

59-3691

EASEMENT AND RIGHT-OF-WAY

THIS INDENTURE, made this 12th day of November, 1986, between WILLIAM E. JAMES and PHYLLIS J. JAMES, husband and wife, hereinafter referred to as "Grantors", and METROPOLITAN UTILITIES DISTRICT OF OMAHA, a Municipal Corporation, hereinafter referred to as "Grantee",

WITNESSETH:

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 the 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, including but not limited to six (6) fire hydrants, eight (8) valve boxes and two (2) 48-inch precast vaults, together with the right of ingress and egress to and from the same, on, over, under and through lands described as follows:

PERMANENT EASEMENT

FILED SARPY CO., NE 33.50
BOOK 57 of Misc Rec.
PAGE 3691

Several strips of land in Lots 31, 32, 33, 34, 35, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 27, 26, 25, 24, 22, 21, 5, 6, 7 and 51 of Forest Hills, a subdivision, as surveyed, platted and *Hibbled* recorded in Sarpy County, Nebraska. Said strips are more particularly described as follows:

The easterly five (5) feet of Lots 35, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49 and 50.

The east five (5) feet of Lots 27, 26 and 25.

The east five (5) feet of the north thirteen and one-half (13.5) feet of Lot 24.

The north five (5) feet of Lot 22.

The north five (5) feet of the west five (5) feet of Lot 21.

The northeasterly five (5) feet of Lots 34, 33, 32 and 31.

All of Lot 51.

The southeasterly five (5) feet of Lot 31.

The east twenty (20) feet of Lots 6 and 7.

Lot 5 - Beginning at the southeasterly corner of Lot 5; thence along the northeasterly line of Lot 5 a distance

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of thirty-eight (38) feet, more or less; thence southwesterly to a point on the south property line of Lot 5, said point being forty-four (44) feet, more or less, west from the southeasterly corner of Lot 5; thence east along the south property line of Lot 5 to the point of beginning.

Said strips contain 3.30 acres, more or less, and are shown on the drawing attached hereto 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 Grantors agree that neither they nor their 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, and they will not 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 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 the Grantors, 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 Grantors have lawful possession of said real estate, good right and lawful authority to make such conveyance and they and their 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 whomsoever in any way asserting any right, title or interest prior to or contrary to this conveyance.

IN WITNESS WHEREOF, the Grantors have caused this Easement and Right-of-Way to be signed and executed on the day and year first above written.

WILLIAM E. JAMES and PHYLLIS J. JAMES, husband and wife, Grantors

William E. James
William E. James

Phyllis J. James
Phyllis J. James

ATTEST:

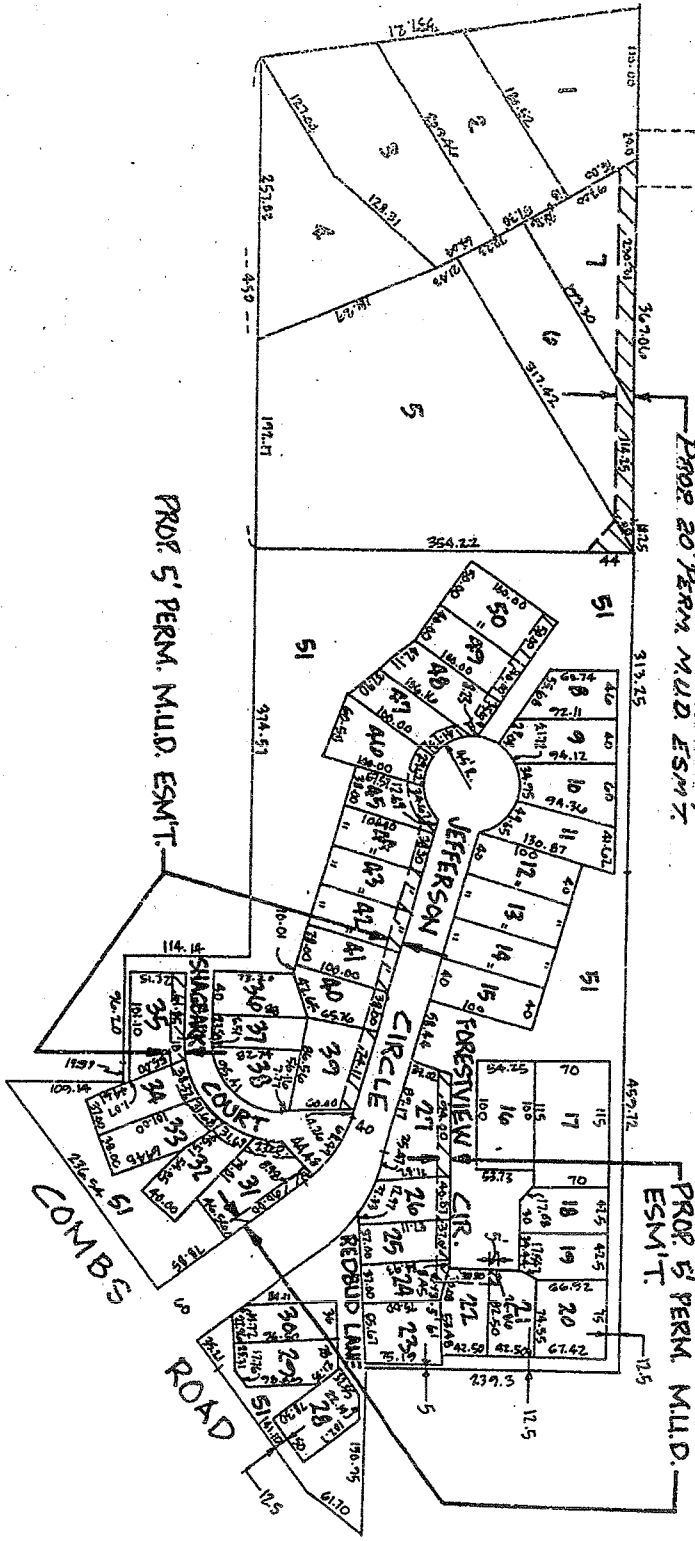
Orville A. Haskin

59-3691C

NOTE:
ALL OF LOT 51 TAKEN FOR
PROP. MILD. PERM. EASEMENT

FOREST HILLS

LOTS 1 THRU 51 INCL.



PROP. 5' PERM. MILD. ESM'T.

PROP. 5' PERM. MILD. ESM'T.

DRAWN BY E.G. DATE 9-19-86
 CHECKED BY [Signature] DATE 9-29-86
 APPROVED BY [Signature] DATE 10-15-86
 REVISED BY [Signature] DATE 10-24-86
 REV. CHK'D BY _____ DATE _____
 REV. APPROV. BY _____ DATE _____

PAGE | OF |

LEGEND
PERMANENT EASEMENT

TOTAL ACRE 3.30±

LAND OWNER
WILLIAM JAMES &
PHILIS JAMES
(HUSBAND & WIFE)

EASEMENT ACQUISITION
FOR VLC 6 6696

METROPOLITAN UTILITIES DISTRICT
OMAHA, NEBRASKA