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MISC 2002 16375

RICHARD N. TAKECHI  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NE

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EASEMENT AND RIGHT-OF-WAY

THIS INDENTURE, made this 21<sup>st</sup> day of June, 2002, between WATERFORD DEVELOPMENT, L.L.C., a Nebraska limited liability company, ("Grantor"), and METROPOLITAN UTILITIES DISTRICT OF OMAHA, a Municipal Corporation, ("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, 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, together with the right of ingress and egress on, over, under and through lands described as follows:

PERMANENT EASEMENT

A permanent easement for the construction and maintenance of gas & water mains over that part of Waterford, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska; described as follows:

The Westerly five feet adjoining 153<sup>rd</sup> Street of Lots 90, 91, 92, and 93; The Westerly five feet adjoining 153<sup>rd</sup> Street and the Northerly five feet adjoining Vane Street of Lot 95, and the Northerly five feet adjoining Vane Street of Lot 95; And the Northerly five feet adjoining Vane Street of Lot 94.

The Westerly five feet adjoining Iowa Street and 153<sup>rd</sup> Street of Lot 96; The Southerly five feet adjoining Vane Street of Lots 96, 97, 98, and 99; And the easterly five feet adjoining 152<sup>nd</sup> Street of Lots 99 and 100.

The Southerly five feet adjoining Iowa Street of Lots 105 and 130; The Westerly five feet adjoining 154<sup>th</sup> Avenue of Lots 130 through 136, Inclusive; The Northerly five feet adjoining Scott Street of Lots 113, 124 and 136; The Easterly five feet adjoining 154<sup>th</sup> Street of Lots 124 through 130, Inclusive; And the Westerly five feet adjoining 154<sup>th</sup> Street of Lots 105 through 113, Inclusive.

The Southerly five feet adjoining Scott Street of Lots 114, 123, 137, and 152; The Easterly five feet adjoining 154<sup>th</sup> Avenue of Lots 148 through 152, Inclusive; The Southerly five feet adjoining Weber

Return To:  
JUSTIN COOPER  
MUD - Law Dept.  
1723 Narnay  
Omaha, Ne 68102

✓ 12282  
✓ 12295

Street of Lots 142 through 147, Inclusive; The Northerly five feet adjoining Weber Street of Lots 118, 119 and 141; The Westerly five feet adjoining 154<sup>th</sup> Street of Lots 114 through 118, Inclusive; The Easterly five feet adjoining 154<sup>th</sup> Street of Lots 119 through 123, Inclusive; And the Westerly five feet adjoining 154<sup>th</sup> Avenue of Lots 137 through 141, Inclusive.

The Southerly five feet adjoining Iowa Street of Lots 161 and 162; The Westerly five feet adjoining 155<sup>th</sup> Street of Lots 162 through 171, Inclusive; The Northerly five feet adjoining Scott Street of Lots 153 and 171; And the Easterly five feet adjoining 154<sup>th</sup> Avenue of Lots 153 through 161 Inclusive.

The Easterly five feet adjoining 155<sup>th</sup> Terrace of Lots 184 through 191; The Northeasterly five feet adjoining 155<sup>th</sup> Terrace of Lots 192 through 198, Inclusive; The Southwesterly five feet adjoining 155<sup>th</sup> Terrace of Lots 172 through 176, Inclusive; The westerly five feet of Lots 177 through 183, Inclusive; And the Southeasterly five feet adjoining 155<sup>th</sup> Street of Lots 172 and 198.

The Southerly five feet adjoining Iowa Street and the Easterly five feet adjoining 155<sup>th</sup> Street of Lot 199.

The Westerly five feet adjoining 155<sup>th</sup> Avenue and Gilder Street and the Southwesterly five feet adjoining Scott Street of Lot 200.

The westerly five feet adjoining 153<sup>rd</sup> Street of Outlot G.

The easterly five feet adjoining 152<sup>nd</sup> Street of Outlot H.

The Southwesterly five feet adjoining Iowa Street of Outlot I.

The westerly five feet adjoining 154<sup>th</sup> Street of Outlot J.

The Southerly five feet adjoining Weber Street of Outlot K.

The Southerly five feet adjoining Scott Street of Outlot M.

The Southerly five feet adjoining Iowa Street of Outlot L; The Northerly five feet adjoining Scott Street of Outlot L; And the Easterly five feet adjoining 154<sup>th</sup> Avenue of Outlot L.

All of Outlot N and all of Outlot O.

The Southwesterly five feet adjoining 153<sup>rd</sup> Street of Outlot B.

The westerly five feet adjoining 153<sup>rd</sup> Street of Outlot G.

The easterly five feet adjoining 152<sup>nd</sup> Street of Outlot H.

The Southwesterly five feet adjoining Iowa Street of Outlot I.

The westerly five feet adjoining 154<sup>th</sup> Street of Outlot J.

The Southerly five feet adjoining Weber Street of Outlot K.

The Southerly five feet adjoining Scott Street of Outlot M.

The Southerly five feet adjoining Iowa Street of Outlot L; The Northerly five feet adjoining Scott Street of Outlot L; And the Easterly five feet adjoining 154<sup>th</sup> Avenue of Outlot L.

All of Outlot N and all of Outlot O.

The Southwesterly five feet adjoining 153<sup>rd</sup> Street of Outlot B.

The permanent gas and water easements contain 2.0194 acres, 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 Easement and Right-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 before the gas and water pipelines and appurtenances are installed place any landscaping on the easement tracts. The Grantor and its successors and assigns shall not at any time erect, construct or place on or below the surface of the easement tracts any large trees, large permanent markers or boulders, buildings or structures, except pavement and similar covering and landscaping, 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 condition within a reasonable time after the work is performed.

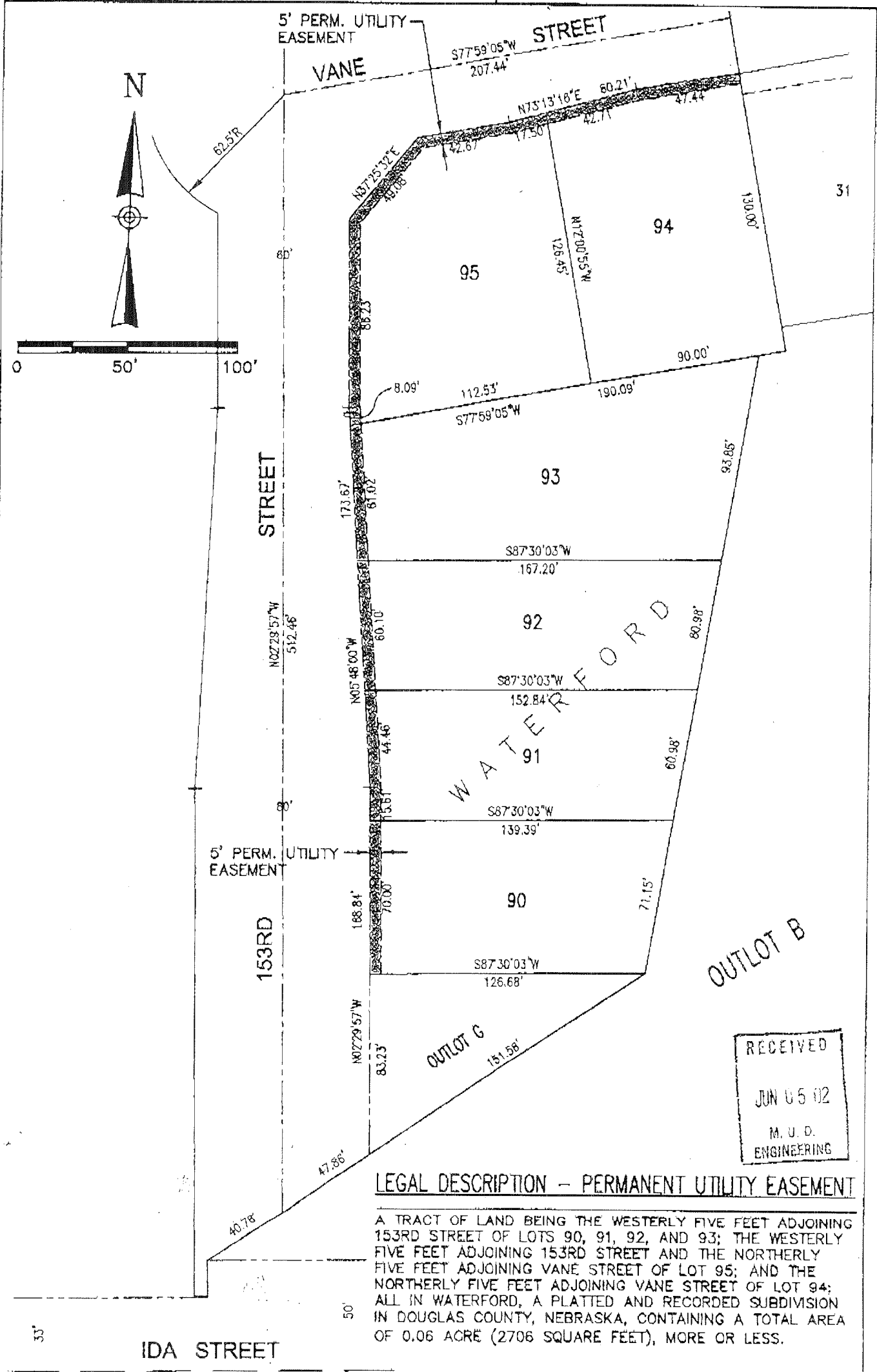
3. Nothing herein shall be construed to waive any right of Grantor or duty and power of Grantee respecting the ownership; use, operations, extensions and connections to any pipeline constructed and maintained hereunder.

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 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 she has authority to execute it on behalf of the corporation.

