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EASEMENT AND RIGHT OF WAY

THIS INDENTURE, made this of day of _______, 1979, between Charles E. Lakin III, Trustee, 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 One Dollar (\$1.00) 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 water and gas, and all appurtenances thereto, including but not limited to water valve boxes and fire hydrants, together with the right of ingress and egress to and from the same, on, over, under and through lands described as follows:

Several strips of land lying in Lots 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 230 and 231 of Willow Wood, a subdivision, as now surveyed, platted and recorded in Douglas County, Nebraska. Said strips are particularly described as follows:

A strip of land Seven (7) feet wide, lying along and parallel to the right-of-way line of 129th Plaza (Lot Eight Hundred Fifty (850)), said strip being the front Seven (7) feet of Lots Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15), Sixteen (16), Seventeen (17), Eighteen (18), Nineteen (19), Twenty (20), Twenty-one (21), Twenty-two (22), Twenty-three (23), Twenty-four (24), and Twenty-five (25) lying along said right-of-way line;

A strip of land Seven (7) feet wide, lying along and parallel to the right-of-way line of 131st Plaza (Lot Eight Hundred Fifty-five (855)), said strip being the front Seven (7) feet of Lots One Hundred Seventy-six (176), One Hundred Seventy-seven (177), One Hundred Seventy-eight (178), One Hundred Seventy-nine (179), One Hundred Eighty (180), One Hundred Eighty-one (181), One Hundred Eighty-two (182), One Hundred Eighty-three (183), One Hundred Eighty-four (184), One Hundred Eighty-five (185), One Hundred Eighty-six (186), and One Hundred Eighty-seven (187) lying along said right-of-way line;

The Southeasterly Seven (7) feet of Lot One Hundred Eighty-two (182) lying along and parallel to the Southeasterly property line of said Lot 182;

The Northwesterly Seven (7) feet of Lot One Hundred Eighty-three (183) lying along and parallel to the Northwesterly property line of said Lot 183;

The Westerly Seven (7) feet of Lot Two Hundred Thirty (230) lying along and parallel to the Westerly property line of said Lot 230;

The Easterly seven (7) feet of Lot Two Hundred Thirtyone (231) lying along and parallel to the Easterly property line of said Lot 231.

These strips contain a total of Thirty Hundredths (0.30) acre, more or less, all as shown on the plat attached hereto and incorporated herein.

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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. Grantor agrees that neither he nor his heirs, successors or assigns will at any time erect, construct or place on or below the surface of said strips of land any building or structure, except pavement and other utilities, and that they will not give anyone else permission to do so.
- 2. Grantee shall restore the surface of the soil excavated for any purpose hereunder, as near as may be reasonably possible, to the original contour thereof and as soon after such work is performed as may be reasonably possible to do so.
- 3. Nothing herein contained shall be construed as a waiver of any rights of Grantor, or duties and powers of the Grantee, respecting the ownership, use, operations, extensions and connections to any pipeline constructed and maintained hereunder.

IN WITNESS WHEREOF, the Grantor has executed this easement the day and year first above written.

Charles E. Lakin III, Trustee,
Grantor

STATE OF NEBRASKA)

SS

COUNTY OF DOUGLAS)

On this day of _______, 1979, before me, the undersigned, a Notary Public duly commissioned and qualified for said county, personally came Charles E. Lakin III, Trustee, to me personally known to be the identical person whose name is affixed to the foregoing instrument as Grantor, and acknowledged the same to be his voluntary act and deed.

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

SUZANNE E. MCCNAID

GENERAL NOTARIAL

B E A L

STATE OF NEBRASKA

Commission Expires

Jan. 5, 1982



