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EASEMENT AND RIGHT-OF-WAY

THIS INDENTURE, made this 1st day of May, 1995, between ROGERS DEVELOPMENT, 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 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, an easement and right-of-way to lay, maintain, operate, repair, relay and remove, at any time, pipelines for the transportation of gas and water and all appurtenances thereto, including but not limited to hydrants, valve box, and vault covers, together with the right of ingress and egress to and from the same, on, over, under and through lands described as follows:

PERMANENT EASEMENT

Several tracts in Walnut Ridge Subdivision as platted and recorded in Douglas County, Nebraska, and being described as follows:

Permanent Easement - Tract 1:

A five foot wide strip abutting Taylor Street in Lots 128, 129, 132, 133, 134, 135, 136, 139, 140, 149, 150, 151, 152, 153, 154, 156, 172, and 173.

Said Tract #1 contains 0.223 acres, more or less, and is shown on the drawing attached hereto and made part hereof by this reference.

Permanent Easement - Tract 2:

A five foot wide strip abutting 160th Avenue in Lots 198, 199, 212, 213, 218, 219, 224, 225, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, and 242.

A five foot wide strip abutting Sprague Street in Lots 226 and 227.

A ten foot wide strip abutting 160th Avenue in Lot 243.

Said Tract #2 contains 0.221 acres, more or less, and is shown on the drawing attached hereto and made part hereof by this reference.

Return to: T J Seiser
mud lawyer
1723 Harney St.
Omaha, ne
68102-1960

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. The Grantor and its successors and assigns shall not at any time erect, construct or place on or below the surface of the easement tract any building or structure, except pavement and shall not permit anyone else to do so.

2. The Grantee shall restore the surface of 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. 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 a lawful possessor of this real estate; has good, right, and lawful authority to make such conveyance; and Grantor and its executors, administrators, 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 corporation.

IN WITNESS WHEREOF, Grantor causes this Easement and Right-of-Way to be signed on the above date.

Rogers Development, Inc.,
a Nebraska Corporation, Grantor

(Corporate Seal)

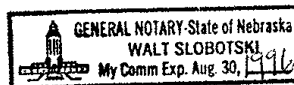
By: Michael F. Rogers
Michael F. Rogers, President on
behalf of Rogers Development,
Inc., a Nebraska Corporation

ACKNOWLEDGMENT

STATE OF NEBRASKA)
) ss
COUNTY OF DUGGERS)

This instrument was acknowledged before me on May 1,
1995, by Michael F. Rogers, President of Rogers Development, Inc., a Nebraska Corporation, and acknowledged same to be the voluntary act and deed of said individual and corporation.

