

EASEMENT AND RIGHT-OF-WAY

THIS INDENTURE, made this 30 day of June, 1987, between MICHAEL McCORMACK, TRUSTEE, AVERY, INC., a Nebraska Corporation, BENCHMARK HOMES, INC., a Nebraska Corporation, and LESLIE J. HASSEL and LORRAINE L. HASSEL, Husband and Wife, hereinafter referred to as "Grantors", and METROPOLITAN UTILITIES DISTRICT OF OMAHA, a Municipal Corporation, hereinafter referred to as "Grantee",

WITNESSETH:

That Grantors, in consideration of the sum of Two Dollars (\$2.00) 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, including but not limited to one 24-inch ring and cover at ground level, 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 Lots 60, 61, 92, 102, 115 and 152 of Avery North, a subdivision, as surveyed, platted and recorded in Sarpy County, Nebraska, described as follows:

The easterly five (5) feet of Lot 60 parallel to and adjacent to 9th Avenue.

The easterly five (5) feet of Lot 61 parallel to and adjacent to 9th Avenue.

The northerly five (5) feet of the easterly ten (10) feet of Lot 92.

The northerly five (5) feet of the easterly ten (10) feet of Lot 102.

The easterly five (5) feet of the southerly ten (10) feet of Lot 115.

The northerly five (5) feet of Lot 152 parallel to and adjacent to Sycamore Street.

Said tracts are shown on the attached plat which is made a part hereof by this reference. Said tracts contain 0.04 of an acre, more or less.

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 Grantors agree that neither they nor their successors or assigns will at any time erect, construct or place on or below the surface of said easement tracts any building or structure, except pavement, and they will not give anyone else permission to do so.

2. The Grantee shall restore the surface of the soil excavated for any purpose hereunder, as near as may be reasonably possible, to the original condition thereof and as soon after such work is performed as may be reasonably possible to do so.

2800
60
2318
Filed for
Munc Rec

1987 JUL 16 PM 1:31

REGISTER OF DEEDS

Handwritten initials and a checkmark.

3. Nothing herein contained shall be construed as a waiver of any rights of the Grantors, or duties and powers of the Grantee, respecting the ownership, use, operations, extensions and connections to any pipeline constructed and maintained hereunder.

4. It is further agreed the Grantors have lawful possession of said real estate, good right and lawful authority to make such conveyance and they and their executors, administrators, successors and assigns shall warrant and defend the same and will indemnify and hold harmless the Grantee forever against the claims of all persons whomsoever in any way asserting any right, title or interest prior to or contrary to this conveyance.

5. The persons executing this instrument on behalf of a Trust and on behalf of Corporations represent they have the requisite authority to execute same and make this conveyance on behalf of the said Trust and Corporations.

IN WITNESS WHEREOF, the Grantors have caused this Easement and Right-of-Way to be signed and executed on the day and year first above written.

MICHAEL MCCORMACK, TRUSTEE, AVERY, INC.,
a Nebraska Corporation, BENCHMARK HOMES,
INC., a Nebraska Corporation, and
LESLIE J. HASSEL and LORRAINE L. HASSEL,
Husband and Wife, Grantors

ATTEST:

MICHAEL MCCORMACK, TRUSTEE

Michael McCormack

Michael McCormack, Trustee

(Corporate Seal)

AVERY, INC., a Nebraska Corporation

ATTEST:

By: *David M. Threinen*
Office:

(Corporate Seal)

~~BENCHMARK HOMES, INC., a Nebraska Corporation~~

ATTEST:

By: *John C. Czerwinski*, President

ATTEST:

Leslie J. Hassel
Leslie J. Hassel

Lorraine J. Hassel
Lorraine L. Hassel

ACKNOWLEDGMENT

STATE OF NEBRASKA)
) ss
COUNTY OF DOUGLAS)

On this 30th day of June, 1987 before me, the undersigned, a Notary Public in and for said State and County, personally came Michael McCormack, Trustee, to me personally known to be the identical person whose name is affixed to the foregoing instrument, and he acknowledged the execution of this instrument to be his voluntary act and deed as an individual and in his capacity as Trustee.

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



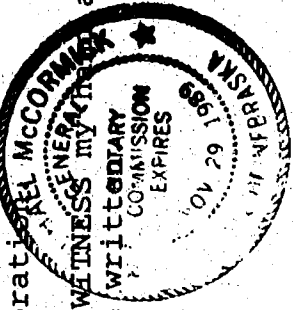
Louise J. Scheuler
Notary Public

My Commission expires: _____.

ACKNOWLEDGMENT

STATE OF NEBRASKA)
) ss
COUNTY OF SARPY)

On this 30 day of June, 1987 before me, the undersigned, a Notary Public in and for said State and County, personally came Dennis M. Velinske, to me personally known to be the Dennis of Avery, Inc., a Nebraska Corporation, and the identical person whose name is affixed to the foregoing instrument, and he acknowledged the execution of this instrument to be his voluntary act and deed as an individual and as such officer and the voluntary act and deed of said Corporation.



WITNESS my hand and Notarial Seal the day and year last above written.
Michael McCormack
Notary Public

My Commission expires: _____.

