MISC 2004148952

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Received - RICHARD TAKECHI
Register of Deeds, Douglas County, NE
11/15/2004 11:37:42.54

2004148952

MISC 3

FEE 15.50 FB 01-60000
BKP 2-1-15-11 C/O ____ COMP ____
DEL ____ SCAN ____ FV ____

PERMANENT
EASEMENTS AND RIGHTS-OF-WAY

THIS INDENTURE, made this 8th day of November, 2004 between 180 WEST LLC, a Nebraska Limited Liability Company, ("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, underground pipelines for the transportation of water and all appurtenances thereto, including, but not limited to, one cc box, together with the right of ingress and egress on, over, under and through lands described as follows:

PERMANENT EASEMENT

Unplatted tracts of land in the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼) of Section 21-15-11 in Douglas County, Nebraska and being described as follows:

Commencing from the SW corner of the NW ¼ of Section 21-15-11, N90°00'00"E (assumed bearing) a distance of two thousand four hundred fifty-three and fifty-two one hundredths feet (2453.52') thence northeasterly along the west property line of 174th Street along a radius of two hundred feet (200.00') a distance of seventeen and thirty-one one hundredths feet (17.31'); thence N00°00'00"W along the west property line of 174th Street a distance of sixty-eight feet (68.00'); thence northwesterly along the west property line of 174th Street along a radius of five hundred ninety-eight and eighty-nine one hundredths feet (598.89') a distance of two hundred seventy-four and twenty-two one hundredths feet (274.22') to the Point of Beginning; thence northwesterly along the west property line of 174th Street along a radius of five hundred ninety-eight and eighty-nine one hundredths feet (598.89') a distance of two hundred two feet (202.00'); thence N49°50'09"W a distance of thirty-eight feet (38.00'); thence S40°09'51"W a distance of ten feet (10.00'); thence S49°50'09"E a distance of thirty-eight feet (38.00'); thence southeasterly along a line ten feet (10.00') west of and parallel to the west property line of 174th Street along a radius of five hundred eighty-eight and eighty-nine one hundredths feet (588.89') a distance of one hundred ninety-eight and thirty-seven one hundredths feet (198.37'); thence N63°31'24"E a distance of ten feet (10.00') back to the Point of Beginning.

Return to: Susan Piazza
M.U.D.
1723 Harney Street
Omaha, NE 68102

602286

This tract contains 0.055 of an acre, more or less, and is shown on the drawing attached hereto and made a part hereof by this reference.

TO HAVE AND TO HOLD said Permanent 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 easements any building or structure, except pavement, landscaping & or a similar covering, and shall not permit anyone else to do so.

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. 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.

4. 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.

5. The person executing this instrument represents that he has authority to execute it on behalf of the limited liability company.

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

180 WEST LLC, a Limited Liability Company,
Grantor

By: _____
Sal Carta, Member

ACKNOWLEDGMENT

STATE OF NEBRASKA)
) ss
COUNTY OF DOUGLAS)

This instrument was acknowledged before me on November 8, 2004, by Sal Carta, Member of 180 WEST LLC, a limited liability company, on behalf of the limited liability company.

