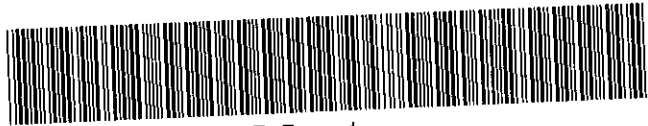


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Received - RICHARD TAKECHI  
Register of Deeds, Douglas County, NE  
4/30/2004 11:45:53.42



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BKP 1-14-10 CO COMP \_\_\_\_\_  
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## TEMPORARY GRADING EASEMENT

FOR AND IN CONSIDERATION of the sum of One Dollar and other good and valuable consideration in hand paid, Metropolitan Utilities District of Omaha, a corporation, (hereinafter referred to collectively as "the GRANTORS") for themselves and for their heirs, successors and assigns, do hereby grant, bargain, sell, convey and confirm unto the COUNTY OF DOUGLAS, (hereinafter referred to as "the COUNTY"), the COUNTY hereinafter being referred to as "the GRANTEES" a temporary and assignable easement, hereinafter described, in, over, and upon the tracts of land located in the SW ¼ of the SW ¼ of Section 1, T14N, R10E, of the 6<sup>th</sup> P.M., Douglas County, Nebraska, more particularly described as follows:

### **"SEE ATTACHED EXHIBIT B"**

A. Pursuant to this Easement, and until the completion of Road Improvements, the GRANTEES, their successors and assigns, and their respective officers, agents, employees and contractors, shall have the right to enter and use the Easement Area in connection with construction, operation, and maintenance of 216<sup>th</sup> Street improvements, including the right to make temporary and permanent changes of grade, and the right to plant and control vegetation.

B. The consideration recited herein shall constitute payment in full for any and all damages sustained the GRANTORS and their successors and assigns by reason of the exercise of any of the rights or privileges herein described or granted. The GRANTORS, further, waive compliance by the DISTRICT with the notice and other provisions of the Uniform procedure for Acquiring Private Property for Public Use (Sec. 25-2501, R.R.S. 1943, et seq., as amended).

C. The GRANTORS, for themselves and for their successors and assigns, covenant and agree that they are the owners of the Easement Area and that they have good right to convey this Easement over the same; that said premises are free and clear of all liens and encumbrances, except as noted herein; and, that they will warrant and defend the title to this Easement against all lawful claims and demands of all persons whomsoever.

D. This Easement shall not be construed to pass to the COUNTY any fee simple interest or title to any property of the GRANTORS.

E. The GRANTORS warrant that no verbal or written representations or inducements have been made or given by the DISTRICT or by any of its officer, agents or employees, other than as may be recited in this document.

Dated this 8<sup>th</sup> day of April, 2004.

Thomas Wurtz  
MUD Representative

General Manager  
Title

Thomas A. Wurtz  
Signature

Approved as to form  
[Signature]  
General Counsel  
4-8-04

ACKNOWLEDGEMENTS

STATE OF NEBRASKA )

COUNTY OF Douglas)

On this 8<sup>th</sup> day of April, 2004, before me, a Notary Public in and for said County, personally came the above named Thomas A. Wurtz and he acknowledged the execution of the above document as his voluntary act and deed.

WITNESS my hand and Notarial Seal the date last aforesaid.

