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EASEMENT AND RIGHT-OF-WAY 43BKP.

THIS INDENTURE, made this 2001. day of 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, including but not limited to numerous roadway boxes and 24" round iron lids, 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 water and gas lines and related facilities over those parts of Lots 1, 14, 24, 25-47, 49, 55-58, 60-67, 72, 73, 75, 77, 79, and 81-85, in Waterford, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, and being described as follows:

A five foot (5') wide strip of land adjacent to and adjoining the streets along the front and side lot lines of Lots 25-47. 49, 55-58, 60-67, 72, **32**, 75, 77, 79, and 81-85.

A five foot (5') wide strip of land adjacent to and adjoining the streets along the side lot lines of Lots 1, 14, and 24.

This permanent easement contains 0.632 of an acre, more of less, and is shown on the drawings 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 water and gas 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.

Susan Prazan M. U.D. 1723 Harrey Street Omata, NEV 68102

- 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 he has authority to execute it on behalf of the limited liability company.

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

WATERFORD DEVELOPMENT, L.L.C., a Nebraska Limited Liability Company

By: Karbara Cedes Slaw)
Maurice McHales Manager

Barbara Udes Shaw, Manager

ACKNOWLEDGMENT

STATE OF NEBRASKA) ss COUNTY OF DOUGLAS)

This instrument was acknowledged before me on 2001, by Barbara Udes Shaw, Manager of Waterford Development, L.L.C., a Nebraska Limited Liability Company, on behalf of the company.

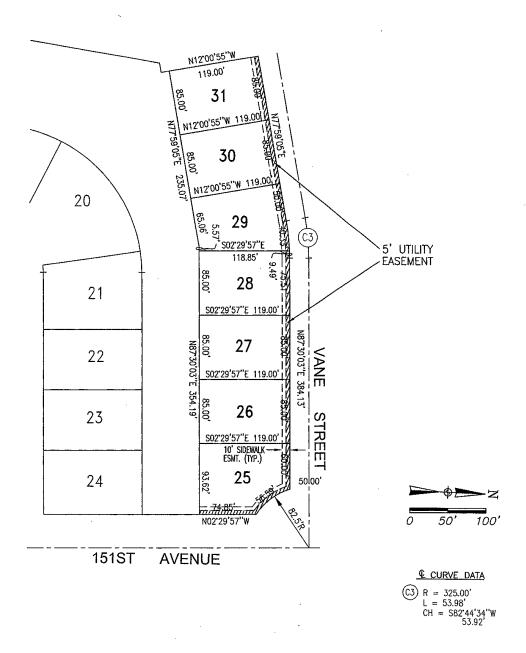
GENERAL NOTARY-State of Nebraska TIMOTHY A. WAGGONER My Comm. Exp. Dec. 15, 2004

Notary Public

STATE OF NEBRASKAXXX

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Utility Easement Description

Tracts of land located in Lots 25 through 31 of Waterford, a platted and a cray is recorded subdivision in Douglas County, Nebraska, being more particularly described as follows: A five (5) foot wide strip of land adjacent to and adjoining the streets along the front and side lot lines of said lots.

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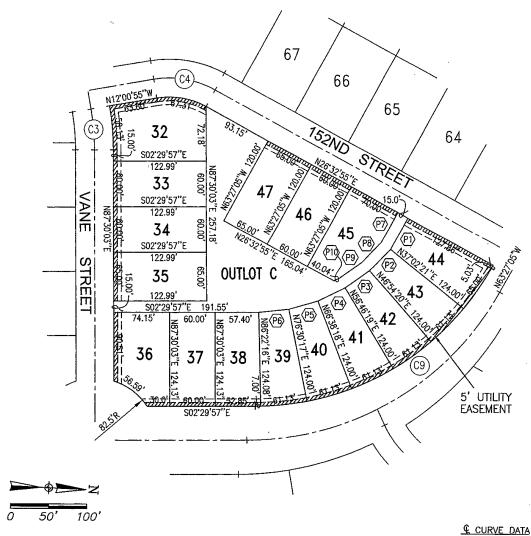
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M.U.D. EASEMENT

WATERFORD

KIRKHAM MICHAEL CONSULTING ENGINEERS



P. DATA

P9 N38'09'40''W P10 N28'17'41''W

PL CURVE DATA

(C9) R = 355.00°

L = 377.66'

CH = N32*58'31"W 360.10' C3 R = 325.00' L = 53.98' CH = S82'44'34"

 $\begin{array}{c} \text{C4} \quad \text{R} \; = \; 125.00' \\ \text{L} \; = \; 84.13' \\ \text{CH} \; = \; \text{N07'16'00''E} \\ 82.55' \end{array}$

Utility Easement Description

Tracts of land located in Lots 32 through 47 of Waterford, a platted and recorded subdivision in Douglas County, Nebraska, being more particularly described as follows: A five (5) foot wide strip of land adjacent to and adjoining the streets along the front and side lot lines of said lots.

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JAN 16'01 M. U. D.