GENERAL NOTARY - State of Nebraska
BARBARA WIDMAN
My Comm. Exp. Dec.13, 2007

Barbara Widman
Notary Public

METROPOLITAN UTILITIES DISTRICT
OMAHA, NEBRASKA

EASEMENT ACQUISITION

FOR WCC 9837

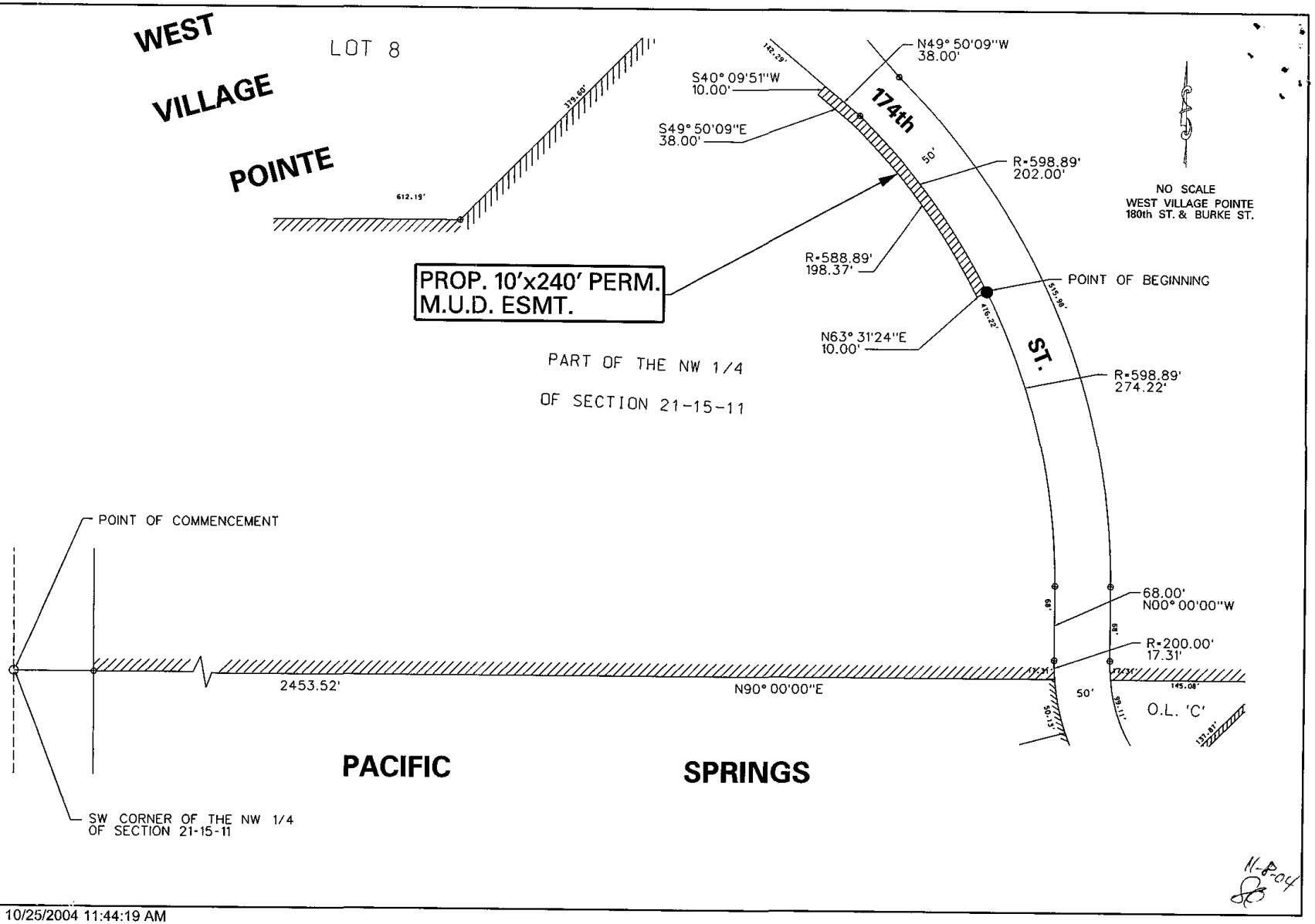
LAND OWNER
180 West LLC
101 S. 108TH AVE.
OMAHA, NE 68154

TOTAL ACRE PERMANENT 0.055 ±
TOTAL ACRE TEMPORARY 0.000 ±

LEGEND
PERMANENT EASEMENT
TEMPORARY EASEMENT

PAGE 1 OF 1

DRAWN BY JAZ
DATE 10-22-04
CHECKED BY
DATE
APPROVED BY
DATE
REVISED BY
DATE
REV. CHK'D. BY
DATE
REV. APPROV. BY
DATE



11-8-04

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