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GEORGE I. DUSLEWICZ
REGISTER OF DEEDS
DOUGLAS COUNTY, NE

EASEMENT AND RIGHT-OF-WAY

THIS INDENTURE, made this 1st day of August, 1994, between WEST BAY, 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 fire hydrants, valve boxes, round iron covers and roadway boxes, 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 Western Oaks Addition, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, and being described as follows:

The westerly 5 feet of each of Lots 204, 193, 194, 203, 176, 164, 167, 168, 150, and 125, as the same abut 161st Avenue; and

The westerly 10 feet of each of Lots 165 and 166 as the same abut 161st Avenue; and

The northerly 5 feet of Lots 23 as the same abuts Adams Street; the northerly 5 feet of each of Lots 111, 110, 109 and 108 as the same abut 161st Street; and the northerly 5 feet of Lot 151 as the same abuts Adams Street.

Said tracts contain a total of 0.2283 of an acre, more or less, and are 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 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

Return To -
R. OWENS
MUD
1723 HARVEY STREET
Omaha, NE 68102

9564
FEE 2400 R (Comp) FB MI-43365
DEL C/O COMP PW
LEGAL PG 513 SOA [Signature] FV

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/she 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.

WEST BAY, INC., a Nebraska Corporation, Grantor

(Corporate Seal)

ATTEST:



By: 
President

ACKNOWLEDGMENT

STATE OF NEBRASKA)
) ss
COUNTY OF Douglas)

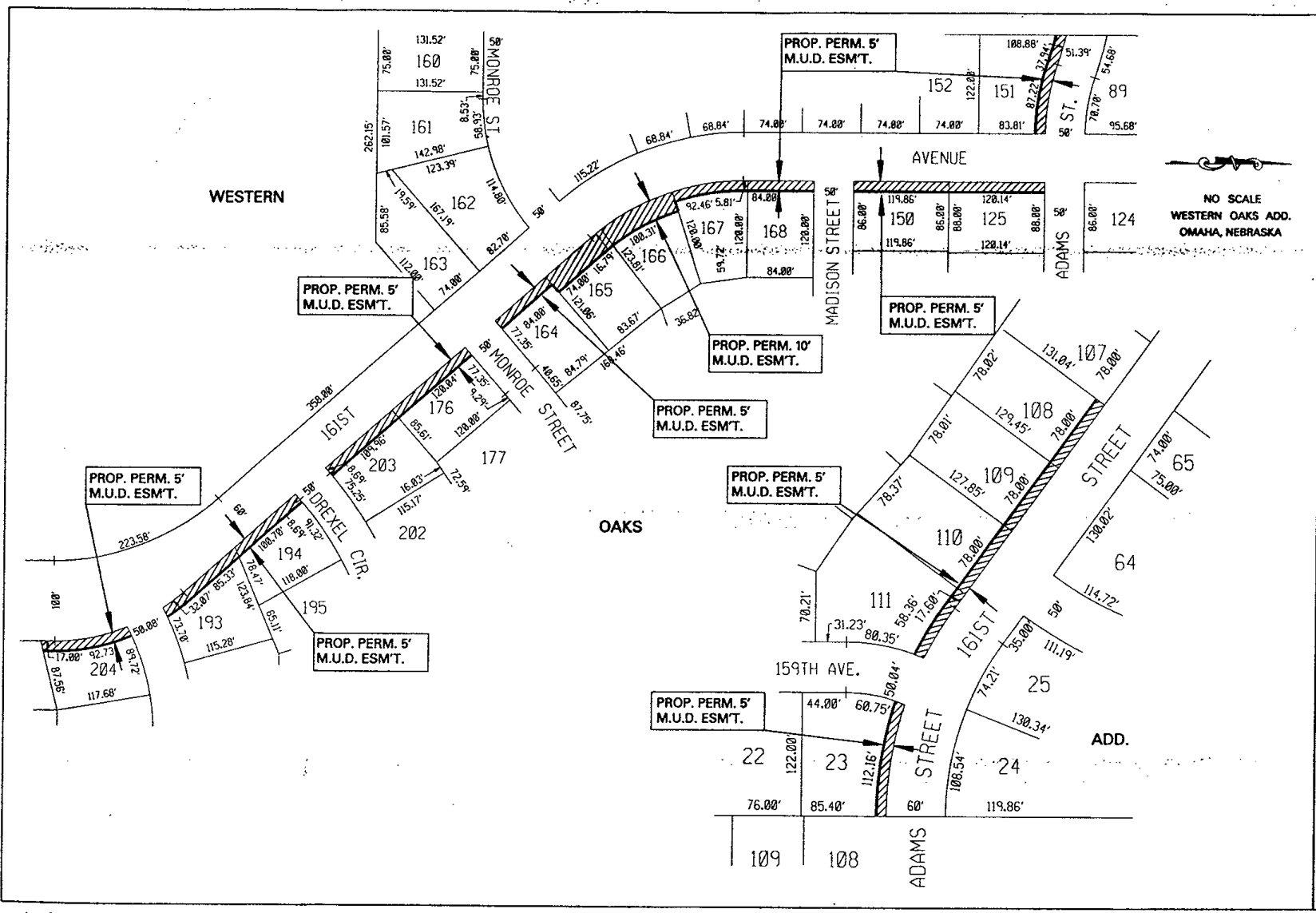
This instrument was acknowledged before me on August 2, 1994 by Thomas E. Smith, President of West Bay, Inc., a Nebraska Corporation, and he/she acknowledged the execution of this instrument to be his/her voluntary act and deed as an individual and in his/her capacity as said President, and the voluntary act and deed of said corporation.

WITNESS my hand and Notarial Seal the day and year last above written.




Notary Public

My Commission expires: 8/6/98.



METROPOLITAN UTILITIES DISTRICT
OMAHA, NEBRASKA

EASEMENT ACQUISITION
 FOR **W.C.C. 7892**
G.R.M. 10724

LAND OWNER
 THOMAS SMITH CO
 WEST BAY, INC.
 11823 ARBOR ST., STE. 220
 OMAHA, NE 68144
 TOTAL ACRE PERMANENT 0.2288±
 TOTAL ACRE TEMPORARY _____

LEGEND
 PERMANENT EASEMENT [Hatched Box]
 TEMPORARY EASEMENT [Dotted Box]

PAGE 1 OF 1

DRAWN BY S.R.W.
 DATE 13JULY94
 CHECKED BY [Signature]
 DATE 7-18-94
 APPROVED BY [Signature]
 DATE 7/14/94
 REVISED BY _____
 DATE _____
 REV. CHK'D. BY _____
 DATE _____
 REV. APPROV. BY _____
 DATE _____