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5644

REC-565 131
MAY 31 1976

EASEMENT AND RIGHT OF WAY

THIS INDENTURE, made this 10TH day of MAY, 1976, between Black and Elliott Development Company, a partnership, 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 One Dollar (\$1.00) 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 gas and 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:

Several strips of land lying in Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, and 41, of Escalante Hills Replat II, a subdivision, as now platted and recorded, in Douglas County, Nebraska, said strips being more particularly described as follows:

All that portion of Lots Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), and Nine (9), lying within Five (5) feet of, along and parallel to the right-of-way line of 109th Avenue Circle;

All that portion of Lots Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15), Sixteen (16), Seventeen (17), Eighteen (18), Nineteen (19), Twenty (20), and Twenty-one (21), lying within Five (5) feet of, along and parallel to the right-of-way line of 110th Circle;

All that portion of Lots Twenty-three (23), Twenty-four (24), Twenty-five (25), Twenty-six (26), Twenty-seven (27), Twenty-eight (28), Twenty-nine (29), Thirty (30), Thirty-one (31), Thirty-two (32), Thirty-three (33), and Thirty-four (34), lying within Five (5) feet of, along and parallel to the right-of-way line of 110th Avenue Circle;

All that portion of Lots Thirty-five (35), Thirty-six (36), Thirty-seven (37), Thirty-eight (38), Thirty-nine (39), Forty (40), and Forty-one (41), lying within Five (5) feet of, along and parallel to the right-of-way line of 111th Circle.

These strips contain a total of Twenty-seven Hundredths (0.27) acre, more or less, all as shown on the plat attached hereto and made a part hereof.

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. Grantor, its successors or assigns agree that they will at no time erect, construct, or place on or below the surface of said strips of land any building or structure, except pavement, and that they will not give anyone else permission to do so.

2. Grantee shall restore the surface of the soil excavated for any purpose hereunder, as near as may be reasonably possible, to the original contour 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 Grantor, or duties and powers of Grantee, respecting the ownership, use, operations, extensions and connections to any pipeline constructed and maintained hereunder.

IN WITNESS WHEREOF, the Grantor has caused this easement to be signed on the day and year first above written.

ATTEST:

BLACK AND ELLIOTT DEVELOPMENT COMPANY
Grantor

Leon J. B. [Signature]
Title

By *[Signature]*
Title

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sonally
nd ac-

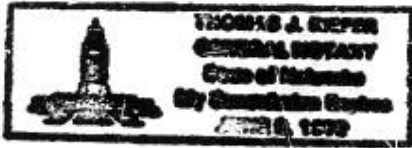
70

Return to -
Omaha National Bank
4th & Jackson
Omaha, Neb. 68102

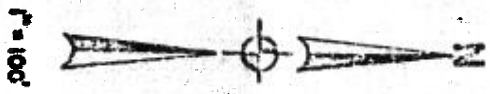
STATE OF NEBRASKA)
) ss
COUNTY OF DOUGLAS)

On this 10th day of May, 1976, before me, the under-
signed, a Notary Public duly commissioned and qualified for said
county, personally came DON W. ELLIOTT & LEON F. BLACK, to me personally
known to be PARTNERS of Black and Elliott Develop-
ment Company, a partnership, whose name is affixed to the foregoing
instrument in that capacity and who acknowledged the same to be his
voluntary act and deed and the voluntary act and deed of said
partnership.