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



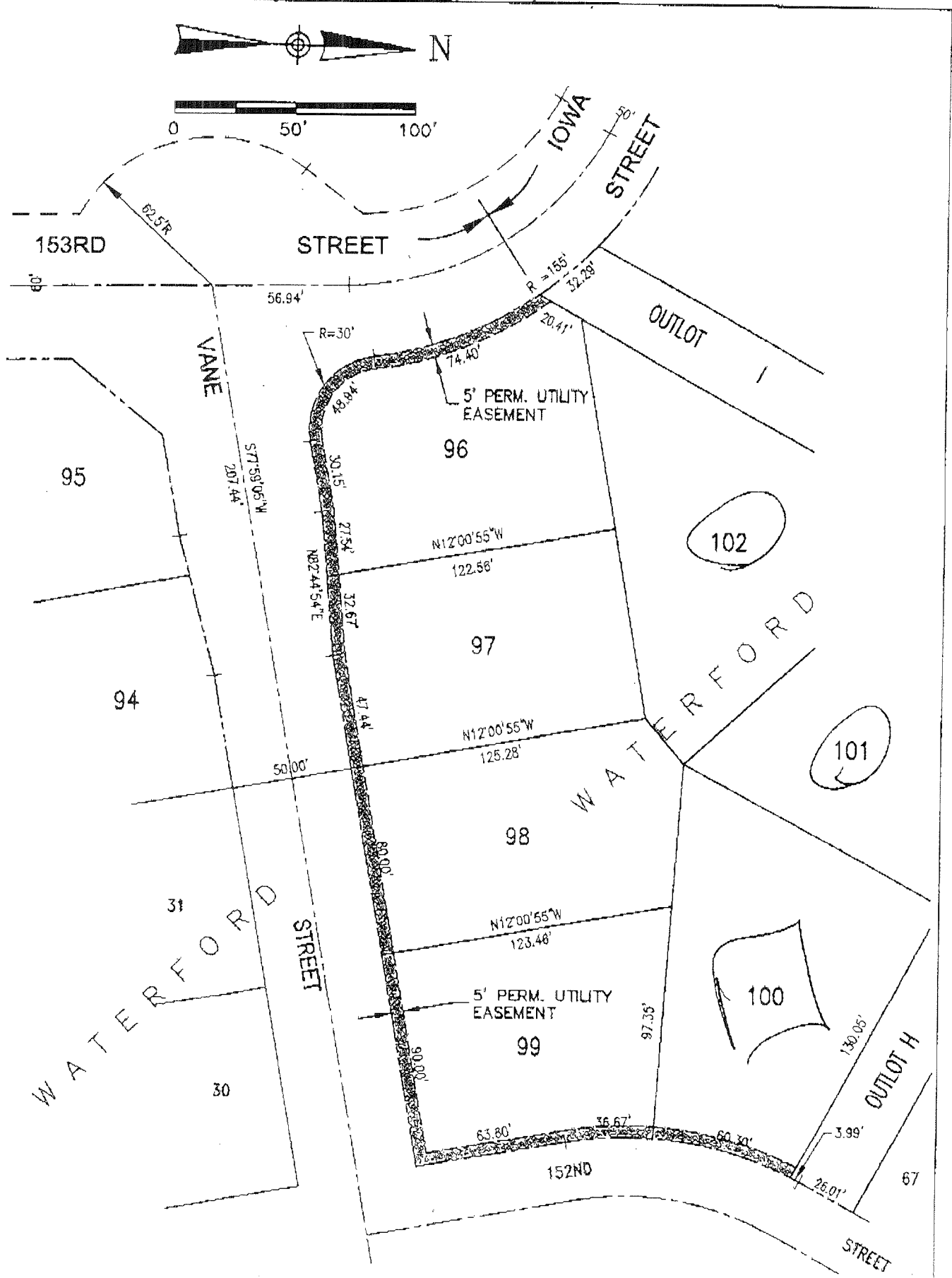


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 JUN 05 02  
 M. U. D.  
 ENGINEERING

**LEGAL DESCRIPTION - PERMANENT UTILITY EASEMENT**

A TRACT OF LAND BEING THE WESTERLY FIVE FEET ADJOINING 153RD STREET OF LOTS 90, 91, 92, AND 93; THE WESTERLY FIVE FEET ADJOINING 153RD STREET AND THE NORTHERLY FIVE FEET ADJOINING VANE STREET OF LOT 95; AND THE NORTHERLY FIVE FEET ADJOINING VANE STREET OF LOT 94; ALL IN WATERFORD, A PLATTED AND RECORDED SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA, CONTAINING A TOTAL AREA OF 0.06 ACRE (2706 SQUARE FEET), MORE OR LESS.

SHEET 1/1 890244	PERMANENT UTILITY EASEMENT	S.I.D. 441 WATERFORD DOUGLAS COUNTY NEBRASKA	
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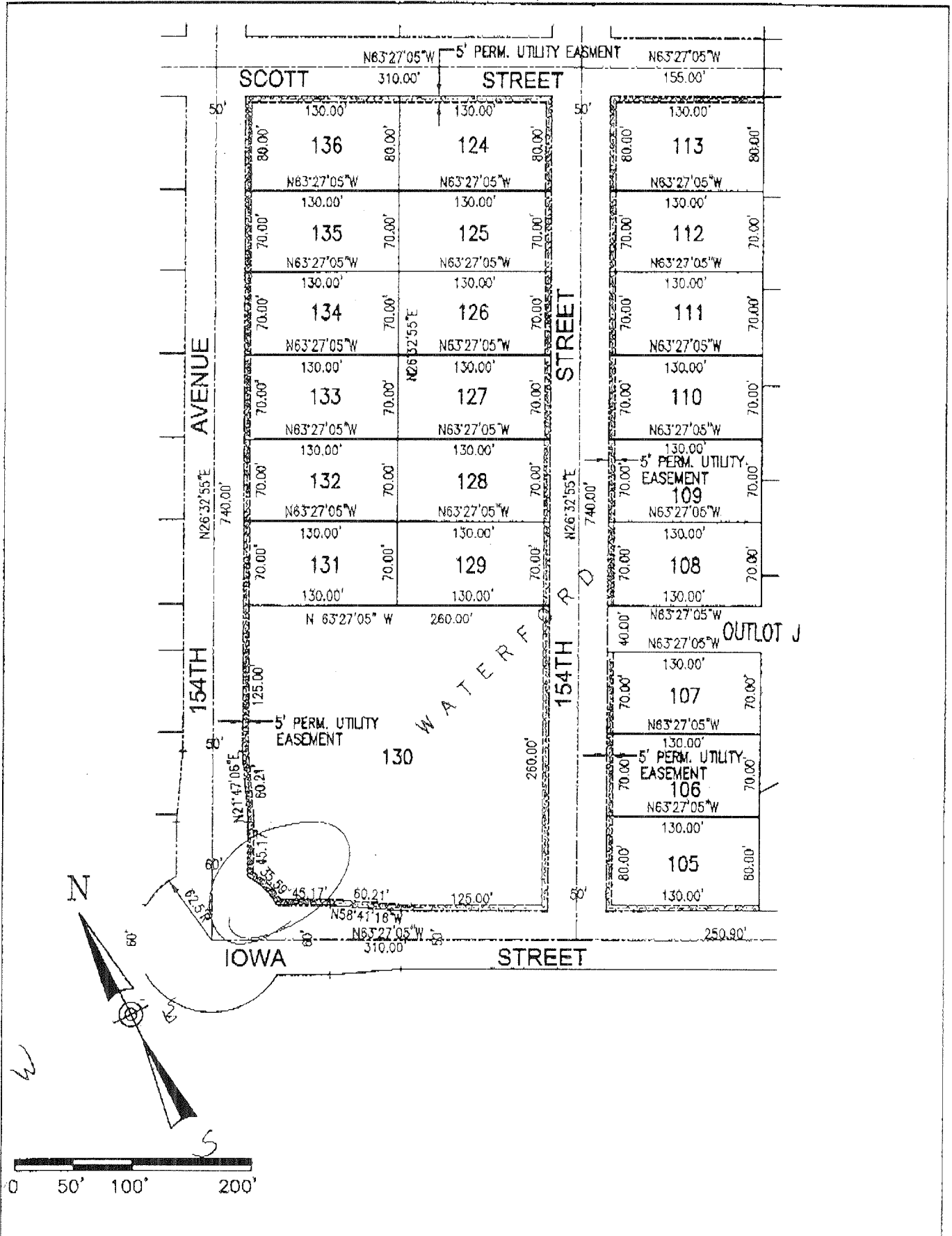
**LEGAL DESCRIPTION - PERMANENT UTILITY EASEMENT**

A TRACT OF LAND BEING THE WESTERLY FIVE FEET ADJOINING IOWA STREET AND 153RD STREET OF LOT 96; THE SOUTHERLY FIVE FEET ADJOINING VANE STREET OF LOTS 96, 97, 98 AND 99; AND THE EASTERLY FIVE FEET ADJOINING 152ND STREET OF LOTS 99 AND 100; ALL IN WATERFORD, A PLATTED AND RECORDED SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA, CONTAINING A TOTAL AREA OF 0.07 ACRE (2934 SQUARE FEET), MORE OR LESS.

JUN 05 '02

(A. U. P.)