[Signature]  
Notary Public

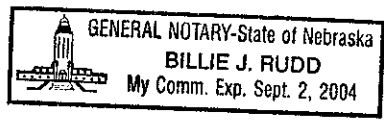
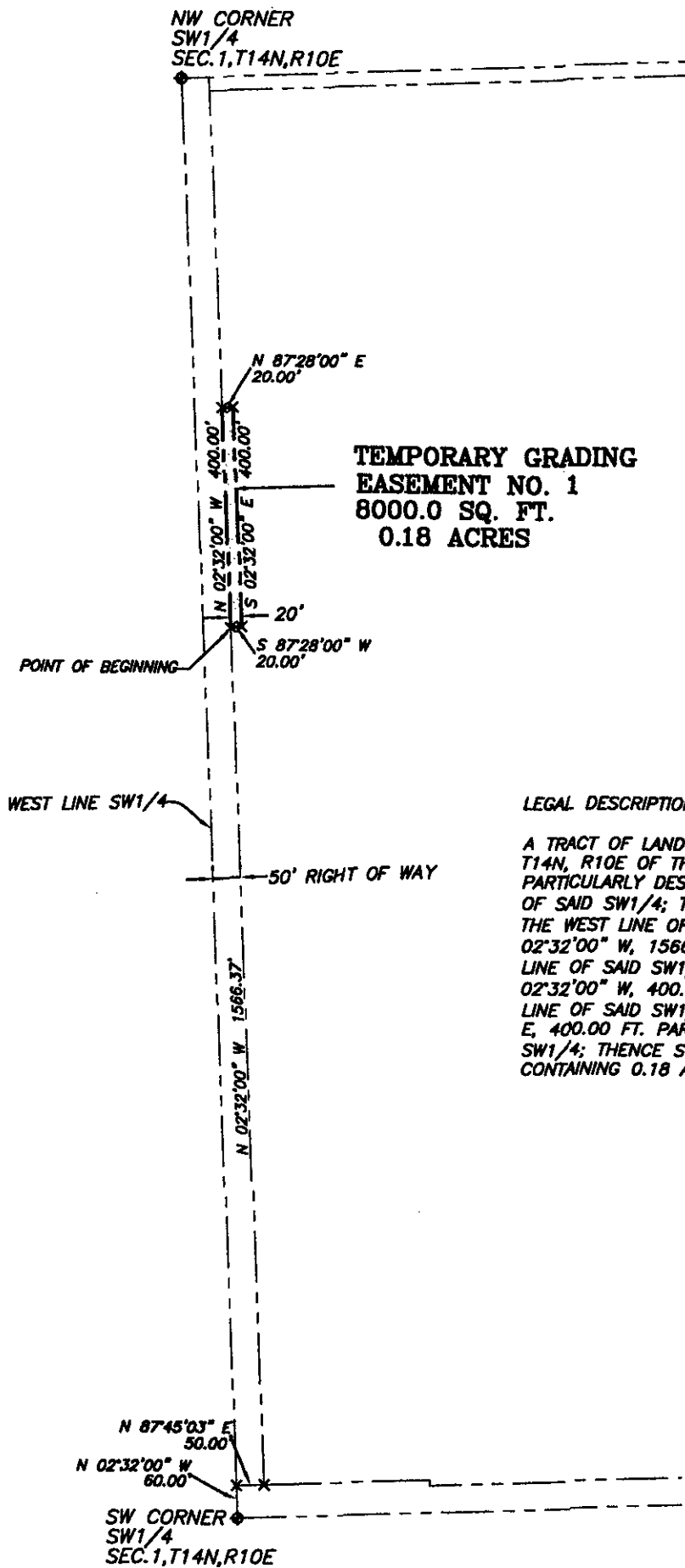


EXHIBIT "B"



LEGAL DESCRIPTION TEMPORARY GRADING EASEMENT NO. 1

A TRACT OF LAND LOCATED IN THE NW 1/4 OF THE SW1/4 OF SECTION 1, T14N, R10E OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: REFERRING TO THE SOUTHWEST CORNER OF SAID SW1/4; THENCE N 02°32'00" W (ASSUMED BEARING), 60.00 FT. ON THE WEST LINE OF SAID SW1/4; THENCE N 87°45'03" E, 50.00 FT.; THENCE N 02°32'00" W, 1566.37 FT., PARALLEL WITH AND 50.00 FT. EAST OF THE WEST LINE OF SAID SW1/4 TO THE POINT OF BEGINNING; THENCE CONTINUING N 02°32'00" W, 400.00 FT. PARALLEL WITH AND 50.00 FT. EAST OF THE WEST LINE OF SAID SW1/4; THENCE N 87°28'00" E, 20.00 FT.; THENCE S 02°32'00" E, 400.00 FT. PARALLEL WITH AND 70.00 FT. EAST OF THE WEST LINE OF SAID SW1/4; THENCE S 87°28'00" W, 20.00 FT. TO THE POINT OF BEGINNING, CONTAINING 0.18 ACRES MORE OR LESS.