

Copy to:
James E. Lang
11306 Davenport Street
Omaha, NE 68154

95-21990

95 DEC 13 PM 3:48

James E. Lang
REGISTERED REEFS

25-21990
Counter J.C.
Verify W
D.E.
Proof
Fee \$ 21.00
Ck
Cash
Chg

255 stamp
CASH

EASEMENT AND RIGHT-OF-WAY

THIS INDENTURE made this 30 day of November, 1995, between WILTHAM PLACE LIMITED PARTNERSHIP, a Nebraska Limited Partnership, 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 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:

PERMANENT EASEMENT

A tract in Wiltham Place, a subdivision, as surveyed, platted and recorded in Sarpy County, Nebraska, and being described as follows:

See Exhibits "A" and "B" attached hereto and by reference made a part hereof for the legal description of the easement and right-of-way.

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 easement tract any building or structure, except pavement 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 person executing this instrument represents that he has authority to execute it on behalf of the partnership.

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

WILTHAM PLACE LIMITED PARTNERSHIP,
a Nebraska Limited Partnership

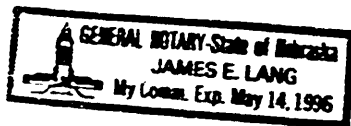
By: Willard Construction Co., Inc.,
a Nebraska corporation

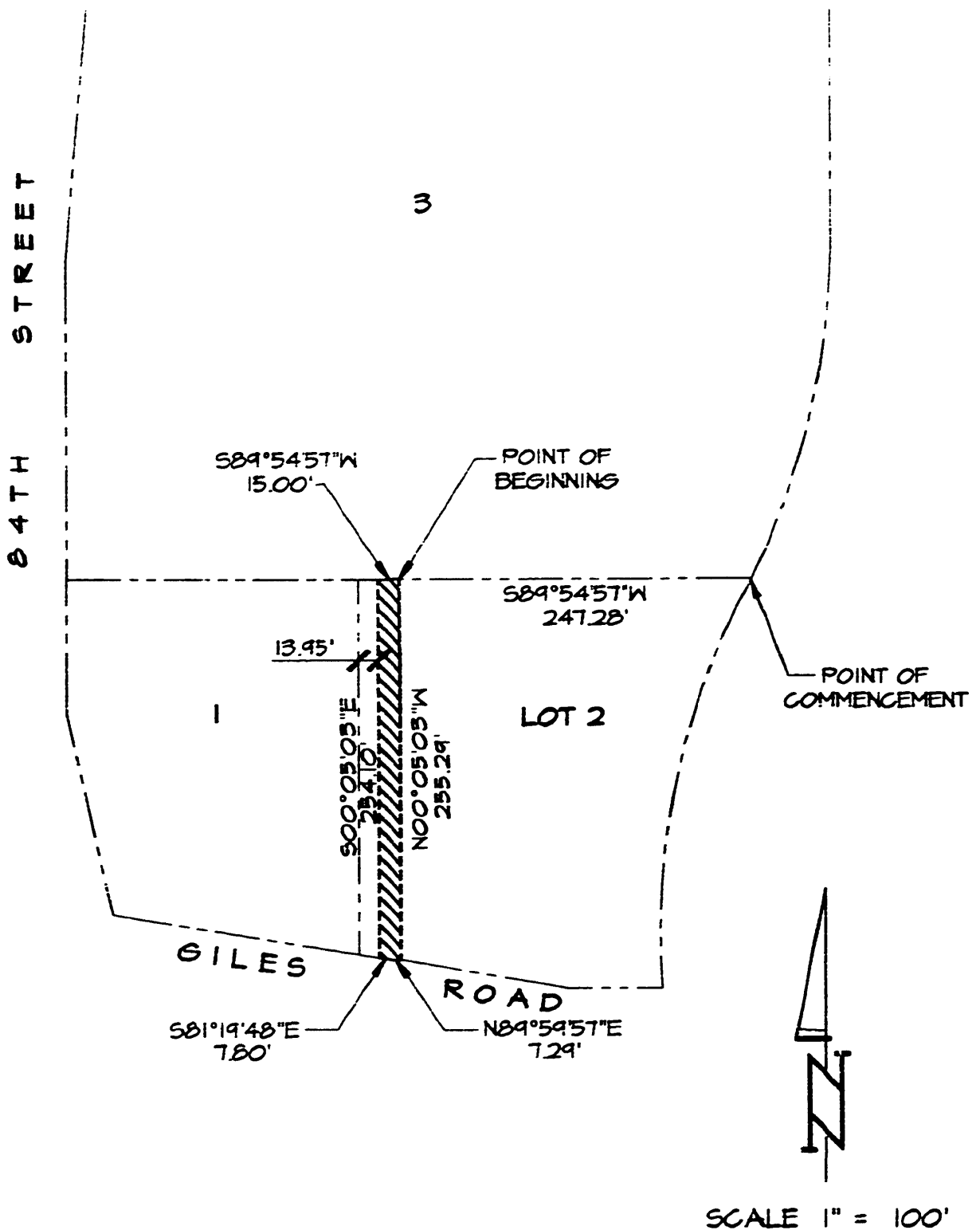
By: (Willard) Friedman
Willard I. Friedman, President

STATE OF NEBRASKA)
COUNTY OF DOUGLAS) SS.

This instrument was acknowledged before me on November 30, 1995, by Willard I. Friedman, President of Willard Construction Co., Inc., a Nebraska corporation, the general partner of Wiltham Place Limited Partnership, a Nebraska Limited Partnership, and acknowledged same to be the voluntary act and deed of said partnership.

