

EASEMENT AND RIGHT OF WAY

THIS INDENTURE, made this 17 day of October, 1972, between H. Lee Gendler, Trustee, hereinafter referred to as "Grantor", and Metropolitan Utilities District of Omaha, a municipal corporation, hereinafter referred to as "Grantee", WITNESSETH:

That the 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 transmission of water and gas, and all aboveground and below-ground appurtenances thereto, together with the right of ingress and egress to and from the same, on, over and through lands described as follows:

Two strips of land lying in Lots One and Two (1) and (2), in Park View Heights Addition, as now platted and recorded, a subdivision in Douglas County, Nebraska, said tract being more particularly described as follows:

A strip of land being the East Eight (8) feet of the South Four Hundred Seventy-five (475) feet, more or less, of the North Twelve Hundred Sixty-three (1,263) feet, more or less, of Lot One (1), also the East Five (5) feet of the North Seven Hundred Eighty-eight (788) feet, more or less, of Lot One (1).

Beginning at the Southeast corner of Lot Two (2), thence North  $90^{\circ}00'00''$  West (assumed bearing) along the south property line of Lot Two (2) a distance of Five (5) feet; thence due North a distance of Nine Hundred Forty-five (945) feet, more or less; thence North  $90^{\circ}00'00''$  East a distance of Fifty-five (55) feet; thence due South a distance of One Hundred Ninety (190) feet, more or less, to the East property line of Lot Two (2); thence Southerly along the curved East property line of Lot Two (2) a distance of Two Hundred Seventy-five (275) feet, more or less; thence due South along the East property line of Lot Two (2), a distance of Four Hundred Seventy-five (475) feet to the point of beginning.

The two strips contain a total of Sixty-five One-hundredths (0.65) acres, more or less, all as shown on the plat attached hereto and made a part hereof.

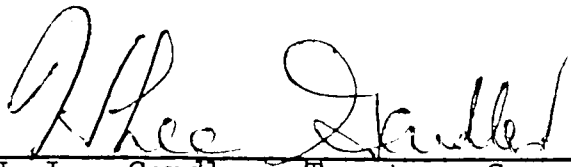
TO HAVE AND TO HOLD said easement and right of way unto the said Grantee, Metropolitan Utilities District of Omaha, its successors and assigns.

1. Grantor agrees that neither he nor his heirs or assigns will at any time erect, construct or place on or below the surface of said tracts 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 water main or gas main constructed and maintained hereunder.

IN WITNESS WHEREOF, the Grantor has executed this easement the day and year first above written.

  
H. Lee Gendler, Trustee, Grantor

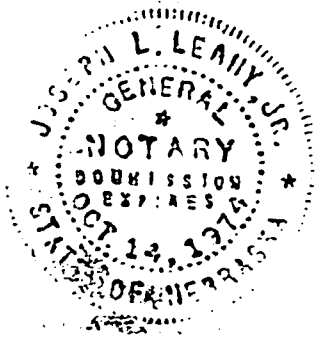
STATE OF NEBRASKA)  
                                  ) ss  
COUNTY OF DOUGLAS)

On this 19<sup>th</sup> day of OCTOBER, 1972, before me, the undersigned, a Notary Public duly commissioned and qualified for said county, personally came H. Lee Gendler, Trustee, to me personally known to be the identical person whose name is affixed to the foregoing instrument as Grantor, and acknowledged the same to be his voluntary act and deed.

