

48-541

EASEMENT AND RIGHT OF WAY

THIS INDENTURE, made this 22 day of Sept., 1975, between Fontenelle Hills Co., 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 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 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 61, 62, 63, 64, 65, 66, 67, 68, 88, 89, 90, 91, 92, 93, 94, 96, 97, 98, 99, 100, 101, 135, 136, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, and 177, of Fontenelle, a subdivision, as now platted and recorded, in Sarpy County, Nebraska, said strips being more particularly described as follows:

A strip of land lying in Lot Fifty (50), being Five (5) feet wide, running along and parallel to the right-of-way line of Greenbriar Court, said strip being the Westerly Five (5) feet of said Lot 50;

A strip of land lying in Lot Sixty-eight (68), being Ten (10) feet wide, running along and parallel to the right-of-way line of Bayberry Court, said strip being the Easterly Ten (10) feet of said Lot 68;

That portion of Lot Ninety-four (94) described as follows: Beginning at the Southeast corner of said Lot 94; thence West along the South property line of said Lot 94 a distance of Fifty (50) feet; thence Northeasterly along a straight line a distance of Ninety (90) feet to a point on the Northeasterly property line of said Lot 94; thence on a curve to the right, said curve being the Northeasterly property line of said Lot 94, a distance of One Hundred Sixteen and Seventy-seven Hundredths (116.77) feet to the point of beginning, said curve having a radius of Fifty-two and Thirteen hundredths (52.13) feet;

A strip of land which passes through Lots Thirty-eight (38), Thirty-nine (39), Forty (40), Forty-one (41), Forty-two (42), Forty-three (43), Forty-four (44), Forty-five (45), Forty-six (46), Forty-seven (47), Forty-eight (48), Forty-nine (49), Fifty (50), Sixty-one (61), Sixty-two (62), Sixty-three (63), Sixty-four (64), Sixty-five (65), Sixty-six (66), Sixty-seven (67), and Sixty-eight (68), being Forty (40) feet wide, lying along and Twenty (20) feet on either side of the following described centerline, excluding that part lying in Lot 60 and in public right of way:

Beginning at a point on the right-of-way line of Greenbriar Court, said point lying an arc distance of Fifteen and Thirty-eight Hundredths (15.38) feet Southeasterly from the front property corner between Lots Fifty (50) and Sixty (60), said distance measured along the said right-of-way line of Greenbriar Court; thence North 30° 03' 50" East a distance of Seventy and Ninety-three Hundredths (70.93) feet, said bearing being parallel to the Southeasterly property line of Lot Sixty (60); thence on a curve to the right an arc distance of One Hundred Five and Ninety-five Hundredths (105.95) feet, said curve having a radius of One Hundred (100) feet, and a central angle of 60° 42' 15"; thence South 89° 13' 57" East a distance of Fourteen and Twenty-two Hundredths (14.22) feet; thence on a curve to the right an arc distance of One Hundred One and Sixty-two Hundredths (101.62) feet, said curve having a radius of Forty-five (45) feet and a central angle of 129° 23' 16"; thence on a curve

Rec# 48833

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PAGE 541 *Carl & Helene*
REGISTER OF DEEDS, SARPY COUNTY, NEB

to the left an arc distance of One Hundred Sixty-seven and Sixty-seven Hundredths (167.67) feet, said curve having a radius of One Hundred and Eleven Hundredths (100.11) feet and a central angle of $95^{\circ} 57' 26''$; thence South $55^{\circ} 48' 6''$ East a distance of Forty-one and Twenty-four Hundredths (41.24) feet; thence on a curve to the right an arc distance of Eighty-nine and Forty-seven Hundredths (89.47) feet, said curve having a radius of Seventy-two and Twenty Hundredths (72.20) feet and a central angle of $70^{\circ} 59' 58''$; thence South $15^{\circ} 11' 54''$ West a distance of Fifty-seven and Fifty-one Hundredths (57.51) feet; thence on a curve to the left an arc distance of One Hundred Thirteen and Thirty-seven Hundredths (113.37) feet, said curve having a radius of Fifty-three and Twenty-six Hundredths (53.26) feet and a central angle of $121^{\circ} 57' 23''$; thence North $73^{\circ} 14' 29''$ East a distance of One Hundred Nine and Seventy Hundredths (109.70) feet; thence on a curve to the left an arc distance of Seventy-nine and Nineteen Hundredths (79.19) feet, said curve having a radius of Two Hundred Twenty-six and Eighty-five Hundredths (226.85) feet and a central angle of $20^{\circ} 00' 01''$; thence North $53^{\circ} 14' 30''$ East a distance of Twenty (20) feet;

A strip of land which passes through Lots Eighty-eight (88), Eighty-nine (89), Ninety (90), Ninety-one (91), Ninety-two (92), Ninety-three (93), Ninety-four (94), Ninety-eight (98), Ninety-nine (99), One Hundred (100), and One Hundred One (101), being Forty (40) feet wide, lying along and Twenty (20) feet on either side of the following described centerline, excluding that part lying in public right of way:

