

No. : Charles G. Smith & Nellie M. Smith Grators: Easement & Right Of  
Misc. 50 : Husband & Wife, Granada II : Way  
Page 964 : To :Dated December 1, 1977  
: Whom It May Concern :Filed December 8, 1977

THIS INDENTURE, made this 1st day of December, 1977, between Charles G. Smith and Nellie M. Smith, husband and wife, hereinafter referred to as "Grantors", and Metropolitan Utilities District of Omaha, a municipal corporation, hereinafter referred to as "Grantee", WITNESSETH:

That the Grantors, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, do 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 59, 60, 61, 62, 63, 64, 65, 66, 69, 70, 71, 72, 73, 74, and 75 of Granada II, a subdivision, as now platted and recorded in Sarpy County, Nebraska, being more particularly described as follows:

A strip of land lying in Lot Fifty-nine (59) of Granada II, said strip being the Northwestern Five (5) feet of a Ten (10) foot strip of land lying along and parallel to the West right-of way line of 33rd Street and extending Southwesterly property line of said Lot 59 a distance of Ninety-eight and Twenty-eight Hundredths (98.28) feet:

A strip of land lying in Lots Sixty (60), Sixty-one (61), Sixty-two (62), Sixty-three (63), Sixty-four (64), Sixty-five (65), and Sixty-six (66) of Granada II, said strip being the westerly Five (5) feet of a Ten (10) foot strip of land lying along and parallel to the West right-of-way line of 33rd Street and Extending from the Southwesterly property line of Lot Sixty (60) to the North property line of Lot Sixty-six (66):

A strip of land lying in Lots Sixty-nine (69), Seventy (70), Seventy-one (71), Seventy-two (72), Seventy-three (73), of Granada II, said strip being the Westerly Five (5) feet of a Ten (10) foot strip of land lying along and parallel to the West right-of-way line of Lot Sixty-nine (69) to the North property line of Lot Seventy-three (73):

A strip of land lying in Lot Seventy-four of Granada II, said strip being the Southwesterly Five (5) feet of a Ten (10) foot strip of land lying along and parallel to the Southwesterly right-of-way line 33rd Street:

A strip of land lying in Lot Seventy-five (75) of Granada II, said strip being the Southerly Five (5) feet of a Ten (10) foot strip of land lying along and parallel to the South right-of-way line of Sierra Street and extending West from the Easterly property line of said Lot 75 a distance of Thirty-four and Five-tenths (34.5) feet.

These parcels contain a total of Thirteen Hundredths (0.13) acre, 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. The Grantors agree that neither they nor their heirs 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 Grantors, or duties and powers of the Grantee, respecting the ownership, use, operations and connections to any pipeline constructed and maintained hereunder.

Acknowledged: December 1, 1977 by Charles G. Smith & Nellie M. Smith Husband & Wife, Before L. B. Ludwig, Notary Public, With Seal, in Sarpy County, Nebraska, Commission Expires August 12, 1980.

EASEMENT AND RIGHT OF WAY

THIS INDENTURE, made this 1st day of December, 1977, between Charles G. Smith and Nellie M. Smith, husband and wife, hereinafter referred to as "Grantors", and Metropolitan Utilities District of Omaha, a municipal corporation, hereinafter referred to as "Grantee", WITNESSETH:

That the Grantors, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, do 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 59, 60, 61, 62, 63, 64, 65, 66, 69, 70, 71, 72, 73, 74 and 75 of Granada II, a subdivision, as now platted and recorded in Sarpy County, Nebraska, being more particularly described as follows:

A strip of land lying in Lot Fifty-nine (59) of Granada II, said strip being the Northwesterly Five (5) feet of a Ten (10) foot strip of land lying along and parallel to the West right-of-way line of 33rd Street and extending Southwesterly from the Northeasterly property line of said Lot 59 a distance of Ninety-eight and Twenty-eight Hundredths (98.28) feet;

A strip of land lying in Lots Sixty (60), Sixty-one (61), Sixty-two (62), Sixty-three (63), Sixty-four (64), Sixty-five (65), and Sixty-six (66) of Granada II, said strip being the Westerly Five (5) feet of a Ten (10) foot strip of land lying along and parallel to the West right-of-way line of 33rd Street and extending from the Southwesterly property line of Lot Sixty (60) to the North property line of Lot Sixty-six (66);

A strip of land lying in Lots Sixty-nine (69), Seventy (70), Seventy-one (71), Seventy-two (72), and Seventy-three (73) of Granada II, said strip being the Westerly Five (5) feet of a Ten (10) foot strip of land lying along and parallel to the West right-of-way line of 33rd Street and extending from the South property line of Lot Sixty-nine (69) to the North property line of Lot Seventy-three (73);

A strip of land lying in Lot Seventy-four of Granada II, said strip being the Southwesterly Five (5) feet of a Ten (10) foot strip of land lying along and parallel to the Southwesterly right-of-way line of 33rd Street;

A strip of land lying in Lot Seventy-five (75) of Granada II, said strip being the Southerly Five (5) feet of a Ten (10) foot strip of land lying along and parallel to the South right-of-way line of Sierra Street and extending West from the Easterly property line of said Lot 75 a distance of Thirty-four and Five-tenths (34.5) feet.

These parcels contain a total of Thirteen Hundredths (0.13) acre, 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. The Grantors agree that neither they nor their heirs 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.

FILED FOR RECORD 12-8-77 AT 10:00 AM IN BOOK 50 OF Met. Util. Dist.