SHEET 1/1	PERMANENT UTILITY EASEMENT	S.I.D. 441 WATERFORD	KIRKHAM MICHAEL CONSULTING ENGINEERS
	DOUGLAS COUNTY	NEBRASKA	

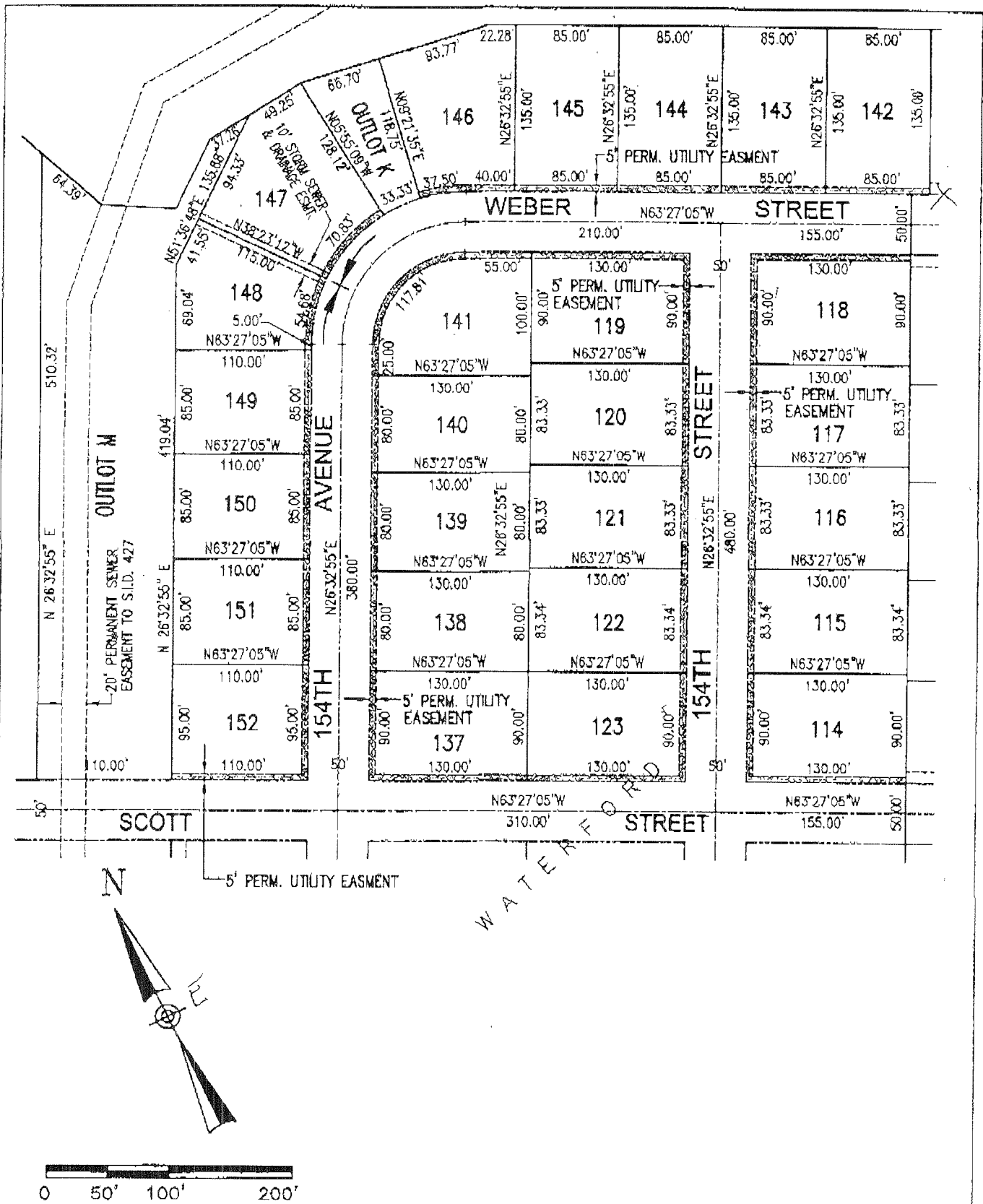


**LEGAL DESCRIPTION - PERMANENT UTILITY EASEMENT**

A TRACT OF LAND BEING THE SOUTHERLY FIVE FEET ADJOINING IOWA STREET OF LOTS 105 AND 130; THE WESTERLY FIVE FEET ADJOINING 154TH AVENUE OF LOTS 130 THRU 136, INCLUSIVE; THE NORTHERLY FIVE FEET ADJOINING SCOTT STREET OF LOTS 113, 124 AND 136; THE EASTERLY FIVE FEET ADJOINING 154TH STREET OF LOTS 124 THRU 130, INCLUSIVE; AND THE WESTERLY FIVE FEET ADJOINING 154TH STREET OF LOTS 105 THRU 113, INCLUSIVE, ALL IN WATERFORD, A PLATTED AND RECORDED SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA, CONTAINING A TOTAL AREA OF 0.32 ACRE (13,785 SQUARE FEET), MORE OR LESS.

JUN 05 '02  
 M. U. D.

SHEET 1/1	PERMANENT UTILITY EASEMENT	S.I.D. 441 WATERFORD	DOUGLAS COUNTY NEBRASKA	KIRKHAM & MICHAEL CONSULTING ENGINEERS



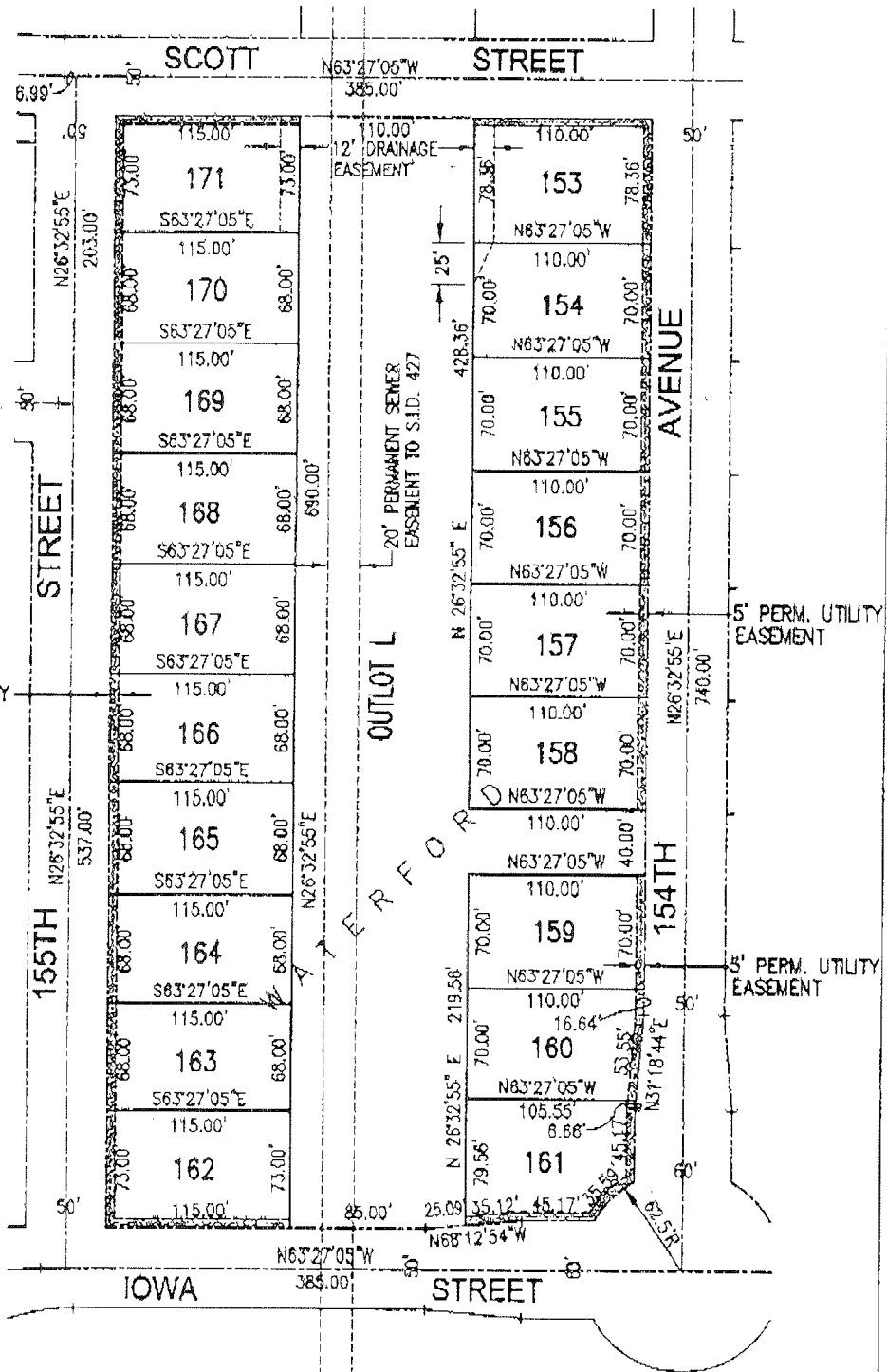
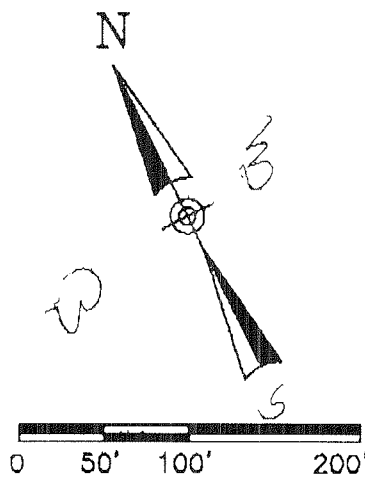
**LEGAL DESCRIPTION - PERMANENT UTILITY EASEMENT**

A TRACT OF LAND BEING THE SOUTHERLY FIVE FEET ADJOINING SCOTT STREET OF LOTS 114, 123, 137, AND 152; THE EASTERLY FIVE FEET ADJOINING 154TH AVENUE OF LOTS 148 THRU 152, INCLUSIVE; THE SOUTHERLY FIVE FEET ADJOINING WEBER STREET OF LOTS 142 THRU 147, INCLUSIVE; THE NORTHERLY FIVE FEET ADJOINING WEBER STREET OF LOTS 118, 119 AND 141; THE WESTERLY FIVE FEET ADJOINING 154TH STREET OF LOTS 114 THRU 118, INCLUSIVE; THE EASTERLY FIVE FEET ADJOINING 154TH STREET OF LOTS 119 THRU 123, INCLUSIVE; AND THE WESTERLY FIVE FEET ADJOINING 154TH AVENUE OF LOTS 137 THRU 141, INCLUSIVE, ALL IN WATERFORD, A PLATTED AND RECORDED SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA, CONTAINING A TOTAL AREA OF 0.55 ACRE (15,076 SQUARE FEET), MORE OR LESS.