Walt Slobotski
Notary Public



NOTARIAL SEAL AFFIXED
REGISTER OF DEEDS

METROPOLITAN UTILITIES DISTRICT
OMAHA, NEBRASKA

EASEMENT ACQUISITION

FOR
W.C.C. 8027
G.R.M. 10892

LAND OWNER
ROGERS DEVELOPMENT INC.
8250 GROVER STREET
OMAHA, NE 68124-3397

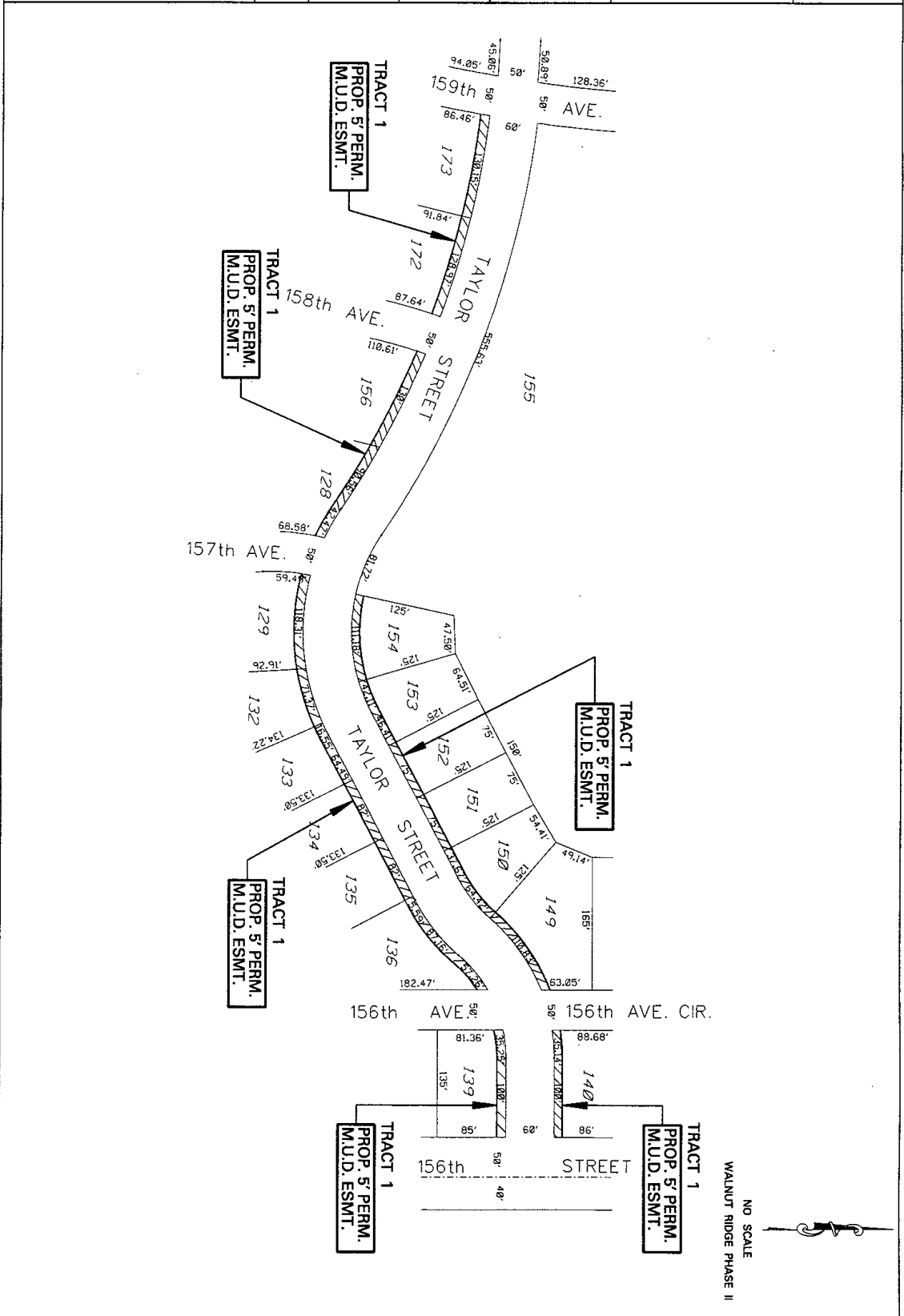
TOTAL ACRE 0.223+
PERMANENT
TOTAL ACRE
TEMPORARY