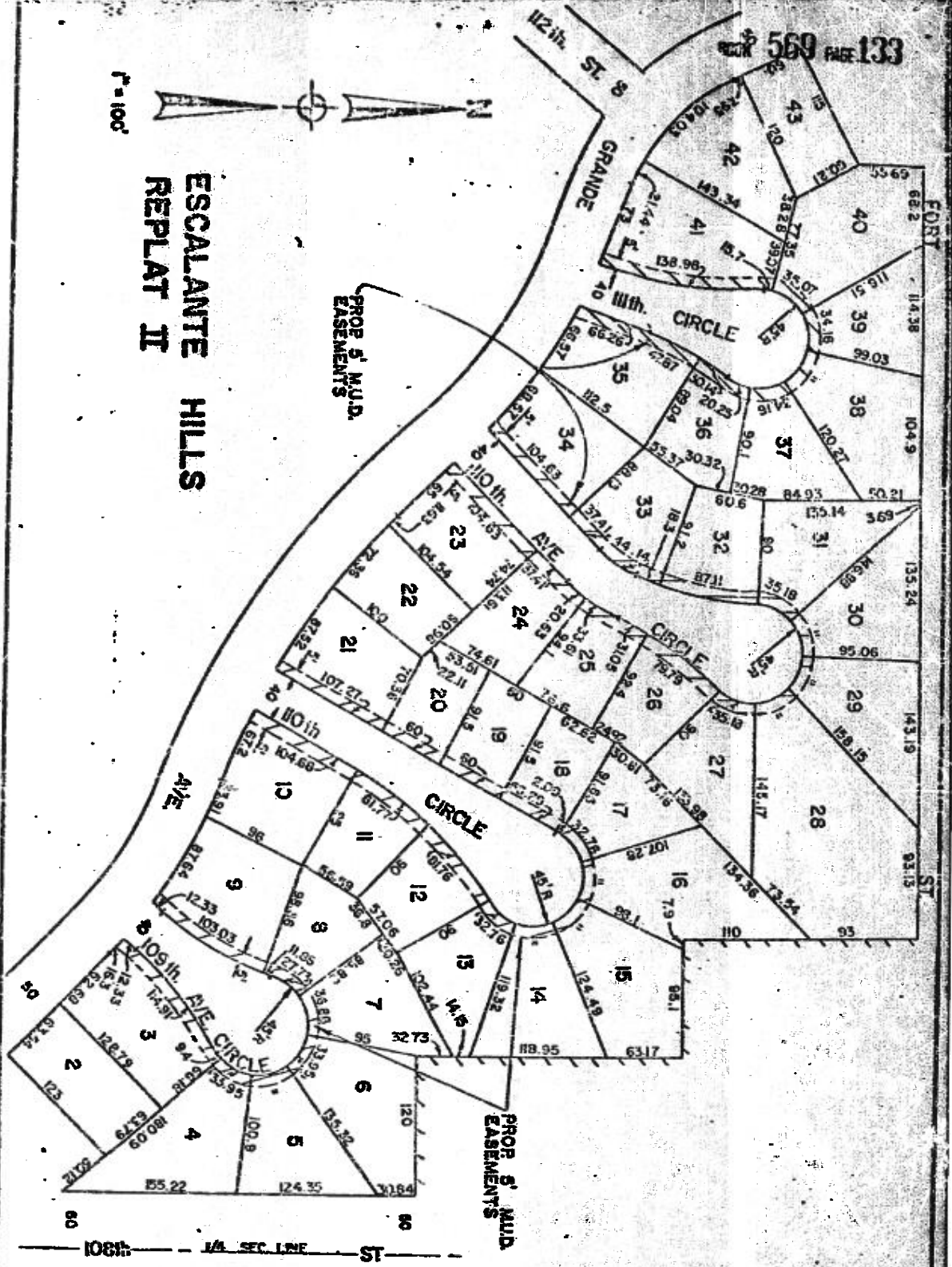
Witness my hand and Notarial Seal the day and year last above
written.



Thomas A. Kiefer
Notary Public



**ESCALANTE HILLS
REPLAT II**



DRAWN BY L.V.S. DATE 3-14-76
 CHECKED BY A. DATE 8-17-76
 APPROVED BY T.S. DATE 2-18-76
 REVISED BY _____ DATE _____
 REV. CIR'D BY _____ DATE _____
 REV. APPROV. BY _____ DATE _____

PAGE 1 OF 1

METROPOLITAN UTILITIES DISTRICT
 ORLANDO, NEBRASKA

EASEMENT ACQUISITION
 FOR WCC 5233
 OCC. 7687

LAND OWNER
 BLANK AND ELLIOTT
 DEVELOPMENT, CO.-
 ANY

LEGEND
 PERMANENT EASEMENT [Symbol]

TOTAL AREA 0.27

RECEIVED
 1976 AUG 23 10 8 55

CLARENCE HOLLER
 REGISTER OF DEEDS
 BOULDER COUNTY, NEBR.

Handwritten signature/initials

Handwritten numbers and signatures
 695
 137
 2008

Handwritten signatures and initials