JUN 05 '02

SHEET 1/4	PERMANENT UTILITY EASEMENT	S.L.D. 441 WATERFORD	KIRKHAM MICHAEL CONSULTING ENGINEERS
	DOUGLAS COUNTY	NEBRASKA	





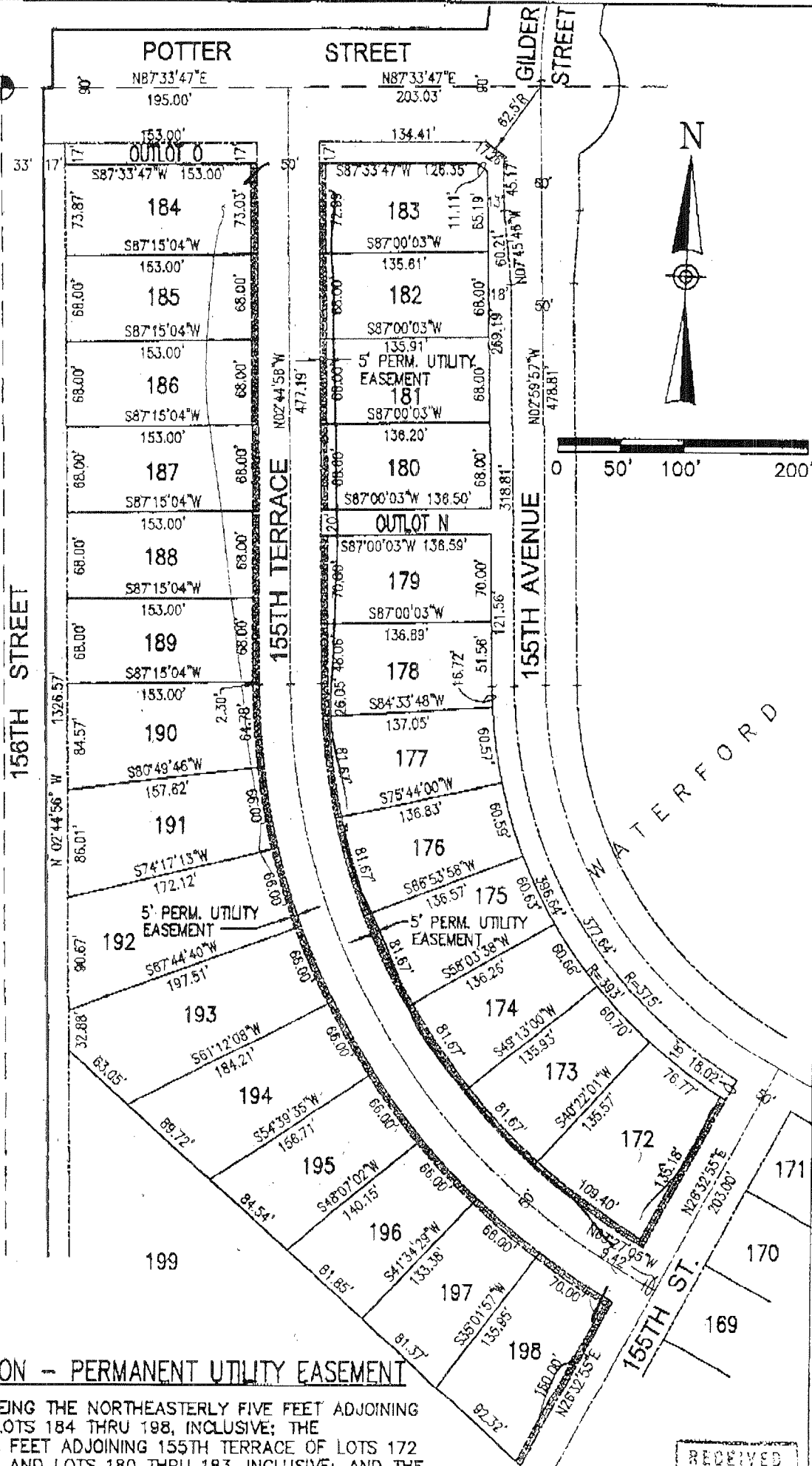
**LEGAL DESCRIPTION - PERMANENT UTILITY EASEMENT**

A TRACT OF LAND BEING THE SOUTHERLY FIVE FEET ADJOINING IOWA STREET OF LOTS 161 AND 162; THE WESTERLY FIVE FEET ADJOINING 155TH STREET OF LOTS 162 THRU 171, INCLUSIVE; THE NORTHERLY FIVE FEET ADJOINING SCOTT STREET OF LOTS 153 AND 171; AND THE EASTERLY FIVE FEET ADJOINING 154TH AVENUE OF LOTS 153 THRU 161, INCLUSIVE, ALL IN WATERFORD, A PLATTED AND RECORDED SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA, CONTAINING A TOTAL AREA OF 0.20 ACRE (8,734 SQUARE FEET), MORE OR LESS.

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 JUN 05 2002  
 ENGINEERS

SHEET 1/1	PERMANENT UTILITY EASEMENT	S.I.D. 441 WATERFORD	KIRKHAM MICHAEL CONSULTING ENGINEERS
	DOUGLAS COUNTY	NEBRASKA	

WEST 1/4 CORNER  
 SEC. 26-16-11

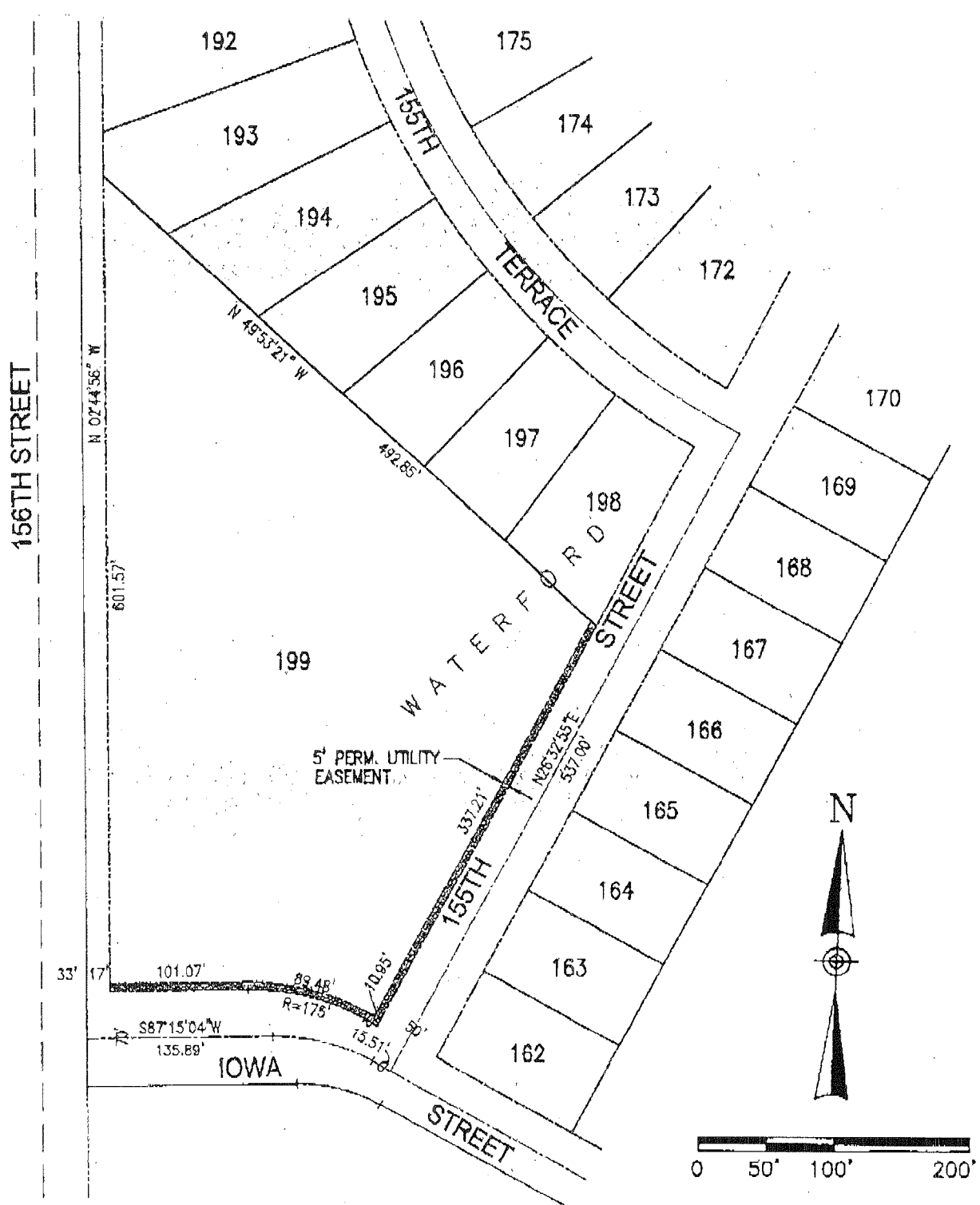


**LEGAL DESCRIPTION - PERMANENT UTILITY EASEMENT**

A TRACT OF LAND BEING THE NORTHEASTERLY FIVE FEET ADJOINING 155TH TERRACE OF LOTS 184 THRU 198, INCLUSIVE; THE SOUTHWESTERLY FIVE FEET ADJOINING 155TH TERRACE OF LOTS 172 THRU 179, INCLUSIVE AND LOTS 180 THRU 183, INCLUSIVE; AND THE SOUTHEASTERLY FIVE FEET ADJOINING 155TH STREET OF LOTS 172 AND 198; ALL IN WATERFORD, A PLATTED AND RECORDED SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA, CONTAINING A TOTAL AREA OF 0.26 ACRE (11,128 SQUARE FEET), MORE OR LESS.

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 MAY 03 '02  
 M. D. J.  
 ENGINEERING

SHEET 1/1 APR 30 2002	PERMANENT UTILITY EASEMENT	S.I.D. 441 WATERFORD	(vertical text)	KIRKHAM MICHAEL CONSULTING ENGINEERS
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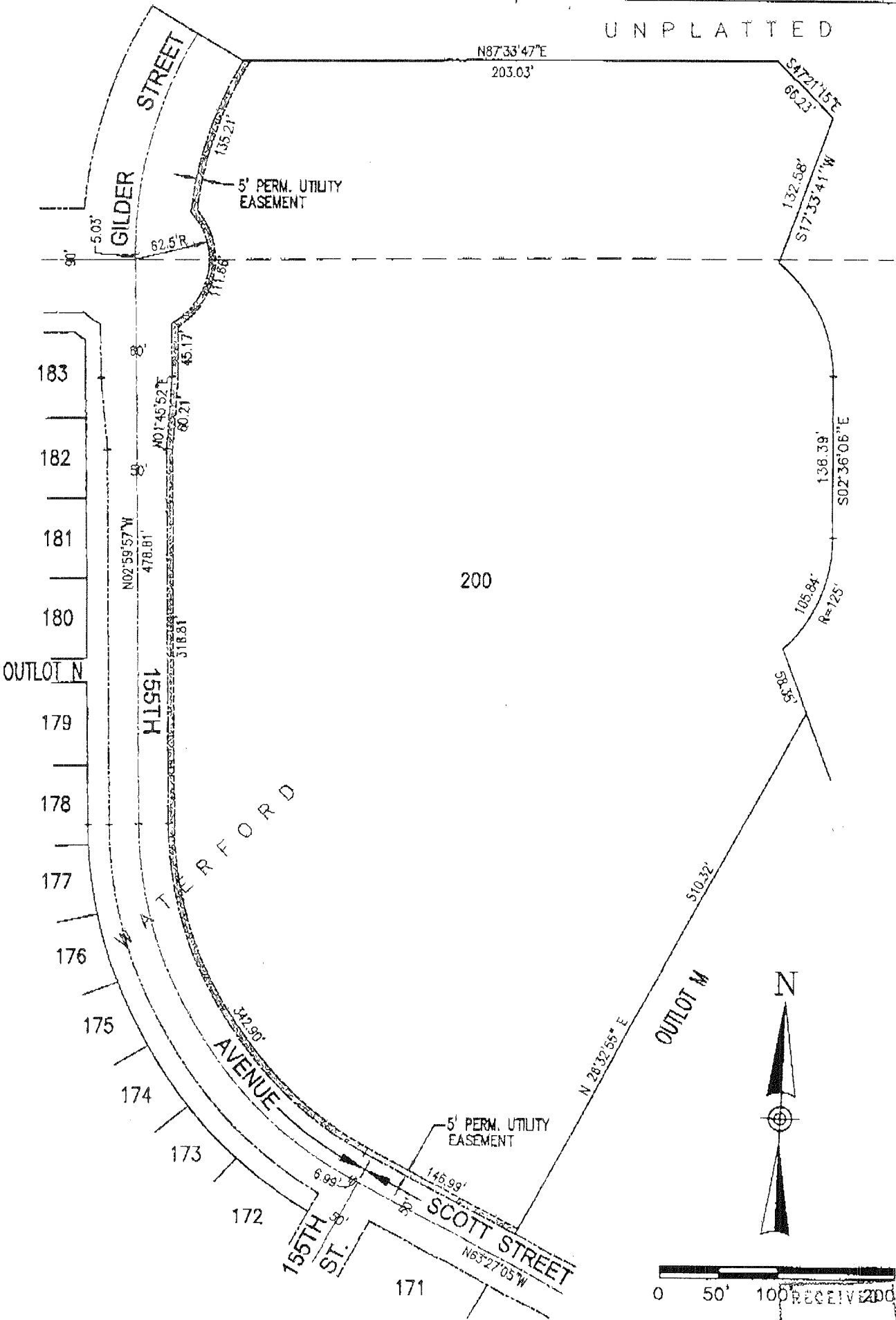


### LEGAL DESCRIPTION - PERMANENT UTILITY EASEMENT

A TRACT OF LAND BEING THE SOUTHERLY FIVE FEET ADJOINING IOWA STREET AND THE EASTERLY FIVE FEET ADJOINING 155TH STREET OF LOT 199, WATERFORD, A PLATTED AND RECORDED SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA, CONTAINING A TOTAL AREA OF 0.06 ACRE (2678 SQUARE FEET), MORE OR LESS.

