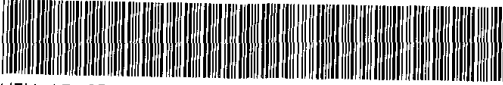




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2009122450

### PERMANENT EASEMENT

THIS AGREEMENT, made this 16<sup>th</sup> day of November, 2009 between the FLEETWOOD - 101, LLC a Nebraska Limited Liability Company ("Grantor"), and METROPOLITAN UTILITIES DISTRICT OF OMAHA, a Municipal Corporation and Political Subdivision ("Grantee"),

#### WITNESS:

Grantor, in consideration of the sum of Two Dollars (\$2.00) and other valuable consideration, receipt of which is acknowledged, hereby grants to Metropolitan Utilities District of Omaha, its successors and assigns, a permanent easement to lay, maintain, operate, repair, relay and remove, at any time, pipelines for the transportation of gas and all appurtenances thereto, including, but not limited to, round iron covers, roadway boxes, cc box, manhole, hydrants, 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 permanent gas easement located in Lot 1, Omaha Industrial Foundation District No. 3 Replat 11, a subdivision located in the North  $\frac{1}{2}$  of Section 1, Township 14 North, range 11 East of the 6<sup>th</sup> p.m., Douglas County, Nebraska, more particularly described as follows:

Beginning at the Northeast Corner of said Lot 1, Omaha Industrial Foundation District No. 3 Replat 11, said point also being the Northwest Corner of Lot 2, said Omaha Industrial Foundation District No. 3 Replat 11, said point also being on the Southerly right-of-way line of West "L" Street cut-off; thence S45°49'27"W (assumed bearing) along the Easterly line of said Lot 1, Omaha Industrial Foundation District No. 3 Replat 11, said line also being the Westerly line of said Lot 2, Omaha Industrial Foundation District No. 3 Replat 11, a distance of 525.96 feet to the Southwesterly Corner of said Lot 2, Omaha Industrial Foundation District No. 3 Replat 11, said point also being the Southeasterly Corner of said Lot 1, Omaha Industrial Foundation District No. 3 Replat 11, said point also being on the Northerly right-of-way line of the Union Pacific Railroad; thence N40°48'50"W along the Southerly line of said Lot 1, Omaha Industrial Foundation District No. 3 Replat 11, said line also being said Northerly right-of-way line of the Union Pacific Railroad, a distance of 15.03 feet; thence N45°49'27"E, a distance of 85.13 feet; thence S44°10'33"E, a distance of 5.00 feet; thence N45°49'27"E, a distance of 439.99 feet to a point on the Northerly line of said Lot 1, Omaha Industrial Foundation District No. 3 Replat 11, said line also being said Southerly right-of-way line of West "L" Street cut-off; thence S43°54'09" along said Northerly line of Lot 1, Omaha Industrial

Please file & return to:

A. Justin Cooper, Attorney  
 Metropolitan Utilities District  
 1723 Harney Street  
 Omaha, Nebraska 68102-1960

\*Condo  
 [Signature]

Foundation District No. 3 Replat 11,\* said line also being said Southerly right-of-way line of West "L" Street cut-off, a distance of 10.00 feet to the point of beginning.

Said permanent gas easement contains an area of 5,683 square feet or 0.130 acres, more or less.

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.

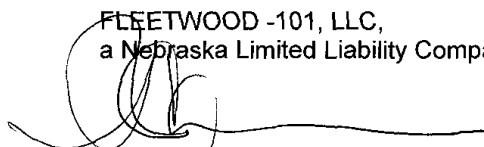
2. The Grantee shall restore the soil excavated for any purpose hereunder, as nearly as is reasonably possible to its original contour within a reasonable time after the work is performed.

3. The Grantor is the lawful possessor of this real property; has good, right and lawful authority to make this 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.

4. The person executing this instrument has authority to execute it on behalf of the foreign corporation.

IN WITNESS WHEREOF, Grantor executes this Permanent Easement on the above date.

FLEETWOOD -101, LLC,  
a Nebraska Limited Liability Company, Grantor

  
\_\_\_\_\_  
Signature

Ray Trimble  
\_\_\_\_\_  
Printed Name

Secretary  
\_\_\_\_\_  
Title

ACKNOWLEDGMENT

STATE OF Nebraska )  
COUNTY OF Douglas ) ss

This instrument was acknowledged before me on November 16th, 2009,  
by Raymond C Trimble, Secretary of Fleetwood-101,  
on behalf of Nebraska Limited Liability Company.

