

EASEMENT AND RIGHT OF WAY

THIS INDENTURE, made this 27th day of April, 1980, between Arlyne Geschwender and Leonard Geschwender, wife and husband, 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 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 1, 2, 4, 5, 6, 7, 8 and 9 located in Birch Tree Lofts, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska, the same being a replatting of part of Lot Six (6), Pierson's Subdivision, an Addition as surveyed, platted and recorded in Douglas County, Nebraska. Said tracts of land are more particularly described as follows:

The Northerly Ten (10) feet of Lots One (1) and Two (2);

The Northerly Fifteen (15) feet of Lots Five (5), Six (6), Seven (7) and Eight (8);

The Westerly Forty-five (45) feet of the Southerly Six (6) feet of Lot Eight (8);

The Westerly Ten (10) feet of Lot Eight (8);

The Southerly Two (2) feet of Lot Seven (7);

The Westerly Ten (10) feet of Lot Four (4);

All of Lot Nine (9).

Said tracts of land, as shown on the plat attached hereto and made a part hereof by this reference, contain Sixty-two Hundredths (0.62) 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. Grantors agree that neither they nor their heirs or assigns will at any 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 the ownership, use, operations, extensions and connections to any pipeline constructed and maintained hereunder.

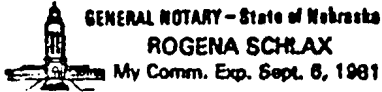
IN WITNESS WHEREOF, the Grantors have executed this easement on the day and year first above written.


Arlyne Geschwender

Leonard Geschwender
Grantors

STATE OF NEBRASKA)
) ss
COUNTY OF DOUGLAS)

On this 24 day of April, 1980, before me, the undersigned, a Notary Public in and for the State of Nebraska, personally came Arlyne Geschwender and Leonard Geschwender, to me personally known to be wife and husband and the identical persons whose names are affixed to the foregoing instrument, and acknowledged the execution of this instrument as her, his and their voluntary act and deed.

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



Rogena Schlax

Notary Public

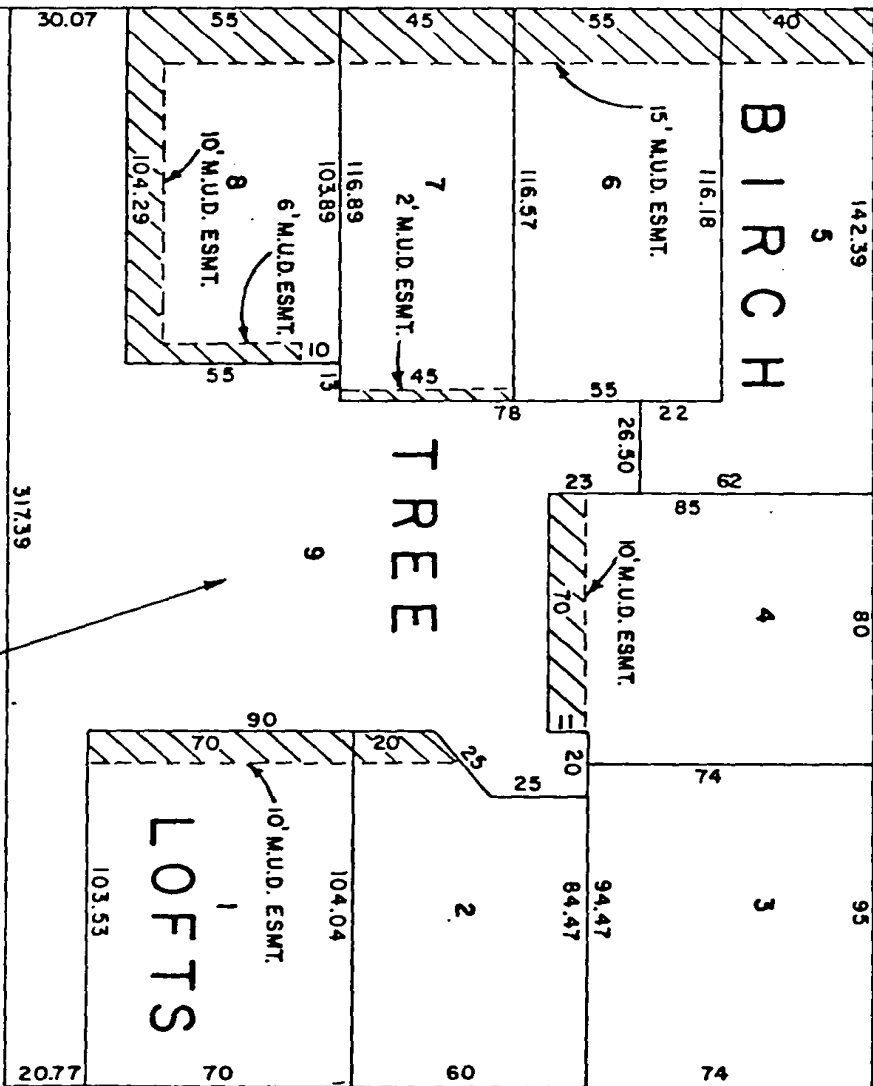


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89th ST. 40

50 BURT

ST. 50



NOTE: M.U.D. EASEMENT COVERS ENTIRE LOT 9

METROPOLITAN UTILITIES DISTRICT OMAHA, NEBRASKA

EASEMENT ACQUISITION FOR W.C.C. 5799 & G.C.C. 8315

LAND OWNER

TOTAL ACRE 0.62

LEGEND PERMANENT EASEMENT

PAGE 1 OF 1

DRAWN BY J.C. DATE 3-22-80
 CHECKED BY W.W.P. DATE 3-24-80
 APPROVED BY [Signature] DATE 4-3-80
 REVISED BY _____ DATE _____
 REV. CHK'D BY _____ DATE _____
 REV. APPROV. BY _____ DATE _____

RECEIVED
 1980 MAY -8 AM 11:13
 HAROLD OSTLER
 REGISTER OF DEEDS
 DOUGLAS COUNTY, NEBR.

632
 639
 [Signature]
 20

655-92
 655-655-92
 [Signature]
 [Signature]
 [Signature]

[Handwritten initials]