

111

26-15-11

83/652 BOOK 567 PAGE 261

EASEMENT AND RIGHT OF WAY etc

THIS INDENTURE, made this 1st day of June, 1976, between CLC-NISI Joint Venture, organized under and subject to the Uniform Partnership Act of Nebraska, composed of the parties listed below, hereinafter referred to as "Grantor", and Metropolitan Utilities District of Omaha, a municipal corporation, hereinafter referred to as "Grantee", WITNESSETH:

That 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 transportation of water and gas, 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 Outlot 1 and Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 76, 77, 78, 79, 80, 81, 82, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 142, 143, 144, and 145 of Harvey Oaks III, a subdivision, as now platted and recorded, in Douglas County, Nebraska. Also a tract of land lying in the South Half of the Southwest Quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$) of Section Twenty-six (26), Township Fifteen (15) North, Range Eleven (11) East of the 6th P.M., Douglas County, Nebraska. Said tract and strips being more particularly described as follows:

A strip of land Five (5) feet wide lying along and parallel to the right-of-way line of 152nd Circle. Said strip being the front Five (5) feet of Outlot One (1) and Lots Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15), Sixteen (16), Seventeen (17), Eighteen (18), Nineteen (19), Twenty (20), Twenty-one (21), Twenty-two (22), Twenty-three (23), Twenty-four (24), Twenty-five (25), and Twenty-six (26), lying along the right-of-way line of 152nd Circle;

A strip of land Five (5) feet wide lying along and parallel to the right-of-way line of 152nd Avenue Circle, said strip being the front Five (5) feet of Lots Twenty-seven (27), Twenty-eight (28), Twenty-nine (29), Thirty (30), Thirty-one (31), Thirty-two (32), Thirty-three (33), Thirty-four (34), Thirty-five (35), Thirty-six (36), Thirty-seven (37), Thirty-eight (38), Thirty-nine (39), Forty (40), Forty-one (41), and Forty-two (42), lying along the right-of-way line of 152nd Avenue Circle;

A strip of land Five (5) feet wide lying along and parallel to the right-of-way line of 153rd Circle, said strip being the front Five (5) feet of Lots Forty-four (44), Forty-five (45), Forty-six (46), Forty-seven (47), Forty-eight (48), Forty-nine (49), Fifty (50), Fifty-one (51), Fifty-two (52), Fifty-three (53), Fifty-four (54), Fifty-five (55), Fifty-six (56), Fifty-seven (57), Fifty-eight (58), Fifty-nine (59), and Sixty (60), lying along the right-of-way line of 153rd Circle;

A strip of land Five (5) feet wide lying along and parallel to the right-of-way line of 154th Circle, said strip being the front Five (5) feet of Lots Sixty-one (61), Sixty-two (62), Sixty-three (63), Sixty-four (64), Sixty-five (65), Sixty-six (66), Sixty-seven (67), Sixty-eight (68), Sixty-nine (69), Seventy (70), Seventy-one (71), Seventy-two (72), and Seventy-three (73), lying along the right-of-way line of 154th Circle;

A strip of land Five (5) feet wide lying along and parallel to the right-of-way line of 155th Circle, said strip being the front Five (5) feet of Lots Seventy-six (76), Seventy-seven (77), Seventy-eight (78), Seventy-nine (79), Eighty (80), Eighty-one (81), Eighty-two (82), lying along the right-of-way line of 155th Circle;

A strip of land Five (5) feet wide lying along and parallel to the right-of-way line of Shirley Circle, said strip being the front Five (5) feet of Lots Ninety-three (93), Ninety-four (94), Ninety-five (95), Ninety-six (96), Ninety-seven (97), Ninety-eight (98), Ninety-nine (99), One Hundred (100), One Hundred One (101), and One Hundred Two (102), lying along the right-of-way line of Shirley Circle;