DEC-2000

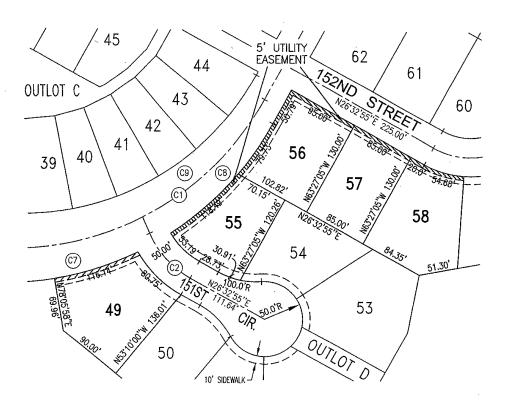
M.U.D. EASEMENT

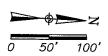
DOUGLAS COUNTY

WATERFORD LOTS 32-47

NEBRASKA

KIRKHAM MICHAEL CONSULTING ENGINEERS





€ CURVE DATA

C1) R = 380.00' L = 404.25' CH = N32'58'31"W 385.46'

C2) R = 125.00' L = 80.46' CH = N44'59'17"E 79.08'

PL CURVE DATA

C7) R = 405.00 L = 182.60' CH = N15'24'54''W 181.05'

C8) R = 405.00' L = 198.21' CH = N49'25'51"W 196.24'

Utility Easement Description

Tracts of land located in Lots 49, 55, 56, 57 and 58 of Waterford, a platted and recorded subdivision in Douglas County, Nebraska, being more particularly described as follows: A five (5) foot wide strip of land adjacent to and adjoining the streets along the front and side lot lines of said lots.

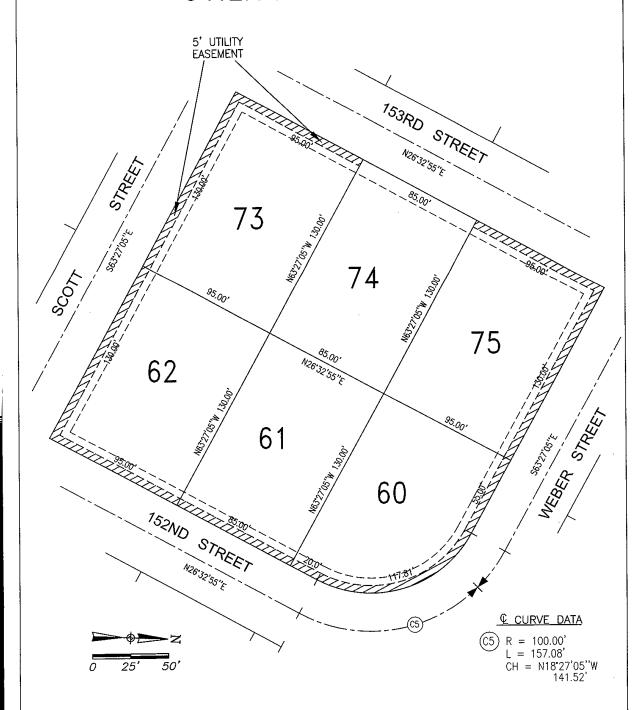
W. L. J. 1, "01"





M.U.D. EASEMENT WATERFORD LOTS 50-62, 73 & 75

KIKKHAM MICHAEL CONSULTING ENGINEERS



Utility Easement Description

Tracts of land located in Lots 60 through 62, 73 and 75 of Waterford, a platted and recorded subdivision in Douglas County, Nebraska, being more particularly described as follows: A five (5) foot wide strip of land adjacent to and adjoining the streets along the front and side boundary lines of said Lots.

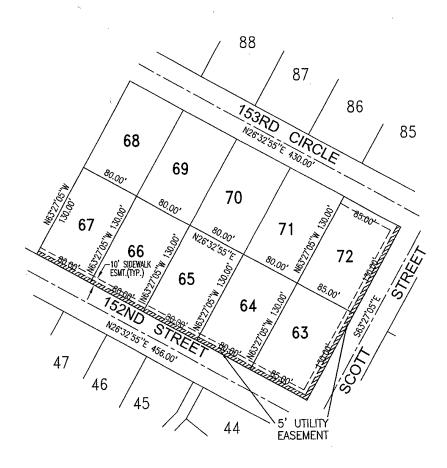
JAN 16'01

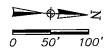
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M.U.D. EASEMENT WATERFORD
LOTS 60-62, 73 & 75
DOUGLAS COUNTY

NEBRASKA

KIRKHAM MICHAEL CONSULTING ENGINEERS





Utility Easement Description

Tracts of land located in Lots 63 through 67, and Lot 72 of Waterford, a platted and recorded subdivision in Douglas County, Nebraska, being more particularly described as follows: A five (5) foot wide strip of land adjacent to and adjoining the street along the front lot lines of said lots 63 through 67, and along the side lot line of Lot 72 along Scott Street.

