

1988 NOV 17 PM 2:01

EASEMENT AND RIGHT-OF-WAYGEORGE J. SUGLEWICZ
REGISTER OF DEEDS
DOUGLAS COUNTY, NEB.

THIS INDENTURE, made this 15th day of November, 1988, between WESTGATE PLAZA, INC., a Nebraska Corporation, 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, pipelines 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

The tract subject to this conveyance is in the Southwest Quarter (SW 1/4) of Section Eleven (11), Township Fifteen (15) North, Range Eleven (11) East of the 6th P.M., Douglas County, Nebraska, and is further described and shown on Exhibit "A" attached hereto, incorporated herein and made a part hereof by this reference.

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 easement tract any building or structure, except pavement, storm sewers, sanitary sewers and improvements by other utilities and neither it nor they will 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 condition 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 and assigns shall warrant and defend the same and will indemnify and hold harmless the Grantee forever against the claims of all persons whosoever in any way asserting any right, title or interest prior to or contrary to this conveyance.

5. The person executing this instrument represent he has the requisite authority to execute same and make this conveyance on behalf of said Corporation.

IN WITNESS WHEREOF, the Grantor has caused this Easement and

868 11-15-11 FEE 15.50
670 11-15-11 DEL MC WC
MSC 11-15-11 SR 11-15-11

1987/6 7/16/91

(Corporate Seal)

ATTEST:

James P. Rogers

By: Franklin P. Rogers
Franklin P. Rogers, President

STATE OF NEBRASKA)
) SS
COUNTY OF DOUGLAS)

On this 15 day of November, 1988 before me, the undersigned, a Notary Public in and for said State and County, personally came Franklin P. Rogers, to me personally known to be the President of Westgate Plaza, Inc., a Nebraska Corporation, and 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 officer and the voluntary act and deed of said Corporation.

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

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Notary Public

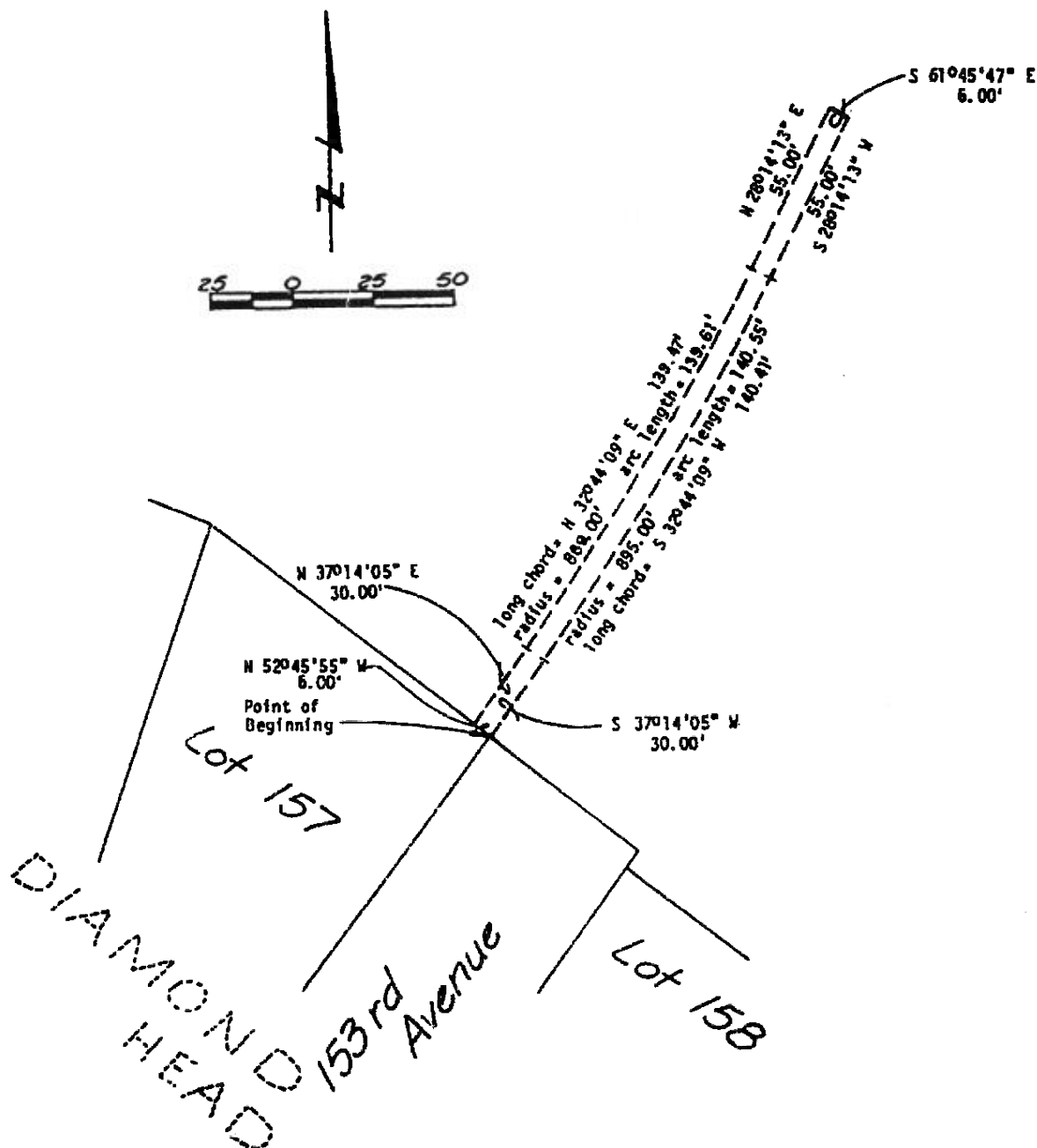
My Commission expires: May 24-80



LEGAL DESCRIPTION

BOOK 865 PAGE 272

A permanent easement for construction and maintenance of storm sewers over that part of the Southwest Quarter of Section 11, Township 15 North, Range 11 East of the 6th P.M., Douglas County, Nebraska, described as follows: Beginning at the East corner of Lot 157, DIAMOND HEAD, a subdivision, as surveyed, platted, and recorded in Douglas County, Nebraska; thence North $52^{\circ}45'55''$ West (bearings referenced to the DIAMOND HEAD Final Plat) for 6.00 feet along the northeast line of said Lot 157, DIAMOND HEAD; thence North $37^{\circ}14'05''$ East for 30.00 feet; thence along a curve to the left (having a radius of 889.00 feet and a long chord bearing North $32^{\circ}44'09''$ East for 139.47 feet) for an arc length of 139.61 feet; thence North $28^{\circ}14'13''$ East for 55.00 feet; thence South $61^{\circ}45'47''$ East for 6.00 feet; thence South $28^{\circ}14'13''$ West for 55.00 feet; thence along a curve to the right (having a radius of 895.00 feet and a long chord bearing South $32^{\circ}44'09''$ West for 140.41 feet) for an arc length of 140.55 feet; thence South $37^{\circ}14'05''$ West for 30.00 feet to the Point of Beginning.



Book _____ Page _____

Date Sept. 30, 1986Job Number 88920-6091
lamp, ryneason & associates, inc.
 architects engineers surveyors planners

14747 california street

omaha, nebraska 68154

402-486-2486