN ARE IN THE KNOLLS ADD
EXCEPT AS NOTED.

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N.W. 1/4, SW. 1/4, 5-15-12

SCALE 1"=100'

EXHIBIT "C"

DRAWN BY E.A.K. DATE 3-9-72
 CHECKED BY L.W. DATE 2-10-72
 APPROVED BY [Signature] DATE 3-10-72
 REVISED BY _____ DATE _____
 REV. CHKD BY _____ DATE _____

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LEGEND
 PERMANENT EASEMENT: [Hatched Box]

ACRE PERMANENT _____

LAND OWNER MARK
 DEVELOPMENT CO. _____

EASEMENT ACQUISITION
 FOR WCC-4546 B
 GRM-7109

METROPOLITAN UTILITIES DISTRICT
 OMAHA, NEBRASKA

ALL LOTS SHOWN ARE IN THE KNOLLS
EXCEPT AS NOTED

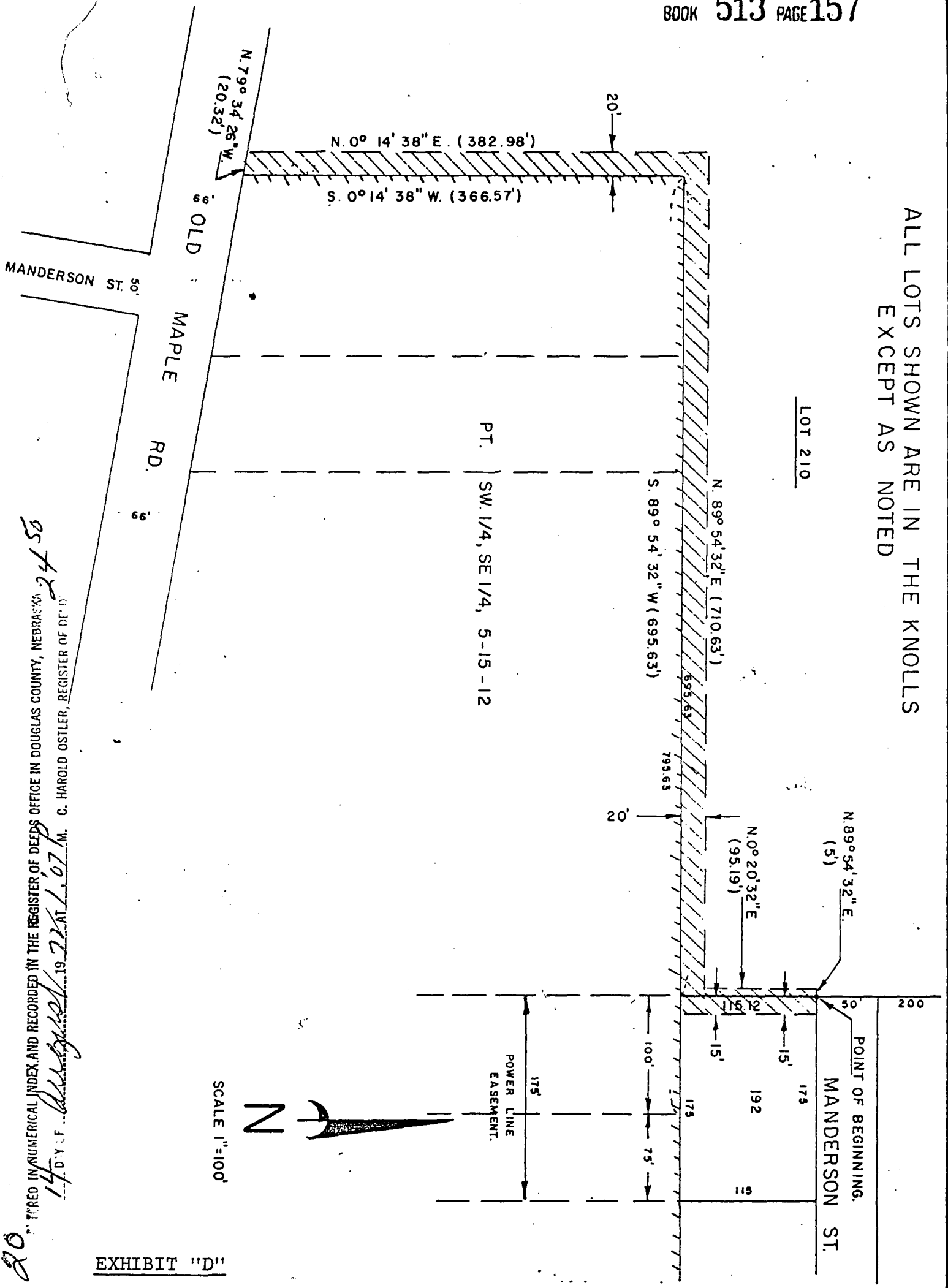


EXHIBIT "D"

TYPED IN NUMERICAL INDEX AND RECORDED IN THE REGISTER OF DEEDS OFFICE IN DOUGLAS COUNTY, NEBRASKA
14 D.V.F. *Harold Ostler* 19 *72* M. C. HAROLD OSTLER, REGISTER OF DEEDS

METROPOLITAN UTILITIES DISTRICT OMAHA, NEBRASKA	
EASEMENT ACQUISITION FOR WCC-4546 B GRM-7109	
TRACT NO. _____ LAND OWNER MARK DEVELOPMENT CO.	
ACRE PERMANENT _____	
LEGEND PERMANENT EASEMENT	
DRAWN BY E.A.K. DATE 3-9-72 CHECKED BY <i>lll</i> DATE 3-10-72 APPROVED BY <i>H/O</i> DATE 3-11-72 REVISED BY _____ DATE _____ REV. CHKD BY _____ DATE _____	PAGE 4 of 4