

92-28396

EASEMENT AND RIGHT-OF-WAY

THIS INDENTURE, made this 17<sup>th</sup> day of December, 1992, between JAMES E. BOYD and INEZ M. BOYD, 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 all appurtenances thereto, including but not limited to two (2) round iron covers for regulator vaults, one (1) pressure recording gauge box, one (1) aboveground relief valve, and a 30-foot long section of two (2)-inch steel gas main which will be attached to the south side of the existing bridge, together with the right of ingress and egress to and from the same, on, over, under and through lands described as follows:

PERMANENT EASEMENT

Tract 1

A tract in Merrill Mission Estates, a subdivision, as surveyed, platted and recorded in Sarpy County, Nebraska and described as follows:

The North 33 feet of the West 233 feet of Lot Six (6) adjacent to Lot Five (5).

Tract 2

A tract in both the Northeast Quarter (NE1/4) and the Southeast Quarter (SE1/4) of the Northwest Quarter (NW1/4) of Section Thirty (30), Township Thirteen (13) North, Range Thirteen (13) East of the 6th P.M., and being described as follows:

The easement tract shall include an area 66 feet wide centered on a line described as follows:

Commencing at the Northernmost point of Lot Five (5) in Merrill Mission Estates as surveyed, platted and recorded in Sarpy County, Nebraska; thence North 61° 30' 00" East a distance of 144.32 feet; thence Southeasterly on a curve with a radius of 180 feet a distance of 105.81 feet; thence South 87° 37' 00" East a distance of 77.32 feet; thence South 07° 50' 00" East a distance of 33.532 feet, more or less, to a point on the South R.O.W. line of La Platte Road serving as the Point of Beginning. From the aforesaid Point of Beginning, thence South 07° 50' 00" East a distance of 253.43 feet; thence Southwesterly on a curve having a radius of 75 feet a distance of 79.98 feet; thence South 53° 16' 00" West to a point on the Northeasterly property

FILED SARPY CO. NE.  
INSTRUMENT NUMBER  
92- 028396  
92 DEC 22 AM 9:59

*Carol A. Gavin*  
REGISTER OF DEEDS

Index	<input checked="" type="checkbox"/>
D.E.	<input checked="" type="checkbox"/>
Verify	<input checked="" type="checkbox"/>
Filmed	<input type="checkbox"/>
Checked	<input type="checkbox"/>
Fee \$	27.50

Please return to:  
R. Owens  
M.U.D.  
1723 Harney St.  
Omaha 68102

028396

line of Lot Five (5) in Merrill Mission Estates, serving as the ending point.

Tract 3

A tract in Merrill Mission Estates No. 2 Replat, a subdivision, as surveyed, platted and recorded in Sarpy County, Nebraska and described as follows:

The Westerly 33 feet of Lot Thirteen (13) adjacent to Lot Twelve (12); and the Northwesterly 33 feet of Lot Fourteen (14) adjacent to said Lot 12; and the Northwesterly 33 feet of Lot Fifteen (15) adjacent to said Lot 12.

Said tracts contain a total of 1.2337 acres, more or less, and are shown on the drawing attached hereto and made a part hereof by this reference.

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 tract any building or structure, except pavement and other such covering, and except for repairs and/or replacement of the existing bridge structure, and they will not give anyone else permission to perform any act which would breach this provision. Neither Grantor, their successors or assigns shall have any obligation to repair or replace said existing bridge structure, nor shall they have any liability to Grantee, its successors and assigns for the line or lines attached thereto.

2. This easement grant does not convey exclusive easement rights to the Grantee. Other utilities and cable facilities may utilize the easement parcel as long as such utilization does not unreasonably interfere with Grantee's use and enjoyment of its easement rights herein conveyed.

3. 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.

4. 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.

5. It is further agreed the Grantors have lawful possession of said real estate, good right and lawful authority to make such conveyance and that neither the Grantors nor any person in their name and behalf will hereafter claim any right to said premises except as shall be consistent with this conveyance.

6. This easement will revert to Grantor, their heirs, successors and assigns in the event of removal or abandonment of the line or lines installed hereunder.

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.

