

37-390

EASEMENT

THIS INDENTURE, made this 13th day of October, 1965, between Chester Kowalski and Josephine Kowalewski, husband and wife, of Sarpy County, Nebraska, hereinafter referred to as Grantors, and Metropolitan Utilities District of Omaha, a municipal corporation, of Douglas County, Nebraska, hereinafter referred to as Grantee, WITNESSETH:

That Grantors, in consideration of the sum of Five Hundred Forty Two and 20/100 Dollars (\$542.20), receipt of which is hereby acknowledged, do hereby grant to the Grantee, 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 and supply of water through and under, and at all times to enter upon, a strip of land owned by Grantors, described as follows:

Beginning at a point on the east right-of-way line of 36th Street, said point being 33 feet east of and 208.7 feet north of the southwest corner of Section 33, Township 14 North, Range 13 East of the 6th P.M. in Sarpy County, Nebraska; thence north along the east right-of-way line of 36th Street a distance of 1789.3 feet to the intersection of the east right-of-way line of 36th Street and the south right-of-way line of State Highway No. 370; thence east along the south right-of-way line of State Highway No. 370 a distance of 31.9 feet; thence northeasterly along the southeast right-of-way line of said State Highway 370 a distance of 10.49 feet to a point 68.0 feet east of the west line of said section; thence south along a line 68.0 feet east of and parallel to the west line of said Section a distance of 1799.32 feet; thence west at an interior angle of 90°00' a distance of 35.0 feet to the point of beginning; containing 2.44 acres more or less, all as shown by the plat attached and made a part hereof.

Also a temporary construction easement upon additional strips of land lying adjacent to the right-of-way above described, during the period of construction and installation of said water main, not to exceed three (3) months from commencement of construction on said lands, described as:

A 20-foot strip of land immediately east of and adjacent to the above described easement and an additional triangular-shaped piece of land extending 64.68 feet north to the east right-of-way line of State Highway No. 370, all as shown by the plat attached 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.

The Grantors and Grantee do covenant, promise and agree, for themselves, their heirs, successors and assigns, as follows:

1. Grantee agrees to restore the surface of the soil on said strip of land following the installation of its pipelines therein or any maintenance work performed thereon, as soon as may reasonably be possible so to do, to the original contour and condition thereof, as near as may be, and to pay Grantors, their heirs or

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AND RECORDED IN BOOK 27 OF REG. PAGE 270 (Spencer) REGISTER OF DEEDS

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assigns, within a reasonable time after the construction or maintenance of said pipelines, all actual damages, including but not limited to damages to crops, fences, and timber, if any, which may be caused by the construction or maintenance of said pipelines.

2. Grantors, their heirs, grantees, or assigns, agree that, except upon express written permission of Grantee, they will at no time erect, construct, use, or place on or below the surface of said strip of land any building, structure, or pipeline, except pavement, and that they will not permit anyone else to do so, and further agree that they will not do any excavating, grading or filling within the herein granted right-of-way that will endanger said water main or reduce the earth cover over said main to less than three and one-half (3½) feet of earth.

3. Nothing herein contained shall be construed as a waiver of any rights of Grantors, or duties and powers of Grantee, respecting the ownership, use, operations, extensions and connections to any water main constructed and maintained hereunder.

IN WITNESS WHEREOF, the parties hereto have executed this easement the day and year first above written.

Chester Kowalewski
Josephine Kowalewski
Grantors

METROPOLITAN UTILITIES DISTRICT
OF OMAHA, Grantee

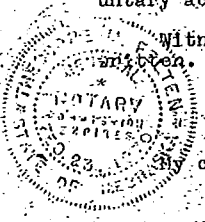
By P. H. Keenan
General Manager

STATE OF NEBRASKA)
COUNTY OF Sarpy) ss

On this 13 day of Oct, 1965, before me, the undersigned, a Notary Public duly commissioned and qualified for said county, personally came Chester Kowalewski and Josephine Kowalewski, to me personally known to be husband and wife and the identical persons whose names are affixed to the foregoing instrument as Grantors, and they acknowledged said instrument to be their voluntary act and deed.

