

EASEMENT AND RIGHT-OF-WAY

THIS INDENTURE, made this 25<sup>th</sup> day of September, 1985, between HUNTERS GLEN JOINT VENTURE, a Joint Venture organized under the Nebraska Uniform Partnership Act, composed of the following two venturers who are all of the Venturers, HUNTER CVF, INC., a Nebraska Corporation, and HUNTERS GLEN, INC., A Nebraska Corporation, 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 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, an easement and right-of-way to lay, maintain, operate, repair, relay and remove, at any time, pipelines for the transportation of gas 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:

PERMANENT EASEMENT

That part of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section Two (2), Township Fourteen (14) North, Range Eleven (11), East of the 6th P.M. in Douglas County, Nebraska, described as follows:

Beginning at the Southeast corner of Lot 135 in THE COLONIES, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska; thence North 86°47'41" East (bearings referenced to said THE COLONIES Final Plat) along the South line of 149th Street in said THE COLONIES for 50.00 feet; thence along a curve to the left (having a radius of 436.17 feet and a long chord bearing South 17°51'28" East for 220.66 feet) for an arc distance of 223.08 feet; thence along a curve to the right (having a radius of 695.81 feet and a long chord bearing South 22°22'04" East for 245.05 feet) for an arc distance of 246.34 feet; thence South 12°13'32" East for 135.50 feet; thence South 13°21'01" East for 267.04 feet; thence South 00°38'17" East for 84.30 feet; thence South 87°11'48" West for 30.02 feet; thence North 00°38'17" West for 82.10 feet; thence North 13°21'01" West for 264.92 feet; thence along a curve to the left (having a radius of 475.00 feet and a long chord bearing South 75°57'48" West for 19.99 feet) for an arc distance of 19.99 feet; thence North 12°13'32" West for 135.50 feet; thence along a curve to the left (having a radius of 645.81 feet and a long chord bearing North 22°22'04" West for 227.44 feet) for an arc distance of 228.64 feet; thence along a curve to the right (having a radius of 486.17 feet and a long chord bearing North 17°51'28" West for 245.96 feet) for an arc distance of 248.66 feet to the Point of Beginning.

Said tract, as shown on the drawing attached hereto and made a part hereof by this reference, contains 0.94 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 Grantor agrees that neither it nor its successors or assigns will at any time erect, construct or place on or below the surface of said tract of land any building or structure, except pavement, and neither it nor they will 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 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 the Grantor, 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 Grantor has lawful possession of said real estate, good right and lawful authority to make such conveyance and it and its 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 represent that they have the requisite authority to execute this instrument and make this conveyance on behalf of the Grantor Joint Venture.

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

HUNTERS GLEN JOINT VENTURE,  
a Joint Venture organized under  
the Nebraska Uniform Partnership Act,  
composed of the following two venturers,  
who are all of the Venturers, HUNTER  
CVF, INC., a Nebraska Corporation  
and HUNTERS GLEN, INC., a Nebraska  
Corporation, Grantor

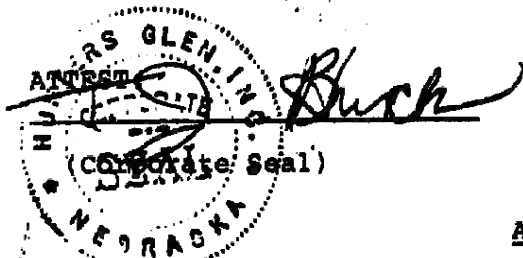
By: HUNTER CVF, INC., a Nebraska  
Corporation

ATTEST: No Seal  
\_\_\_\_\_  
(Corporate Seal)

By: C. E. Westphal  
C. E. Westphal, President  
and

By: HUNTERS GLEN, INC., a  
Nebraska Corporation

By: Glen L. Buck  
Glen L. Buck, President



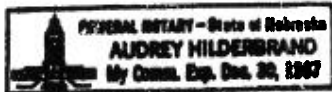
ACKNOWLEDGMENT

STATE OF NEBRASKA )  
  )ss  
COUNTY OF DOUGLAS )

On this 25th day of September 1985, before me, the undersigned, a Notary Public in and for said State and County, personally came C. E. Westphal, to me personally known to be President of HUNTER CVF, INC., a Nebraska Corporation, a venturer of the HUNTERS GLEN JOINT VENTURE, a Joint Venture organized under the Nebraska Uniform Partnership Act, 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 and of said Corporation as a venturer in said Joint Venture and the voluntary act and deed of said Joint Venture.

