

FILED SARPY CO. NE.  
INSTRUMENT NUMBER

2003-37966

2003 JUL 11 A 9:15B

*Glenn J. Lawling*  
REGISTER OF DEEDS

Counter *Sm*  
Verify *25*  
D.E. *1*  
Proof *2*  
Fee \$ *25.50*  
Cik ☒ Cash ☐ Chg ☐  
16616

**EASEMENT AND RIGHT-OF-WAY**

THIS INDENTURE, made this 23 of JUNE, 2003, between BHD, 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, a permanent easement and right-of-way to lay, maintain, operate, repair, relay and remove, at any time, pipelines for the transportation of water and all appurtenances thereto, including but not limited to hydrants, 24- and 36-inch R.I. covers, and pipeline markers, and a temporary construction easement, together with the right of ingress and egress on, over, under and through lands described as follows:

**PERMANENT EASEMENT TRACT**

A tract in the Northeast Quarter (NE ¼) and the Southeast Quarter (SE ¼), both of the Northeast Quarter (NE ¼) of Section Eighteen (18), Township Fourteen (14) North, Range Eleven (11) East of the 6<sup>th</sup> P.M., in Sarpy County, Nebraska, and described and shown on Exhibits "A" and "B" attached hereto and made a part hereof by this reference.

**TEMPORARY EASEMENT TRACT**

A tract in the Northeast Quarter (NE ¼) and the Southeast Quarter (SE ¼), both of the Northeast Quarter (NE ¼) of Section Eighteen (18), Township Fourteen (14) North, Range Eleven (11) East of the 6<sup>th</sup> P.M., in Sarpy County, Nebraska, described and shown on Exhibits "A" and "B".

TO HAVE AND TO HOLD this 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 erect, construct or place on or below the surface of the permanent easement tracts any building or structure, except pavement and similar covering, and shall not permit anyone else to do so. These same prohibitions shall apply with respect to the temporary easement tracts but only for the effective period of the temporary easement grants, which period shall be from date of execution hereof to completion of the underlying initial installation project.

2. The Grantee shall restore the surface of any soil excavated for any purpose hereunder, as nearly as is reasonably 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 the lawful possessor of the easement tract and has

*2+2*  
*Please Return To: JUSTIN COOPER*  
*MUD - Legal Dept.*  
*1723 Harney*  
*Omaha, NE 68102*

37966

A

good, right and lawful authority to make such conveyance. 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 she/he has the authority to execute it on behalf of the Grantor Limited Liability Company.

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

BHD, L.L.C., a Nebraska Limited  
Liability Company, Grantor

By Barbara Lides Shaw  
Title: Manager

**ACKNOWLEDGMENT**

STATE OF NEBRASKA

COUNTY OF Douglas

)  
) ss  
)

This instrument was acknowledged before me on the 28<sup>th</sup> day of June, 2003, by Barbara Lides Shaw, as Manager of and on behalf of BHD, L.L.C., a Nebraska Limited Liability Company.

Sandra Kay Leach  
Notary Public



B

Unplatted tracts of land in the NE ¼ and SE ¼ of the NE ¼ of Section 18-14-11 in Sarpy County, Nebraska and being described as follows:

**PERMANENT EASEMENT**

**TRACT 6**

Commencing from the NE corner of the NE ¼ of the NE ¼ of Section 18-14-11, S02°42'43"E (assumed bearing) a distance of thirty-three feet (33.00'); thence S87°17'17"W a distance of thirty-three feet (33.00') to the Point of Beginning. Commencing from the Point of Beginning, S87°17'17"W a distance of one hundred two feet (102.00'); thence S02°42'43"E a distance of one hundred four and eighty-eight one-hundredths feet (104.88'); thence S47°42'43"E a distance of one hundred thirteen and fourteen one-hundredths feet (113.14'); thence S02°42'43"E a distance two thousand four hundred twenty-four and ninety one-hundredths feet (2,424.90'); thence N87°17'17"E a distance of twenty-two feet (22.00'); thence N02°42'43"W a distance of two thousand six hundred eleven and twenty-three one hundredths feet (2,611.23') back to the Point of Beginning.

This tract contains 1.586 of an acre, more or less, and is shown on the drawing attached hereto and made a part hereof by this reference.

**TEMPORARY EASEMENT**

**TRACT 5**

Commencing from the NE corner of the NE ¼ of the NE ¼ of Section 18-14-11, S02°42'43"E (assumed bearing) a distance of thirty-three feet (33.00'); thence S87°17'17"W a distance of one hundred thirty-five feet (135.00') to the Point of Beginning. Commencing from the Point of Beginning, S02°42'43"E a distance of one hundred four and eighty-eight one-hundredths feet (104.88'); thence S47°42'43"E a distance of one hundred thirteen and fourteen one-hundredths feet (113.14'); thence S02°42'43"E a distance two thousand four hundred twenty-four and ninety one-hundredths feet (2,424.90'); thence S87°17'17"W a distance of twenty feet (20.00'); thence N02°42'43"W a distance of two thousand four hundred sixteen and seven one-hundredths feet (2,416.07'); thence N47°42'43"W a distance of one hundred thirteen and fourteen one-hundredths feet (113.14'); thence N02°42'43"W a distance of one hundred twelve and ninety one-hundredths feet (112.90'); thence N87°17'17"E a distance of twenty feet (20.00') back to the Point of Beginning.

