

EASEMENT AND RIGHT OF WAY

THIS INDENTURE, made this 20th day of April, 1979, between The Woods Joint Venture, a Nebraska Joint Venture, which joint venture is composed of Equity Services, Inc., an Iowa Corporation and Creative Real Estate, 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, pipelines for the transportation of water and gas, and all appurtenances thereto, together with the right of ingress and egress to and from the same, on, over, under and through lands, including but not limited to the traveled or paved portions of all private roads thereon, described as follows:

Several tracts of land lying in Lots 2, 4, 6, 8, 13, 14, 16, 19, 20, 23, 25, 26, 27, 28, 29, 30, 34, 35, 36, 38, 39, 40, 41, 42, 44, 45, 46, 48, 49, 50, 51, 52, 53, 54, 55, 61, 62, 63, 64, 65, 67, 74, 75, 76, 77, 84, 86, 87, 88, and 91 of Tomlinson Woods, an addition to the City of Omaha, as surveyed, platted and recorded, in Douglas County, Nebraska, said tracts being more particularly described as follows:

The south ten (10) feet of the north one hundred and forty eight (148) feet of the east ten (10) feet of Lot 2.

The north ten (10) feet of the south one hundred twenty six and thirty seven hundredths (126.37) feet of the east ten (10) feet of Lot 6.

A strip of land lying in Lot 8, being ten (10) feet wide lying along and parallel to the west and northwesterly property lines of said Lot 8, said strip extending southerly from the southwesterly property line of Lot 40 a distance of one hundred and sixty seven (167) feet, said distance measured along said west and northwesterly property lines.

The east ten (10) feet of Lot 13.

The west five (5) feet of Lot 14.

The east forty five (45) feet of the north fifteen (15) feet of Lot 16.

The south twenty three (23) feet of Lot 19.

A strip of land lying in Lot 20 being twenty three (23) feet wide lying along and parallel to the southerly property line of said Lot 20 and extending from the southeasterly property line of Lot 25 to the west property line of Lot 19.

The west one hundred and fifty (150) feet of the south ten (10) feet of Lot 23.

A strip of land lying in Lots 25, 26, 27, 28, 29, 30, and 40, being twenty five (25) feet wide lying along and parallel to the southerly property line of said Lots, said strip extending from the northeasterly property line of Lot 25 to the northwesterly property line of Lot 40.

A tract of land lying in Lot 34 beginning at the point of intersection of the north property line of Lot 35 and the common property line between Lots 34 and 35; thence southwesterly along said common property line a distance of five and fifty two hundredths (5.52) feet; thence east along a straight line a distance of eighteen and seventeen hundredths (18.17) feet to a point on the northeasterly property line of Lot 34, said straight line being parallel to and twenty (20) feet south of the south right of way line of Pierce Circle; thence northwesterly along said northeasterly property line a distance of sixteen and sixty hundredths (16.60) feet to the point of beginning.

The north five (5) feet of Lot 35.

The north five (5) feet of Lot 36. Also a strip of land lying in Lot 35 being ten (10) feet wide lying along and parallel to the northwesterly property line of Lot 38, said strip extending from the southwesterly property line of Lot 34 to the common property line between Lots 35 and 36.

A strip of land lying Lots 38, 39, and 40, being twenty three (23) feet wide lying along and parallel to the easterly property line of said Lots, said strip extending from the northwesterly property line of Lot 38 to the southwesterly property line of Lot 40.

A strip of land lying Lots 41 and 42, being twenty three (23) feet wide lying along and parallel to the westerly property line of said Lots, said strip extending from the southeasterly property line of Lot 41 to the northwesterly property line of Lot 42.

The north five (5) feet of Lot 44. Also a strip of land lying in Lot 44 being twenty (20) feet wide lying along and parallel to the southwesterly property line of said Lot 44, said strip extends northwesterly from the southeasterly property line of said Lot 44 a distance of forty eight and fifty two hundredths (48.52) feet.

The north five (5) feet of Lot 45. Also a strip of land lying in Lot 45 being fifteen (15) feet wide lying along and parallel to the easterly property line of said Lot 45, said strip extends northeasterly from the southeasterly property line of Lot 44 a distance of forty eight and fifty two hundredths (48.52) feet.

The south twenty five (25) feet of Lot 48.

The south twenty five (25) feet of Lot 49.

The east twenty three (23) feet of Lot 50.

The east twenty three (23) feet of Lot 51.

The east twenty three (23) feet of Lot 52.