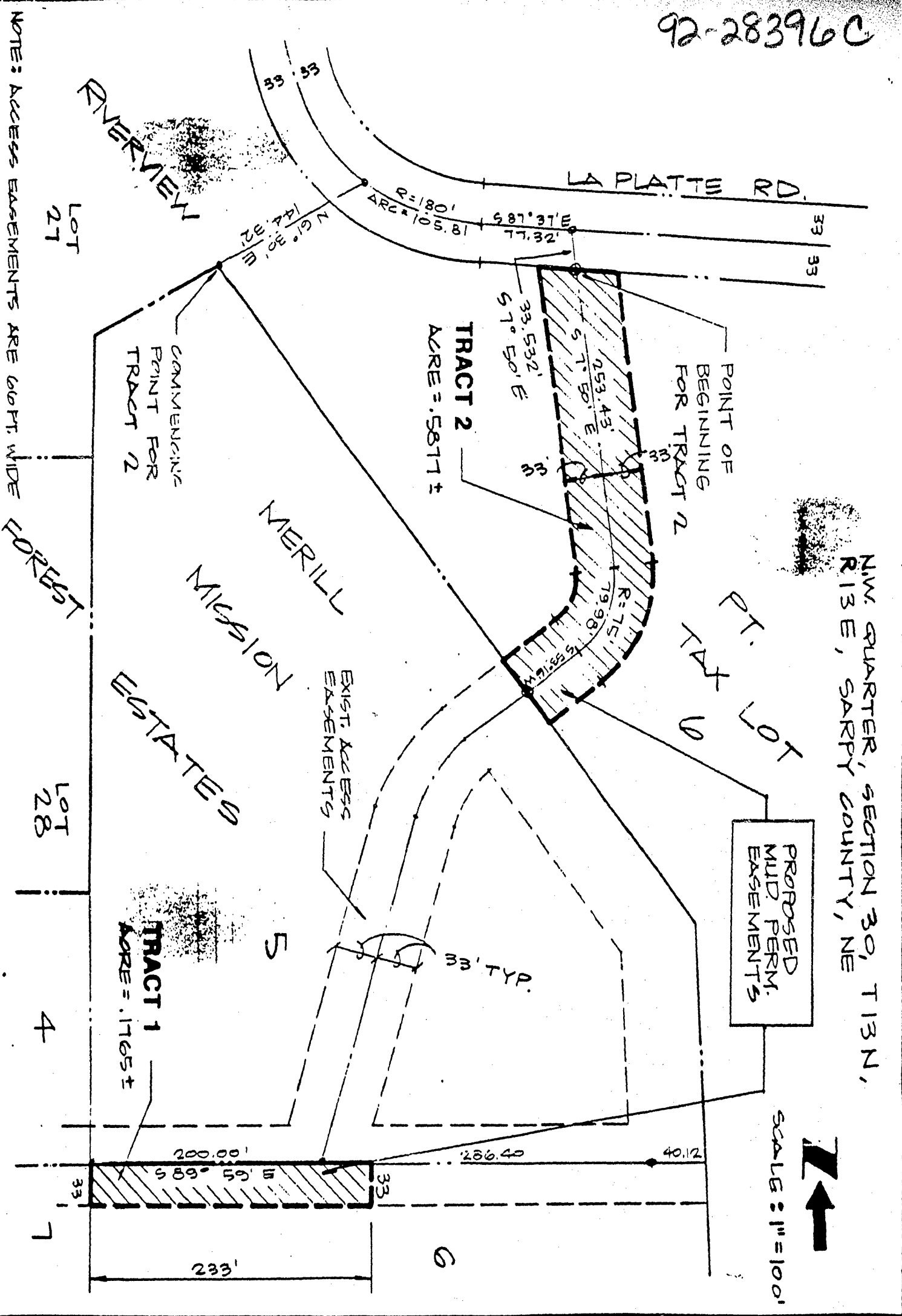


92-28396C

N.W. QUARTER, SECTION 30, T13N,  
R13E, SARPY COUNTY, NE

PROPOSED  
MUD PERM.  
EASEMENTS

SCALE: 1"=100'



<p>METROPOLITAN UTILITIES DISTRICT OMAHA, NEBRASKA</p>	
<p>EASEMENT ACQUISITION</p>	
FOR	GRM. 98335
	G.C. 9833-1-2-3
LAND OWNER	JAMES E. & INEZ E. BOYD
TOTAL ACRE PERMANENT	.7642±
LEGEND	PERMANENT EASEMENT
PAGE	1 OF 2
DRAWN BY	AKJ
DATE	10-1-81
CHECKED BY	
DATE	
APPROVED BY	
DATE	
REVISED BY	
DATE	
REV. CHK'D. BY	
DATE	
REV. APPROV. BY	
DATE	
<p>FILE NO. 417075</p>	