Beginning at the Southeast corner of Lot One Hundred One (101), said corner being on the West right-of-way line of Ridgewood Drive, said right-of-way line having an assumed bearing of North $37^{\circ} 8' 48''$ East; thence on a curve to the right an arc distance of One Hundred Seventeen and Six Hundredths (117.06) feet, said curve having a radius of One Hundred Twenty-seven and Seventy-eight Hundredths (127.78) feet and a central angle of $52^{\circ} 29' 27''$; thence North $74^{\circ} 39' 22''$ West a distance of Eighty-three and Seventy-two Hundredths (83.72) feet; thence on a curve to the right an arc distance of Ninety-seven and Fourteen Hundredths (97.14) feet, said curve having a radius of Sixty-five and Forty-eight Hundredths (65.48) feet and a central angle of $85^{\circ} 00' 01''$; thence North $10^{\circ} 20' 38''$ East a distance of Fifty (50) feet;

A strip of land which passes through Lots One Hundred Thirty-five (135), One Hundred Thirty-six (136), One Hundred Forty-eight (148), One Hundred Fifty-five (155), One Hundred Fifty-six (156), One Hundred Fifty-seven (157), One Hundred Fifty-eight (158), One Hundred Fifty-nine (159), One Hundred Sixty (160), One Hundred Sixty-one (161), One Hundred Sixty-two (162), One Hundred Sixty-three (163), One Hundred Sixty-four (164), One Hundred Sixty-five (165), One Hundred Sixty-six (166), One Hundred Sixty-seven (167), One Hundred Sixty-eight (168), One Hundred Sixty-nine (169), One Hundred Seventy (170), One Hundred Seventy-one (171), One Hundred Seventy-two (172), One Hundred Seventy-three (173), One Hundred Seventy-four (174), One Hundred Seventy-five (175), and One Hundred Seventy-six (176), being Forty (40) feet wide, lying along and Twenty (20) feet on either side of the following described centerline;

Beginning at the Northeast corner of Lot One Hundred Thirty-five (135), said corner being on the West right-of-way line of Martin Drive, said right-of-way line having an assumed bearing of North $9^{\circ} 48' 44''$ East; thence North $80^{\circ} 11' 16''$ West a distance of One Hundred Twenty-six and Sixty-eight Hundredths (126.68) feet; thence on a curve to the right an arc distance of One Hundred Forty-seven and Fifty-six Hundredths (147.56) feet, said curve having a radius of Ninety-three and Seventy-eight Hundredths (93.78) feet, a central angle of $90^{\circ} 9' 21''$, and a chord distance of One Hundred

Thirty-two and Eighty-one Hundredths (132.81) feet, the chord of said curve having a bearing of North $35^{\circ} 33' 20''$ West; thence on a curve to the left an arc distance of One Hundred Eighty-eight and Sixty-seven Hundredths (188.67) feet, said curve having a radius of One Hundred Five and Four Hundredths (105.04) feet and a central angle of $102^{\circ} 55' 2''$; thence on a curve to the right an arc distance of One Hundred and Three (103) feet, said curve having a radius of One Hundred Forty-seven and Fifty-two Hundredths (147.52) feet and a central angle of $40^{\circ} 0' 17''$; thence on a curve to the right an arc distance of Seventeen and Seventy-four Hundredths (17.74) feet, said curve having a radius of Forty-two and Thirty-one Hundredths (42.31) feet and a central angle of $24^{\circ} 1' 4''$; thence North $36^{\circ} 3' 39''$ West a distance of Fifty-five and Thirty-four Hundredths (55.34) feet; thence on a curve to the right an arc distance of One Hundred Seventy-five and Thirty-three Hundredths (175.33) feet, said curve having a radius of Seventy-six and Forty-four Hundredths (76.44) feet and a central angle of $131^{\circ} 25' 2''$; thence South $84^{\circ} 38' 56''$ East a distance of Five and Twenty-five Hundredths (5.25) feet; thence on a curve to the left an arc distance of Eighty-nine and Twelve Hundredths (89.12) feet, said curve having a radius of One Hundred Four (104) feet and a central angle of $49^{\circ} 5' 44''$;

A strip of land which passes through Lots One Hundred Forty-six (146), One Hundred Forty-seven (147), One Hundred Forty-eight (148), One Hundred Forty-nine (149), One Hundred Fifty (150), One Hundred Fifty-one (151), One Hundred Fifty-two (152), One Hundred Fifty-three (153), One Hundred Fifty-four (154), One Hundred Fifty-five (155), One Hundred Seventy-six (176), and One Hundred Seventy-seven (177), being Forty (40) feet wide, lying along and Twenty (20) feet on either side of the following described centerline, excluding that part lying in public right of way:

Beginning at a point on the centerline of Martin Drive, said point being the intersection of said centerline and the Westerly property line of Lot One Hundred Forty-six (146) extended; thence South $24^{\circ} 59' 22''$ East a distance of One Hundred Eighty-four and One Hundredth (184.01) feet; thence on a curve to the left an arc distance of One Hundred Ninety-one and Fifty-three Hundredths (191.53) feet, said curve having a radius of Three Hundred Sixty-six and Ninety-nine Hundredths (366.99) feet and a central angle of $29^{\circ} 54' 9''$; thence South $54^{\circ} 53' 32''$ East a distance of One Hundred Fifty-five (155) feet.

All as shown on the plat attached hereto and made a part hereof.