The east twenty three (23) feet of Lot 53.

A tract of land lying in Lot 54 beginning at the point of intersection of the common property line between Lots 54 and 56 and the northeasterly property line of Lot 53; thence northwesterly along the northeasterly property line of Lot 53 a distance of thirty two and fifty three hundredths (32.53) feet; thence north along a straight line a distance of twenty one and twenty one hundredths (21.21) feet to a point on the southwesterly property line of Lot 55, said straight line being parallel to the common property line between Lots 54 and 56; thence southeasterly along the southwesterly property line of Lot 55 a distance of thirty two and fifty three hundredths (32.53) feet; thence south along the common property line between Lots 54 and 56 a distance of twenty one and twenty one hundredths (21.21) feet to the point of beginning.

A tract of land lying in Lot 55 beginning at the point of intersection of the common property line between Lots 54 and 56 and the southwesterly property line of Lot 55; thence northwesterly along said southwesterly property line a distance of thirty two and fifty three hundredths (32.53) feet; thence east along a straight line a distance of forty six (46) feet to a point on the southeasterly property line of Lot 55; thence southwesterly along said southeasterly property line a distance of thirty two and fifty three hundredths (32.53) feet to the point of beginning.

The east twenty three (23) feet of Lot 61.

The east twenty three (23) feet of Lot 62.

The east twenty three (23) feet of Lot 63.

The east twenty three (23) feet of Lot 64.

A tract of land lying in Lot 65 beginning at the point of intersection of the common property line between Lots 65 and 67 and the northeasterly property line of Lot 64; thence northwesterly along the northeasterly property line of Lot 64 a distance of thirty two and fifty three hundredths (32.53) feet; thence north along a straight line a distance of twenty one and twenty one hundredths (21.21) feet to a point on the southwesterly property line of Lot 66, said straight line being parallel to the common property line between Lots 65 and 67; thence southeasterly along the southwesterly property line of Lot 66 a distance of thirty two and fifty three hundredths (32.53) feet; thence south along the common property line between Lots 65 and 67 a distance of twenty one and twenty one hundredths (21.21) feet to the point of beginning.

A tract of land lying in Lot 67 beginning at the point of intersection of the common property line between Lots 65 and 67 and the northwesterly property line of Lot 68; thence northeasterly along the westerly property line of Lot 68 a distance of thirty two and fifty three hundredths (32.53) feet; thence north along a straight line a distance of twenty one and twenty one hundredths (21.21) feet to a point on the southeasterly property line of Lot 66, said straight line being parallel to the common property line between Lots 65 and 67; thence southwesterly along the southeasterly property line of Lot 66 a distance of thirty two and fifty three hundredths (32.53) feet; thence south along the common property line between Lot 65 and 67 a distance of twenty one and twenty one hundredths (21.21) feet to the point of beginning.

A strip of land lying in Lots 74 and 75, being twenty three (23) feet wide lying along and parallel to the easterly property line of said Lots, said strip extending from the southerly property line of Lot 74 to the northerly property line of Lot 75.

Also a tract of land lying in Lot 75, said tract being the north twenty (20) feet of the east thirty nine (39) feet.

A tract of land lying in Lot 76, beginning at the point of intersection of the easterly property line of Lot 76, and the northerly property line of Lot 75; thence westerly along said northerly property line a distance of fifteen (15) feet; thence northerly along a straight line a distance of fifteen (15) feet to a point on the southerly property line of Lot 77, said straight line being perpendicular to the northerly property line of Lot 75; thence easterly along the said southerly property line of Lot 77 a distance of fifteen (15) feet; thence southerly along the easterly property line of Lot 76 a distance of fifteen (15) feet to the point of beginning.

A tract of land lying in Lot 77, beginning at the point of intersection of the easterly property line of Lot 76 and the northerly property line of Lot 75; thence northerly along said easterly property line of Lot 76 a distance of fifteen (15) feet; thence easterly along a straight line a distance of twenty nine and eighty eight hundredths (29.88) feet to a point on the southeasterly property line of Lot 77, said straight line being parallel to the northerly property line of Lot 75; thence southwesterly along the southeasterly property line of Lot 77 a distance of twenty one and thirteen hundredths (21.13) feet; thence westerly along the northerly property line of Lot 75 a distance of fifteen (15) feet to the point of beginning.

