

40-609

EASEMENT AND RIGHT OF WAY

THIS INDENTURE, made this 11 day of Oct, 1968, between Edward E. Stepanek and Mary Jane Stepanek, husband and wife, herein-after 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 Hundred and Fifty Dollars (\$250.00), 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, a pipeline and two manholes for the transportation of water, together with the right of ingress and egress to and from the same, on, over and through lands described as follows:

Permanent Easement

Beginning at a point 1,079.2 feet East of and 33 feet South of the Northwest corner of the Northeast Quarter (NE<sup>1/4</sup>) of Section Thirteen (13), Township Fourteen (14) North, Range Twelve (12) East of the 6th P.M., in Sarpy County, Nebraska, said point being on the South right-of-way line of Harrison Street; thence South 90°00' East a distance of 49.50 feet; thence South 45°00' East a distance of 24.04 feet; thence South 90°00' East a distance of 252.56 feet to a point on the center line of the Big Papillion Drainage Ditch; thence South 32°40' East along said center line a distance of 41.58 feet; thence South 90°00' West a distance of 289.50 feet; thence North 45°00' West a distance of 73.54 feet to the point of beginning; containing Twenty-Six One Hundredths (0.26) acres, more or less.

Also Temporary Easement

An 82-foot strip of land in the Northeast Quarter (NE<sup>1/4</sup>) of Section Thirteen (13), Township Fourteen (14) North, Range Twelve (12) East of the 6th P.M., in Sarpy County, Nebraska, extending West from the center line of the Big Papillion Drainage Ditch to a point 308.16 feet West thereof as measured along the South right-of-way line of Harrison Street projected; generally encompassing and specifically excluding the above described Permanent Easement, containing Thirty-Seven One Hundredths (0.37) acres, more or less.

TO HAVE AND TO HOLD said easement and right of way unto the said Grantee, Metropolitan Utilities District of Omaha, its successors and assigns.

The Grantors and Grantee do covenant, promise and agree, for themselves, their heirs, successors and assigns, as follows:

1. Grantors, their heirs, grantees or assigns agree that they will at no time erect, construct or place on or below the surface of said strip of land any building or structure, except pavement, and that they will not permit anyone else to do so.
2. Grantee agrees to restore the surface of the soil on said land following the installation, maintenance, repair or removal of its pipeline therein, as soon as may be reasonably possible so to do, to the original contour thereof.

RECORDED IN BOOK 42 OF PUBLIC RECORDS IN SARP COUNTY NEB. 2-14-68

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