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



*Audrey Hilderbrand*  
Notary Public

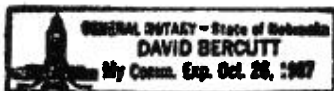
My Commission expires: \_\_\_\_\_.

ACKNOWLEDGMENT

STATE OF NEBRASKA )  
                                  )ss  
COUNTY OF DOUGLAS )

On this 25<sup>th</sup> day of September 1985, before me, the undersigned, a Notary Public in and for said State and County, personally came Glen L. Buck, to me personally known to be President of HUNTERS GLEN, INC., a Nebraska Corporation, a venturer of the HUNTERS GLEN JOINT VENTURE, a Joint Venture organized under the Nebraska Uniform Partnership Act, 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 and of said Corporation as a venturer in said Joint Venture and the voluntary act and deed of said Joint Venture.

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



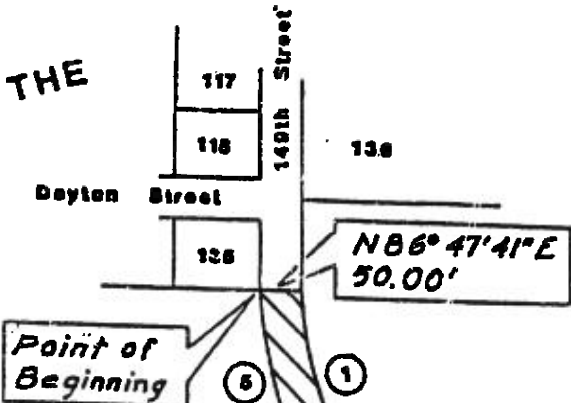
*David Bercutt*  
Notary Public

MY Commission expires: October 26, 1987

*Handwritten notes:*  
7/2/87  
HPPF

DRAW  
CHECK  
APPRC  
REVISI  
REV. C  
REV. AF

FILE NO. 417075



PROP M.U.D. PERM. EASEMENT

Scale: 1"=200'

CURVE DATA

Curve	R	T	L	D	
1.	29°18'17"	436.17'	-114.04'	223.08'	13.136°
2.	20°17'05"	695.61'	124.47'	246.34'	8.235°
3.	02°24'42"	475.00'	10.00'	19.99'	12.062°
4.	20°17'05"	645.61'	115.53'	228.64'	8.872°
5.	29°18'17"	486.17'	127.11'	248.66'	11.785°

UNPLATTED

EAST EDGE OF EASEMENT MATCHES EAST SIDE OF FUTURE STREET R.O.W. THEREFORE, GAS PIPE WILL NOT BE CENTERED IN EASEMENT.

RECEIVED  
1985 NOV 14 PM 1:59  
GEORGE J. BUGLEWICZ  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NEBR.

CENTER OF EASEMENT IS 20' EAST OF THE E OF 148TH STREET.

CENTER OF EASEMENT IS 20' EAST OF M.H. COVER ON CURB INLET IN DRAINAGEWAY

N 00° 38' 17" W  
82.10'

S 00° 38' 17" E  
84.30'

S 87° 11' 48" W  
30.02'

Permanent Easement for Construction and Maintenance of a Gas Pipe Line

75.7 Del. ✓ N 2-14-11 Fee 20.50  
428 Indx. ✓ 2-14-11 KP MC BC  
OF Miss Comp. ✓ Comp. ✓

DRAWN BY [Signature] DATE 8-21-85  
CHECKED BY [Signature] DATE 8-21-85  
APPROVED BY [Signature] DATE 8-22-85  
REVISED BY \_\_\_\_\_ DATE \_\_\_\_\_  
REV. CHK'D BY \_\_\_\_\_ DATE \_\_\_\_\_  
REV. APPROV. BY \_\_\_\_\_ DATE \_\_\_\_\_

PAGE 1 OF 1

PERMANENT EASEMENT

TOTAL ACRE 0.941

HUNTER GLEN TV

LAND OWNER

EASEMENT ACQUISITION FOR GRM. 9062

METROPOLITAN UTILITIES DISTRICT  
OMAHA, NEBRASKA