A tract of land lying in Lot 84, beginning at the intersection of the southwesterly property line of said Lot 84 and the northwesterly property line of Lot 88; thence northerly along the said southwesterly property line of Lot 84 a distance of forty (40) feet; thence easterly along a straight line a distance of sixty eight (68) feet, more or less, to a point on the southeasterly property line of said Lot 84; thence southwesterly along said southeasterly property line a distance of twenty five (25) feet; thence southwesterly along the northwesterly property line of Lot 88 a distance of forty one and sixty two hundredths (41.62) feet to the point of beginning.

A strip of land lying in Lot 86, being twenty (20) feet wide lying along and parallel to the easterly property line of Lot 88, said strip extending from the south southeasterly property line of Lot 85 to the northerly property line of Lot 87.

The north twenty (20) feet of the west twenty (20) feet of Lot 87.

A tract of land lying in Lot 88, beginning at the point of intersection of the northwesterly property line of Lot 88 and the southwesterly property line of Lot 88, thence northeasterly along the said northwesterly property line a distance of one hundred nineteen and ninety seven hundredths (119.97) feet; thence southwesterly along a straight line a distance of one hundred and eighteen (118) feet, more or less, to a point on the said southwesterly property line of Lot 88; thence northwesterly along said southwesterly property line a distance of forty (40) feet to the point of beginning. Also a tract of land lying in Lot 88, beginning at the southwest corner of Lot 84; thence northeasterly along the northwesterly property line of Lot 88 a distance of forty one and sixty two hundredths (41.62) feet; thence southerly along the easterly property line of Lot 88 a distance of twenty seven and twenty eight hundredths (27.28) feet; thence south along the east property line of Lot 88 a distance of twenty (20) feet; thence northwesterly along a straight line a distance of fifty eight (58) feet, more or less, to the point of beginning.

All of Lot 91.

Said tracts of land are shown on the plats attached hereto 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 tract 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 to do so, to the original contour thereof.

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

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

(SEAL)

THE WOODS JOINT VENTURE, Grantor
By - Creative Real Estate Inc.
a Nebraska Corporation

ATTEST:

By Gene D. Svensen
Gene D. Svensen

Title President


Raymond Betz
Title Assistant Secretary

(Pursuant to Paragraph 8 (b) of The Woods Joint Venture Agreement, and the Certificate relating to the Woods Joint Venture, duly recorded in Douglas County, Nebraska, Creative Real Estate, Inc., alone has authority to execute all easements and right of ways in behalf of The Woods Joint Venture.)

STATE OF NEBRASKA)
) ss
COUNTY OF DOUGLAS)

On this 20 day of April, 1979, before me the undersigned, a notary public in and for said State of Nebraska, personally appeared, Gene D. Svensen, President of Creative Real Estate, Inc., a Nebraska corporation, the sole general manager of The Woods Joint Venture, a Nebraska Joint Venture, to me known to be the identical person named in and who executed the foregoing instrument, and to me known that said person is the President of said corporation, that said corporation has the authority to execute easements and right of ways in behalf of said Joint Venture, and acknowledged that he executed the same as his voluntary act and deed as a person, as his voluntary act and deed as the President of said corporation, the voluntary act and deed of said corporation, and the voluntary act and deed of The Woods Joint Venture.