MAY 02 2002  
 W. B. S.  
 ENGINEERING

SHEET 1/1	PERMANENT UTILITY EASEMENT	S.I.D. 441 WATERFORD DOUGLAS COUNTY NEBRASKA	
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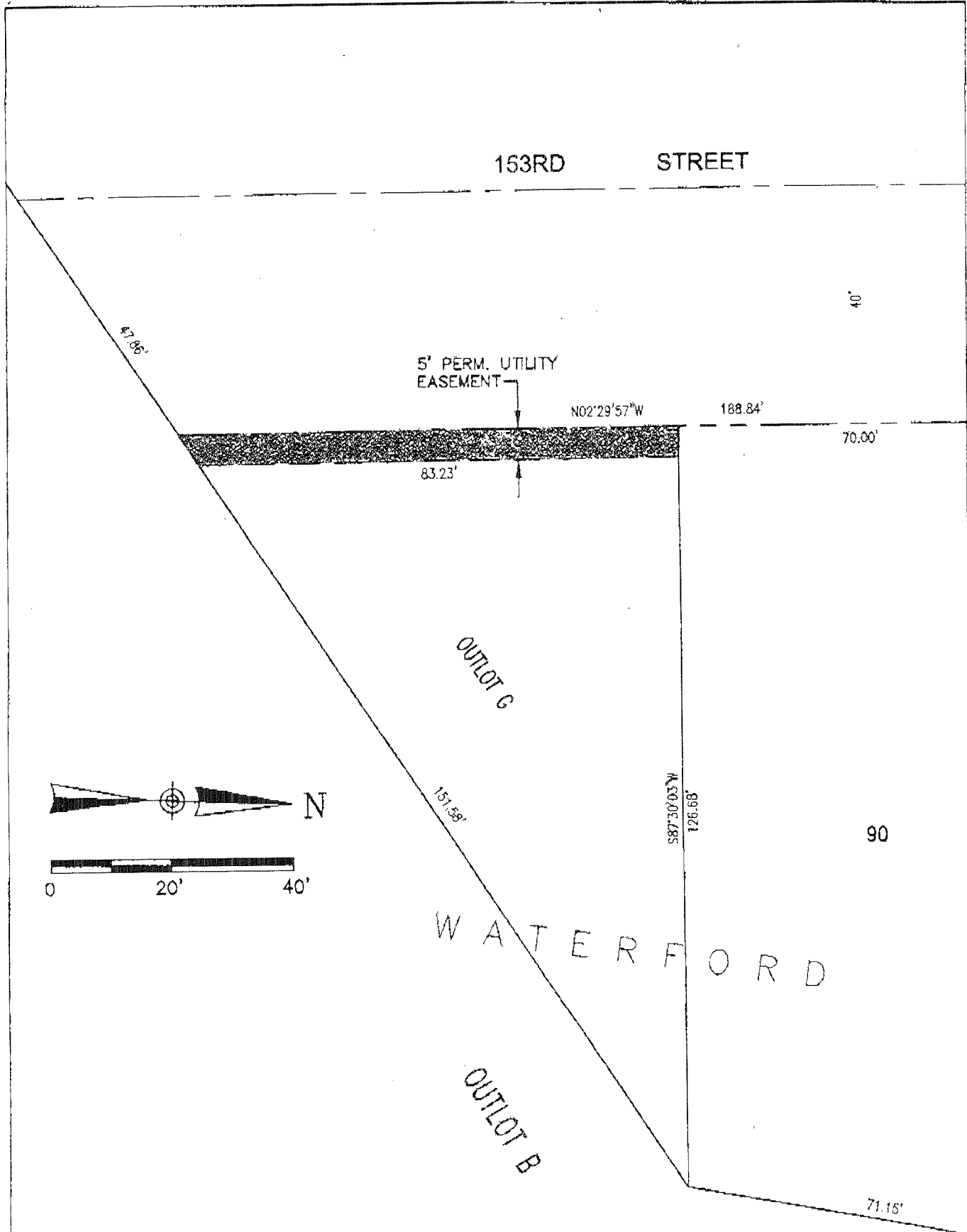


**LEGAL DESCRIPTION - PERMANENT UTILITY EASEMENT**

A TRACT OF LAND BEING THE WESTERLY FIVE FEET ADJOINING 155TH AVENUE AND GILDER STREET AND THE SOUTHWESTERLY FIVE FEET ADJOINING SCOTT STREET OF LOT 200, WATERFORD, A PLATTED AND RECORDED SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA, CONTAINING A TOTAL AREA OF 0.13 ACRE (5790 SQUARE FEET), MORE OR LESS.

MAY 09 '02  
 M. J. D.

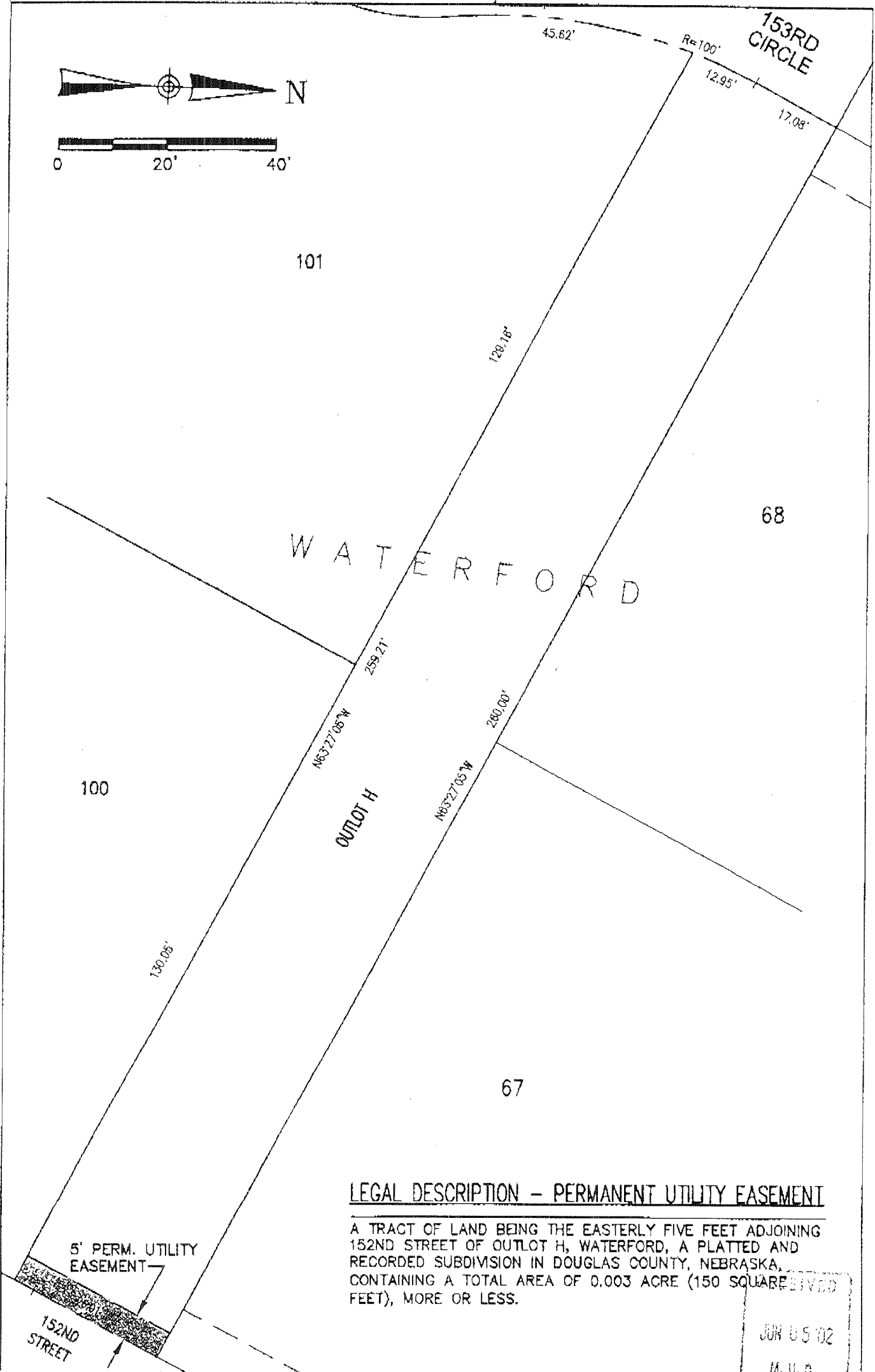
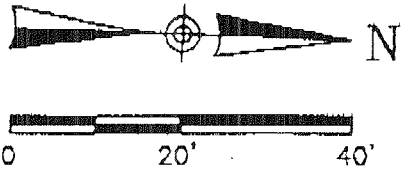
SHEET 1/1 08/22/04	PERMANENT UTILITY EASEMENT	S.I.D. 441 WATERFORD DOUGLAS COUNTY NEBRASKA	
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LEGAL DESCRIPTION - PERMANENT UTILITY EASEMENT

A TRACT OF LAND BEING THE WESTERLY FIVE FEET ADJOINING 153RD STREET OF OUTLOT G, WATERFORD, A PLATTED AND RECORDED SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA, CONTAINING A TOTAL AREA OF 0.01 ACRE (408 SQUARE FEET), MORE OR LESS.