A strip of land Five (5) feet wide lying along and parallel to the right-of-way line of Hickory Circle, said strip being the front Five (5) feet of Lots One Hundred Three (103), One Hundred Four (104), One Hundred Five (105), One Hundred Six (106), One Hundred Seven (107), One Hundred Eight (108), One Hundred Nine (109), One Hundred Ten (110), One Hundred Eleven (111), One Hundred Twelve (112), One Hundred Thirteen (113), One Hundred Fourteen (114), One Hundred Fifteen (115), One Hundred Sixteen (116), One Hundred Seventeen (117), One Hundred Eighteen (118), One Hundred Nineteen (119), and One Hundred Twenty (120), lying along the right-of-way line of Hickory Circle;

The Southeasterly Five (5) feet of Lot One Hundred Forty-two (142) lying along the right-of-way line of 155th Circle;

The Northwesterly Five (5) feet of Lot One Hundred Forty-three (143) lying along the right-of-way line of 155th Circle;

The Southeasterly Five (5) feet of Lot One Hundred Forty-four (144) lying along the right-of-way line of 154th Circle;

The Northwesterly Five (5) feet of Lot One Hundred Forty-five (145) lying along the right-of-way line of 154th Circle;

The Westerly Five (5) feet of Lot Fourteen (14);

The Easterly Five (5) feet of Lot Fifteen (15);

Also the following described portion of the South Half of the Southwest Quarter ($S\frac{1}{2}$ SW $\frac{1}{4}$) of Section Twenty-six (26), Township Fifteen (15) North, Range Eleven (11) East of the 6th P.M., Douglas County, Nebraska:

Beginning at the Southwest corner of Lot Fourteen (14), Harvey Oaks III; thence South $77^{\circ} 53' 34''$ West a distance of Ten (10) feet along the South property line of Lot Fifteen (15), Harvey Oaks III; thence South $23^{\circ} 3' 2''$ West a distance of Ninety-one and Fifty-Six Hundredths (91.56) feet to the point of intersection of the Easterly right-of-way line of the Union Pacific Railroad and the Northerly right-of-way line of State Highway 38 (West Center Road); thence North $88^{\circ} 43' 28''$ East a distance of One Hundred and Forty (140) feet along said highway right-of-way line; thence North $44^{\circ} 44' 25''$ West a distance of One Hundred Twenty and Thirteen Hundredths (120.13) feet to a point on the South property line of said Lot Fourteen (14); thence South $77^{\circ} 53' 34''$ West a distance of Ten (10) feet to the point of beginning.

These tracts and strips contain a total of One and Three Hundredths (1.03) acres, more or less, all as shown on the plat attached hereto and made a part hereof.

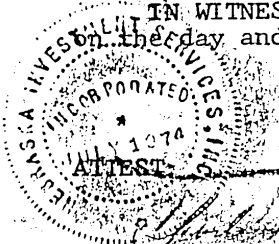
TO HAVE AND TO HOLD said easement and right of way unto the said Grantee, Metropolitan Utilities District of Omaha, its successors and assigns.

1. Grantor, its successors or assigns agree that they will at no time erect, construct or place on or below the surface of said tracts and 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 Grantor, or duties and powers of Grantee, respecting the ownership, use, operations, extensions and connections to any pipeline constructed and maintained hereunder.

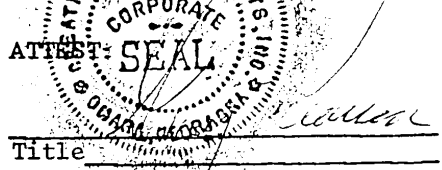
IN WITNESS WHEREOF, the Grantor has caused this easement to be signed on the day and year first above written.



ATTEST

[Signature]
Title _____

(Seal)



ATTEST

[Signature]
Title _____

(Seal)

CLC-NISI JOINT VENTURE, Grantor

By NEBRASKA INVESTMENT SERVICES, INC.,
a Nebraska corporation

By [Signature]
Title President

By CREATIVE LAND CONSULTANTS, INC.,
a Nebraska corporation

By [Signature]
Title President

STATE OF NEBRASKA)
) ss
COUNTY OF DOUGLAS)

On this 29 day of May, 1976, before me, the undersigned, a Notary Public in and for said county, personally came C. E. Westphal, to me personally known to be President of Nebraska Investment Services, Inc., a Nebraska corporation, and the identical person whose name is affixed to the foregoing instrument and said corporation to be one of the members of CLC-NISI Joint Venture, and acknowledged the execution of this instrument to be his voluntary act and deed as a person, his voluntary act and deed as such officer of said corporation, the voluntary act and deed of said corporation, and the voluntary act and deed of CLC-NISI Joint Venture, and that the corporate seal of said corporation was affixed by its authority.