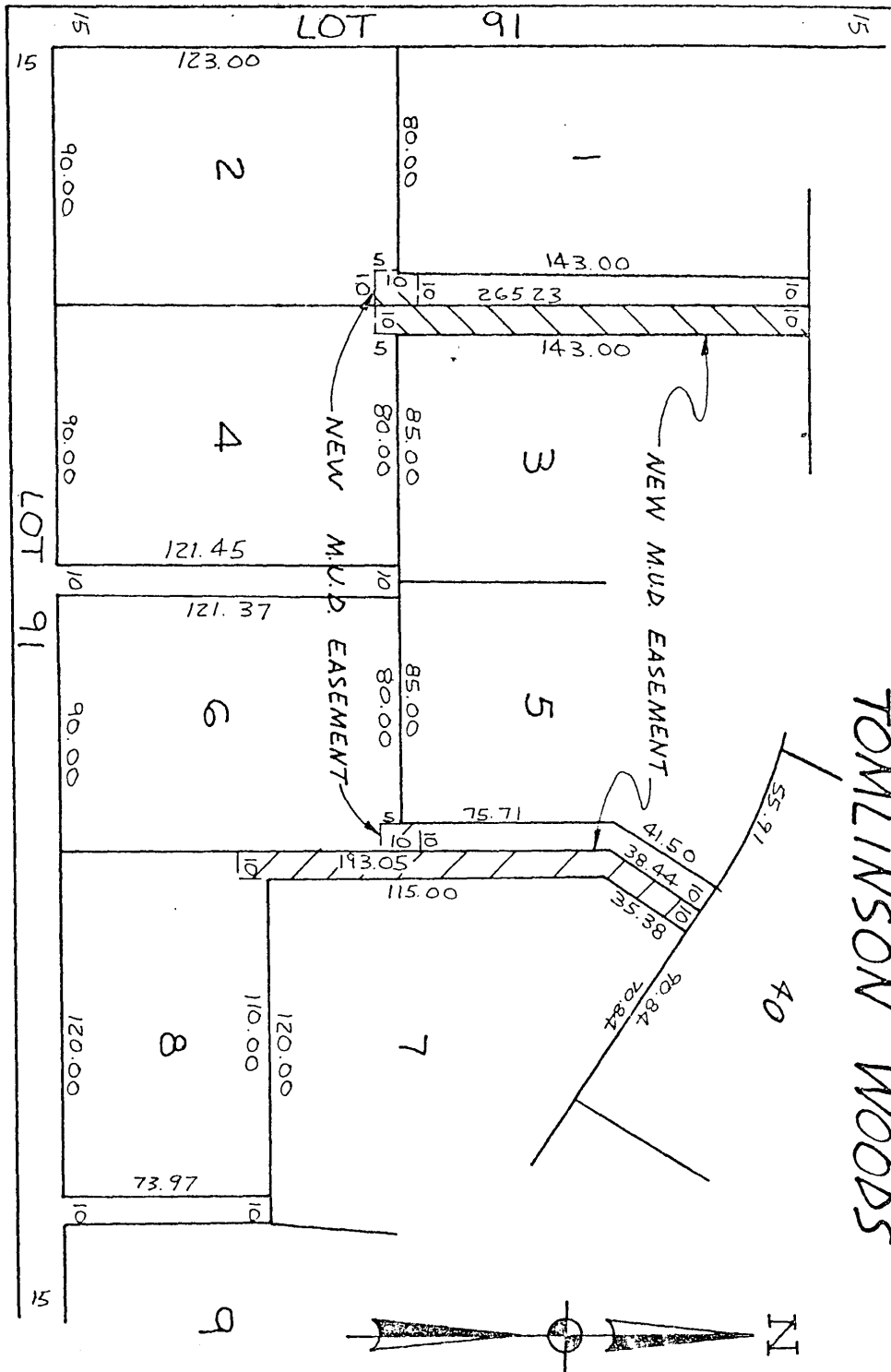
WITNESS my hand and notarial seal the day and year first above written.

 **BARBARA L. BROPHY**
Notary Public, State of Nebraska
My Comm. Exp. June 24, 1982

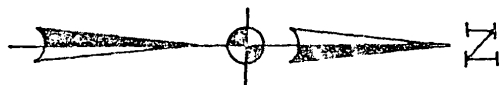
Barbara L. Brophy
Notary Public

114 TH STREET

BELAIR ADDITION



TOMLINSON WOODS



DRAWN BY C.G. DATE 3-30-79
 CHECKED BY W.W.P. DATE 4-6-79
 APPROVED BY TPS DATE 4-9-79
 REVISED BY _____ DATE _____
 REV CHKD BY _____ DATE _____
 REV APPROV BY _____ DATE _____