964 Carl L. Hillebrand REGISTER OF DEEDS, SARPY COUNTY, NEB.

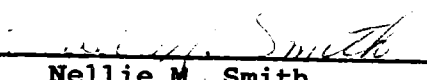
15 25 Rec# 73951

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 Grantors, 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 Grantors have executed this easement the day and year first above written.

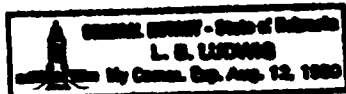
  
Charles G. Smith

  
Nellie M. Smith  
Grantors

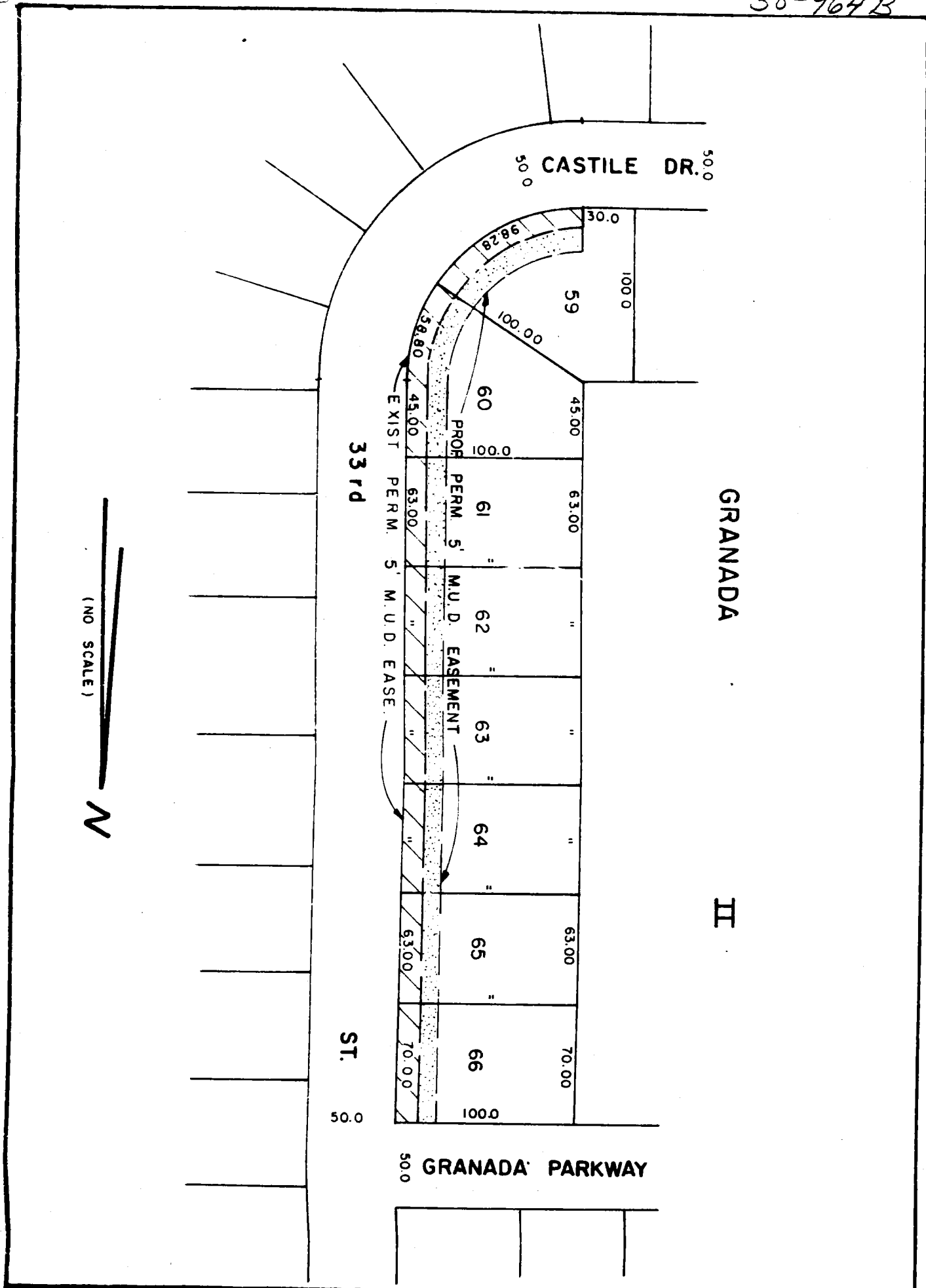
STATE OF NEBRASKA)  
                                  ) ss  
COUNTY OF SARPY )

On this 1st day of Dec, 1972, before me, the undersigned, a Notary Public duly commissioned and qualified for said county, personally came Charles G. Smith and Nellie M. Smith, to me personally known to be husband and wife and the identical persons whose names are affixed to the foregoing instrument as Grantors, and acknowledged the same to be their voluntary act and deed.

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



  
Notary Public



DRAWN BY <u>CAG</u> DATE <u>11-17-77</u>		METROPOLITAN UTILITIES DISTRICT OMAHA, NE 68102
CHECKED BY <u>AF</u> DATE <u>11-22-77</u>		
APPROVED BY _____ DATE _____		
REVISED BY _____ DATE _____		
REV. CHK'D BY _____ DATE _____		
REV. APPROV. BY _____ DATE _____		EASEMENT ACQUISITION FOR G.C.C. 7808 B W.C.C. 5322
LAND OWNER CHARLES G. SMITH & NELLIE M. SMITH		
TOTAL ACRES <u>0.13</u>		
LEGEND		
EXISTING EASEMENT <u>///</u> PROPOSED EASEMENT <u>---</u>		
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