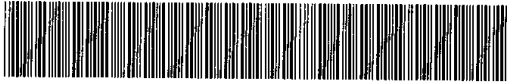




MISC 2004115378



RUG 30 2004 14:20 P 4

PERMANENT
AND
TEMPORARY CONSTRUCTION
EASEMENTS AND RIGHTS-OF-WAY

Received - RICHARD TAKECHI
Register of Deeds, Douglas County, NE
8/30/2004 14:20:46.92



2004115378

THIS INDENTURE, made this 24 day of August, 2004 between MJA, LLC, a Nebraska Limited Liability 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 gas and water and all appurtenances thereto, including, but not limited to, one fire hydrant and one roadway box, 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

Tracts of land in **Whispering Ridge**, a subdivision, as platted and recorded in Douglas County, Nebraska and being described as follows:

- The entirety of **Outlot "E"**.

This tract contains 2.169 acres, more or less, and is shown on the drawing attached hereto and made a part hereof by this reference.

- The easterly ten feet (10.00') of **Lot 305**.

This tract contains 0.128 of an acre, more or less, and is shown on the drawing attached hereto and made a part hereof by this reference.

- The northerly ten feet (10.00') and easterly ten feet (10.00') of **Lot 308**.

This tract contains 0.121 of an acre, more or less, and is shown on the drawing attached hereto and made a part hereof by this reference.

- The northerly and easterly ten feet (10.00') of **Lot 309**.

Please file & return to:

Patrick L. Tripp
Metropolitan Utilities District
1723 Harney Street
Omaha, NE 68102-1960

misc OC-43918
 FEE 27.50 FB OC-43909
 4/15 BKP _____ C/O _____ COMP PJ
 DEL _____ SCAN _____ FV _____

This tract contains 0.091 of an acre, more or less, and is shown on the drawing attached hereto and made a part hereof by this reference.

- The easterly twenty feet (20.00') of **Outlot "C"**.

This tract contains 0.006 of an acre, more or less, and is shown on the drawing attached hereto and made a part hereof by this reference.

- The northerly ten feet (10.00') of the easterly one hundred forty-five and forty-five one hundredths feet (145.45') of **Lot 307**.

This tract contains 0.033 of an acre, more or less, and is shown on the drawing attached hereto and made a part hereof by this reference.

- The westerly ten feet (10.00') of **Outlot "D"**.

This tract contains 0.003 of an acre, more or less, and is shown on the drawing attached hereto and made a part hereof by this reference.

- The westerly ten feet (10.00') of **Lots 301, 302, 303, and 304**.

This tract contains 0.217 of an acre, more or less, and is shown on the drawing attached hereto and made a part hereof by this reference.

- The southerly ten feet (10.00') of the easterly one hundred seventy-eight and sixteen one hundredths feet (178.16') of **Lot 297**.

This tract contains 0.033 of an acre, more or less, and is shown on the drawing attached hereto and made a part hereof by this reference.

-AND-

PERMANENT EASEMENT

Tracts of land in **Whispering Ridge Replat 2**, a subdivision, as platted and recorded in Douglas County, Nebraska and being described as follows:

- The southerly ten feet (10.00') of **Lots 1 and 2**.

This tract contains 0.107 of an acre, more or less, and is shown on the drawing attached hereto and made a part hereof by this reference.

- The southwesterly ten feet (10.00'), abutting and parallel to **Outlot "E"** of **Lot 3**.

This tract contains 0.013 of an acre, 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 this Permanent and Temporary Easements and Rights-of-Way to be signed on the above date.

MJA, LLC, a Nebraska Limited Liability Corporation, Grantor

By: Gerald Torczon
 Printed Name: Gerald Torczon
 Title: Manager

ACKNOWLEDGMENT

STATE OF NEBRASKA)
) ss
 COUNTY OF DOUGLAS)

This instrument was acknowledged before me on August 24, 2004, by Gerald Torczon, Manager of MJA, LLC, a Nebraska limited liability corporation, on behalf of the corporation.



