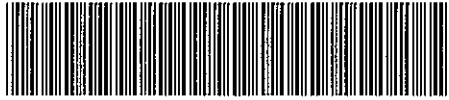




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RICHARD H. TAKECHI  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NE

*mb*

10482

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EASEMENT AND RIGHT-OF-WAY T

BKP 46-11 C/O \_\_\_\_\_ COMPL \_\_\_\_\_

DEL \_\_\_\_\_ SCAN dc FV \_\_\_\_\_

THIS INDENTURE, made this 22 day of July, 1998, between THE THOMSEN MILE, L.L.C., a Nebraska limited liability company, 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 water and all appurtenances thereto, including but not limited to one fire hydrant, a six-inch valve and a cc box, together with the right of ingress and egress to and from the same, on, over, under and through lands described as follows:

PERMANENT EASEMENT

A tract in the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section Four (4), Township Fifteen (15) North, Range Eleven (11) East of the 6th P.M., in Douglas County, Nebraska, described as follows: Commencing at the Southeast corner of said Section 4; thence N 1°52'21" W along the east section line of said Section 4 a distance of one hundred eighty feet (180'); thence N 90°00'00" W (assumed bearing) on a line parallel to the south section line of said Section 4 a distance of seventy-five feet (75') to the Point of Beginning; thence N 14°23'35" E a distance of eighty-eight feet (88'); thence north along a line parallel to the east section line of said Section 4 a distance of six hundred ninety feet (690'±) to the north property line (State Station 955.6); thence west along a line parallel to the south section line of said Section 4 a distance of ten feet (10'); thence south along a line parallel to the east section line of said Section 4 a distance of five hundred ninety-six feet (596'±); thence west along a line parallel to the south section line of said Section 4 a distance of forty feet (40'); thence south along a line parallel to the east section line of said Section 4 a distance of one hundred eighty feet (180'); thence east along the north right-of-way line of West Maple Road a distance of twenty-five feet (25') to the Point of Beginning.

Said tract contains 0.322 of an acre, more or less, and is shown on the drawing attached hereto and made a part hereof by this reference.

Please return to -  
R. OWENS  
MUD  
1723 HARNEY ST  
OMAHA, NE 68102

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 and its successors and assigns shall not at any time erect, construct or place on or below the surface of the permanent easement tract any building or structure, except pavement and similar covering, and shall not permit anyone else to do so.

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 a lawful possessor of this real estate; has good right and lawful authority to make such conveyance; and Grantor and its executors, administrators, 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 persons executing this instrument represent that each has the requisite authority to execute same and make this conveyance on behalf of the respective recited companies.

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

THE THOMSEN MILE, L.L.C.,  
a Nebraska limited liability  
company, Grantor

By: West Maple, L.L.C., a Member

Jerry M. Slusky  
Jerry M. Slusky, Manager Member

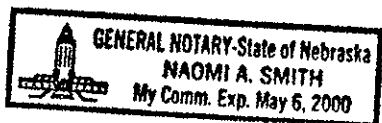
By: TM Associates, L.L.C., Member

Trenton B. Magid  
Trenton B. Magid, Manager Member

ACKNOWLEDGMENT

STATE OF NEBRASKA )  
  ) ss  
COUNTY OF DOUGLAS )

This instrument was acknowledged before me on JULY 15, 1998, 1998, by Jerry M. Slusky, Manager Member of West Maple, L.L.C., a Member of The Thomsen Mile, L.L.C., a Nebraska limited liability company, for and on behalf of said companies.

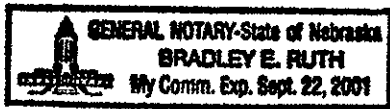


Naomi A. Smith  
Notary Public

ACKNOWLEDGMENT

STATE OF NEBRASKA )  
                                  ) ss  
COUNTY OF DOUGLAS )

This instrument was acknowledged before me on July 22<sup>ND</sup>, 1998,  
1998, by Trenton B. Magid, Manager Member of TM Associates, L.L.C., a  
Member of The Thomsen Mile, L.L.C., a Nebraska limited liability company, for  
and on behalf of said companies.