Witness my hand and notarial seal at Omaha in said County the day and year last above written.

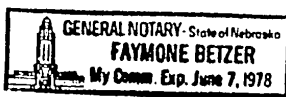


[Signature]
Notary Public

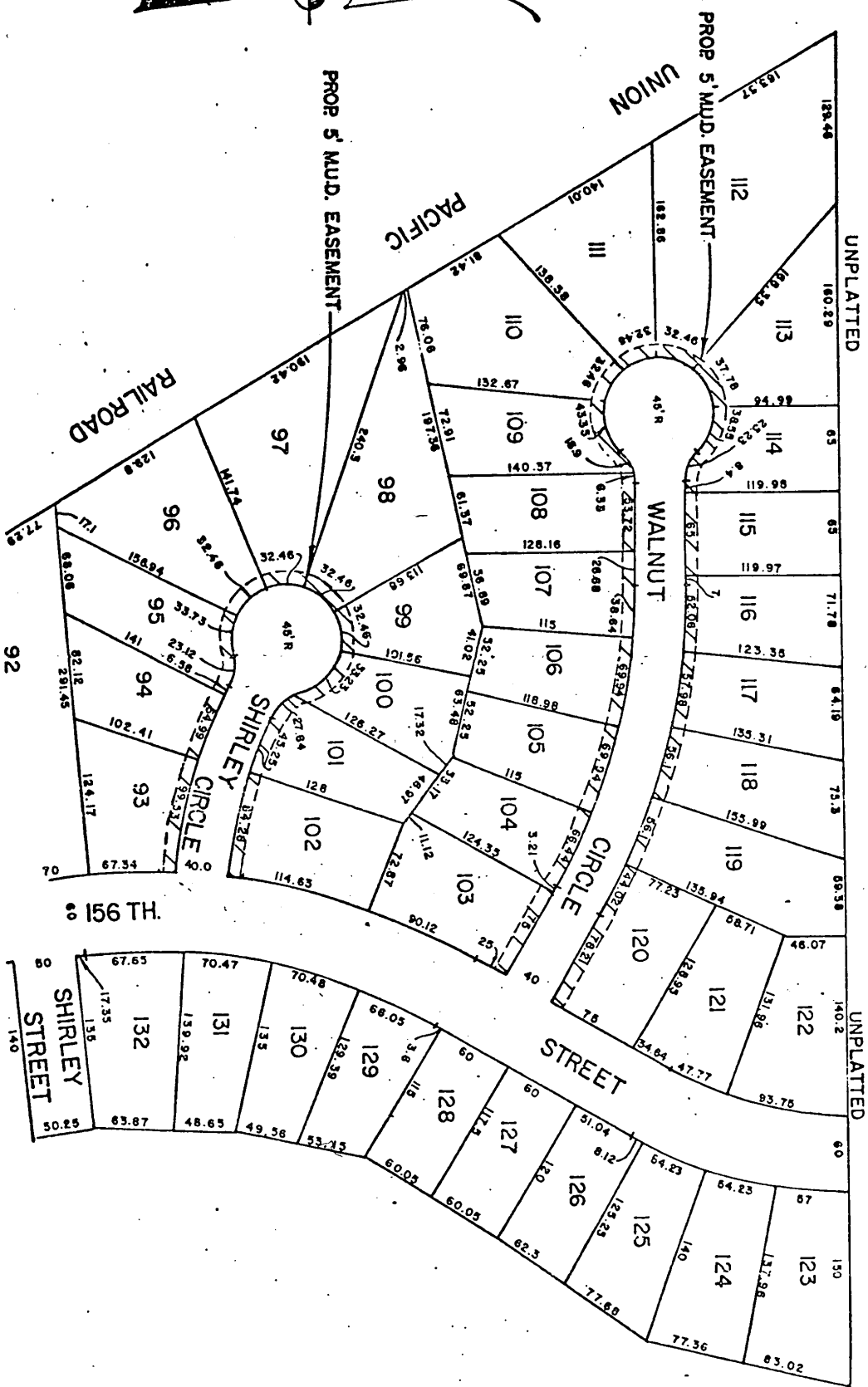
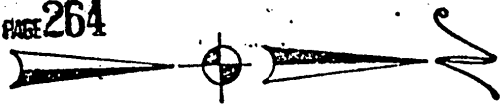
STATE OF NEBRASKA)
) ss
COUNTY OF DOUGLAS)