PAGE 1 OF 9

LEGEND
 PERMANENT EASEMENT

TOTAL ACRE _____

LAND OWNER _____
 THE WOODS
 JOINT VENTURE


EASEMENT
 ACQUISITION
 FOR WCC 5586
GCC 8053

METROPOLITAN
 UTILITIES
 DISTRICT
 OMAHA, NEBRASKA



FILE NO. 217070

LEGEND

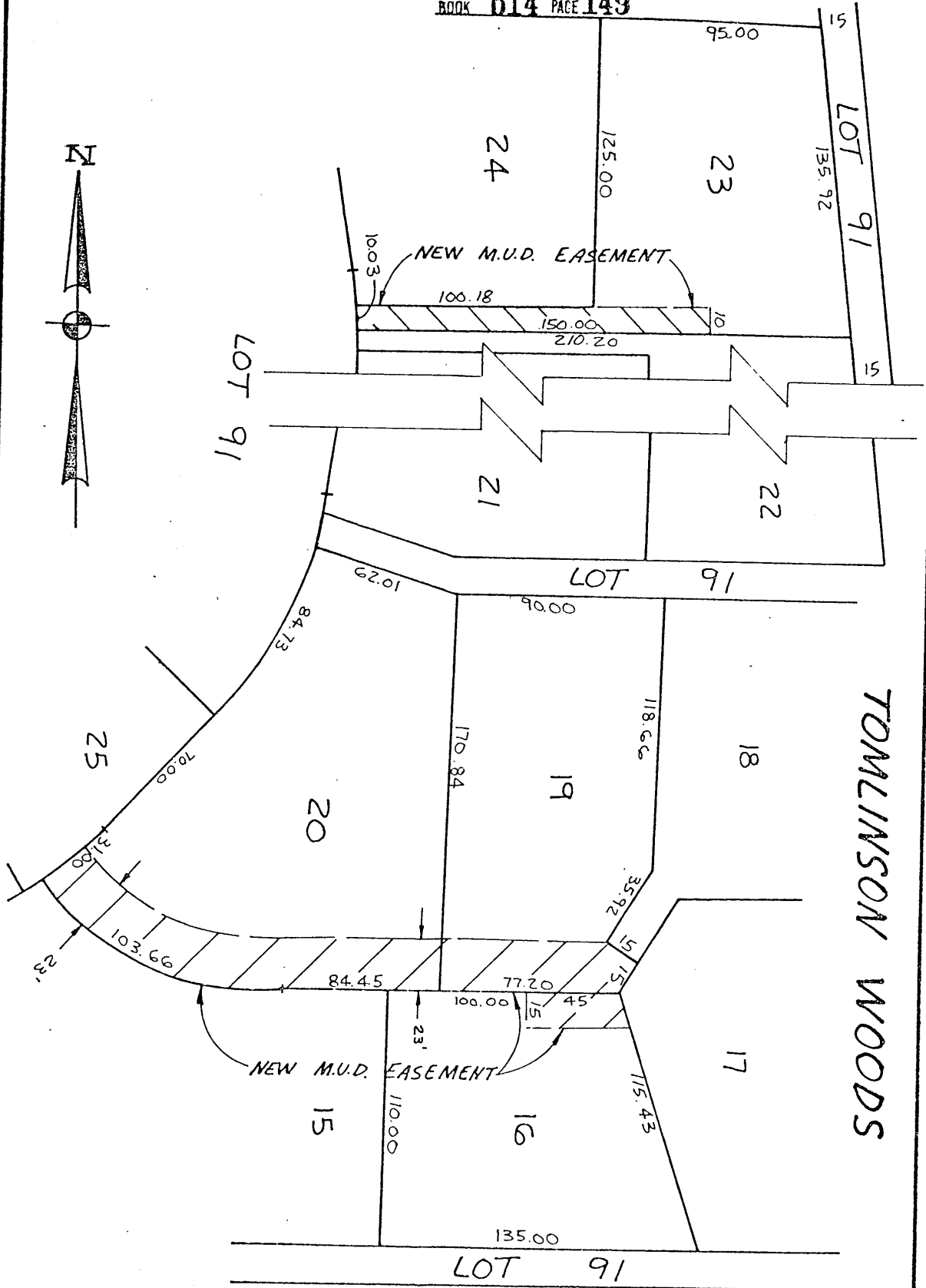
PERMANENT EASEMENT 

TOTAL ACRE

LAND OWNER _____
THE WOODS _____
JOINT VENTURE _____

EASEMENT
ACQUISITION
FOR WCC 5588
GCC 8053

**METROPOLITAN
UTILITIES
DISTRICT
OMAHA, NEBRASKA**




TOMLINSON WOODS

METROPOLITAN
UTILITIES
DISTRICT
OMAHA, NEBRASKA

EASEMENT
ACQUISITION
FOR WCC 5588
GCC 8053

LAND OWNER _____
THE WOODS
JOINT VENTURE