RECEIVED
JUN 05 02
M. U. D. ENGINEERING

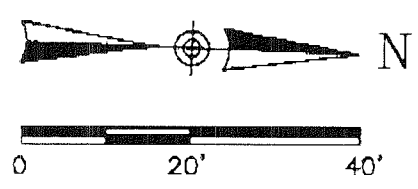
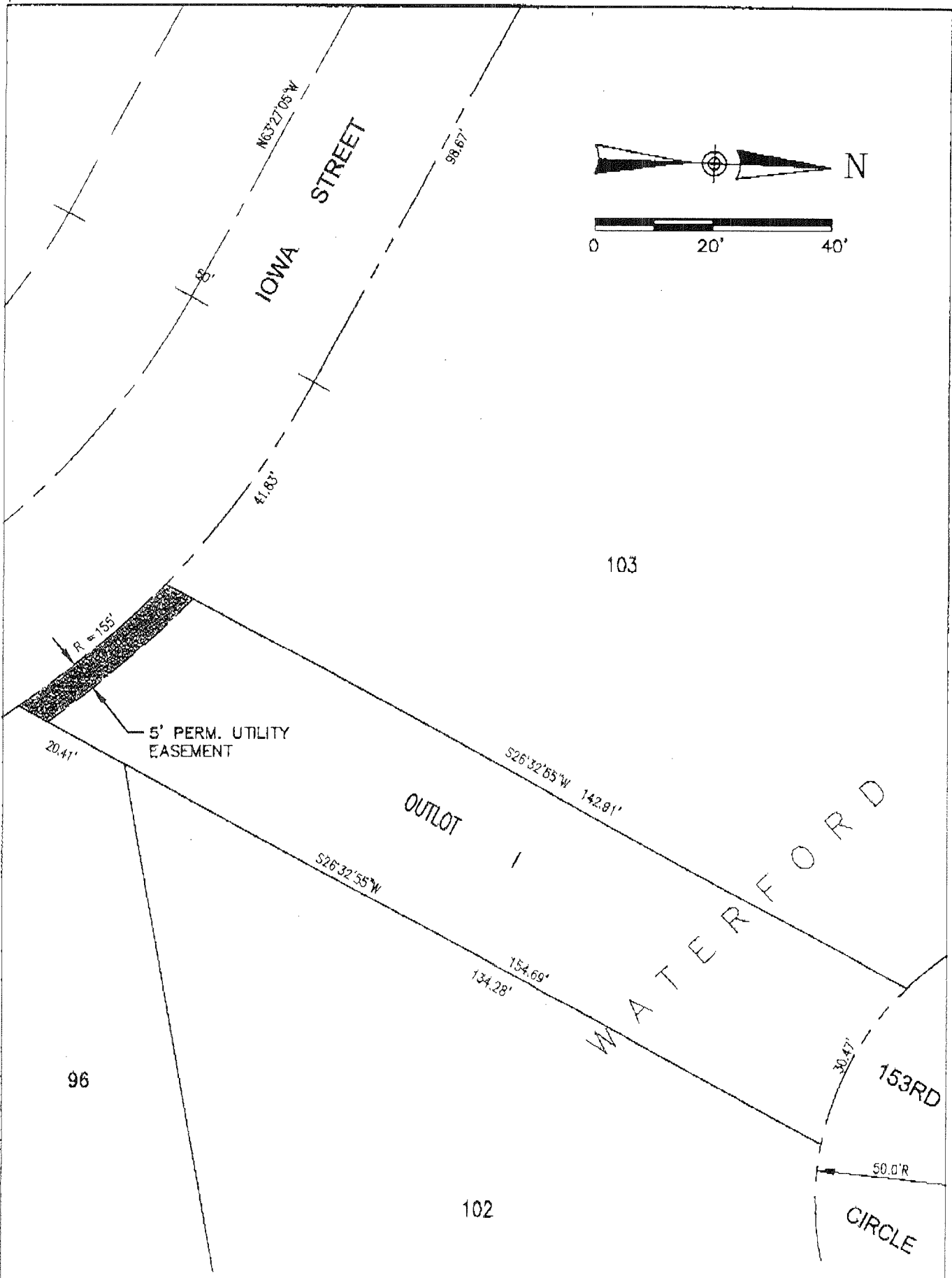


**LEGAL DESCRIPTION - PERMANENT UTILITY EASEMENT**

A TRACT OF LAND BEING THE EASTERLY FIVE FEET ADJOINING 152ND STREET OF OUTLOT H, WATERFORD, A PLATTED AND RECORDED SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA, CONTAINING A TOTAL AREA OF 0.003 ACRE (150 SQUARE FEET), MORE OR LESS.

JUN 05 '02  
 M. U. S.

SHEET 1/1 980244 JUN 05 2002	PERMANENT UTILITY EASEMENT	S.L.D. 441 WATERFORD DOUGLAS COUNTY NEBRASKA	KIRKHAM & MICHAEL CONSULTING ENGINEERS
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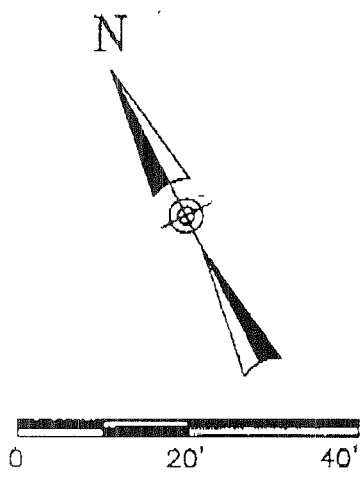
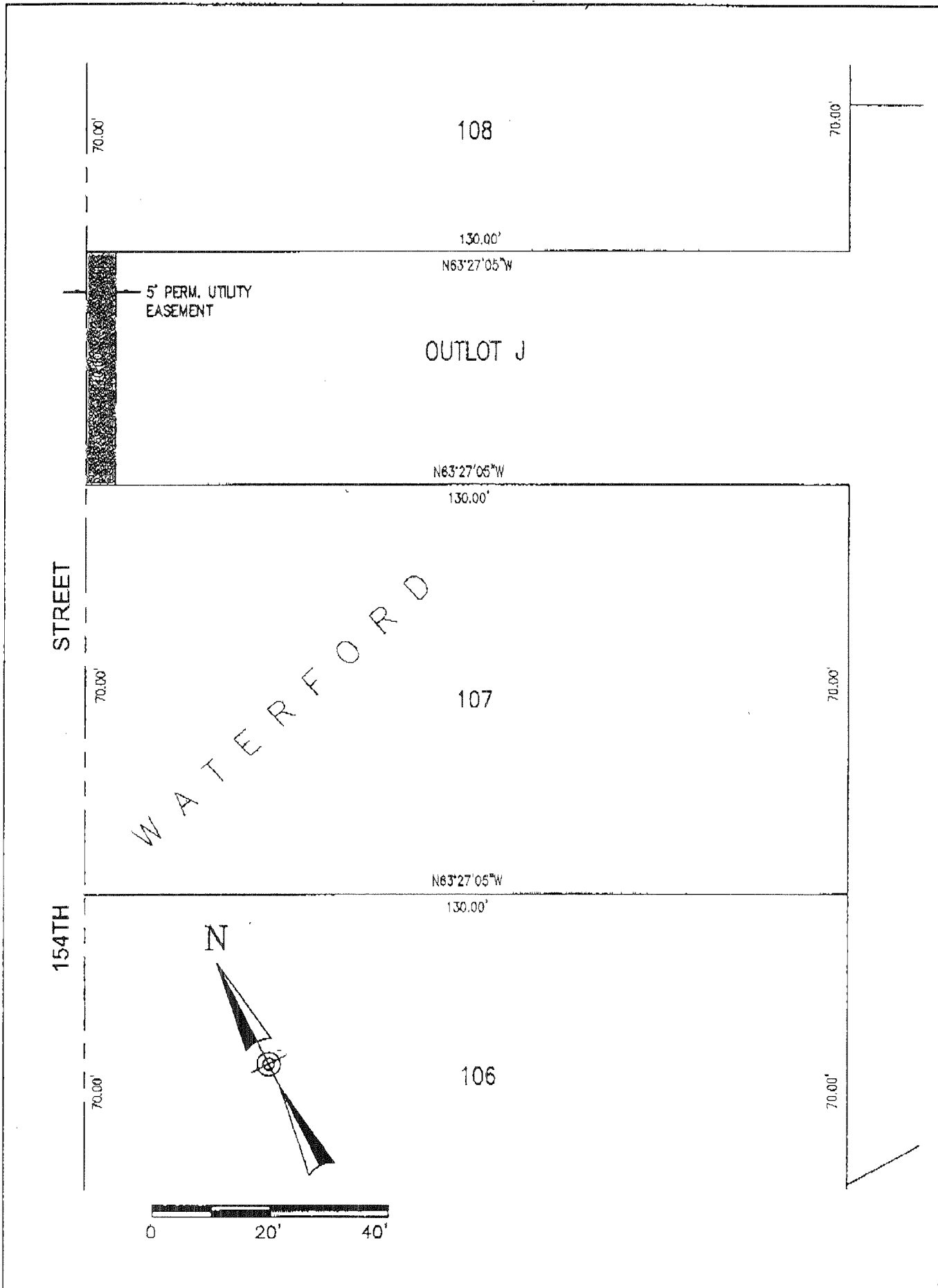


**LEGAL DESCRIPTION - PERMANENT UTILITY EASEMENT**

A TRACT OF LAND BEING THE SOUTHWESTERLY FIVE FEET ADJOINING IOWA STREET OF OUTLOT 1, WATERFORD, A PLATTED AND RECORDED SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA, CONTAINING A TOTAL AREA OF 0.004 ACRE (161 SQUARE FEET), MORE OR LESS.

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 JUN 05 02  
 M. U. D.  
 ENGINEERING

	PERMANENT UTILITY EASEMENT	S.L.D. 441 WATERFORD DOUGLAS COUNTY NEBRASKA	
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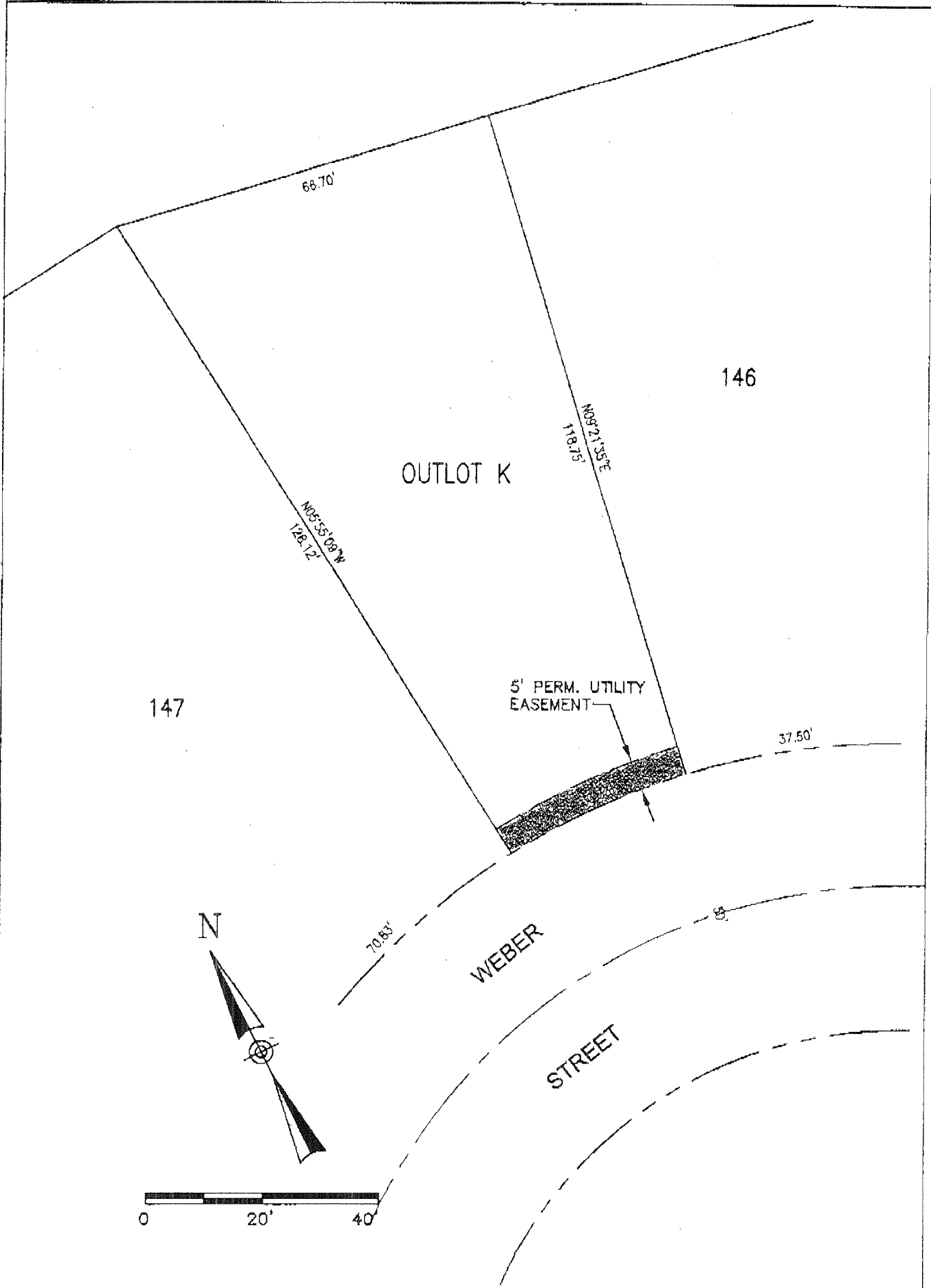
**LEGAL DESCRIPTION – PERMANENT UTILITY EASEMENT**