On this 28 day of May, 1976, before me, the undersigned, a Notary Public in and for said county, personally came Howard Bush, to me personally known to be President of Creative Land Consultants, Inc., a Nebraska corporation, and the identical person whose name is affixed to the foregoing instrument and said corporation to be one of the members of CLC-NISI Joint Venture, and acknowledged the execution of this instrument to be his voluntary act and deed as a person, his voluntary act and deed as such officer of said corporation, the voluntary act and deed of said corporation, and the voluntary act and deed of CLC-NISI Joint Venture, and that the corporate seal of said corporation was affixed by its authority.

Witness my hand and notarial seal at Omaha in said County the day and year last above written.

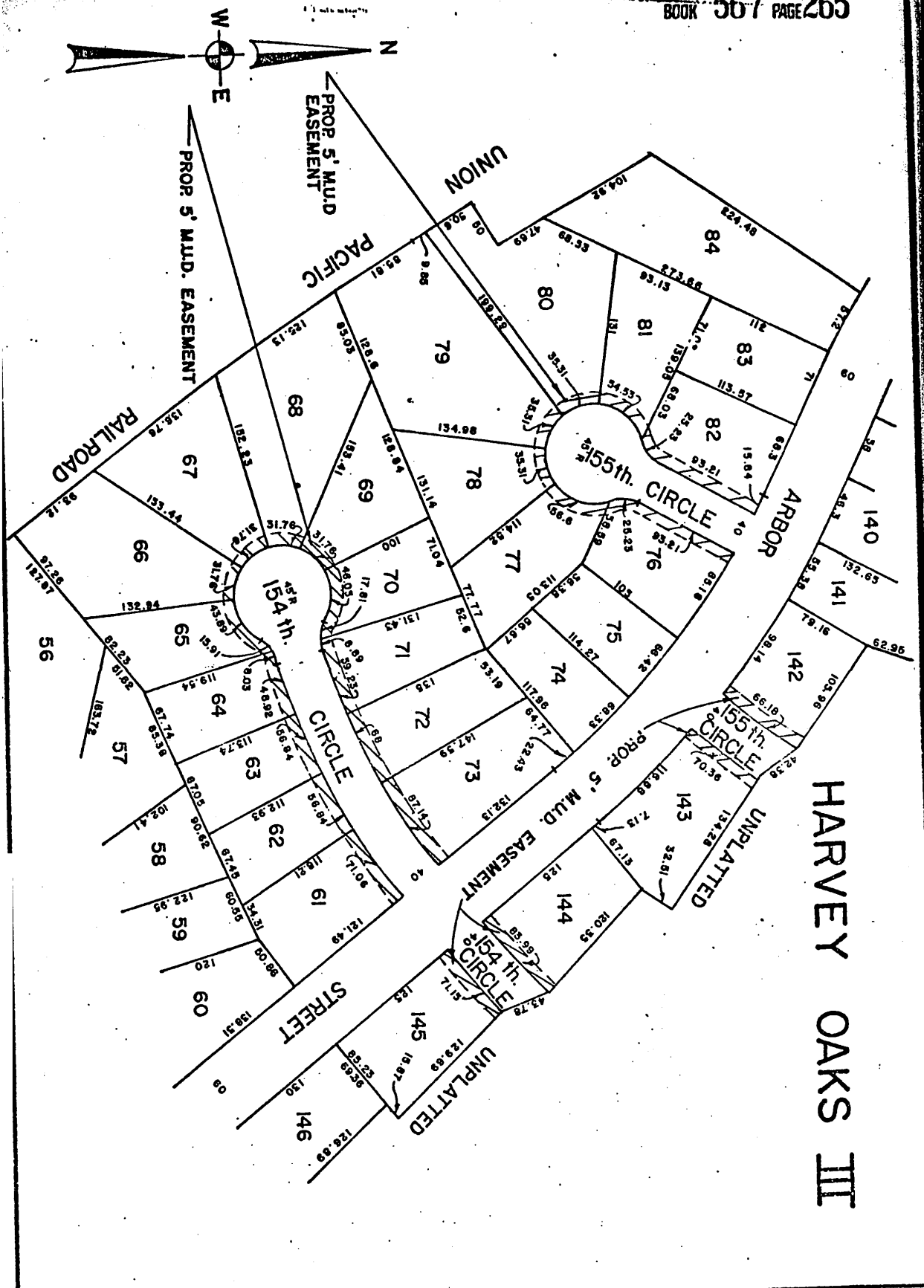


[Signature]
Notary Public



HARVEY OAKS III

METROPOLITAN UTILITIES DISTRICT OMAHA, NEBRASKA	
EASEMENT ACQUISITION FOR WCC 5220 GCC 7665	
LAND OWNER C/O/MSI JOINT VENTURE	
TOTAL ACRE 1.03	
PERMANENT EASEMENT	
LEGEND	
PAGE 1 OF 4	
DRAWN BY <u>LJS</u> DATE <u>4-30-76</u>	CHECKED BY <u>AF</u> DATE <u>5-12-76</u>
APPROVED BY <u>TPS</u> DATE <u>5-13-76</u>	REVISED BY _____ DATE _____
REV. CHK'D BY _____ DATE _____	REV. APPROV. BY _____ DATE _____



