Affects Lots 1+ OL2
Abutting RE
192nd ST Nebr Doc RICHARD N TAKEONI REGISTER OF DEEDS DOUGLAS COUNTY, NE Stamp Tax 99 NOV 23 AM 10: 51 Date **PERMANENT** AND **TEMPORARY** 

EASEMENTS AND RIGHTS-OF-WAY

Ву

THIS INDENTURE, made this <u>BHL</u> day of <u>NOVENDER</u>, 1999, between ROBERT BELGRADE, Successor Trustee to EDWARD L. BELGRADE, Deceased, and MARK W. ZALKIN, Trustees of the Zalkin Real Estate Trust, dated September 21, 1992, ("Grantors"), and METROPOLITAN UTILITIES DISTRICT OF OMAHA, a Municipal Corporation, ("Grantee"),

#### WITNESS:

18108 99 534-540

That Grantors, in consideration of the sum of Two Dollars (\$2.00) and other valuable consideration, receipt of which is hereby acknowledged, do hereby grant to Metropolitan Utilities District of Omaha, its successors and assigns, permanent easements 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 four (4) fire hydrants and four (4) 24" round iron covers, and temporary easements for construction purposes, together with the right of ingress and egress on, over, under and through lands described as follows:

#### PERMANENT EASEMENT TRACTS

### NE 1/4 NE 1/4 AND SE 1/4 NE 1/4 18-15-11

Except the rights-of-way of 192nd Street, Blondo Street, Old Lincoln Highway and Union Pacific Railroad, the following four tracts, each in the Northeast Quarter (NE 1/4) and/or the Southeast Quarter (SE 1/4), all of the Northeast Quarter (NE 1/4) of Section Eighteen (18), Township Fifteen (15) North, Range Eleven (11) East of the 6th P.M. in Douglas County, Nebraska:

- (1) The West Twenty-two Feet (W.22') of the East Fifty-five Feet (E.55') of the NE 1/4 of the NE 1/4 north of the Union Pacific Railroad right-of-way and abutting the section line on the north; and
- (2) Excepting parcel (1) above, the West Seventeen Feet (W.17') of the East Fifty Feet (E.50') of both the NE 1/4 and the SE 1/4, both of the NE 1/4, of said Section 18; and
- (3) The West Thirty Feet (W.30') of the East Eighty Feet (E.80') of the South 320 (S.320') Feet of the North 420 Feet (N.420') of the SE 1/4 of the NE 1/4 of said Section 18; and
- (4) The West Five Feet (W.5') of the East Fifty-five Feet (E.55') of the North One Hundred Feet (N.100')

PLEASE RETURN TO-R.OWENS M.U.D 1723 HARNEY St. DWAHA 68102-1906 of the South 750 Feet (S.750') of the NE 1/4 of the NE 1/4 of said Section 18.

and, in addition, a fifth tract:

## NE 1/4 SE 1/4 18-15-11

(5) The North Four Hundred Feet (N.400') of the West Seventeen Feet (W.17') of the East Fifty Feet (E.50') of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section Eighteen (18), Township Fifteen (15) North, Range Eleven (11) East of the 6th P.M. in Douglas County, Nebraska.

These five tracts contain a total of 1.145 acres, more or less, and are shown on the three (3) drawings attached hereto and made a part hereof by this reference.

## TEMPORARY EASEMENT TRACTS

### NE 1/4 NE 1/4 AND SE 1/4 NE 1/4 18-15-11

Except the rights-of-way of 192<sup>nd</sup> Street, Blondo Street, Old Lincoln Highway and Union Pacific Railroad, the following two tracts, in the Northeast Quarter (NE 1/4) and/or the Southeast Quarter (SE 1/4), all of the Northeast Quarter (NE 1/4) of Section Eighteen (18), Township Fifteen (15) North, Range Eleven (11) East of the 6<sup>th</sup> P.M. in Douglas County, Nebraska:

- (1) The West Fifty Feet (W.50') of the East One Hundred Five Feet (E.105') of the NE 1/4 of the NE 1/4 north of the Union Pacific Railroad right-of-way and abutting the section line on the north; and
- (2) Excepting parcel (1) above and excepting, the West Thirty Feet (W.30') of the East Eighty Feet (E.80') of the South 320 Feet of the North 420 Feet of the SE 1/4 of the NE 1/4 of said Section 18, and excepting the West Five Feet (W.5') of the East Fifty-five Feet (E.55') of the North One Hundred Feet (N.100') of the South 750 Feet (S.750') of the NE 1/4 of the NE 1/4 of said Section 18, the West Fifty Feet (W.50') of the East One Hundred Feet (E.100') of both the NE 1/4 and the SE 1/4, both of the NE 1/4, of said Section 18.

