

Covers property to the South. (Tax lot 2)

37-393

EASEMENT

THIS INDENTURE, made this 28th day of August, 1965, between Albert L. Franks and Kathryn C. Franks, 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 Sixty-three and 25/100 Dollars (\$63.25), 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 on, over, through, under and across, and at all times to enter upon, a strip of land owned by Grantors, described as follows:

FILED FOR RECORD IN SARPY COUNTY NEBR. Oct. 19 1966 AT 8:45 O'CLOCK A.M.
1827
RECORDED IN BOOK 37 OF REGISTRATION REGISTRY OF DEEDS PAGE 293

Beginning at a point on the south line of Section 33, Township 14 North, Range 13 East of the 6th P.M., in Sarpy County, Nebraska; said point being on the east right of way line of 36th Street and 33.0 feet east of the SW corner of said section; thence east along the south line of said section a distance of 35.0 feet; thence north along a line 68.0 feet east of and parallel to the west line of said section a distance of 208.7 feet; thence west at an interior angle of 90°00' a distance of 35.0 feet; thence south along the east right of way line of 36th Street a distance of 208.7 feet to the point of beginning, containing 0.17 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, described as:

A 20-foot strip of land immediately east of and adjacent to the above described easement as shown on 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, as soon as may reasonably be possible so to do, to the original contour thereof, as near as may be, and to pay Grantors, their heirs or assigns, within a reasonable time after the construction or maintenance of said pipelines, all actual damages to crops, fences, and timber, if any, which may be caused by the construction or maintenance of said pipelines.

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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 (3 1/2) 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 agreement the day and year first above written.

Albert L. Franks

Kathryn C. Franks
Grantors

METROPOLITAN UTILITIES DISTRICT
OF OMAHA, Grantee.

By R.H. Justice
General Manager

STATE OF NEBRASKA }
COUNTY OF Douglas } ss

On this 28th day of August, 1965, before me, the undersigned, a Notary Public duly commissioned and qualified for said county, personally came Albert L. Franks and Kathryn C. Franks, husband and wife, to me personally known to be are 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 written.

Thomas P. Miller
Notary Public

My commission expires the 10th day of April, 1971.



39-395 N

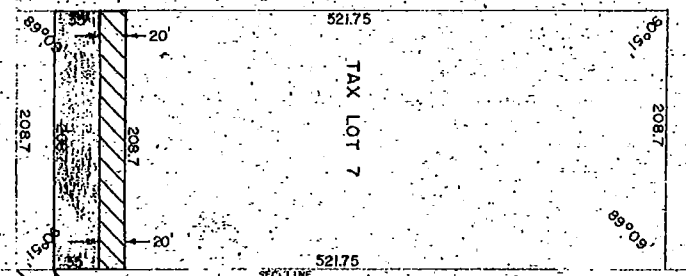
SCALE 1" = 100'

SEC. 32-14-13

SEC. 33-14-13

SEC. 5-13-13

SEC. 4-13-13



METROPOLITAN UTILITIES DISTRICT
 OMAHA, NEBRASKA

EASEMENT ACQUISITION
 FOR 60" WATER MAIN
 JOB NO. W.C.349

TRACT NO. 711
 LAND OWNED BY ALBERT L. FRANKS
 LINEAL FEET 208.7
 AREA-PERM. 7304.5 sq. ft.
 TEMP. PERM. 4734.0 sq. ft.
 ACRE-PERM. 0.17
 TEMP. 0.10

LEGEND
 PERMANENT EASEMENT [Symbol]
 TEMPORARY EASEMENT [Symbol]
 LENGTH IN FEET 12.65

DRAWN BY: D.D.B. DATE: 4-12-65
 CHECKED BY: [Signature] DATE: 4-12-65
 REVISED BY: [Signature] DATE: 4-12-65
 REV. C/D BY: [Signature] DATE: 4-12-65