

FILED SARPY CO. NE.
INSTRUMENT NUMBER
2004-11998

2004 APR -7 P 1:56

Glenn J. Dowling
REGISTER OF DEEDS

COUNTER LLM C.E. AK
VERIFY AK D.E. AK
PROOF SM
FEES \$ 15.50
CHECK# 19633
CHG. _____ CASH _____
REFUND _____ CREDIT _____
SHORT _____ NCR _____

PERMANENT EASEMENT
AND RIGHT-OF-WAY

THIS INDENTURE, made this 29th day of MARCH, 2004 between WEINER OMAHA 1, LLC, a Nebraska Limited Liability Company, ("Grantor"), and METROPOLITAN UTILITIES DISTRICT OF OMAHA, a Municipal Corporation and Political Subdivision, ("Grantee"),

WITNESS:

That Grantor, in consideration of the sum of Two Dollars (\$2.00) and other valuable consideration, receipt of which is hereby acknowledged, do hereby grant to Metropolitan Utilities District of Omaha, its successors and assigns, a permanent easement and right-of-way to lay, maintain, operate, repair, relay and remove, at any time, pipelines for the transportation of gas and all appurtenances thereto, including but not limited to a gauge box and two round iron covers, together with the right of ingress and egress on, over, under and through lands described as follows:

PERMANENT EASEMENT

A tract of land in Willow Creek Replat III, Lot 3A, as surveyed, platted and recorded in Sarpy County, Nebraska and being described as follows:

Commencing at the northeast corner of Lot 3A, of Willow Creek Replat 3, thence south 87°36'21" west, along the north property line a distance of 67.03 feet to the Point of Beginning; thence south 87°36'21" west, along the north property line a distance of 55.00 feet; thence south 02°23'39" east, a distance of 10.00 feet; thence north 87°36'21" east, a distance of 55.00 feet, thence north 02°23'39" west, a distance of 10.00 feet, to the Point of Beginning.

This permanent easement contains 0.012 of an acre, more or less, and is shown on the drawing attached hereto and made a part hereof by this reference.

TO HAVE AND TO HOLD said Permanent 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 permanent easement any building or structure, except pavement or a similar covering, and shall not permit anyone else to do so.

2. The Grantee shall restore the 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 successors and assigns

Please Return To: *JUSTIN COOPER*
MUD - LEGAL DEPT.
1723 Harney
Omaha, Ne 68102

R+R

11998

A

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/she has authority to execute it on behalf of the limited liability company.

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

WEINER OMAHA 1, LLC, a Nebraska Limited Liability Company, Grantor

By: Fred Mehlman

Title: Manager

ACKNOWLEDGMENT

STATE OF New York)
) ss
COUNTY OF Westchester)

This instrument was acknowledged before me on March 29th, 2004, by Fred Mehlman, Manager of WEINER OMAHA 1, LLC, a Nebraska limited liability company, on behalf of the limited liability company.

Lori A. Loballo
Notary Public

LORI A. LOBALDO
Notary Public, State of New York
No. 01LO6103114
Qualified in Westchester County
Commission Expires December 15, 2007