HARVEY OAKS III

METROPOLITAN UTILITIES DISTRICT
OMAHA, NEBRASKA

EASEMENT ACQUISITION
FOR WCC 5220
GCC 7655

LAND OWNER
CIC/NISL JOINT VENTURE

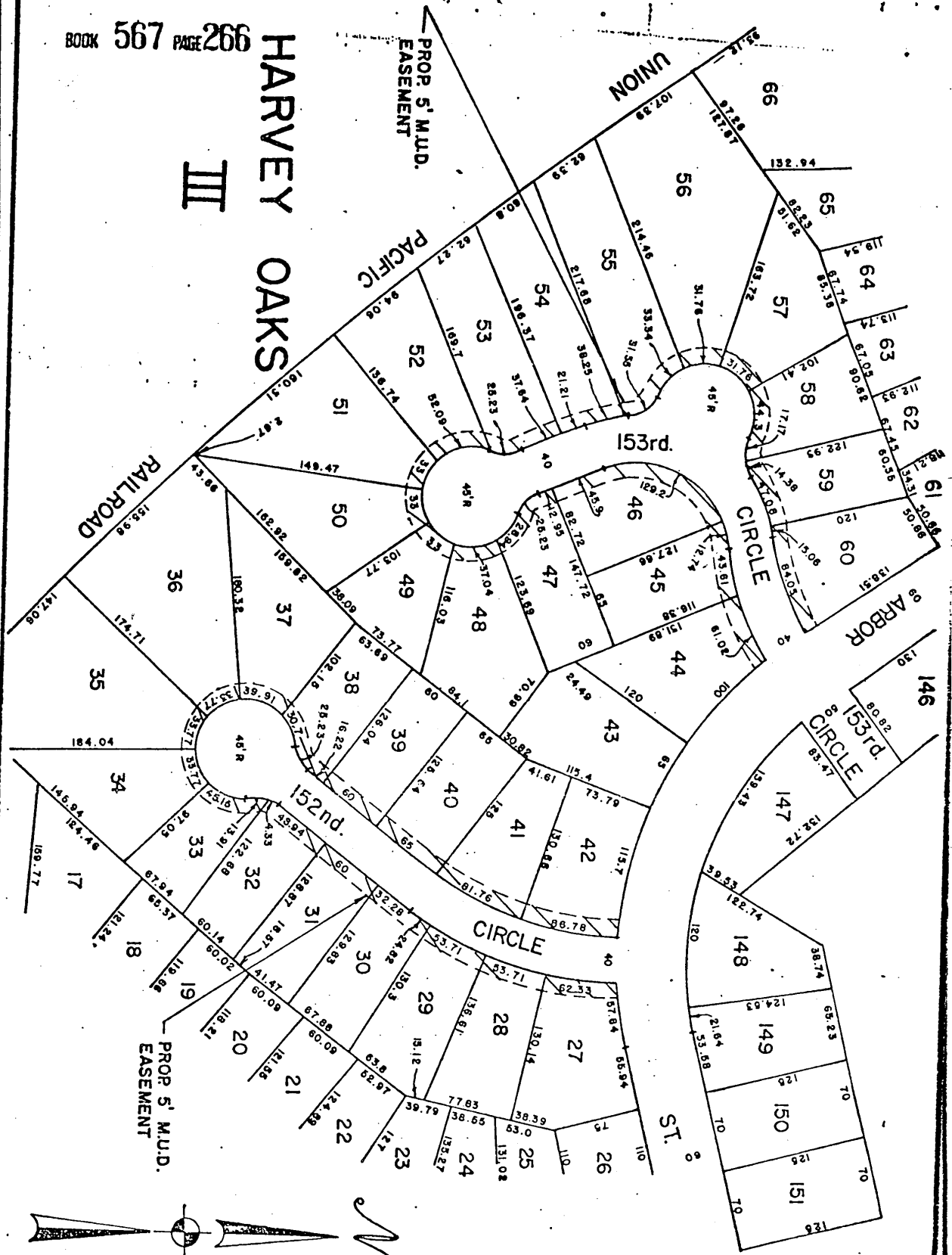
TOTAL ACRE 41.03

LEGEND
PERMANENT EASEMENT

PAGE 2 OF 4

DRAWN BY LJS DATE 5-2-76
 CHECKED BY AF DATE 5-12-76
 APPROVED BY Tps DATE 5-13-76
 REVISED BY _____ DATE _____
 REV. CHK'D BY _____ DATE _____
 REV. APPROV. BY _____ DATE _____

HARVEY OAKS III



DRAWN BY L.J.S. DATE 5-4-76
 CHECKED BY A.F. DATE 5-12-76
 APPROVED BY T.P.S. DATE 5-13-76
 REVISED BY _____ DATE _____
 REV. CHK'D BY _____ DATE _____
 REV. APPROV. BY _____ DATE _____