NOTE: ACCESS EASEMENTS ARE 60 FT. WIDE

92-28396D

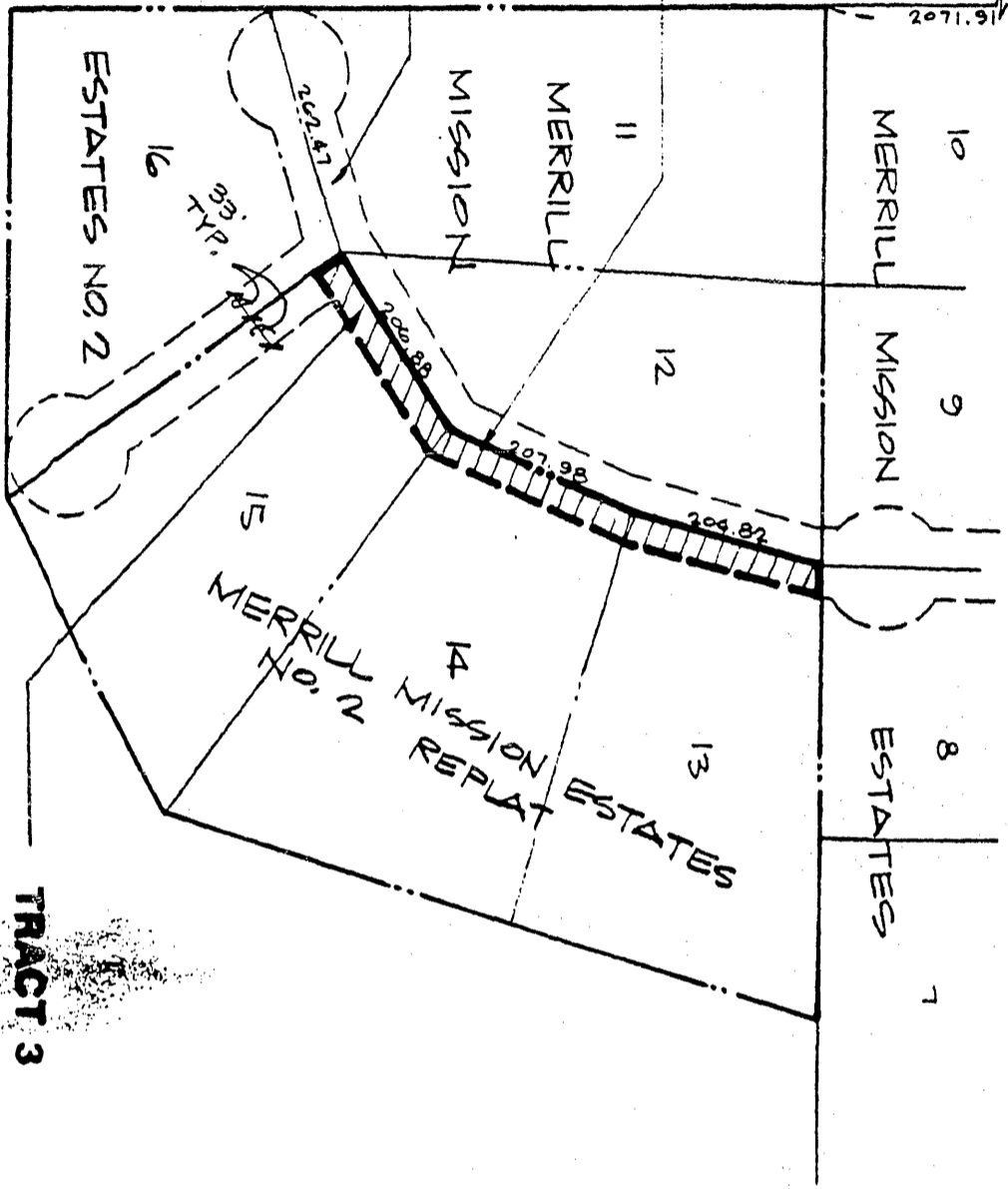
N 89° 44' 30" E  
651.96  
N.W. COR.  
30-13-13

PROPOSED 33'  
M.U.D. PERM.  
EASEMENT

EXIST. ACCESS  
EASEMENT

MERRILL MISSION ESTATES NO. 2 &  
MERRILL MISSION ESTATES NO. 2 REPLAT

W 1/2 OF SEC. 30, T13N,  
R13E, SARPY COUNTY, NE



SCALE: 1" = 200'

TRACT 3

NOTE: ACCESS EASEMENTS ARE  
66 FT. WIDE.  
CUL-DE-SAC RADIUS ARE 66 FT.

METROPOLITAN  
UTILITIES  
DISTRICT  
OMAHA, NEBRASKA

EASEMENT  
ACQUISITION

FOR  
G.R.M. 9835

LAND OWNER

JAMES E. &  
INEZ E.  
BOYD

TOTAL ACRE  
PERMANENT .4695+

LEGEND

PERMANENT EASEMENT



PAGE 2 OF 2

DRAWN BY BLU  
DATE 10-1-91  
CHECKED BY \_\_\_\_\_  
DATE \_\_\_\_\_  
APPROVED BY \_\_\_\_\_  
DATE \_\_\_\_\_  
REVISED BY \_\_\_\_\_  
DATE \_\_\_\_\_  
REV. CHK'D. BY \_\_\_\_\_  
DATE \_\_\_\_\_  
REV. APPROV. BY \_\_\_\_\_  
DATE \_\_\_\_\_

FILE NO. 415075