

FILED SARPY CO. NE
INSTRUMENT NUMBER
2004-11933

2004 APR -7 A 10:56

Glenn J. Lawling
REGISTER OF DEEDS

COUNTER LM C.E. NR
VERIFY SM D.E. D
PROOF _____
FEES \$ 20.50
CHECK# 19638
CFG _____ CASH _____
REFUND _____ CREDIT _____
SHORT _____ NCR _____

PERMANENT
AND
TEMPORARY CONSTRUCTION
EASEMENTS AND RIGHTS-OF-WAY

THIS INDENTURE, made this 2ND day of APRIL, 2004 between SCHEWE FARMS, INC., a Nebraska Corporation, ("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, 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, one 24-inch round iron ring and 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 EASEMENT

A tract of land in the Southeast Quarter (SE ¼) of Section 21-14-11 in Sarpy County, Nebraska and being described as follows:

TRACT 1

The west 37 feet of the east 70 feet of the north 2607 feet of the south 2640 feet abutting the west right-of-way line of 168th Street of the SE ¼ of said Section 21.

This permanent easement contains 2.21 acres, more or less, and is shown on the drawing attached hereto and made a part hereof by this reference.

TEMPORARY CONSTRUCTION EASEMENT

Tracts of land in the Southeast Quarter (SE ¼) of Section 21-14-11 in Douglas County, Nebraska and being described as follows:

TRACT 2

The west 30 feet of the east 100 feet of the north 2607 feet of the south 2640 feet parallel to the west right-of-way line of 168th Street of the SE ¼ of said Section 21.

TRACT 3

The west 100 feet of the east 200 feet of the north 200 feet of the south 233 feet parallel to the west right-of-way line of 168th Street and abutting the north right-of-way line of Cornhusker Road of the SE ¼ of said Section 21.

Return to: *RKH* Susan Prazan
M.U.D.
1723 Norway Street
Omaha, NE 68102

11933

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This temporary construction easement contains 2.25 acres, 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 and Temporary Construction 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 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, and, 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 after completion of the project and restoration work 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. 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 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 corporation.

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

SCHEWE FARMS, INC., a Nebraska corporation
Grantor

By: Margaret K. Langpaul

Title: President

ACKNOWLEDGMENT

Iowa
STATE OF NEBRASKA)
Polk) ss
COUNTY OF DOUGLAS)

This instrument was acknowledged before me on April 5, 2004 by Margaret Langpaul, _____ of SCHEWE FARMS, INC., a Nebraska corporation, on behalf of the corporation.

Peggy DeBoer
Notary Public



2004-11933C



METROPOLITAN UTILITIES DISTRICT
OMAHA, NEBRASKA

EASEMENT ACQUISITION

FOR **WCP 9703**

LAND OWNER
SCHEWE FARMS, INC.
10978 WASHINGTON STREET
OMAHA, NE 68137
TAX LOTS 8 * 9
SEC. 21 T14N R11E

TOTAL ACRE PERMANENT SEE PAGE 1
TOTAL ACRE TEMPORARY SEE PAGE 1

LEGEND
 PERMANENT EASEMENT
 TEMPORARY EASEMENT

PAGE 2 OF 2

DRAWN BY DAS
 DATE 1-9-2004
 CHECKED BY MKM
 DATE 1-12-2004
 APPROVED BY _____
 DATE _____
 REVISED BY _____
 DATE _____
 REV. CHK'D. BY _____
 DATE _____
 REV. APPROV. BY _____
 DATE _____