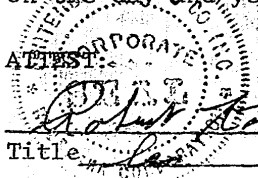
TO HAVE AND TO HOLD said easement and right of way unto the said Grantee, Metropolitan Utilities District of Omaha, its successors and assigns.

1. 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 strips of land any building or structure, except pavement, and that they will not give anyone else permission to do so.

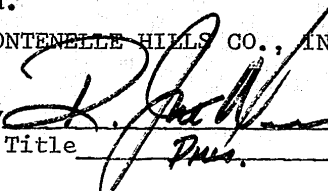
2. Grantee shall restore the surface of the soil excavated for any purpose hereunder, as near as may be reasonably possible, to the original contour thereof and as soon after such work is performed as may be reasonably possible to do so.

3. Nothing herein contained shall be construed as a waiver of any rights of Grantor, or duties and powers of the 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:

 Robert A. Stoula
 Title _____

FONTENELLE HILLS CO., INC., Grantor

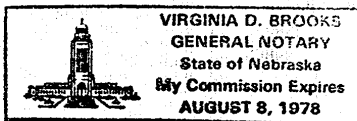
By 
 Title _____

(SEAL)

STATE OF NEBRASKA)
COUNTY OF Sarpy) ss

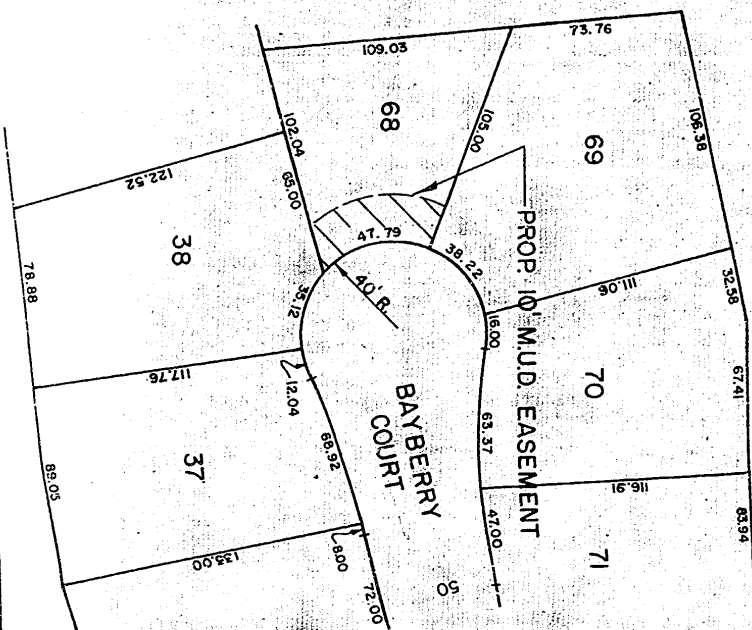
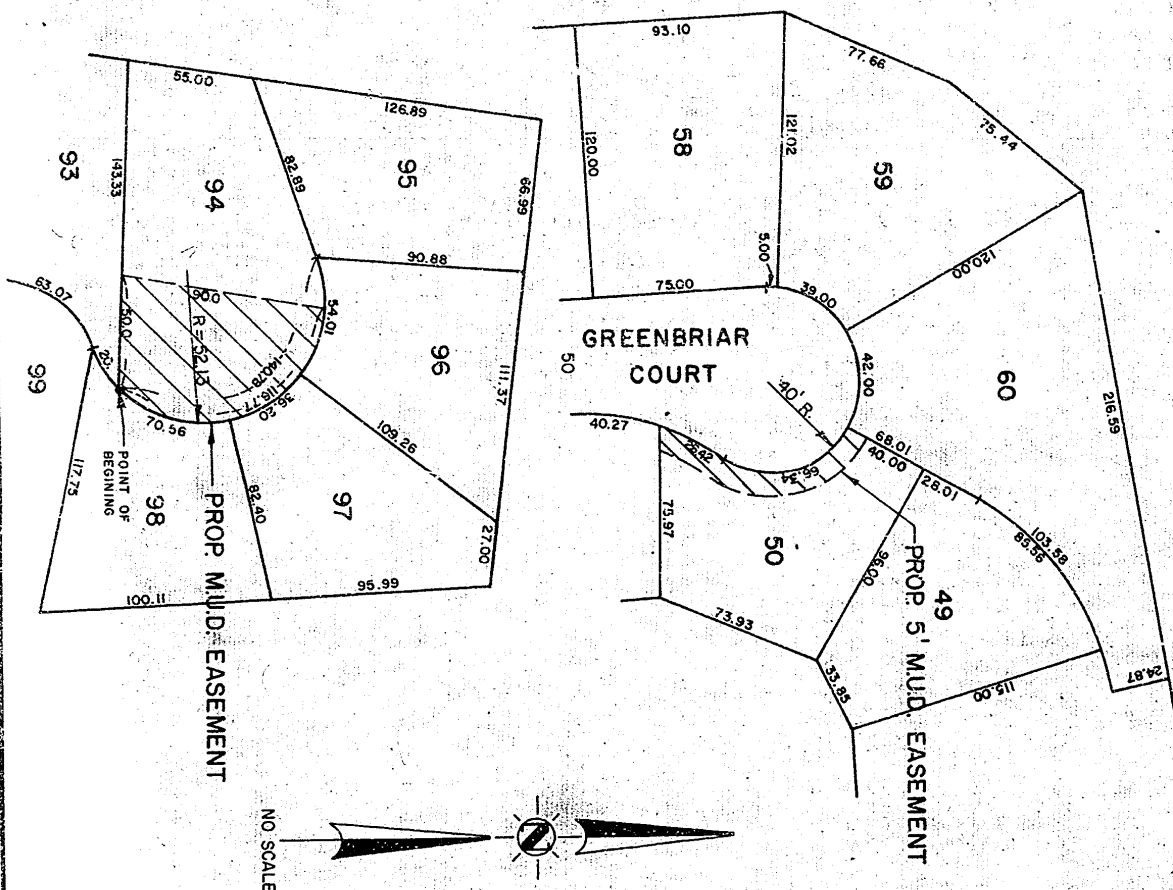
On this 22nd day of Sept, 1975, before me, the undersigned, a Notary Public duly commissioned and qualified for said county, personally came Joe Dennis, to me personally known to be the President of Fontenelle Hills Co., Inc., a Nebraska corporation, whose name is affixed to the foregoing instrument in that capacity and who acknowledged the same to be his voluntary act and deed and the voluntary act and deed of said corporation.

