



BK 0912 PG 133



MISC 1990 01804

THIS PAGE INCLUDED FOR  
INDEXING  
PAGE DOWN FOR BALANCE OF INSTRUMENT

THIS INDENTURE, made this 29 day of December, 1989, between FARMLAND ENTERPRISES, INC., a Nebraska Corporation, IOWA ORDER BUYERS, INC., an Iowa Corporation, and NEBRASKA ORDER BUYERS, INC., a Nebraska Coporation, hereinafter referred to as "Grantors", and METROPOLITAN UTILITIES DISTRICT OF OMAHA, a Municipal Corporation, hereinafter referred to as "Grantee",

WITNESSETH:

That Grantors, 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, 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 one (1) round iron vault cover and one (1) hydrant, together with the right of ingress and egress to and from the same, on, over, under and through lands described as follows:

1804 here

PERMANENT EASEMENT

A tract in the Northeast Quarter of Section Twenty-nine (29), Township Fifteen (15) North, Range Eleven (11) East of the 6th P.M. in Douglas County, Nebraska, and described as follows:

The West 824.68 feet, more or less, of the North sixty feet (60') of the Northeast Quarter of Section 29 except the North thirty-three feet (33'), the same also being described as the North sixty feet (60') of the West one hundred (100) acres of the East half of Section 29 except the North thirty-three feet (33').

Said tract contains 0.511 of an acre, more or less, and is shown on the drawing attached hereto and made a part hereof by this reference.

TEMPORARY EASEMENT

A tract in the Northeast Quarter (NE 1/4) of Section Twenty-nine (29), Township Fifteen (15) North, Range Eleven (11) East of the 6th P.M. in Douglas County, Nebraska, and described as follows:

The West 824.68 feet, more or less, of the North one hundred twenty feet (120') of the Northeast Quarter of Section 29 except the North sixty feet (60'), the same also being described as the North one hundred twenty feet (120') of the West one hundred (100) acres of the East half of Section 29 except the North sixty feet (60').

Said tract contains 1.136 acres, more or less, and is shown on the drawing attached hereto and made a part hereof by this reference.

BK 912 N 29-15-11E  
PG 133-137 N 29-15-11  
OF MISC COMP Q1  
C/O DEL MK MC GR  
FEE 25.50  
FIB 01-60000

RECEIVED  
FEB 1 1 42 PM '90  
GEORGE J. BURLEIGH  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NE

TO HAVE AND TO HOLD said Easement and Right-of-Way unto the said Grantee, Metropolitan Utilities District of Omaha, its successors and assigns.

1. The Grantors agrees that neither they nor their successors or assigns will at any time erect, construct or place on or below the surface of said easement tract any building or structure, except pavement, and they will not give anyone else permission to do so. The temporary easement abovedescribed shall be in effect for 24 months following execution and delivery of this conveyance.

2. The Grantee shall restore the surface of the soil excavated for any purpose hereunder, as near as may be reasonably possible, to the original contour thereof and as soon after such work is performed as may be reasonably possible to do so.

3. Nothing herein contained shall be construed as a waiver of any rights of the Grantors, or duties and powers of the Grantee, respecting the ownership, use, operations, extensions and connections to any pipeline constructed and maintained hereunder.

4. It is further agreed the Grantors have lawful possession of said real estate, good right and lawful authority to make such conveyance and they and their executors, administrators, successors and assigns shall warrant and defend the same and will indemnify and hold harmless the Grantee forever against the claims of all persons whomsoever in any way asserting any right, title or interest prior to or contrary to this conveyance.

5. The persons executing this instrument represent they have the requisite authority to execute same and make this conveyance on behalf of said Corporations.

IN WITNESS WHEREOF, the Grantors have caused this Easement and Right-of-Way to be signed and executed on the day and year first above written.

(Corporate Seal)

ATTEST:

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FARMLAND ENTERPRISES, INC.,  
a Nebraska Corporation, Grantor

By: Frank R. West  
Title: President

(Corporate Seal)

ATTEST:

\_\_\_\_\_

IOWA ORDER BUYERS, INC.,  
an Iowa Corporation, Grantor

By: Frank R. West  
Title: President

(Corporate Seal)

ATTEST:

\_\_\_\_\_

NEBRASKA ORDER BUYERS, INC.,  
a Nebraska Corporation, Grantor

By: Frank R. West  
Title: President


ACKNOWLEDGMENT

STATE OF Nebraska )  
 COUNTY OF Douglas ) ss

On this 29 day of December, 1989, before me, the undersigned, a Notary Public in and for said State of Nebraska, County of Douglas, personally came FRANK R. WEST of Farmland Enterprises, Inc., a Nebraska Corporation, to me known to be the identical person whose name is affixed to the foregoing instrument, and he acknowledged the execution of this instrument to be his voluntary act and deed as an individual and as such officer and the voluntary act and deed of said Corporation.

WITNESS my hand and Notarial Seal the day and year last above written.