A TRACT OF LAND BEING THE WESTERLY FIVE FEET ADJOINING 154TH STREET OF OUTLOT J, WATERFORD, A PLATTED AND RECORDED SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA, CONTAINING A TOTAL AREA OF 0.005 ACRE (200 SQUARE FEET), MORE OR LESS.

JUN 05 '02

SHEET 1/1 990244 06/05/02	PERMANENT UTILITY EASEMENT	S.D. 441 WATERFORD DOUGLAS COUNTY NEBRASKA	
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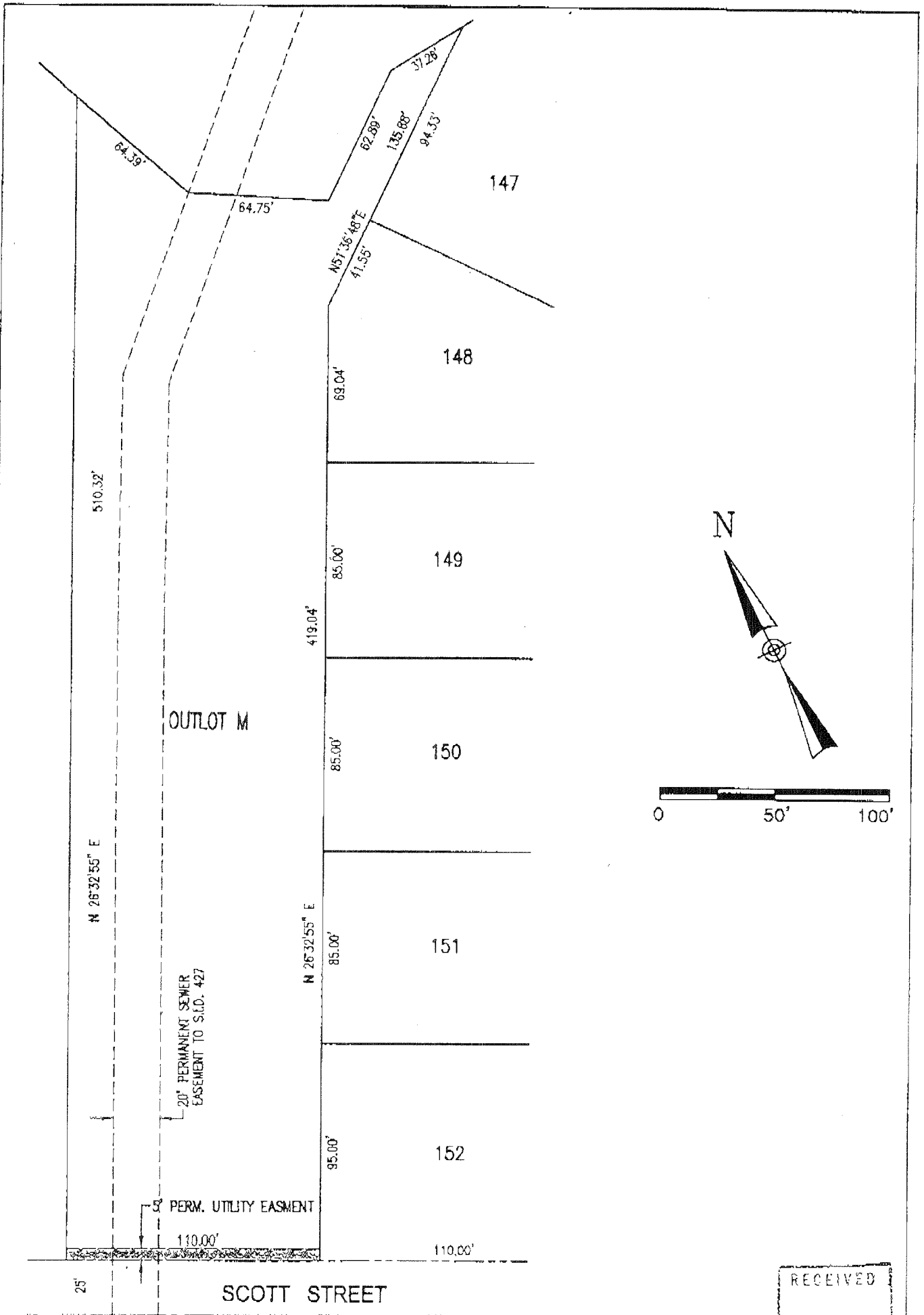


**LEGAL DESCRIPTION - PERMANENT UTILITY EASEMENT**

A TRACT OF LAND BEING THE SOUTHERLY FIVE FEET ADJOINING WEBER STREET OF OUTLOT K, WATERFORD, A PLATTED AND RECORDED SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA; CONTAINING A TOTAL AREA OF 0.004 ACRE (170 SQUARE FEET), MORE OR LESS.

RECEIVED  
 JUN 05 '02  
 M. V. O.  
 ENGINEERING

SHEET 1/1 	PERMANENT UTILITY EASEMENT	S.J.D. 441 WATERFORD DOUGLAS COUNTY NEBRASKA	
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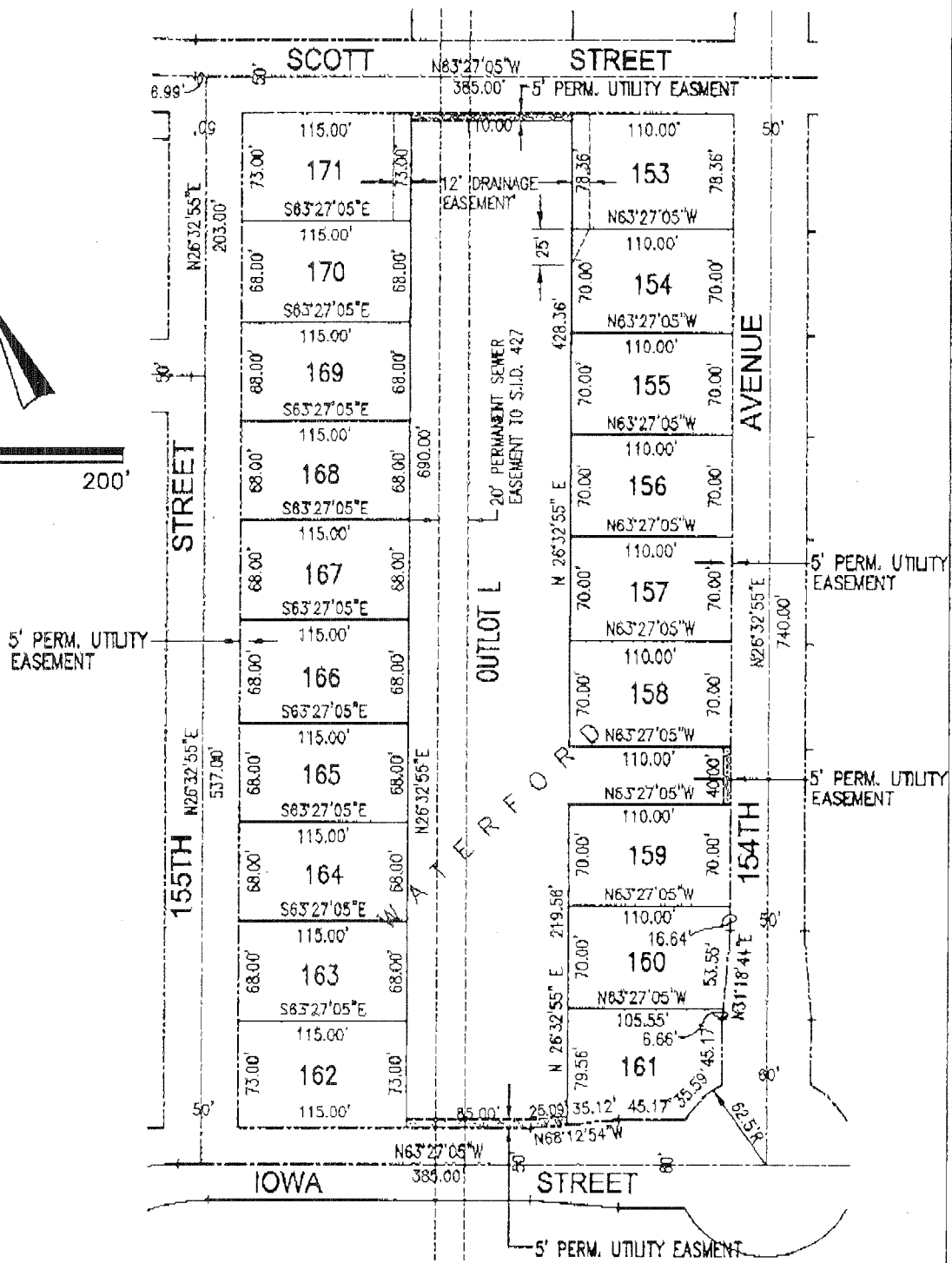
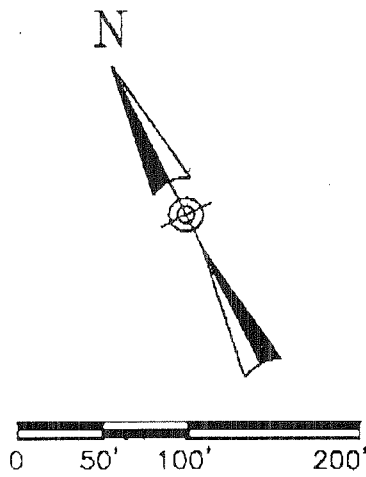


**LEGAL DESCRIPTION - PERMANENT UTILITY EASEMENT**

A TRACT OF LAND BEING THE SOUTHERLY FIVE FEET ADJOINING SCOTT STREET OF OUTLOT M, WATERFORD, A PLATTED AND RECORDED SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA, CONTAINING A TOTAL AREA OF 0.01 ACRE (550 SQUARE FEET), MORE OR LESS.