PAGE 3 OF 4

LAND OWNER
 CLC/NISI, JOINT
 VENTURE

LEGEND
 PERMANENT EASEMENT

METROPOLITAN
 UTILITIES
 DISTRICT
 OMAHA, NEBRASKA

EASEMENT
 ACQUISITION
 FOR WCC 5220
 GCC 7655

TOTAL ACRE 1.03

METROPOLITAN UTILITIES DISTRICT
OMAHA, NEBRASKA

EASEMENT ACQUISITION FOR WCC 5220 GCC 7565

LAND OWNER CLC/NISL JOINT VENTURE

TOTAL ACRE 10.3

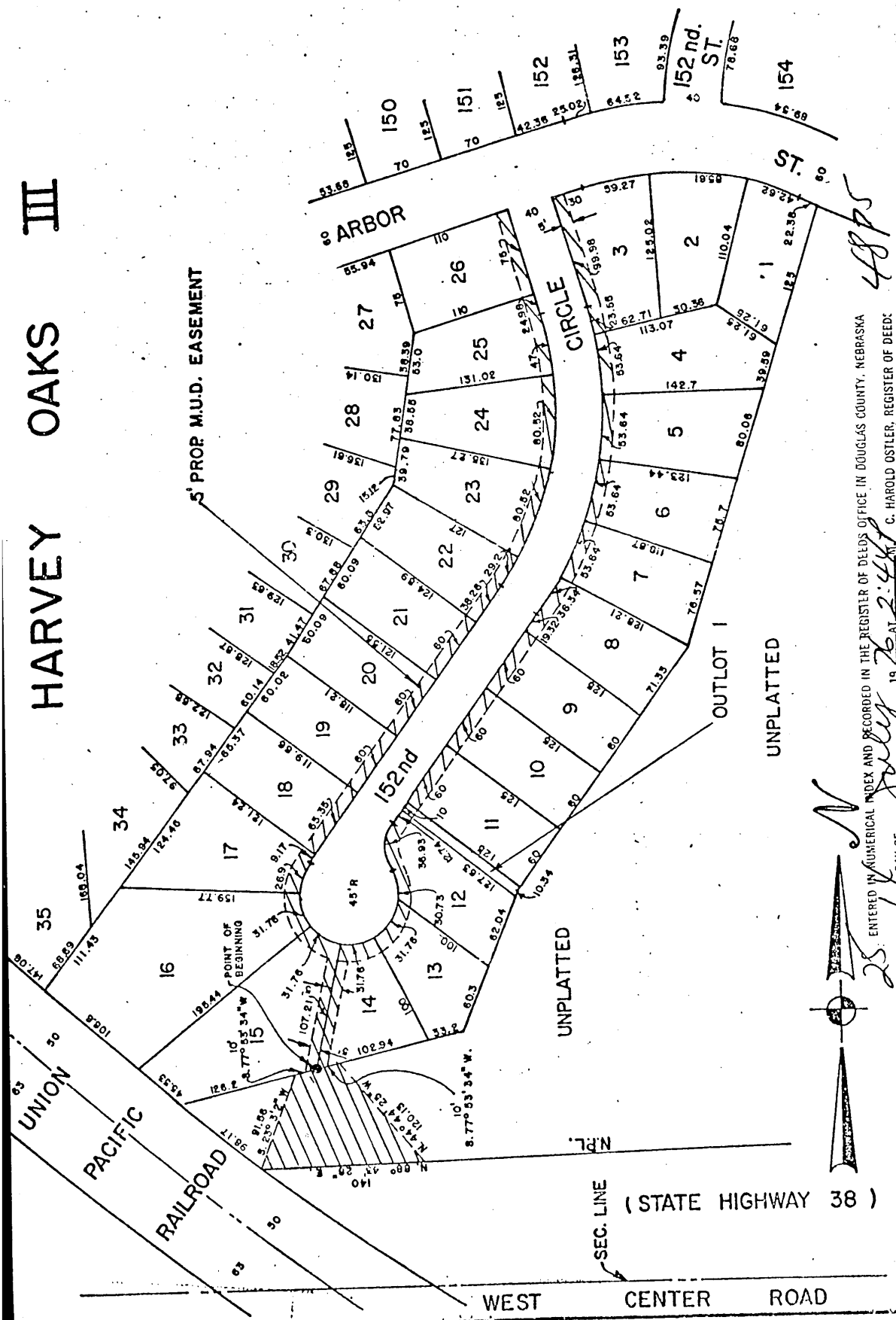
LEGEND PERMANENT EASEMENT

PAGE 4 OF 4

BOOK 567 PAGE 267

DRAWN BY L.J.S. DATE 5-5-76
 CHECKED BY A.F. DATE 5-12-76
 APPROVED BY T.P. DATE 5-13-76
 REVISED BY DATE
 REV. CHK'D BY DATE
 REV. APPROV. BY DATE

HARVEY OAKS III



4875

ENTERED IN NUMERICAL INDEX AND RECORDED IN THE REGISTER OF DEEDS OFFICE IN DOUGLAS COUNTY, NEBRASKA
 25 July 1976 AT 2:41 PM
 C. HAROLD OSTLER, REGISTER OF DEEDS
 DAY OF