Mary Barnes  
\_\_\_\_\_  
Notary Public



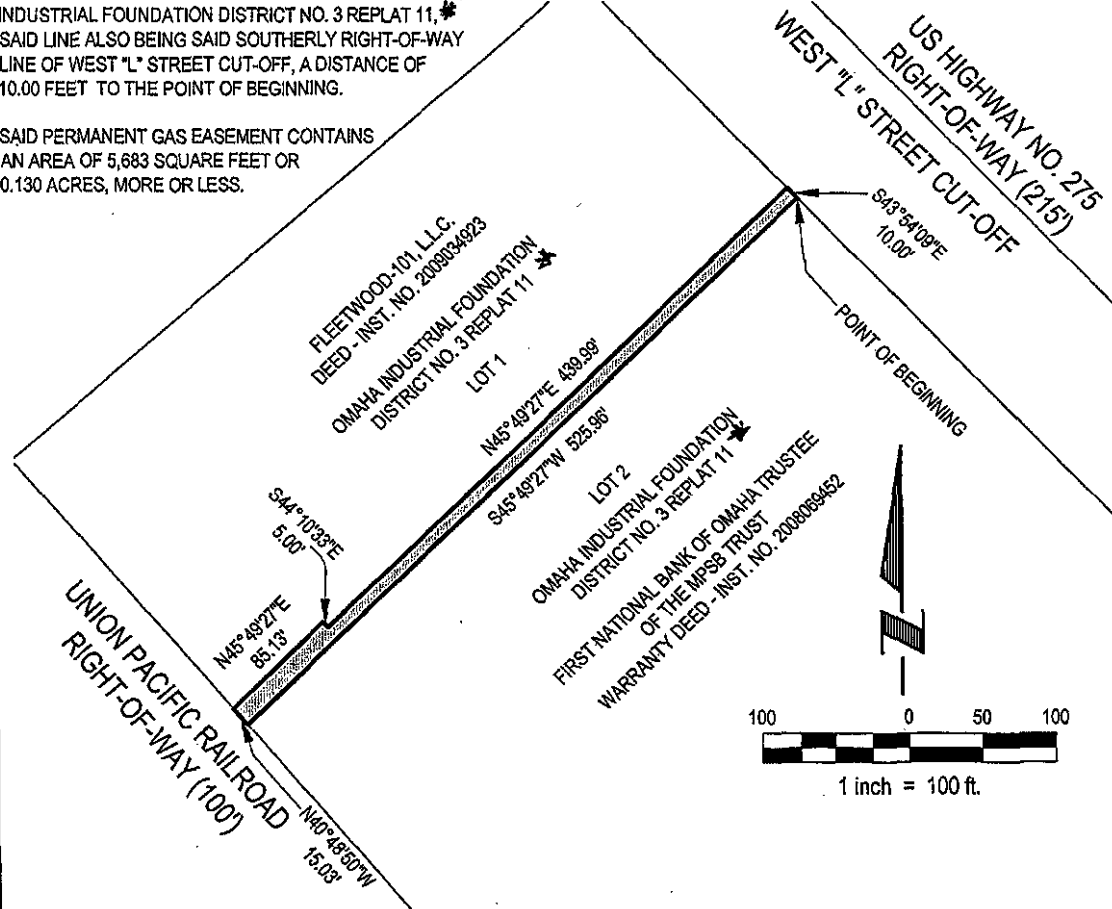
## LEGAL DESCRIPTION

## EXHIBIT "A"

A PERMANENT GAS EASEMENT LOCATED IN LOT 1, OMAHA INDUSTRIAL FOUNDATION DISTRICT NO. 3 REPLAT 11, A SUBDIVISION LOCATED IN THE NORTH 1/2 OF SECTION 1, TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1, OMAHA INDUSTRIAL FOUNDATION DISTRICT NO. 3 REPLAT 11, SAID POINT ALSO BEING THE NORTHWEST CORNER OF LOT 2, SAID OMAHA INDUSTRIAL FOUNDATION DISTRICT NO. 3 REPLAT 11, SAID POINT ALSO BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST "L" STREET CUT-OFF; THENCE S45°49'27"W (ASSUMED BEARING) ALONG THE EASTERLY LINE OF SAID LOT 1, OMAHA INDUSTRIAL FOUNDATION DISTRICT NO. 3 REPLAT 11, SAID LINE ALSO BEING THE WESTERLY LINE OF SAID LOT 2, OMAHA INDUSTRIAL FOUNDATION DISTRICT NO. 3 REPLAT 11, A DISTANCE OF 525.96 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 2, OMAHA INDUSTRIAL FOUNDATION DISTRICT NO. 3 REPLAT 11, SAID POINT ALSO BEING THE SOUTHEASTERLY CORNER OF SAID LOT 1, OMAHA INDUSTRIAL FOUNDATION DISTRICT NO. 3 REPLAT 11, SAID POINT ALSO BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD; THENCE N40°48'50"W ALONG THE SOUTHERLY LINE OF SAID LOT 1, OMAHA INDUSTRIAL FOUNDATION DISTRICT NO. 3 REPLAT 11, SAID LINE ALSO BEING SAID NORTHERLY RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD, A DISTANCE OF 15.03 FEET; THENCE N45°49'27"E, A DISTANCE OF 85.13 FEET; THENCE S44°10'33"E, A DISTANCE OF 5.00 FEET; THENCE N45°49'27"E, A DISTANCE OF 439.99 FEET TO A POINT ON THE NORTHERLY LINE OF SAID LOT 1, OMAHA INDUSTRIAL FOUNDATION DISTRICT NO. 3 REPLAT 11, SAID LINE ALSO BEING SAID SOUTHERLY RIGHT-OF-WAY LINE OF WEST "L" STREET CUT-OFF; THENCE S43°54'09"E ALONG SAID NORTHERLY LINE OF LOT 1, OMAHA INDUSTRIAL FOUNDATION DISTRICT NO. 3 REPLAT 11, SAID LINE ALSO BEING SAID SOUTHERLY RIGHT-OF-WAY LINE OF WEST "L" STREET CUT-OFF, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

SAID PERMANENT GAS EASEMENT CONTAINS AN AREA OF 5,683 SQUARE FEET OR 0.130 ACRES, MORE OR LESS.



**E&A CONSULTING GROUP, INC.**  
ENGINEERING • PLANNING • FIELD SERVICES  
330 NORTH 17TH STREET OMAHA, NE 68154 PHONE (402) 995-4700

Drawn by: WAC Chkd by: Chkd by:

Job No.: P2006.455.003 Date: 8/21/2009 Book No.: XXXXX

**PERMANENT GAS EASEMENT**  
LOT 2, OMAHA INDUSTRIAL FOUNDATION - DISTRICT  
NO. 3 REPLAT 11  
DOUGLAS COUNTY, NEBRASKA

\*Condd

AC