ACKNOWLEDGMENT

STATE OF NEBRASKA)
) ss
COUNTY OF SARPY)

On this _____ day of _____, 1987 before me, the undersigned, a Notary Public in and for said State and County, personally came John C. Czerwinski, to me personally known to be the President of Benchmark Homes, Inc., a Nebraska Corporation, and the identical person whose name is affixed to the foregoing instrument, and he acknowledged the execution of this instrument

~~to be his voluntary act and deed as an individual and as such officer and the voluntary act and deed of said Corporation.~~

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

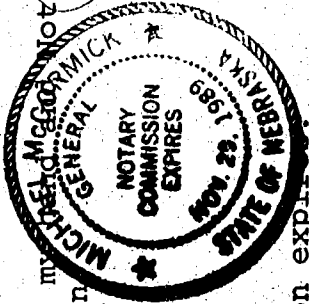
~~_____
Notary Public~~

~~My Commission expires: _____.~~

ACKNOWLEDGMENT

STATE OF NEBRASKA)
) ss
COUNTY OF SARPY)

On this 30 day of June, 1987 before me, the undersigned, a Notary Public in and for said State and County, personally came Leslie J. Hassel and Lorraine L. Hassel, husband and wife, to me personally known to be the identical persons whose names are affixed to the foregoing instrument, and they acknowledged the execution of this instrument to be their voluntary act and deed as individuals and as husband and wife.



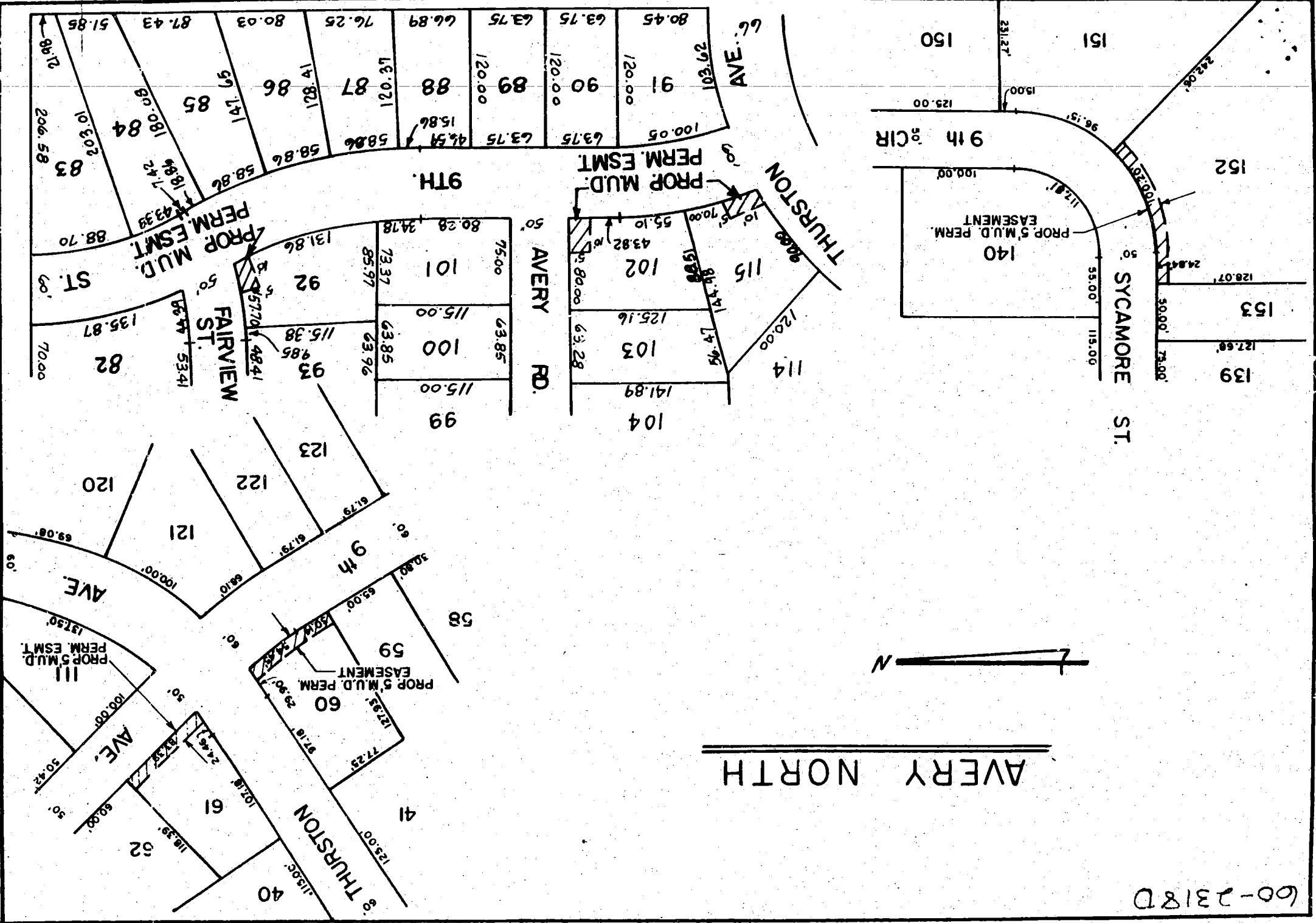
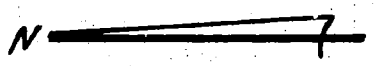
WITNESS my hand and Notarial Seal the day and year last above written

Michael McGovern
Notary Public

My Commission expires: _____.

60-2318D

AVERY NORTH



METROPOLITAN UTILITIES DISTRICT
OMAHA, NEBRASKA

EASEMENT ACQUISITION
FOR W.C. 6739
G.R.M. 9311

LAND OWNER
MICHAEL McCORMACK,
TRUSTEE, AVERY INC.,
LESLIE J. HASSEL AND
LORRAINE L. HASSEL,
HUSBAND & WIFE

TOTAL ACRE 0.042

LEGEND
PERMANENT EASEMENT

PAGE 1 OF 1

DRAWN BY RALPH DATE 2-7-87
 CHECKED BY [Signature] DATE 2-8-87
 APPROVED BY [Signature] DATE 2-10-87
 REVISED BY _____ DATE _____
 REV. CHK'D BY _____ DATE _____
 REV. APPROV. BY _____ DATE _____