This tract contains 1.213 of an acre, more or less, and is shown on the drawing attached hereto and made a part hereof by this reference.

**EXHIBIT "A"**

**METROPOLITAN  
UTILITIES  
DISTRICT  
OMAHA, NEBRASKA**

## EASEMENT ACQUISITION

FOR WCP 9427

LAND OWNER

**BHD LLC.**

**c/o Paula Provorse CPA**

**10822 Old Mill Road**

**Omaha, NE 68154**

**TOTAL ACRE**

PERMANENT 1.586 ±

TOTAL ACRE

TEMPORARY 1.213 ±

### LEGEND

**PERMANENT EASEMENT**

## TEMPORARY EASEMENT

PAGE 3 OF 4

DRAWN BY DAS

DATE 1-15-2003

**CHECKED BY:**

DATE \_\_\_\_\_

APPROVED BY

DATE \_\_\_\_\_

REVISED BY  
DATE

DATE, \_\_\_\_\_

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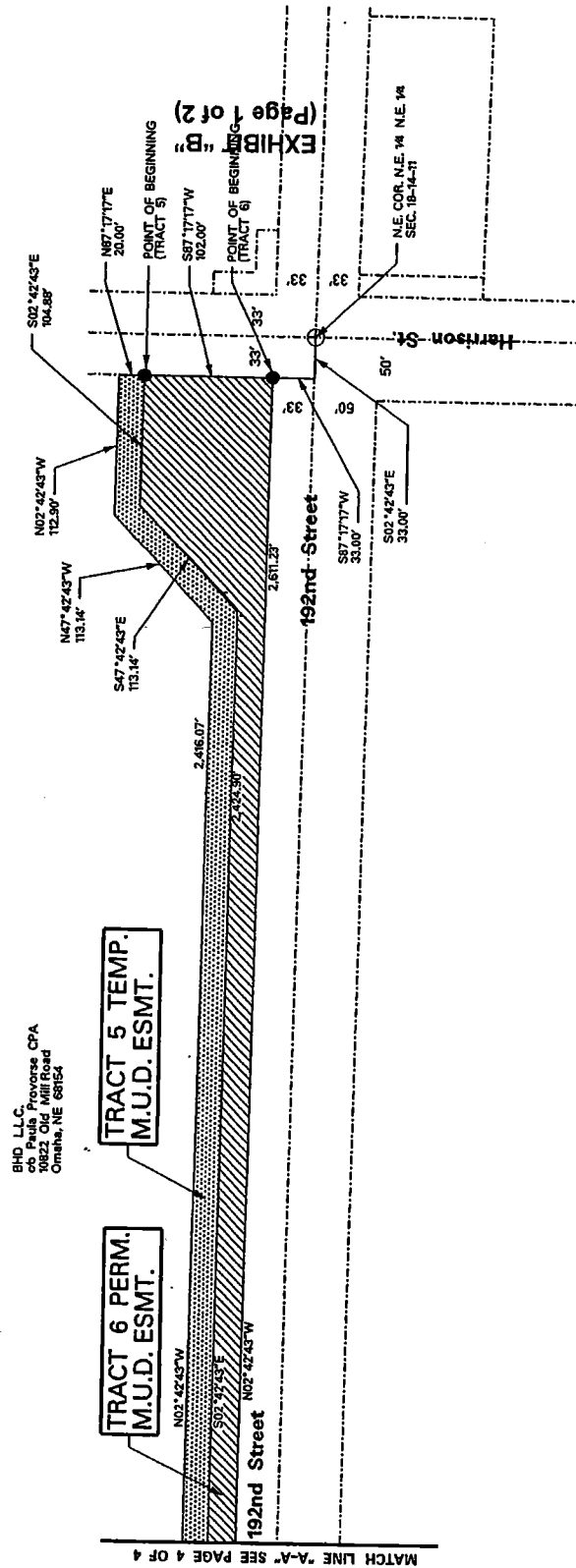
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**NO SCALE**

PROJECT NO. W.C.P. 9426, W.C.P. 9427 & W.C.P. 9517  
INSTALL 35' OF 42" & 1300' OF 36" D.I. WATER MAIN IN HARRISON ST.  
FROM 189th ST. TO 192nd ST., INSTALL 2700' OF 36" &  
4000' OF 24" D.I. WATER MAIN IN 192nd ST.  
FROM CHANDLER RD. TO "U" ST.



**EXHIBIT "B"**  
**(Page 1 of 2)**

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**METROPOLITAN  
UTILITIES  
DISTRICT**  
OMAHA, NEBRASKA

**EASEMENT  
ACQUISITION**  
FOR **WCP 9427**

LAND OWNER  
BHD LLC.  
c/o Paula Provorse CPA  
10822 Old Mill Road  
Omaha, NE 68154

TOTAL ACRE  
PERMANENT SEE PAGE 3  
TOTAL ACRE  
TEMPORARY SEE PAGE 3

LEGEND  
PERMANENT EASEMENT  
TEMPORARY EASEMENT

PAGE 4 OF 4

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