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

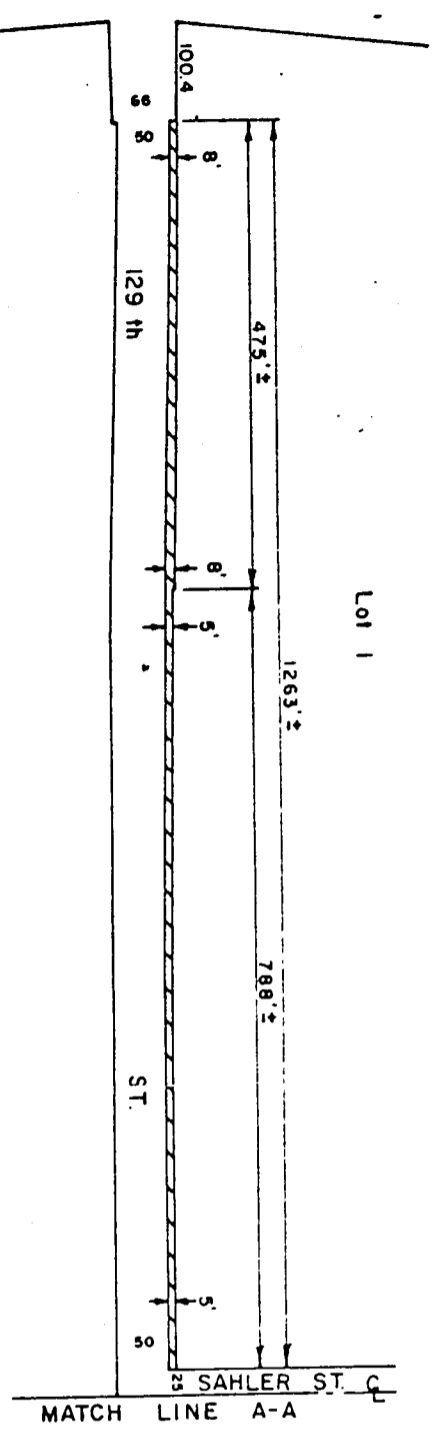
Joseph Z. Seay, Jr.  
Notary Public

My commission expires the 14 day of October, 1974.



WEST MAPLE RD.

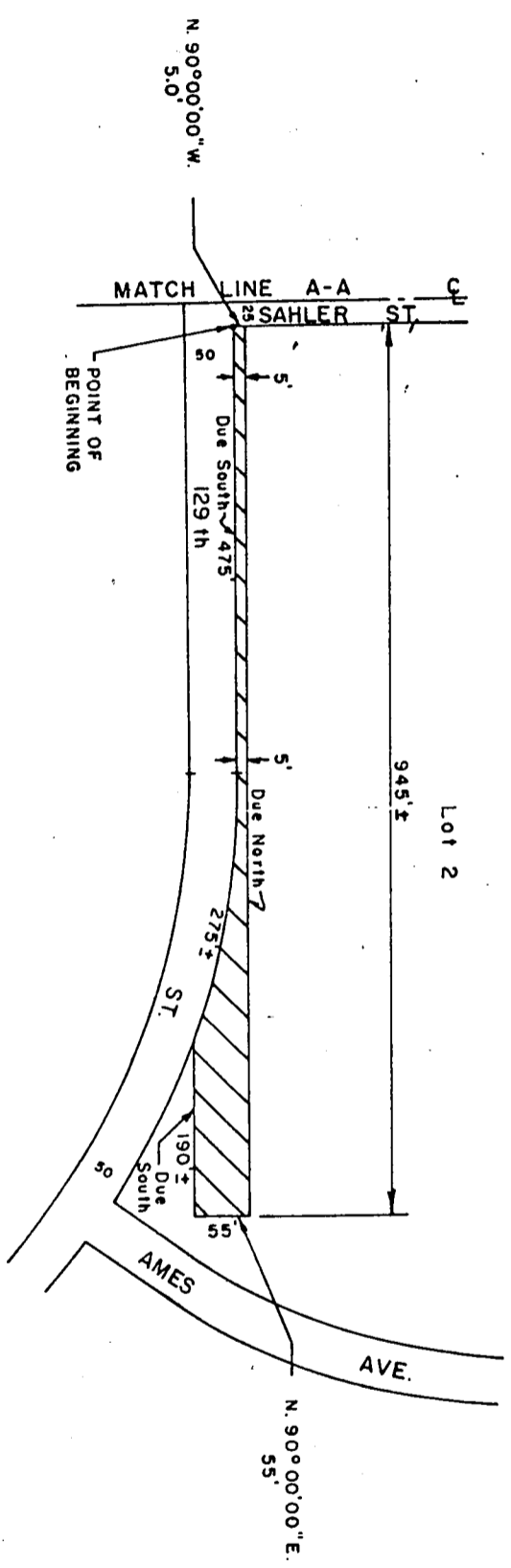
PARK VIEW HEIGHTS ADD.



Lot 1

Scale 1" = 200'

N



Lot 2

POINT OF BEGINNING

MATCH LINE A-A

24 ENTERED IN NUMERICAL INDEX AND RECORDED IN THE REGISTER OF DEEDS OFFICE IN DOUGLAS COUNTY, NEBRASKA  
 DAY OF October 1972 AT 3:59 P.M. C. HAROLD OSTLER, REGISTER OF DEEDS  
 956

DRAWN BY LLJ DATE 9-2-72  
 CHECKED BY LLJ DATE 9-6-72  
 APPROVED BY RJR DATE 9-19-72  
 REVISED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 REV CHKD BY \_\_\_\_\_ DATE \_\_\_\_\_

LAND OWNER BOISE  
 CASCADE BLDG. CO.  
 PERMANENT EASEMENT .65  
 LEGEND  
 PERMANENT EASEMENT

METROPOLITAN UTILITIES DISTRICT  
 MAHA, NEBRASKA  
 EASEMENT ACQUISITION  
 FOR W/C C 4656-2  
 TRACT NO. 2