

FILED SАРY CO. NE.
INSTRUMENT NUMBER
2004-37314

2004 SEP 27 P 4: 22 R

Glenn J. Lowery
REGISTER OF DEEDS

COUNTER AK C.E. AK
VERIFY AK D.E. AK
PROOF AK
FEES \$ 21.50
CHECK# 20919/20540
CHG. _____ CASH _____
REFUND _____ CREDIT _____
SHORT 1.00 NCR _____

PERMANENT
AND TEMPORARY
EASEMENT AND RIGHT-OF-WAY

THIS INDENTURE, made this 28 day of JULY, 2004,
between ROGERS DEVELOPMENT, INC., a Nebraska corporation ("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, a permanent 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 a 24-inch round iron cover, hydrants, roadway boxes and pipeline markers, and a temporary easement for construction purposes, together with the right of ingress and egress on, over, under and through lands described as follows:

PERMANENT EASEMENTS

TRACT 1

A tract of land in the NE ¼ of the NE ¼ of Section 33-14-11 in Sarpy County, Nebraska and being described as follows:

Commencing at the NE corner of the NE ¼ of Section 33-14-11; thence South 02°20'45" East (assumed bearing) along the Section line of 168th Street, a distance of 208'; thence South 89°45'16" West a distance of 33' to Point of Beginning Tract 1 & 2, said point being on the west right-of-way line of 168th Street; thence South 02°20'45" East along the west right-of-way line of 168th Street a distance of 100'; thence South 89°45'16" West a distance of 35'; thence North 02°20'45" West parallel to the west right-of-way line of 168th Street a distance of 100'; thence North 89°45'16" East a distance of 35' to Point of Beginning Tract 1&2.

TRACTS 4 and 5

Tracts of land in Pebblebrooke, a subdivision surveyed, platted and recorded in Sarpy County, Nebraska and described as follows:

Tract 4

The southerly 20 feet of Outlot 2 Pebblebrooke, a subdivision surveyed, platted and recorded in Sarpy County, Nebraska.

Tract 5

Please Return To: *Justin Cooper*
MUD Legal Department
1723 Harney Street
Omaha, NE 68102

37314

A

The southerly 20 feet of Outlot 1 Pebblebrooke, a subdivision surveyed, platted and recorded in Sarpy County, Nebraska.

These permanent easements (Tract 1, 4 & 5) contain 1.17 acres, more or less, and are shown on the drawing attached hereto and made a part hereof by this reference.

TEMPORARY EASEMENTS

TRACT 2

A tract of land in the NE ¼ of the NE ¼ of Section 33-14-11 in Sarpy County, Nebraska and being described as follows:

Commencing at the NE corner of the NE ¼ of Section 33-14-11; thence South 02°20'45" East (assumed bearing) along the Section line of 168th Street, a distance of 208'; thence South 89°45'16" West a distance of 33' to Point of Beginning Tract 1 & 2, said point being on the west right-of-way line of 168th Street; thence continuing South 89°45'16" West a distance of 35'; thence South 02°20'45" East parallel to the west right-of-way line of 168th Street a distance of 100'; thence South 89°45'16" West a distance of 50'; thence North 02°20'45" West a distance of 175'; thence North 83°36'50" East a distance of 85'; thence South 02°20'45" East along the west right-of-way line of 168th Street a distance of 83' to Point of Beginning Tract 1&2.

TRACT 3

A tract of land in the NE ¼ of the NE ¼ of Section 33-14-11 in Sarpy County, Nebraska and being described as follows:

Commencing at the NE corner of the NE ¼ of Section 33-14-11; thence South 02°20'45" East (assumed bearing) along the Section line of 168th Street, a distance of 58'; thence South 89°45'16" West a distance of 33' to Point of Beginning Tract 3, said point being on the west right-of-way line of 168th Street; thence South 02°20'45" East along the west right-of-way line of 168th Street a distance of 47'; thence South 83°36'50" West a distance of 85'; thence North 02°20'45" West parallel to the west right-of-way line of 168th Street a distance of 76'; thence North 89°45'16" East a distance of 85' to Point of Beginning Tract 3.

These temporary easements (Tracts 2 & 3) contain 0.37 of an acre, more or less, and are shown on the drawing attached hereto and made a part hereof by this reference.

TO HAVE AND TO HOLD said Easements and Rights-of-Way to Grantee, Metropolitan Utilities District of Omaha, its successors and assigns.

1. The Grantor and its successors and assigns shall not erect, construct or place on or below the surface of the permanent easement tract any building or structure, except pavement, landscaping, grass, trees, or a similar covering. With respect to the temporary construction easement, the same prohibitions apply during the effective period of this temporary conveyance, which effective period shall commence upon the date of execution hereof and cease upon completion of the project contemplated herein.

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.

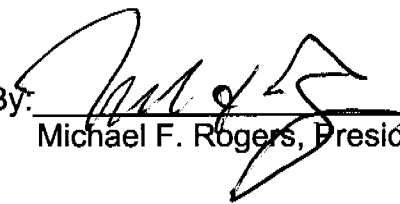
3. Nothing herein shall be construed to waive any right of Grantor or duty and power of Grantee respecting the ownership, use, operations, extensions and connections to any pipeline constructed and maintained hereunder.

4. Grantor is lawful possessor of this real estate and has good right and lawful authority to make such conveyance.

5. The person executing this instrument represents that he has authority to execute it on behalf of the corporation.

IN WITNESS WHEREOF, Grantor executes these Easements and Rights-of-Way to be signed on the above date.