TOTAL ACRE

LEGEND
PERMANENT EASEMENT 

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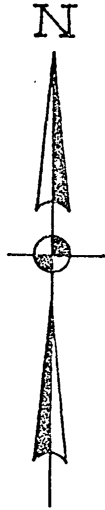
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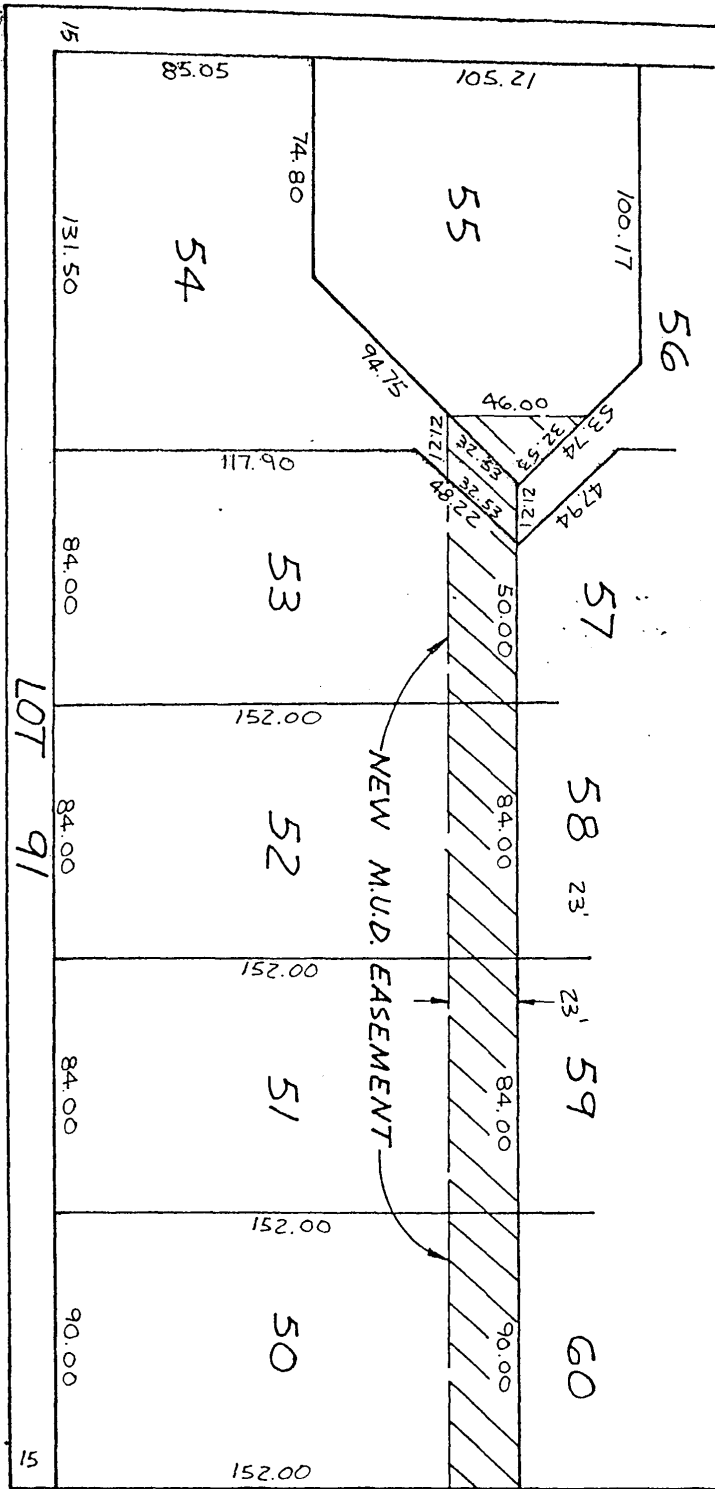
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REV. APPROV. BY _____ DATE _____



METROPOLITAN
UTILITIES
DISTRICT
OMAHA, NEBRASKA



TOMLINSON WOODS



114TH

ST.

LOT 91

PIERCE CIRCLE

DRAWN BY C.G. DATE 3-28-79
 CHECKED BY W.W.P. DATE 4-6-79
 APPROVED BY T.P.S. DATE 4-9-79
 REVISED BY _____ DATE _____
 REV. CHK'D BY _____ DATE _____
 REV. APPROV. BY _____ DATE _____