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



Virginia D. Brooks
Notary Public

FONTENELLE



**METROPOLITAN
UTILITIES
DISTRICT
OMAHA, NEBRASKA**

**EASEMENT
ACQUISITION
FOR WC-C. 5125
GC-C. 7586**

LAND OWNER FONTENELLE HILLS, INC.

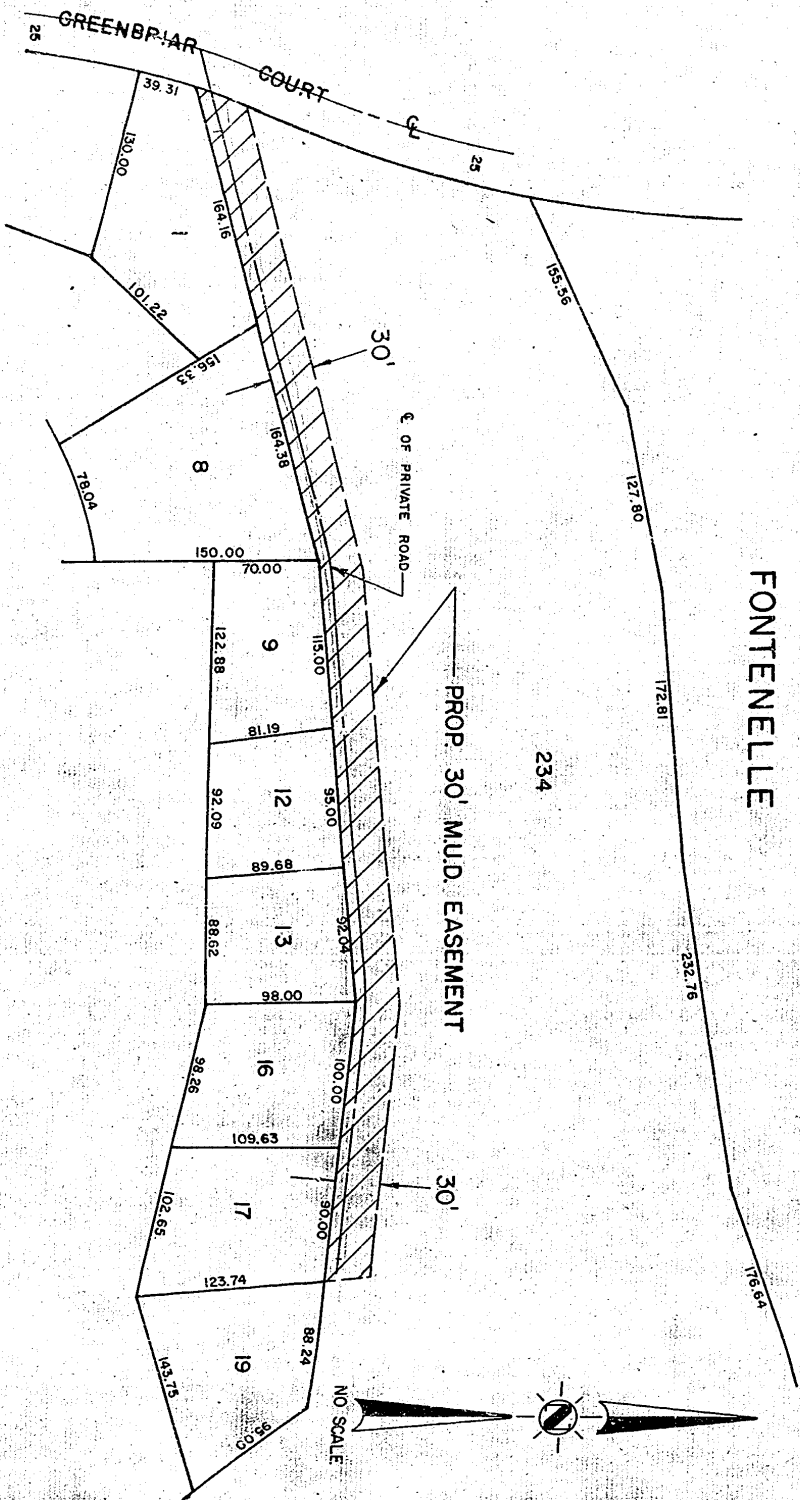
TOTAL ACRES 3.20

LEGEND

PERMANENT EASEMENT ☒

PAGE 1 OF 6

DRAWN BY G.L.C. DATE 9-2-75
CHECKED BY J.R.P. DATE 9-3-75