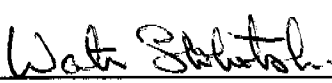
ROGERS DEVELOPMENT, INC.,
a Nebraska Corporation,
Grantor

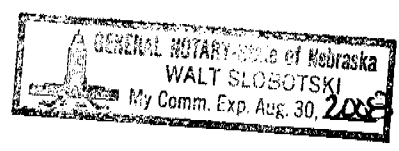
By: 
Michael F. Rogers, President

ACKNOWLEDGMENT

STATE OF NEBRASKA)
) ss
COUNTY OF DOUGLAS)

This instrument was acknowledged before me on 7/28/2004, 2004, by Michael F. Rogers, president of Rogers Development, Inc. on behalf of the corporation.


Notary Public



METROPOLITAN

UTILITIES DISTRICT
OMAHA, NEBRASKA

EASEMENT ACQUISITION

FOR WCP 9345/WCP 9734

LAND OWNER
MIKE ROGERS
ROGERS DEVELOPMENT
S.I. & D. 240
CO DENNIS HOGAN ATTORNEY
GAINES, PANSIN & HOGAN
REGENCY CENTER
10250 REGENCY CIRCLE
SUITE 300
OMAHA, NE 68114
(402) 397-5500

TOTAL ACRE **1.17 ±**
PERMANENT _____
TOTAL ACRE _____
TEMPORARY **0.37 ±**

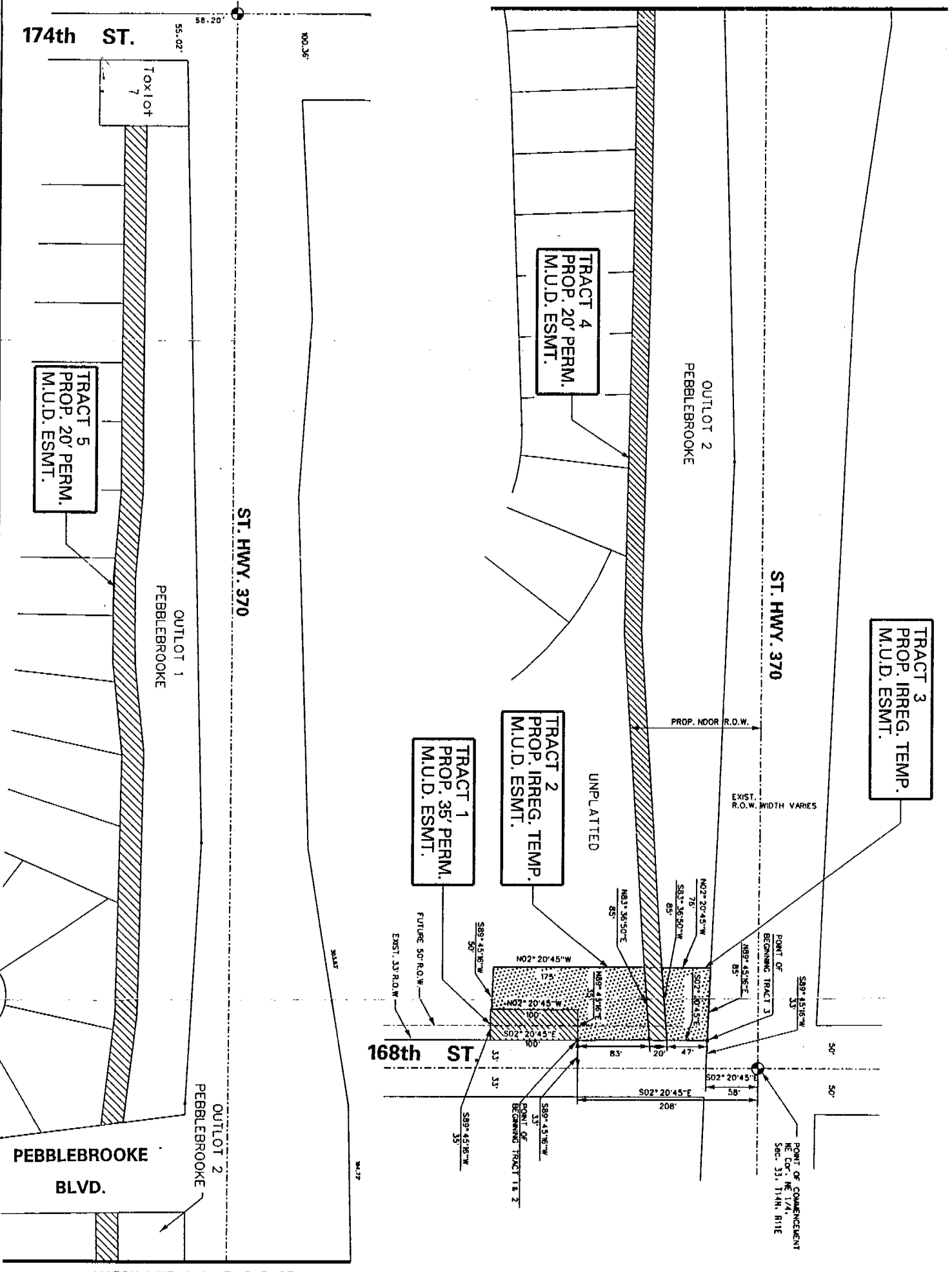
LEGEND
PERMANENT EASEMENT [Hatched Box]
TEMPORARY EASEMENT [Dotted Box]

PAGE **1** OF **1**

DRAWN BY **MKM**
DATE **3-5-2004**
CHECKED BY **MKM**
DATE **3-5-2004**
APPROVED BY _____
DATE _____
REVISED BY _____
DATE _____
REV. CHK'D. BY _____
DATE _____
REV. APPROV. BY _____
DATE _____

2004-37314C

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NO SCALE