*Deborah Lynn Goertz*  
 Notary Public

My Commission expires:  GENERAL NOTARY - State of Nebraska  
 DEBORAH LYNN GOERTZ  
 My Comm. Exp. Jan. 31, 1992


ACKNOWLEDGMENT

STATE OF Nebraska )  
 COUNTY OF Douglas ) ss

On this 29 day of December, 1989, before me, the undersigned, a Notary Public in and for said State of Nebraska, County of Douglas, personally came FRANK R. WEST, PRESIDENT of Iowa Order Buyers, Inc., an Iowa Corporation, to me known to be the identical person whose name is affixed to the foregoing instrument, and he acknowledged the execution of this instrument to be his voluntary act and deed as an individual and as such officer and the voluntary act and deed of said Corporation.

WITNESS my hand and Notarial Seal the day and year last above written.

*Deborah Lynn Goertz*  
 Notary Public

My Commission expires:  GENERAL NOTARY - State of Nebraska  
 DEBORAH LYNN GOERTZ  
 My Comm. Exp. Jan. 31, 1992


ACKNOWLEDGMENT

STATE OF Nebraska )  
 COUNTY OF Douglas ) ss

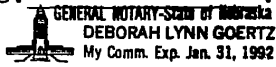
On this 29 day of December, 1989, before me,

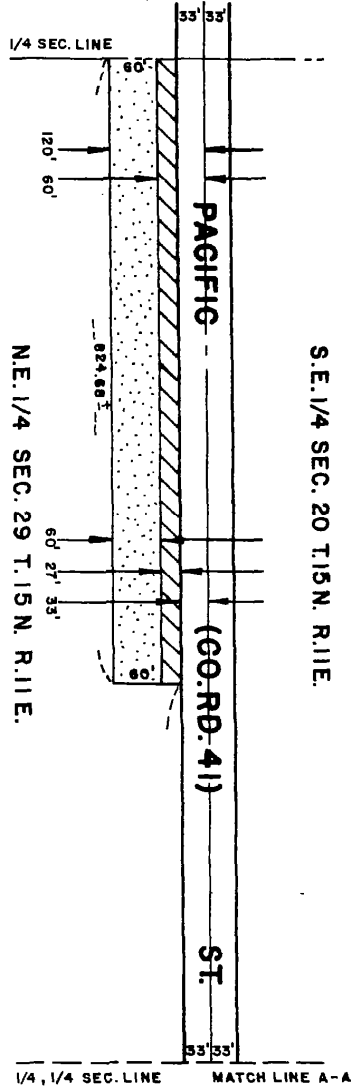
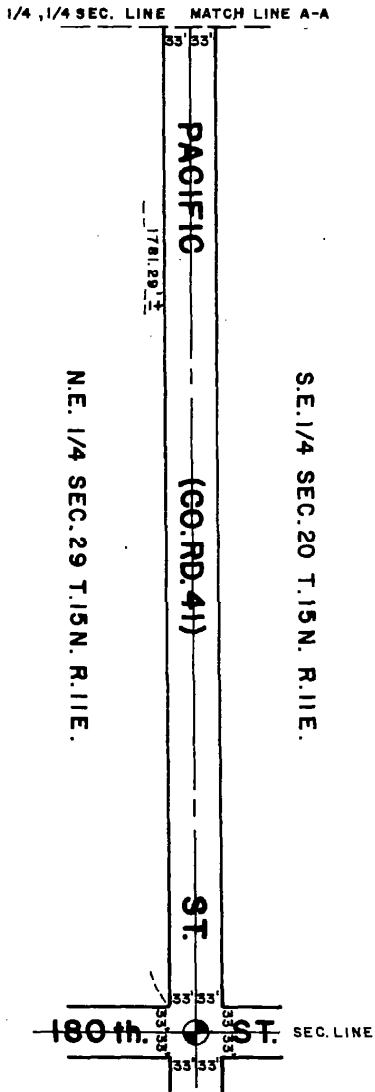
the undersigned, a Notary Public in and for said State of Nebraska, County of Douglas, personally came FRANK R. WEST, PRESIDENT of Nebraska Order Buyers, Inc., a Nebraska Corporation, to me known to be the identical person whose name is affixed to the foregoing instrument, and he acknowledged the execution of this instrument to be his voluntary act and deed as an individual and as such officer and the voluntary act and deed of said Corporation.

WITNESS my hand and Notarial Seal the day and year last above written.

  
Notary Public

My Commission expires:





METROPOLITAN UTILITIES DISTRICT OMAHA, NEBRASKA	
EASEMENT ACQUISITION FOR W.C. 6574	
LAND OWNER FARMLAND ENTERPRISES, INC. - IOWA ORDER BUYERS, INC. - NE. ORDER BUYERS, INC.	
TOTAL ACRE	0.511
TOTAL ACRE	1.136
LEGEND PERMANENT EASEMENT                  TEMPORARY EASEMENT	
PAGE	OF
DRAWN BY <u>K.B.</u> DATE <u>12-14-88</u> CHECKED BY <u>A</u> DATE <u>12-15-88</u> APPROVED BY <u>SM</u> DATE <u>12-15-88</u> REVISED BY _____ DATE _____ REV. CHK'D BY _____ DATE _____ REV. APPROV. BY _____ DATE _____	