APPROVED BY TPS DATE 9-8-75
REVISED BY _____ DATE _____
REV. CHK'D BY _____ DATE _____
REV. APPROV. BY _____ DATE _____



DRAWN BY G.L.C. DATE 8-29-75
 CHECKED BY J.R.P. DATE 9-4-75
 APPROVED BY IPS DATE 9-8-75
 REVISED BY _____ DATE _____
 REV. CHK'D BY _____ DATE _____
 REV. APPROV. BY _____ DATE _____

PERMANENT EASEMENT

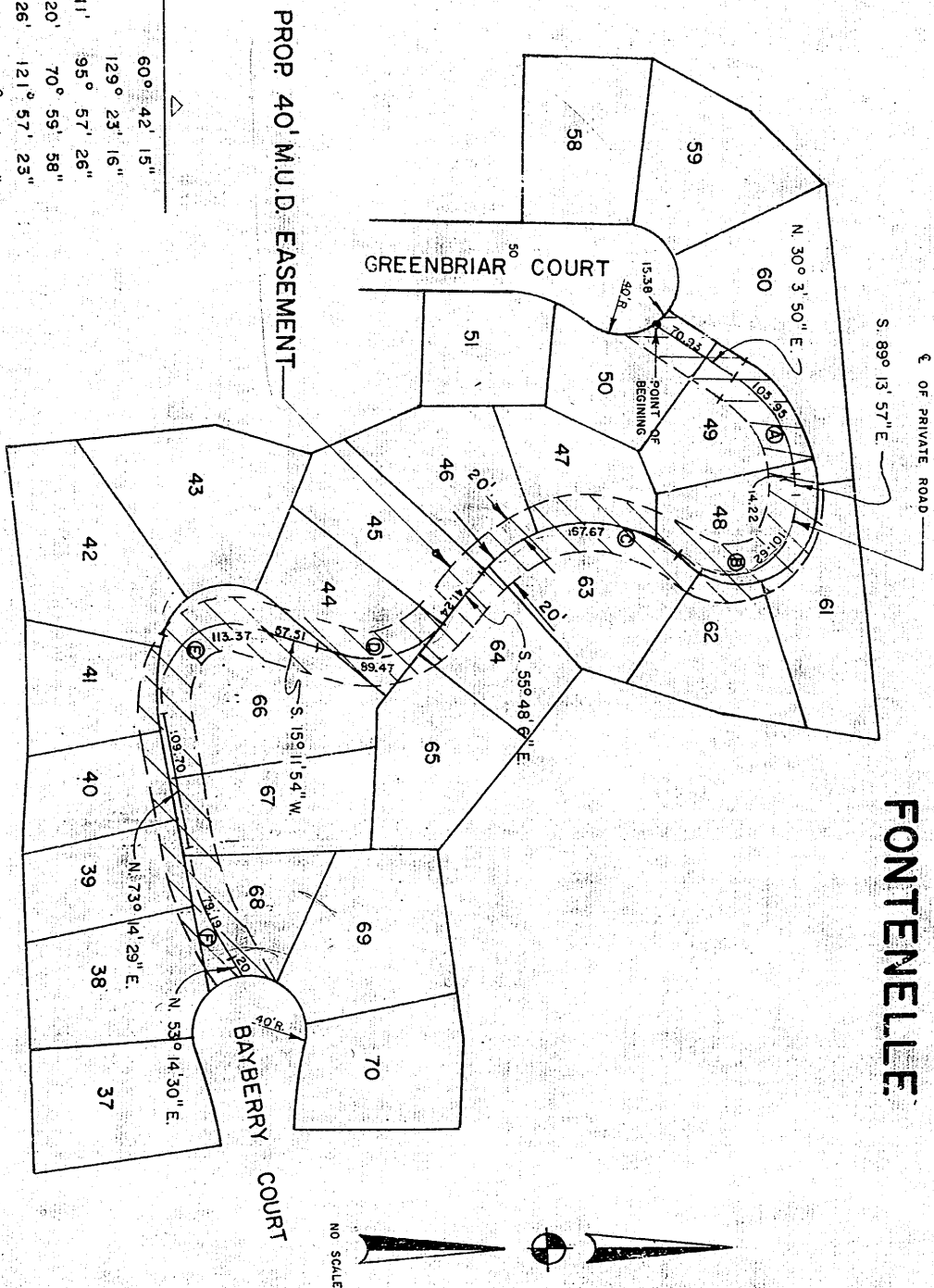
TOTAL ACRE 3.20

LAND OWNER
 FONTENELLE HILLS, INC.