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 JUN 05 '02  
 M. U. C.  
 ENGINEERING

SHEET 1/1 JUN 05 '02 M. U. C. ENGINEERING	PERMANENT UTILITY EASEMENT	S.I.D. 441 WATERFORD DOUGLAS COUNTY NEBRASKA	
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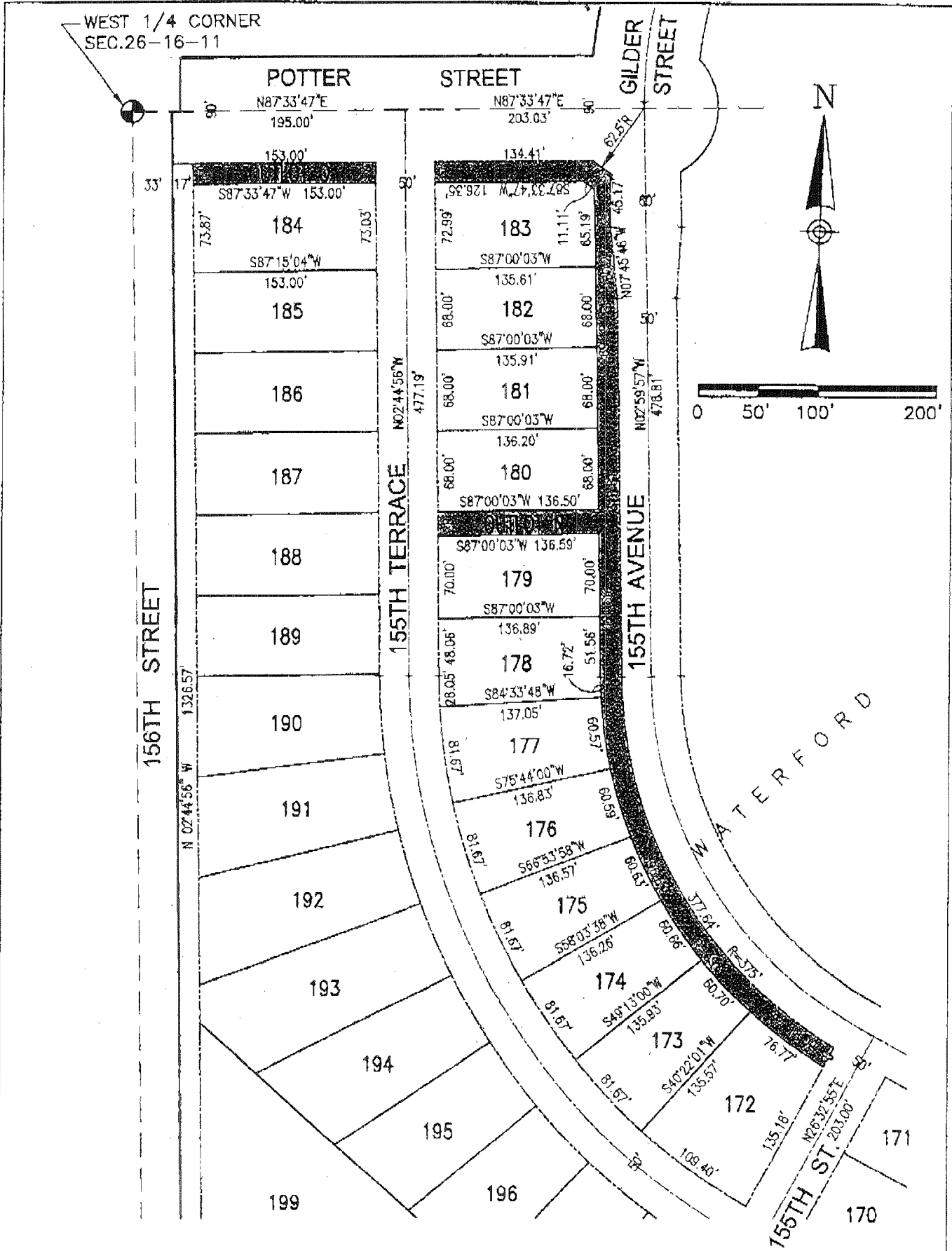


**LEGAL DESCRIPTION - PERMANENT UTILITY EASEMENT**

A TRACT OF LAND BEING THE SOUTHERLY FIVE FEET ADJOINING IOWA STREET OF OUTLOT L; THE NORTHERLY FIVE FEET ADJOINING SCOTT STREET OF OUTLOT L; AND THE EASTERLY FIVE FEET ADJOINING 154TH AVENUE OF OUTLOT L, ALL IN WATERFORD, A PLATTED AND RECORDED SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA, CONTAINING A TOTAL AREA OF 0.03 ACRE (1,300 SQUARE FEET), MORE OR LESS.

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SHEET 1/1	PERMANENT UTILITY EASEMENT	S.I.O. 441	KIRKHAM MICHAEL CONSULTING ENGINEERS
		WATERFORD	
DOUGLAS COUNTY		NEBRASKA	

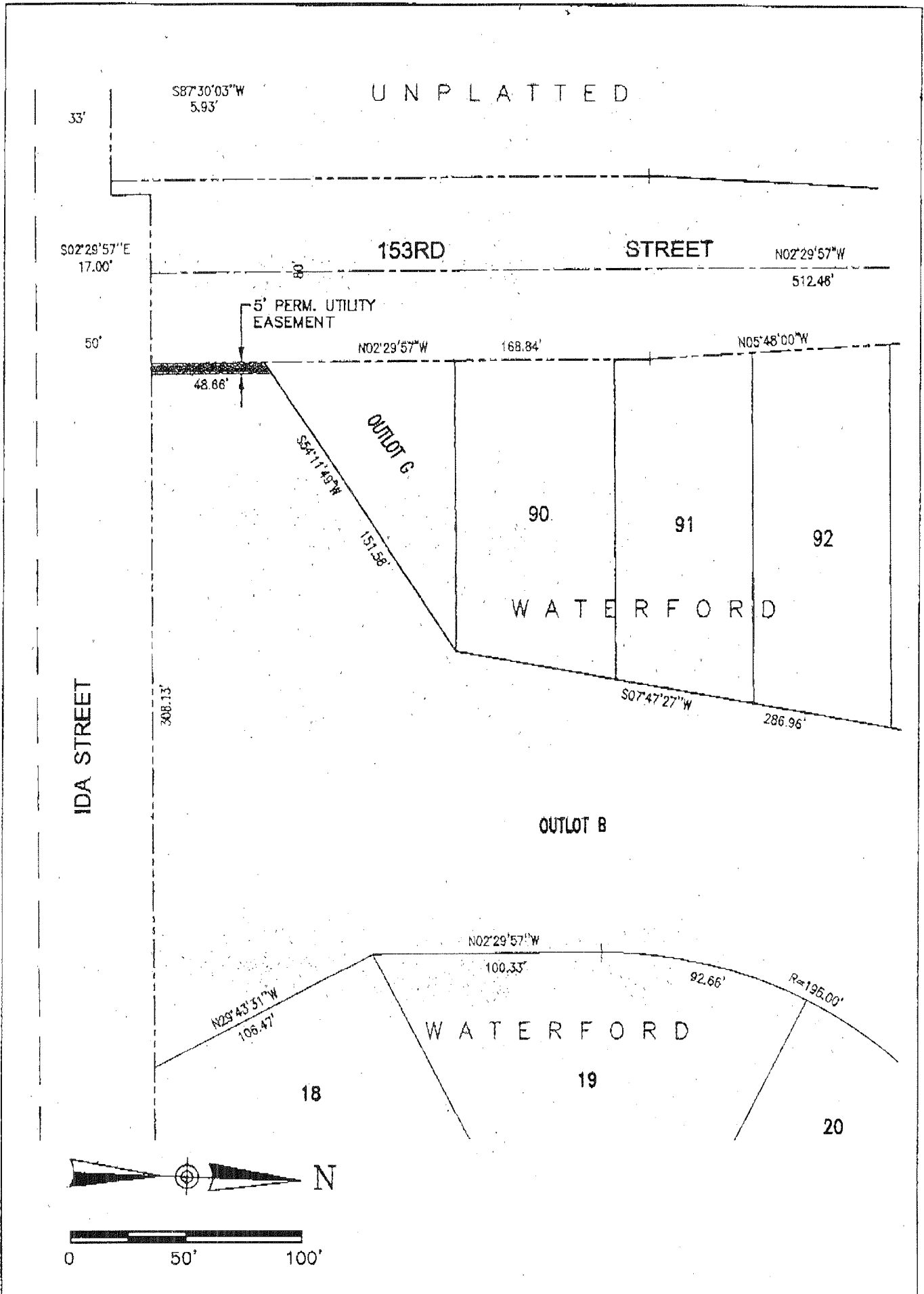


**LEGAL DESCRIPTION – PERMANENT UTILITY EASEMENT**

A TRACT OF LAND BEING ALL OF OUTLOT N AND ALL OF OUTLOT O, BOTH LOCATED IN WATERFORD, A PLATTED AND RECORDED SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA, CONTAINING A TOTAL AREA OF 0.50 ACRE (21,942 SQUARE FEET), MORE OR LESS.

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SHEET 1/1	PERMANENT UTILITY EASEMENT	S.L.D. 441 WATERFORD DOUGLAS COUNTY NEBRASKA	
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**LEGAL DESCRIPTION - PERMANENT UTILITY EASEMENT**

A TRACT OF LAND BEING THE SOUTHWESTERLY FIVE FEET ADJOINING 153RD STREET OF OUTLOT B, RECEIVED WATERFORD, A PLATTED AND RECORDED SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA, CONTAINING A TOTAL AREA OF 0.01 ACRE (252 SQUARE FEET), MORE OR LESS.

MAY 09 '02

SHEET 1/1 MAY 09 2002	PERMANENT UTILITY EASEMENT	S.I.D. 441 WATERFORD DOUGLAS COUNTY NEBRASKA	
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