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EASEMENT AND RIGHT-OF-WAY

THIS INDENTURE, made this 10th day of August, 1984, between H. LEE GENDLER, TRUSTEE, hereinafter referred to as "Grantor", and METROPOLITAN UTILITIES DISTRICT OF OMAHA, a municipal corporation, hereinafter referred to as "Grantee",

WITNESSETH:

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, a pipeline for the transportation of water and all appurtenances thereto, together with the right of ingress and egress to and from the same, on, over, under and through lands described as follows:

PERMANENT EASEMENT

A tract of land in Lots Ten (10), Eleven (11) and Twelve (12), all of Block Eight (8), Hillside Addition No. 1, an addition to the City of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska. Said tract of land is more particularly described as follows:

Commencing at the Southwest corner of Lot Thirteen (13) of said Block 8; thence easterly on the north line of Chicago Street sixty-two (62) feet to the true point of beginning; thence northerly one hundred thirteen (113) feet on a line parallel to the west property line of said Lot 12; thence easterly one hundred thirty-eight (138) feet on a line parallel to the north property line of said Lots 12, 11 and 10; thence southerly on the east property line of Lot 10 a distance of twenty (20) feet; thence westerly one hundred eighteen (118) feet on a line parallel to the north property line of Lots 12, 11 and 10; thence southerly ninety three (93) feet on a line parallel to the west property line of Lot 12; thence westerly twenty (20) feet on the south property line of Lot 12 to said true point of beginning.

Said tract is shown on the attached plat which is made a part hereof by this reference. Said tract contains 0.11 of an acre, 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.

1. The Grantor agrees that neither it nor its successors or assigns will at any time erect, construct or place on or below the surface of said tract of land any building or structure, except pavement, and they will not give anyone else permission to do so.
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 Grantor, 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 Grantor has lawful possession of said real estate, good right and lawful authority to make such conveyance and it and its executors, administrators, successors

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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.

IN WITNESS WHEREOF, the Grantor has caused this easement and right-of-way to be signed and executed on the day and year first above written.

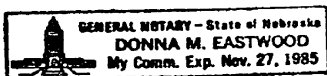
H. LEE GENDLER, TRUSTEE,
Grantor


H. LEE GENDLER, Trustee

STATE OF NEBRASKA)
) ss
COUNTY OF DOUGLAS)

On this 10th day of August, 1984, before me, the undersigned, a Notary Public in and for said State and County, personally came H. Lee Gendler, Trustee, to me personally 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 Trustee.

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




Notary Public