#### and, in addition, a third tract:

#### NE 1/4 SE 1/4 18-15-11

(3) The North Four Hundred Feet (N.400') of the West Fifty Feet (W.50') of the East One Hundred Feet (E.100') of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section Eighteen (18), Township Fifteen (15) North, Range Eleven (11) East of 6th P.M., in Douglas County, Nebraska.

These three tracts contain 2.742 acres, more or less, and are shown on the three (3) drawings attached hereto and made a part hereof by this reference.

TO HAVE AND TO HOLD said Permanent and Temporary Easements and Rights-of-Way to Grantee, Metropolitan Utilities District of Omaha, its successors and assigns.

- 1. The Grantors and their successors and assigns shall not <u>at any time</u> erect, construct or place on or below the surface of the <u>permanent easement tracts</u> any building or structure and shall not permit anyone else to do so, and, with respect to the <u>temporary easement tracts</u>, the same prohibitions apply <u>during the effective period of those temporary conveyances</u>, which effective period shall commence upon the date of execution hereof and cease upon completion of the project contemplated herein or on January 1, 2001, whichever occurs first.
- 2. The Grantee shall restore or replace, where reasonably necessary, any fencing, landscaping and/or ground cover (paving, asphalt, etc.), to its condition prior to the onset of the project or the onset of any subsequent maintenance. Temporary fencing shall be installed and maintained by the Grantee in locations where fencing is removed for easement purposes, until the permanent fencing is restored. Furthermore, the Grantee shall restore the soil or sod excavated for any purpose hereunder, as nearly as is reasonably possible to its original contour and condition within a reasonable time after the original or any subsequent work is performed.
- 3. Nothing herein shall be construed to waive any right of Grantors or duty and power of Grantee respecting the ownership, use, operations, extensions and connections to any pipeline constructed and maintained hereunder.
- 4.. The Grantors are lawful possessors of this real estate; have good right and lawful authority to make such conveyance; and Grantors and their 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.

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

ROBERT BELGRADE, Successor Trustee to EDWARD L. BELGRADE, Deceased, and MARK W. ZALKIN, Trustees of the Zalkin Real Estate Trust, dated September 21, 1992, Grantors

Robert Belgrade, Trustee

By: Mark W. Zalkin, Trustee

## **ACKNOWLEDGMENT**

STATE OF NEBRASKA ) so COUNTY OF DOUGLAS ) .

This instrument was acknowledged before me on \_\_\_\_\_\_\_, 1999, by Robert Belgrade, Trustee of the Zalkin Real Estate Trust, dated September 21, 1992.

THOMAS E. STEVENS
MY COMMISSION EXPIRES
Fabruary 25, 2002

**Notary Public** 

# **ACKNOWLEDGMENT**

STATE OF COLORADO )			
COUNTY OF DINHER	SS		
	cknowledged before me on <u>Nov. 08</u> ,		1999,
by Mark W. Zalkin, Trustee of	f the Zalkin Real Estate Trust, dated September	21, 19	<del>3</del> 92.