2004-11998 B



METROPOLITAN UTILITIES DISTRICT
OMAHA, NEBRASKA

EASEMENT ACQUISITION

FOR r1286
GCH 12634-1-2-3

LAND OWNER
WIENER OMAHA, L.L.C.
875 MAMARONECK AVE.
MAMARONECK, NY 10543

TOTAL ACRE PERMANENT 0.012 ±
TOTAL ACRE TEMPORARY 0.000 ±

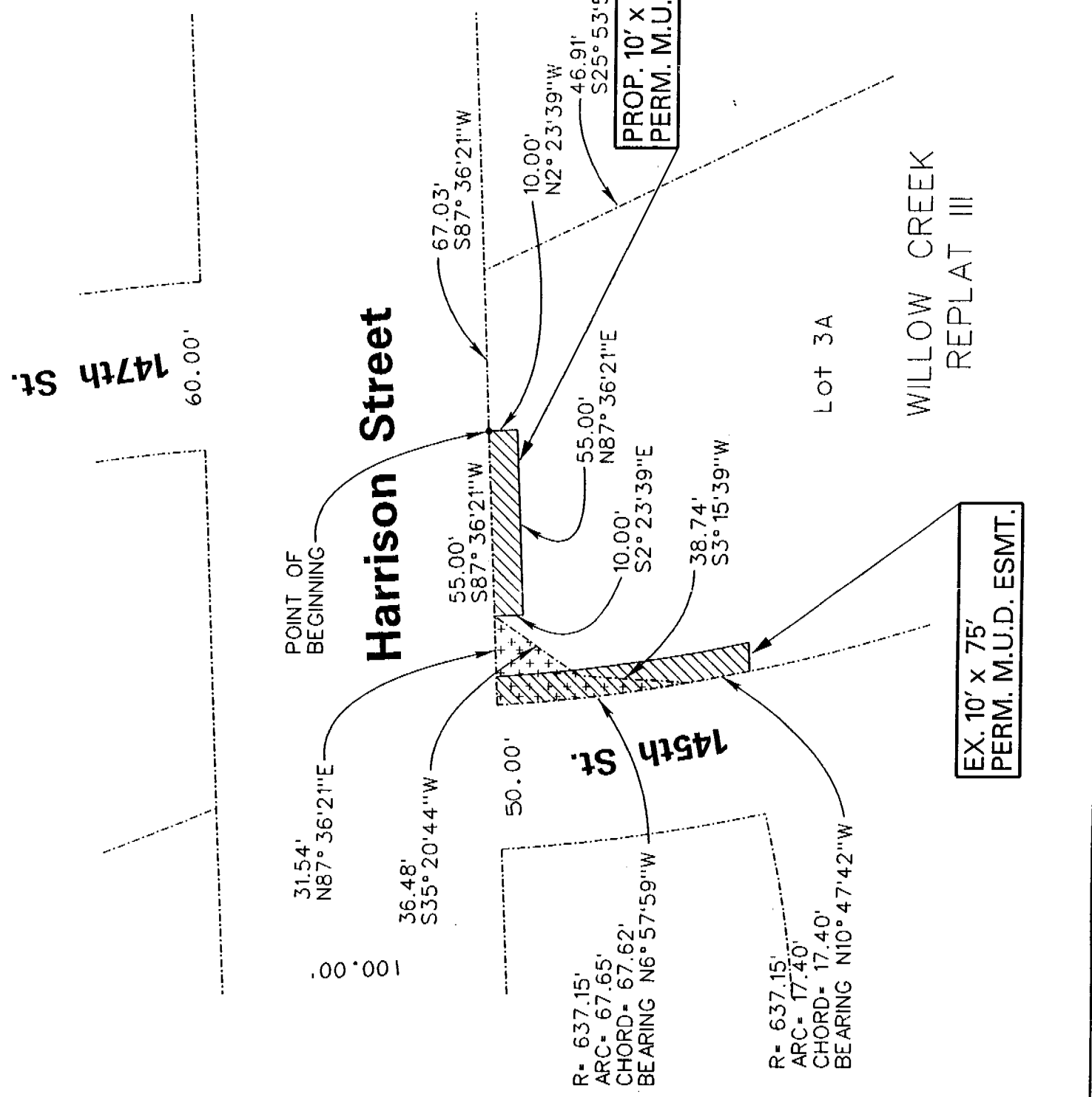
LEGEND
 PERMANENT EASEMENT
 NEW ROW

PAGE 1 OF 1

DRAWN BY JJG
 DATE 1-20-04
 CHECKED BY D.R.B.
 DATE 1-30-04
 APPROVED BY [Signature]
 DATE 2/5/04
 REVISED BY _____
 DATE _____
 REV. CHK'D. BY _____
 DATE _____
 REV. APPROV. BY _____
 DATE _____



NO SCALE
145th ST. & HARRISON ST.



PROP. 10' X 55'
PERM. M.U.D. ESMT.

EX. 10' X 75'
PERM. M.U.D. ESMT.

Lot 3A
WILLOW CREEK
REPLAT III