Doris J. Nicholson
 Notary Public

METROPOLITAN UTILITIES DISTRICT

OMAHA, NEBRASKA

EASEMENT ACQUISITION

FOR WCC 9873 GRM 12750

LAND OWNER
 Jerry Torzozon
 MJA, LLC
 1205 S 150th Street
 Omaha, Nebraska 68138

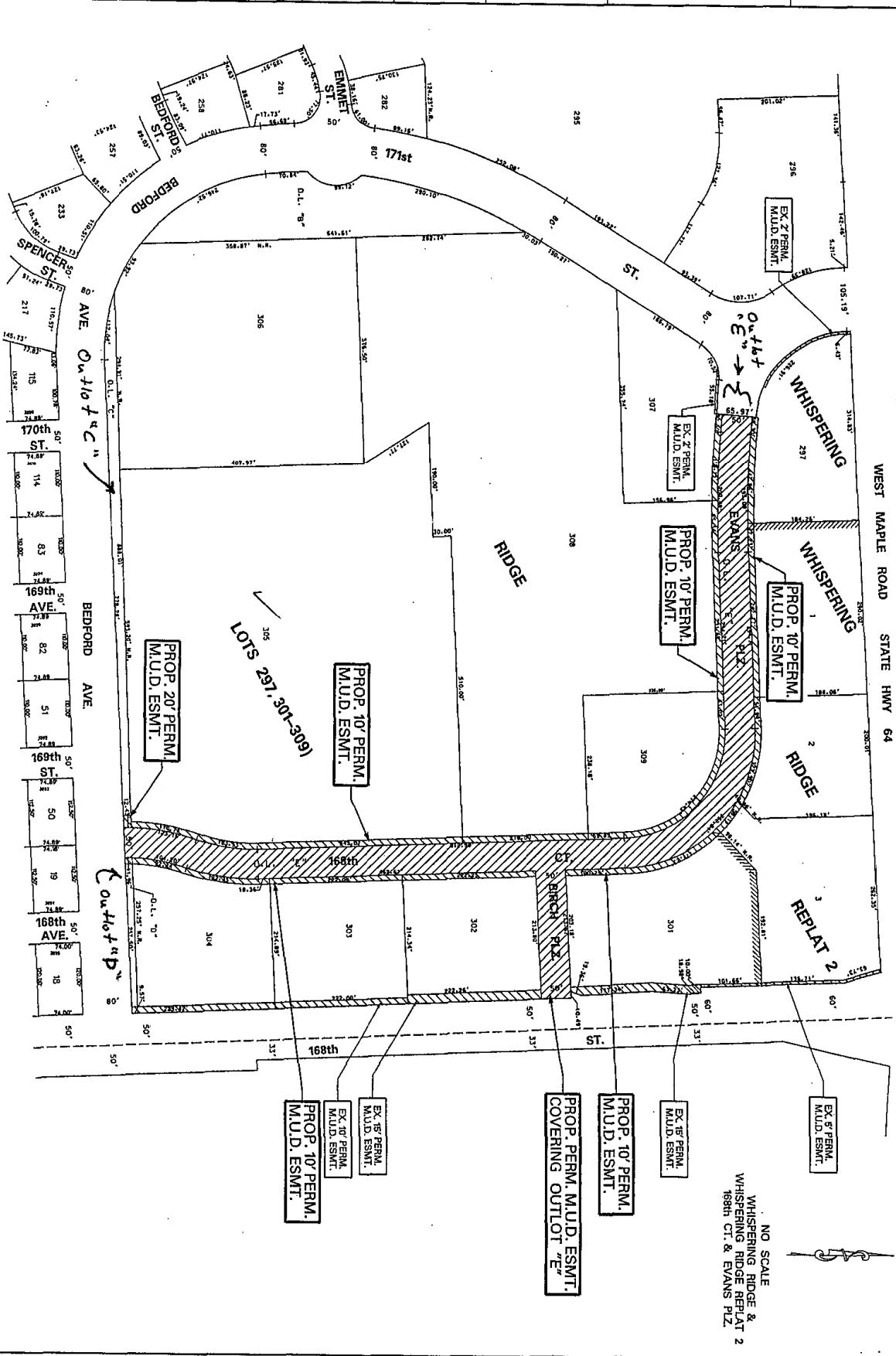
TOTAL ACRE 2.921 ±
 TEMPORARY 0.000 ±

PERMANENT EASEMENT
 TEMPORARY EASEMENT

PAGE 1 OF 1

DRAWN BY TAA
 DATE 6-29-03
 CHECKED BY
 DATE
 APPROVED BY
 DATE
 REVISED BY
 DATE
 REV. CHK'D. BY
 DATE
 REV. APPROV. BY
 DATE

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NO SCALE
 WHISPERING RIDGE &
 WHISPERING RIDGE REPLAT 2
 168th CT & EVANS FIZ