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

Theodore W. Fellner
Notary Public

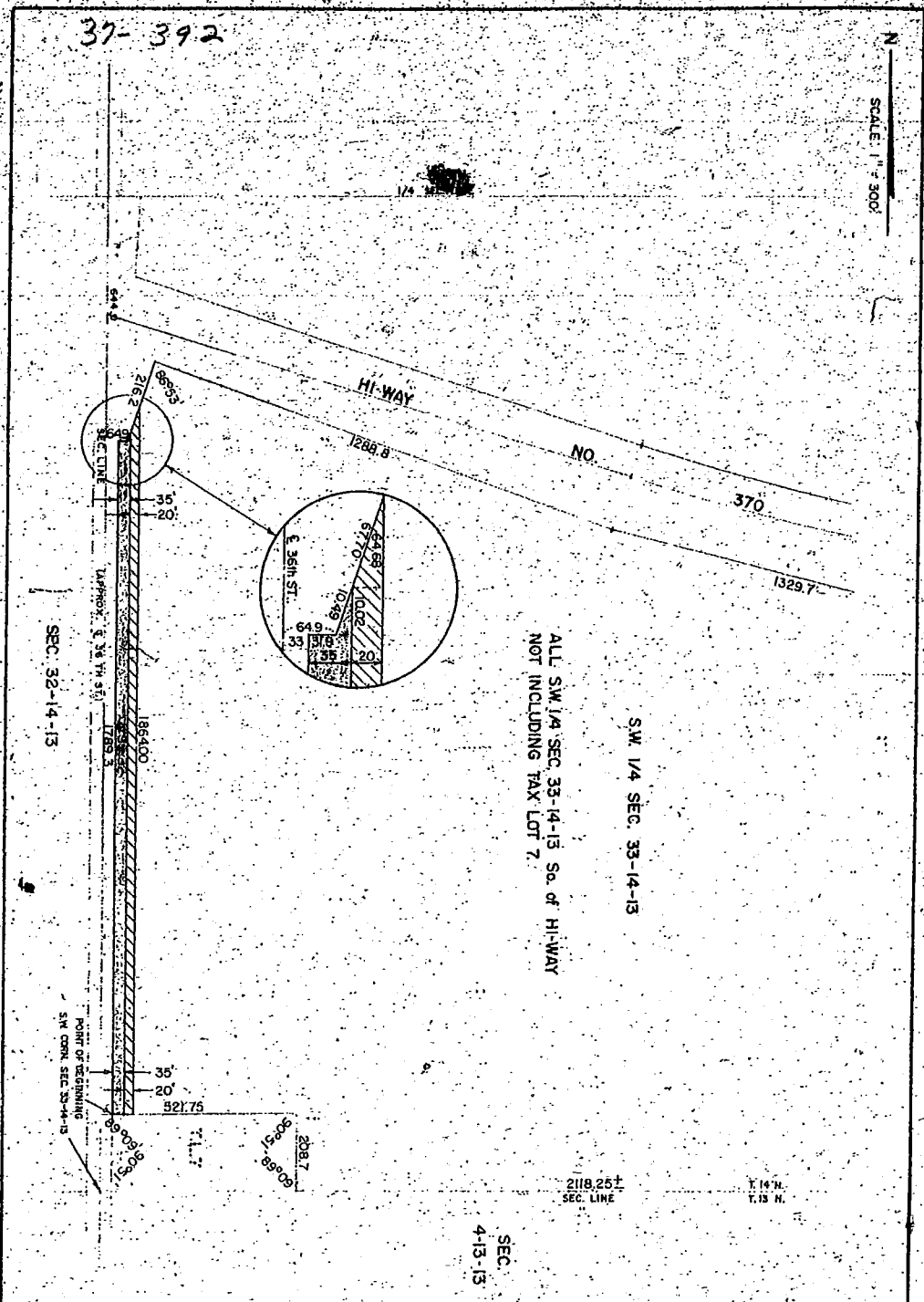


commission expires the 23 day of Feb, 1970

SCALE: 1" = 300'

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ALL SW 1/4 SEC. 33-14-13 S.A. OF HI-WAY
NOT INCLUDING TAX LOT 7.

SW 1/4 SEC. 33-14-13

SEC. 32-14-13

SEC. 4-13-13

METROPOLITAN
UTILITIES
DISTRICT
OMAHA, NEBRASKA

EASEMENT
ACQUISITION
FOR 60" WATER MAIN
JOB NO. W.C. 3401

TRACT NO. III
LAND OWNED BY CHESTER
KOWALEWSKI

LINEAL FEET 1793.3
AREA PERM. 62,181.03 SQ. FT.
ACRE PERM. 1.44
TEMP. 0.83

LEGEND
PERMANENT EASEMENT II
TEMPORARY EASEMENT

LENGTH IN FEET 1084.44

DRAWN BY D.D.B. DATE 4-12-65
CHECKED BY DATE 5-1-65
APPROVED BY DATE 5-1-65
REVISED BY DATE 7-1-65
REV. C.R.D. BY DATE 9-1-65