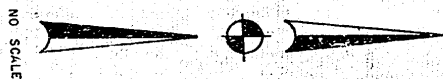
EASEMENT
 ACQUISITION
 FOR WC-C 5125
 G.C. #C 7586

METROPOLITAN
 UTILITIES
 DISTRICT
 OMAHA, NEBRASKA

CURVE	R	Δ
A	100'	60° 42' 15"
B	45'	129° 23' 16"
C	100.11'	95° 57' 26"
D	72.20'	70° 59' 58"
E	53.26'	121° 57' 23"
F	226.85'	20° 00' 01"



FONTENELLE



METROPOLITAN
UTILITIES
DISTRICT
OMAHA, NEBRASKA

EASEMENT
ACQUISITION
FOR W.C.C. 5125
G.C.-C. 7586

LAND OWNER
FONTENELLE HILLS
INC.

TOTAL ACRE 3.20

LEGEND

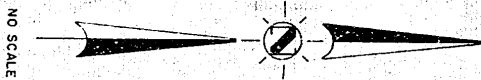
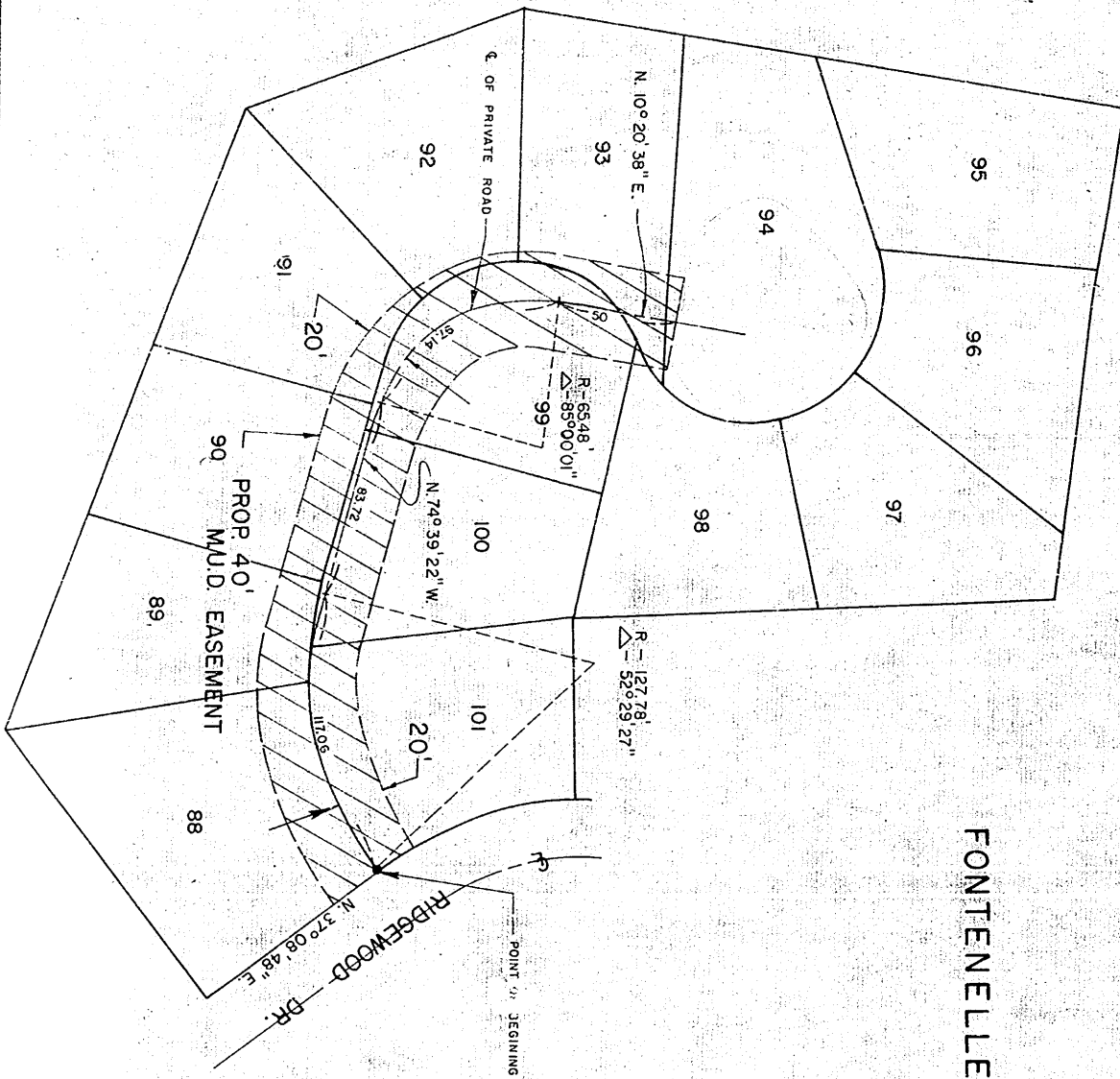
PERMANENT EASEMENT

PAGE 3 OF 6

DRAWN BY L.J.S. DATE 8-28-75
 CHECKED BY J.R.P. DATE 8-29-75
 APPROVED BY TPS DATE 9-8-75
 REVISED BY _____ DATE _____
 REV. CHK'D BY _____ DATE _____
 REV. APPROV. BY _____ DATE _____

48-541 G.

