

FILED SARPY CO. NE.
INSTRUMENT NUMBER
97-019949
97 SEP 11 AM 10:08
Glenn J. [Signature]
REGISTER OF DEEDS

Credit: md
Verify: md
E.: ja
Proof: ja
Fee: 14.50
Ck
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97-019949

AGREEMENT

This Agreement, made this 4th day of September, 1997, by and between the Metropolitan Utilities District of Omaha, a Municipal Corporation, hereinafter "District", and Wiltham Place Limited Partnership, a Nebraska Limited Partnership, hereinafter "Partnership";

Witnesseth, that District, in consideration of the agreements of Partnership hereinafter stated, agrees and covenants with Partnership, its successors and assigns, that a retaining wall may, in August and/or September of 1997, be constructed and maintained within the easement parcel conveyed to District (Document No. 95-21990, Miscellaneous Records, Register of Deeds, Sarpy County) on or about November 30, 1995, in the portions of Lots Two (2) and Three (3), of Wiltham Place, a subdivision, as surveyed, platted and recorded in Sarpy County, Nebraska, all as further described in said easement conveyance. Said Lots have, since the date of recordation of said Document, have been replatted as Lots One (1) through Nine (9), Wiltham Place Replat I.

In consideration of District's said agreement and covenant, Partnership, its successors and assigns, including but not limited to successors in fee title to the subject easement tract, agrees and covenants with District that it shall hold District, its successors, assigns, employees and subcontractors, harmless from any and all claims, personal injury, property damage or any other, in any way arising out of the said retaining wall's installation, maintenance and occupation of the said easement tract, including but not limited to damage itself to the said wall due to District's maintenance, repair or relocation of District's facilities in said easement tract (including, but not by way of limitation, any claim or obligation to repair or replace said wall, before, during or after said maintenance, repair or relocation work).

Partnership represents and warrants it has title in fee to the entirety of the realty subject to said easement conveyance.

It is understood and agreed upon by District and Partnership, their successors and assigns, that this instrument shall be filed of record in the Register of Deeds Office of Sarpy County, Nebraska, and shall run with title to the easement tract involved herein.

For the true and faithful performance of the agreements and covenants above stated, the parties hereto bind themselves, their executors, administrators, and legal representatives, each to the other.

IN WITNESS WHEREOF, District and Partnership have hereunto set their hands the day and year first above written.

METROPOLITAN UTILITIES DISTRICT
OF OMAHA, a Municipal Corporation

By: *Donald R. [Signature]*
Title: Claims Representative & Investigator

RECEIVED
AUG 29 1997
LAW DEPT

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