James E. Lang
Notary Public

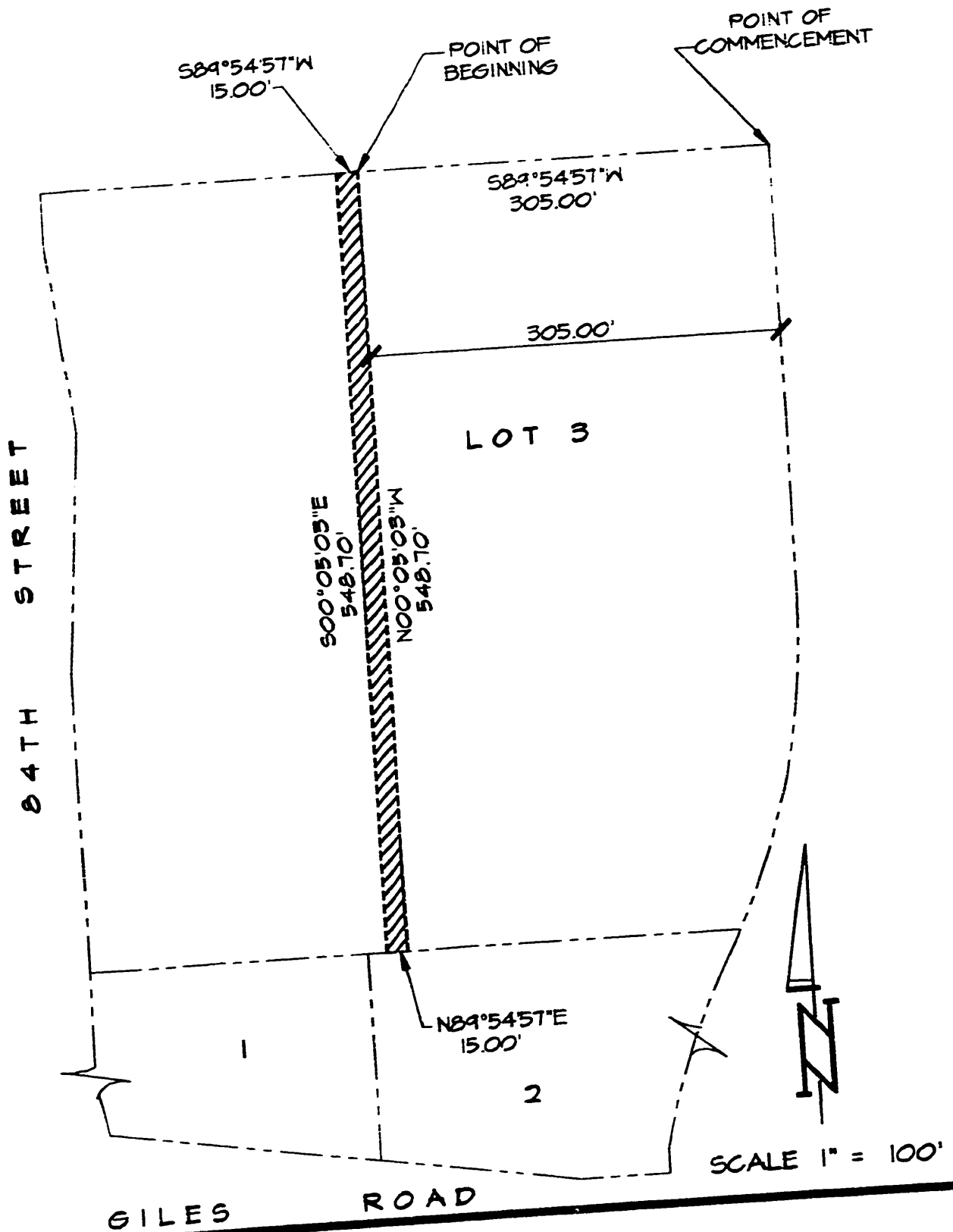




SCALE 1" = 100'

LEGAL DESCRIPTION

THAT PART OF LOT 2, WILTHAM PLACE, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN SARPY COUNTY, NEBRASKA DESCRIBED AS FOLLOWS: COMMENCING AT THE NE CORNER OF SAID LOT 2; THENCE S89°54'57"W (ASSUMED BEARING) 247.28 FEET ON THE NORTH LINE OF SAID LOT 2 TO THE POINT OF BEGINNING; THENCE CONTINUING S89°54'57"W 15.00 FEET ON THE NORTH LINE OF SAID LOT 2; THENCE 500°05'03"E 254.10 FEET ON A LINE 13.95 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID LOT 2 TO THE SOUTH LINE OF SAID LOT 2; THENCE S81°19'48"E 7.80 FEET ON THE SOUTH LINE OF SAID LOT 2; THENCE N89°59'57"E 7.29 FEET ON THE SOUTH LINE OF SAID LOT 2; THENCE N00°05'03"W 255.29 FEET TO THE POINT OF BEGINNING.



LEGAL DESCRIPTION

THAT PART OF LOT 3, WILTHAM PLACE, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: COMMENCING AT THE NE CORNER OF SAID LOT 3; THENCE $589^{\circ}54'57''W$ (ASSUMED BEARING) 305.00 FEET ON THE NORTH LINE OF SAID LOT 3 TO THE POINT OF BEGINNING; THENCE CONTINUING $589^{\circ}54'57''W$ 15.00 FEET ON THE NORTH LINE OF SAID LOT 3; THENCE $500^{\circ}05'03''E$ 548.70 FEET ON A LINE 320.00 FEET WEST OF AND PARALLEL WITH AN EAST LINE OF SAID LOT 3 TO THE SOUTH LINE THEREOF; THENCE $N89^{\circ}54'57''E$ 15.00 FEET ON THE SOUTH LINE OF SAID LOT 3; THENCE $N00^{\circ}05'03''W$ 548.70 FEET TO THE POINT OF BEGINNING.