FONTENELLE



METROPOLITAN
UTILITIES
DISTRICT
OMAHA, NEBRASKA

EASEMENT
ACQUISITION
FOR WC-C 5125
G.C.-C 7586

LAND OWNER
FONTENELLE HILLS, INC

TOTAL ACRE 3.20

PERMANENT EASEMENT

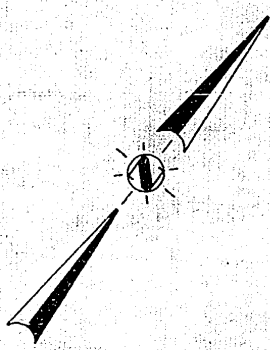
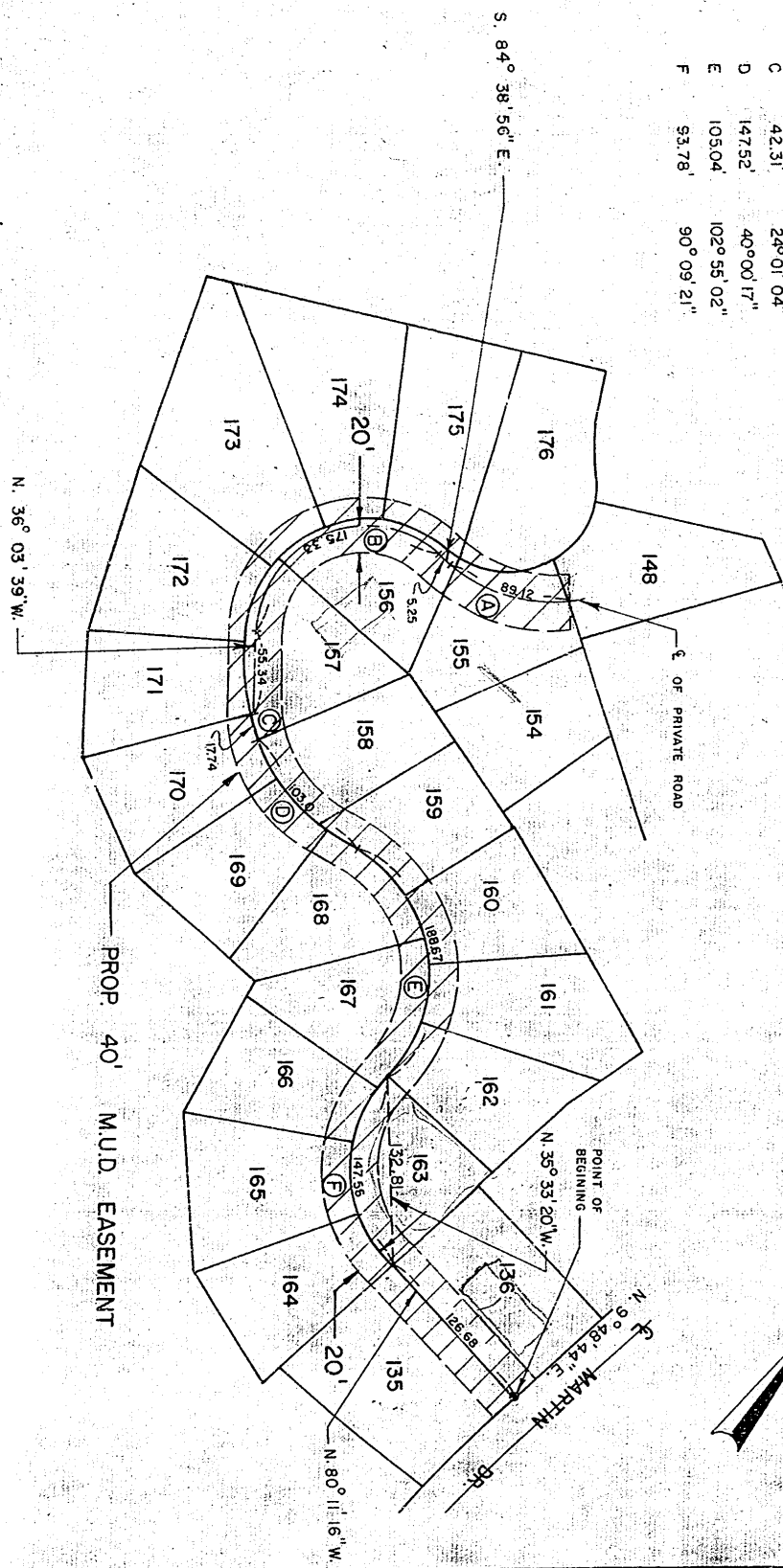
PAGE 4 OF 6

DRAWN BY G.L.C. DATE 9-26-75
CHECKED BY J.R.P. DATE 9-3-75
APPROVED BY T.P.S. DATE 9-8-75
REVISED BY DATE
REV. CHK'D BY DATE
REV. APPROV. BY DATE

48-541 H.

FONTENELLE

CURVE	R	Δ
A	104'	49°05'44"
B	76.44'	131°25'02"
C	42.31'	24°01'04"
D	147.52'	40°00'17"
E	105.04'	102°55'02"
F	93.78'	90°09'21"



METROPOLITAN
UTILITIES
DISTRICT
OMAHA, NEBRASKA

EASEMENT
ACQUISITION
FOR MC-C. 5125
G.C.-C. 7586

LAND OWNER
FONTENELLE HILLS, INC.