NOTARIAL SEAL AFFIXED REGISTER OF DEEDS

4

METROPOLITAN
UTILITIES
DISTRICT
OMAHA. NEBRASKA
EASEMENT
ACQUISITION
FOR W.C.P. 8715

NO SCALE

LAND OWNER
Zalkin Real Estate

TOTAL ACRE
PERMANENT 0.039 ±
TOTAL ACRE
TEMPORARY 0.082 ±
LEGEND
PERMANENT EASEMENT
TEMPORARY EASEMENT

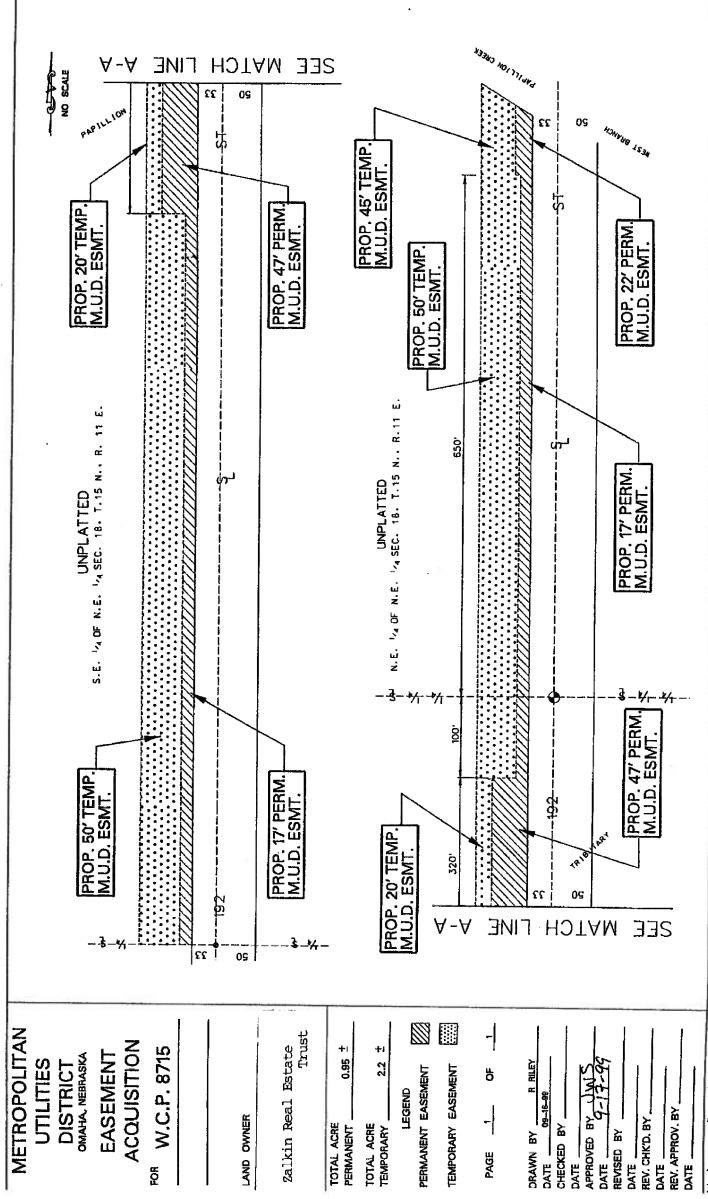
DRAWN BY R. RILEY
DATE 10-05-1999
CHECKED BY NS
APPROVED BY NS
DATE 10 - 11 - 99
REVISED BY
DATE 10 - 11 - 99
REVISED BY
REVISED BY

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PAGE

-BLONDO-ST----SEC. LINE PROP. 22' PERM. M.U.D. ESMT. 3VA 191 2015 40 139 ဂ္ဂ 165 n 33 50. 22. S.E. 14 SEC. 07, T.15 N., R.11 E. PROP. 50' TEMP. M.U.D. ESMT. SEC. LARPIN N.E. 14 SEC. 18. T.15 N., R.11 E. UNPLATTED

REV. APPROV. BY \_\_\_



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-METROPOLITAN **ACQUISITION** 0.156 ± 0.46 ± DISTRICT OMAHA, NEBRASKA W.C.P. 8715 Zalkin Real Estate **EASEMENT** UTILITIES R RILEY TEMPORARY EASEMENT PERMANENT EASEMENT p APPROVED BY JNG S DRAWN BY " " O9-16-89 LEGEND REV. APPROV. BY \_\_\_ REV. CHK'D, BY\_ REVISED BY CHECKED BY \_\_ PERMANENT LAND OWNER TOTAL ACRE TOTAL ACRE TEMPORARY DATE PAGE DATE |

UNPLATTED
N.E. 1,4 OF S.E. 1/4 SEC. 18. T.15 N.. R. 11 E.

NO SCALE

--5---09 ξĒ PROP. 50' TEMP. M.U.D. ESMT. 09 400 PROP. 17' PERM. M.U.D. ESMT. ξξ

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