*[Handwritten Signature]*  
\_\_\_\_\_  
Notary Public

**METROPOLITAN  
UTILITIES  
DISTRICT**  
OMAHA, NEBRASKA

**EASEMENT  
ACQUISITION**

FOR W.C.P. 8023  
G.C.P. 10969

LAND OWNER \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

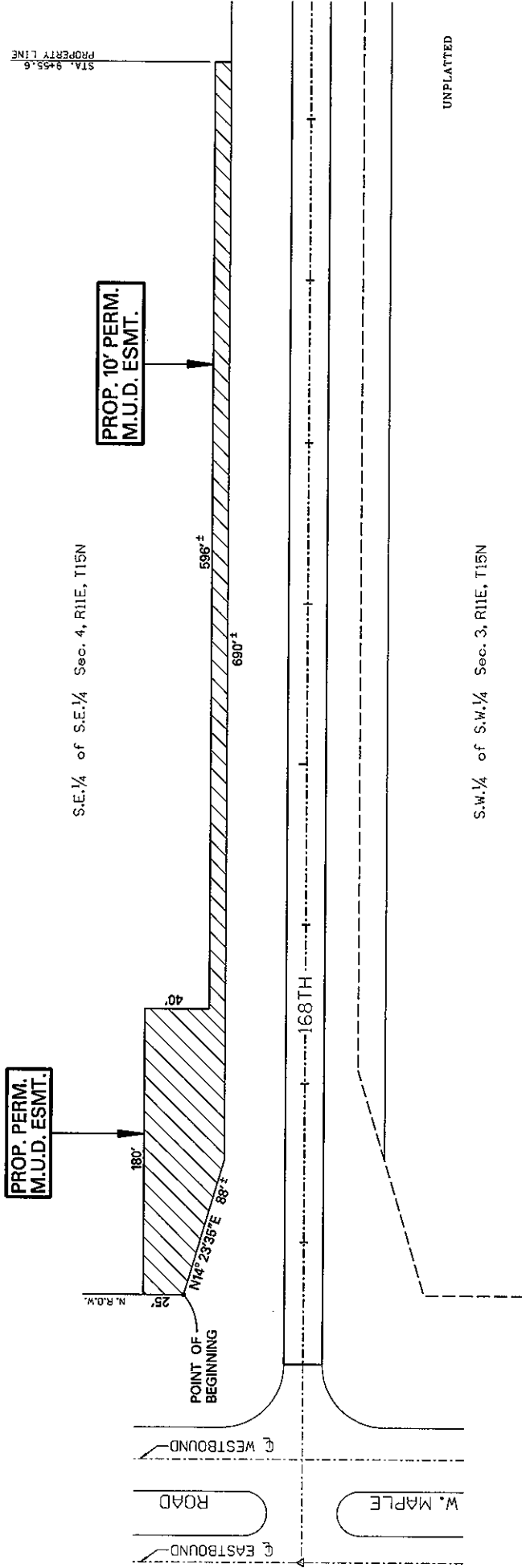
TOTAL ACRE \_\_\_\_\_  
PERMANENT 0.322 ±  
TOTAL ACRE \_\_\_\_\_  
TEMPORARY \_\_\_\_\_

LEGEND   
PERMANENT EASEMENT

PAGE 1 OF 1

DRAWN BY J.J.G.  
DATE 5-8-98  
CHECKED BY PT  
DATE 5-8-98  
APPROVED BY JWS  
DATE 5-11-98  
REVISED BY \_\_\_\_\_  
DATE \_\_\_\_\_  
REV. CHK'D. BY \_\_\_\_\_  
DATE \_\_\_\_\_  
REV. APPROV. BY \_\_\_\_\_  
DATE \_\_\_\_\_

  
NO SCALE  
168TH ST. & WEST MAPLE RD.



UNPLATTED