LEGEND
PERMANENT EASEMENT
TEMPORARY EASEMENT

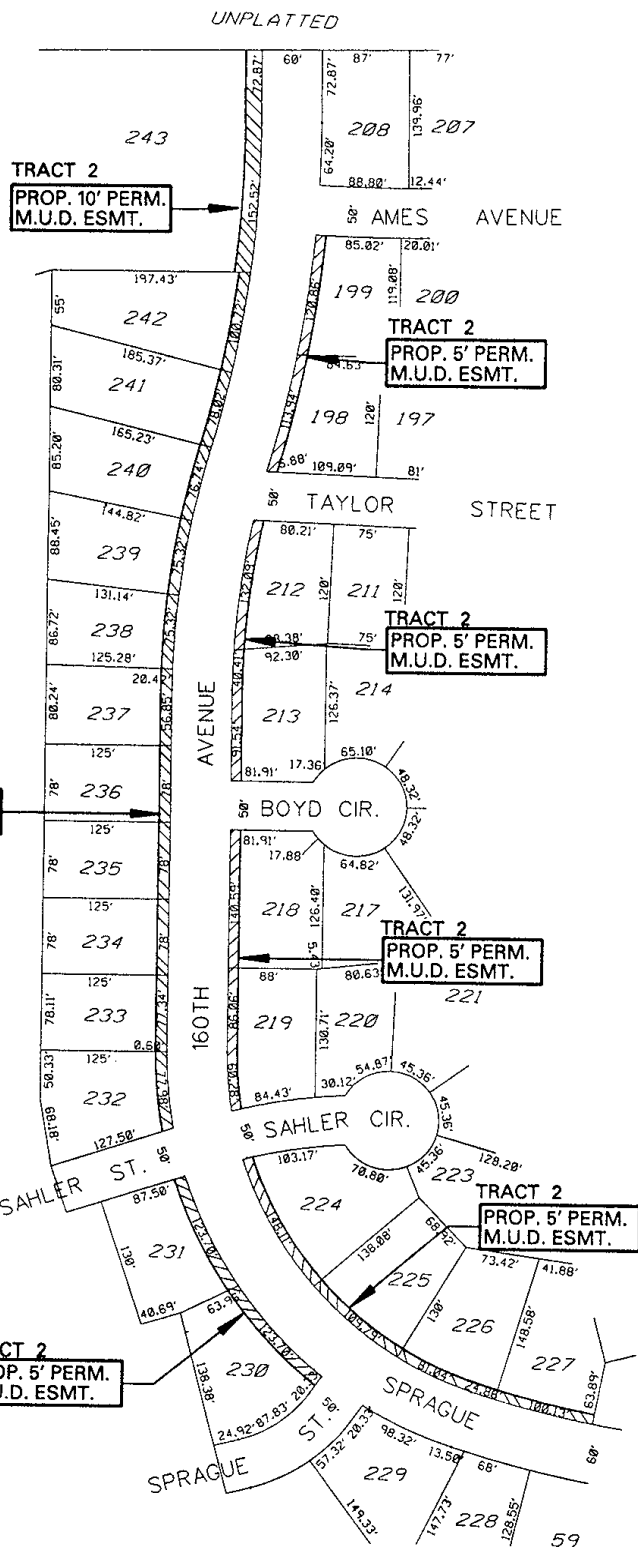
PAGE 1 OF 2

DRAWN BY S.A.M.
DATE 03-09-95
CHECKED BY
DATE 5-9-95
APPROVED BY ESS
DATE 5-9-95
REVISED BY
DATE
REV. CHK'D. BY
DATE
REV. APPROV. BY
DATE

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NO SCALE
WALNUT RIDGE PHASE II



METROPOLITAN UTILITIES DISTRICT OMAHA, NEBRASKA	
EASEMENT ACQUISITION FOR <u>W.C.C. 8027</u> <u>G.R.M. 10892</u>	
LAND OWNER <u>ROGERS DEVELOPMENT, INC.</u> <u>8250 GROVER STREET</u> <u>OMAHA, NE 68124-3397</u>	
TOTAL ACRE PERMANENT <u>0.221±</u> TOTAL ACRE TEMPORARY _____	
LEGEND PERMANENT EASEMENT	TEMPORARY EASEMENT
PAGE <u>2</u> OF <u>2</u>	DRAWN BY <u>S.A.M.</u> DATE <u>03-09-95</u> CHECKED BY <u>[Signature]</u> DATE <u>3-28-95</u> APPROVED BY <u>ESS</u> DATE <u>3-24-95</u> REVISED BY _____ DATE _____ REV. CHK'D. BY _____ DATE _____ REV. APPROV. BY _____ DATE _____

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