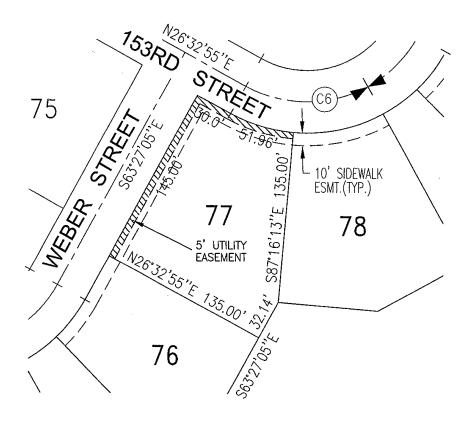
JAN 16 '01 M. U. D. ENGINEERING

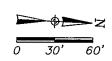


M.U.D. EASEMENT WATERFORD
LOTS 63-67, & 72
DOUGLAS COUNTY

NEBRASKA

KIRKHAM MICHAEL CONSULTING ENGINEERS





€ CURVE DATA

C6) R = 100.00' L = 157.08' CH = N18'27'05''W 141.52'

Utility Easement Description

A tract of land located in Lot 77 of Waterford, a platted and recorded subdivision in Douglas County, Nebraska, being more particularly described as follows: A five (5) foot wide strip of land adjacent to and adjoining the streets along the front lot lines of said lot.

JAN 16'01

M. U. D.
ENGINEERING

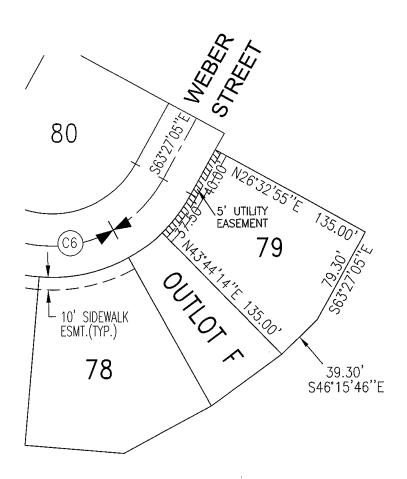
SHEET DEC-3000 M.U.D. WATERFORD LOT 77 EASEMENT DOUGLAS COUNTY NEBRASKA	KIRKHAM MICHAEL CONSULTING ENGINEERS
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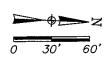


M.U.D. EASEMENT WATERFORD LOT 79 revision

NEBRASKA

KIRKHAM MICHAEL





€ CURVE DATA

 $\begin{array}{c} \hline \text{(C6)} & R = 100.00' \\ L = 157.08' \end{array}$ CH = N18'27'05"W 141.52

Utility Easement Description

A tracts of land located in Lot 79 of Waterford, a platted and recorded subdivision in Douglas County, Nebraska, being more particularly described as follows: A five (5) foot wide strip of land adjacent to and adjoining the streets along the front lot lines of said lot.



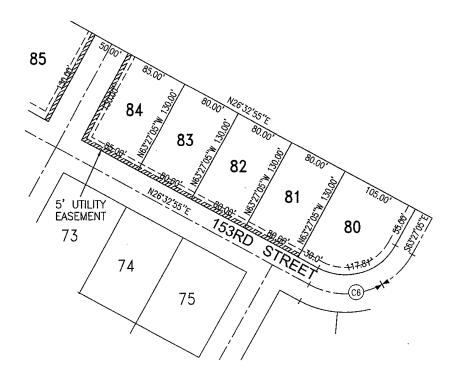


M.U.D. EASEMENT

WATERFORD

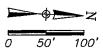
DOUGLÀS COUNTY





€ CURVE DATA

$$C6$$
 R = 100.00'
L = 157.08'
CH = N18'27'05"W
141.52'



Utility Easement Description

Tracts of land located in Lots 81 through 85 of Waterford, a platted and recorded subdivision in Douglas County, Nebraska, being more particularly described as follows: A five (5) foot wide strip of land adjacent to and adjoining the streets along the front and side lot lines of said lots.

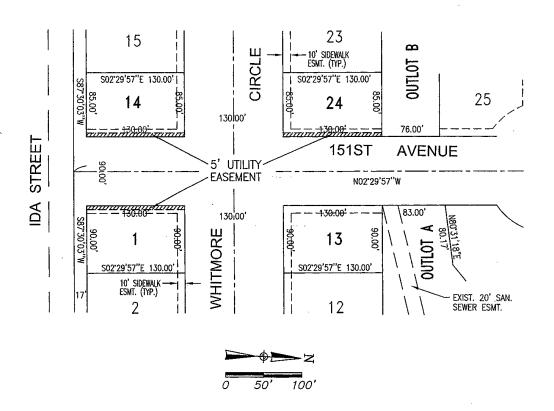




M.U.D. EASEMENT

WATERFORD





Utility Easement Description

Tracts of land located in Lots 1, 14, and 24 of Waterford, a platted and recorded subdivision in Douglas County, Nebraska, being more particularly described as follows: A five (5) foot wide strip of land adjacent to and adjoining the streets along the side lot lines of said lots.





M.U.D. EASEMENT WATERFORD LOTS 1, 14, 24

NEBRASKA

KIRKHAM MICHAEL CONSULTING ENGINEERS