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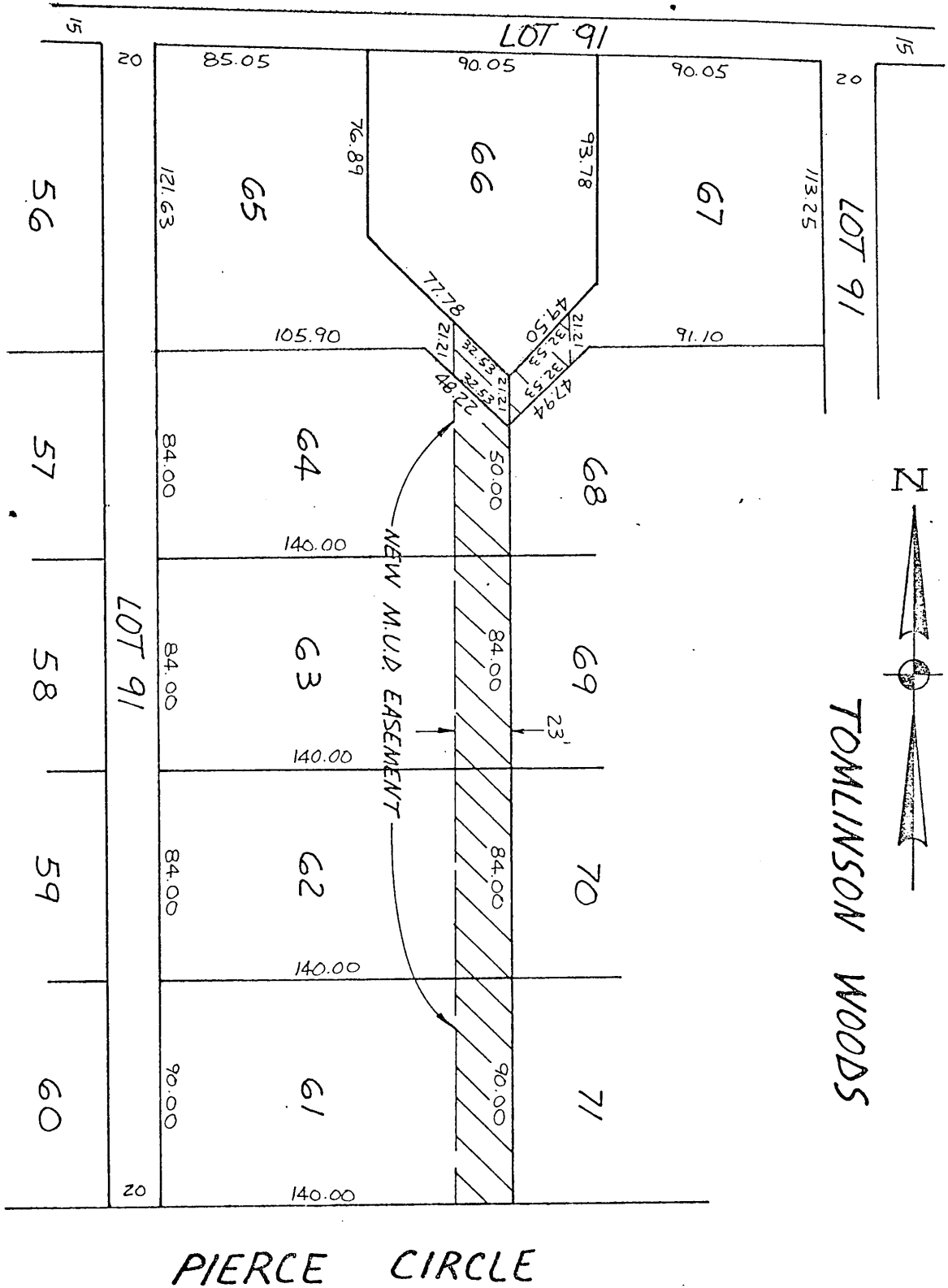
LEGEND
 PERMANENT EASEMENT

TOTAL ACRE _____

LAND OWNER _____
 THE WOODS
 JOINT VENTURE

EASEMENT
 ACQUISITION
 FOR WCC 5588
GCC 8053

METROPOLITAN
 UTILITIES
 DISTRICT
 OMAHA, NEBRASKA



DRAWN BY C.C. DATE 3-28-79
 CHECKED BY W.W.P. DATE 4-6-79
 APPROVED BY T.P.S. DATE 4-9-79
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 REV. APPROV. BY _____ DATE _____

