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RICHARD N. TAKECHI
REGISTER OF DEEDS
DOUGLAS COUNTY, NE

98 JUN 23 AM 9:35

RECEIVED

EASEMENT AND RIGHT-OF-WAY

THIS INDENTURE, made this 11th day of June, 1998, between BRIAR HILLS DEVELOPMENT ~~CO.~~ L.L.P., a Nebraska Limited Liability Partnership, ("Grantor"), and METROPOLITAN UTILITIES DISTRICT OF OMAHA, a Municipal Corporation, ("Grantee"),

WITNESS:

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, including but not limited to hydrants, round iron vault covers, and valve box covers, together with the right of ingress and egress on, over, under and through lands described as follows:

PERMANENT EASEMENT

Several tracts in Briar Hills, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, described as follows:

The north one hundred feet (100') of Outlot C and the north twenty feet (20') of the south one hundred seventy feet (170') of Outlot C; and

The entirety of Outlot D; and

The north five feet (5') of the west four hundred thirty-five feet (435') of Lot 164;

and

A parcel in the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section 16, Township 15 North, Range 11 East of the 6th P.M. in Douglas County, Nebraska, described as follows:

Beginning at the most northwesterly corner of Lot 164 of Briar Hills, a subdivision as surveyed, platted and recorded in Douglas County; thence along the westerly line of said Lot 164, S02° 04' 13"E (platted bearing), 5.00 feet; thence S87° 55' 47"W, 460.00 feet to a point on the easterly line of a permanent ingress-egress easement as recorded in the records of Douglas County; thence along said easterly line, N02° 04' 13"W, 22.00 feet; thence N87° 55' 47"E, 460.00 feet; thence S02° 04' 13"E, 17.00 feet to the point of beginning.

Please return to -

R. Owens
MUD
1723 Harney St.
Omaha, NE 68102

8411

16-15-11
OC - Outlay
01-60000
FEE 2.00 FB _____
BKP Comp C/O _____ COMP _____
DEL _____ SCAN dk FV _____

This permanent easement contains a total of 0.426 of an acre, more or less, and are shown on the attached drawing made a part hereof by this reference.

TO HAVE AND TO HOLD this Easement and Right-of-Way to 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 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.

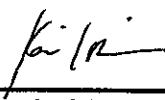
4. The Grantor is the lawful possessor of this real estate; has good right and lawful authority to make such conveyance; and Grantor and its executors, administrators, successors and assigns shall warrant and defend this conveyance and shall indemnify and hold harmless Grantee forever against claims of all persons asserting any right, title or interest prior to or contrary to this conveyance.

5. The persons executing this instrument for the Grantor Partnership and for its General Partners, as shown below, represent that they have the authority to execute it on behalf of the said entities.

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


BRIAR HILLS DEVELOPMENT ~~CO.~~
L.L.P., a Nebraska Limited Liability Partnership
~~Company~~, Grantor

By: NEW MILLENIUM, L.L.P.,
a Nebraska Limited Liability
Partnership, Partner

By: 

Kevin Irish
Partner, New Millenium

By: BHD, L.L.C., a Nebraska Limited
Liability Company, Partner

By: 

M. M. Udes, Manager,
BHD, L.L.C.

