

THIS INDENTURE, made this 21 day of December, 1973, between John Klinker and Marvely Klinker, husband and wife, and Anna C. Klinker, hereinafter referred to as Grantors, and Metropolitan Utilities District of Omaha, a municipal corporation, hereinafter referred to as Grantee, WITNESSETH:

That the Grantors, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, do 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 to and from the same, on, over, under and through lands described as follows:

Several tracts of land lying in Lots 113, 114, 115, 346, 350, and 351, of Winchester Heights Addition, as now platted and recorded, a subdivision in Douglas County, Nebraska, being more particularly described as follows:

A strip of land Five (5) feet wide running along and parallel to the Northeasterly property line of Lots One Hundred Thirteen (113) and One Hundred Fourteen (114), said strip being the Northeasterly Five (5) feet of Lots 113 and 114;

A strip of land Five (5) feet wide running along and parallel to the Northerly property line of Lot One Hundred Fifteen (115), said strip being the Northerly Five (5) feet of Lot 115;

Beginning at the Southeast corner of Lot Three Hundred Forty-six (346), thence West along the South property line of Lot 346 a distance of Twenty-five (25) feet, thence Northeasterly in a straight line to a point on the East property line of Lot 346, said point being Twenty-five (25) feet north of the Southeast corner of Lot 346, thence South along the East property line of Lot 346 a distance of Twenty-five (25) feet to the point of beginning;

The South Fifteen (15) feet of Lot Three Hundred Fifty (350);

The South Fifteen (15) feet of Lot Three Hundred Fifty-one (351);

All as shown on the plat attached hereto and made a part hereof.

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. Grantors, their heirs or assigns agree that they will at no time erect, construct or place on or below the surface of said tracts of land any building or structure, except pavement, 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 Grantors, or duties and powers of Grantee respecting