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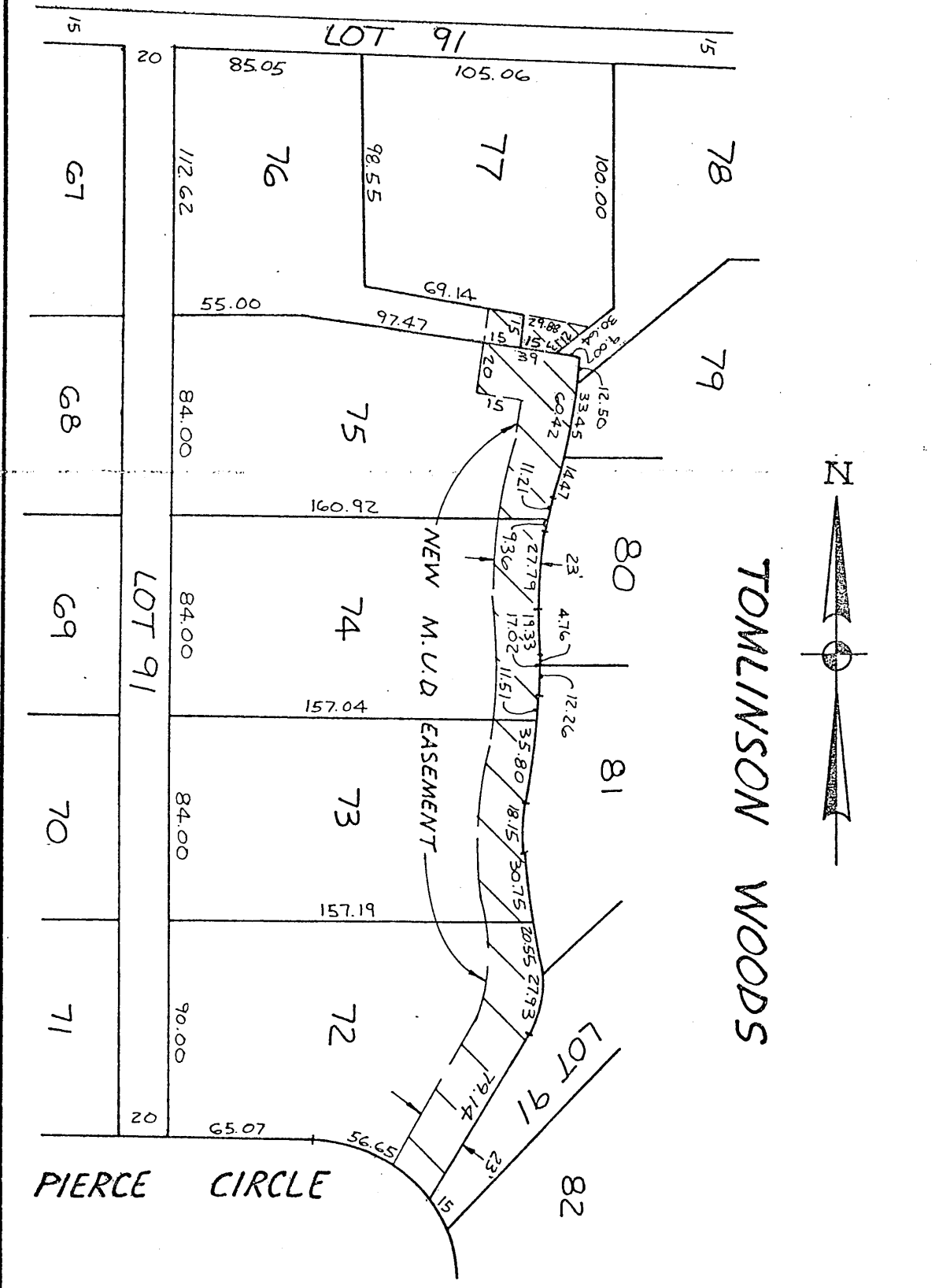
LEGEND
 PERMANENT EASEMENT |||||

TOTAL ACRE _____

LAND OWNER _____
THE WOODS
JOINT VENTURE

EASEMENT
 ACQUISITION
 FOR W.C.S. 5588
G.C. 8053

METROPOLITAN
 UTILITIES
 DISTRICT
 OMAHA, NEBRASKA



<p>METROPOLITAN UTILITIES DISTRICT OMAHA, NEBRASKA</p>		<p>EASEMENT ACQUISITION FOR WCC 5588 GCC 8053</p>		<p>LAND OWNER THE WOODS JOINT VENTURE</p>		<p>TOTAL ACRE</p>		<p>LEGEND PERMANENT EASEMENT</p>		<p>PAGE 8 OF 9</p>	
<p>DRAWN BY C.G. DATE 3-29-79</p>		<p>CHECKED BY M.W.P. DATE 4-6-79</p>		<p>APPROVED BY T.P.S. DATE 4-9-79</p>		<p>REVISED BY DATE</p>		<p>REV. CHK'D BY DATE</p>		<p>REV. APPROV. BY DATE</p>	

FILE NO. 417073