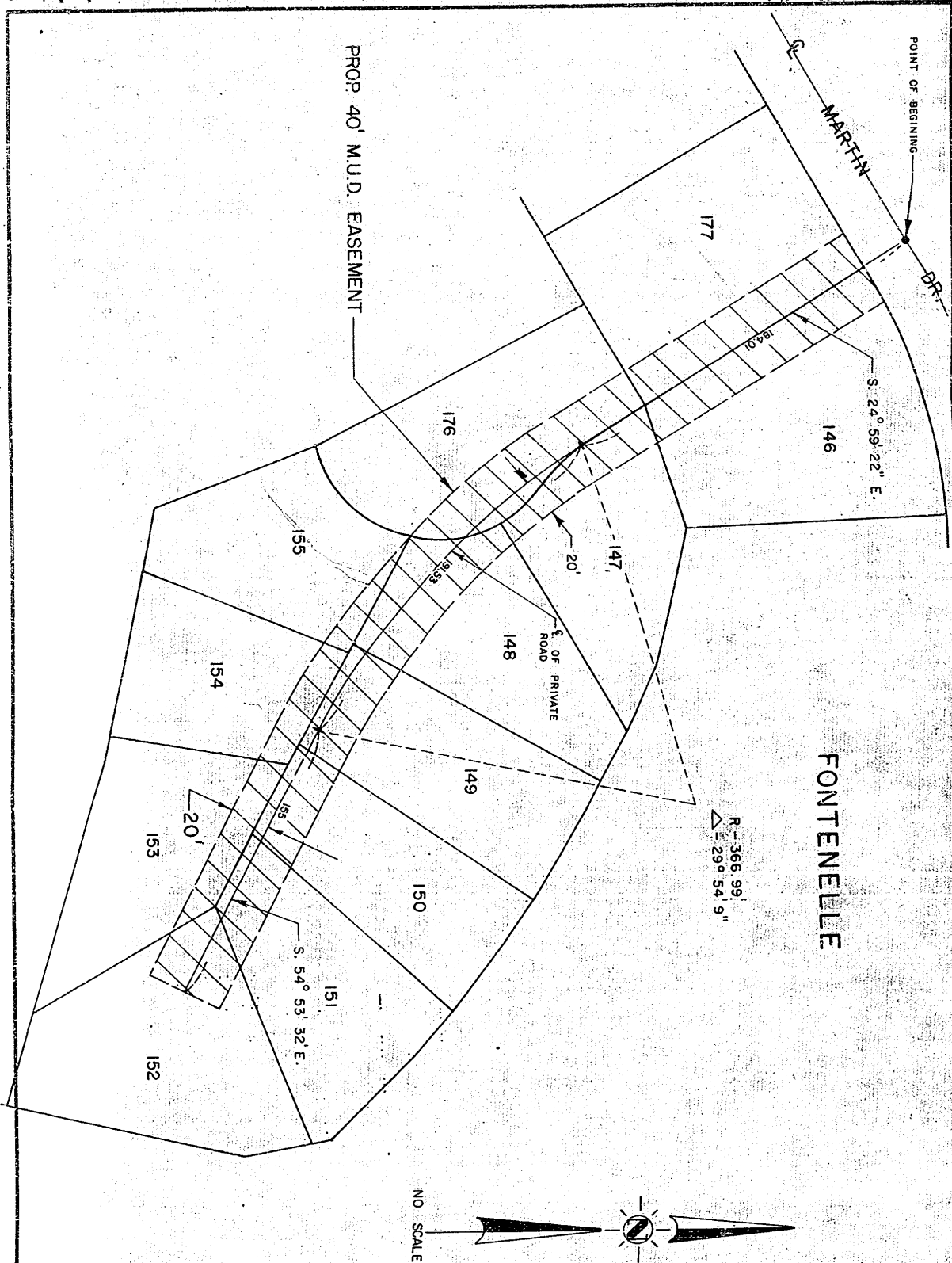
TOTAL ACRE 3.20

LEGEND
PERMANENT EASEMENT

PAGE 5 OF 6

DRAWN BY G.L.C. DATE 8-28-75
CHECKED BY J.R.P. DATE 9-4-75
APPROVED BY TPS DATE 9-8-75
REVISED BY DATE
REV. CHK'D BY DATE
REV. APPROV. BY DATE

48-541 I.



NO SCALE

**METROPOLITAN
UTILITIES
DISTRICT
OMAHA, NEBRASKA**

EASEMENT ACQUISITION

FOR W.C.-C. 5125

G.C.-C. 7586

LAND OWNER _____
FONTENELLE HILLS, INC.

TOTAL ACRES 3.20

LEGEND

PERMANENT EASEMENT ☒

PAGE 6 OF 6

DRAWN BY G.L.C. DATE 8-27-75
CHECKED BY J.R.P. DATE 9-3-75
APPROVED BY TPS DATE 9-8-75
REVISED BY _____ DATE _____
REV. CHK'D BY _____ DATE _____
REV. APPROV. BY _____ DATE _____