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GEORGE W. ...
REGISTERED ...
DOUGLAS COUNTY, NE



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EASEMENT AND RIGHT-OF-WAY

THIS INDENTURE, made this 7th day of March, 1995, between HAWTHORNE DEVELOPMENT COMPANY, a Nebraska Corporation, 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 Two Dollars (\$2.00) 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 gas and water and all appurtenances thereto, including but not limited to hydrants, air reliefs, and manhole covers, together with the right of ingress and egress to and from the same, on, over, under and through lands described as follows:

PERMANENT EASEMENTS

Three tracts in Hawthorne, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, and described as follows:

Tract 1: The West Twenty (20.00) Feet of Outlot B. Said tract contains 0.387 of an acre, more or less, and is shown on the first drawing attached hereto and made a part hereof by this reference.

Tract 2: The West Twenty (20.00) Feet of Outlot C. Said tract contains 0.359 of an acre, more or less, and is shown on the first drawing attached hereto and made a part hereof by this reference.

Tract 3: A parcel in Lot 272, commencing at the Southwest corner of Lot 272; thence N00°01'07"W along the lot line a distance of 300 feet; thence S89°21'22"W along the lot line a distance of 10.00 feet; thence N00°01'07"W along the lot line a distance of 555.09 feet; thence N89°16'56"E along the lot line a distance of 20.00 feet; thence S00°01'07"E a distance of 855.09 feet; thence S89°21'22"W along the lot line a distance of 10.00 feet. Said tract contains 0.324 of an acre, more or less, and is shown on the second drawing attached hereto and made a part hereof by this reference.

TEMPORARY EASEMENTS

Three tracts in Hawthorne, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, and described as follows:

Tract 4: The East Twenty (20.00) Feet of the West Forty (40.00) Feet of Outlot B. Said tract contains 0.387 of an acre, more or less, and is shown on the first drawing attached hereto and made part hereof by this reference.

Tract 5: The East Twenty (20.00) Feet of the West Forty (40.00) Feet of Outlot C. Said tract contains 0.359 of an acre, more or less, and is shown on the first drawing attached hereto and made part hereof by this reference.

Tract 6: A parcel in Lot 272, commencing at the Southwest corner of Lot 272; thence N89°21'22"E along the lot line a distance of 10.00 feet to the point of beginning; thence N00°01'07"W a distance of 855.09 feet; thence N89°21'22"E along the lot line a distance of 20.00 feet; thence S00°01'07"E a distance of 855.09 feet; thence S89°21'22"W along the lot line a distance of 20.00 feet. Said tract contains 0.393 of an acre, more or less, and is shown on the second drawing attached hereto and made part hereof by this reference.

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 Grantor and its successors and assigns shall not at any time erect, construct or place on or below the surface of the permanent easement tracts any building or structure, except pavement and similar covering, and shall not permit anyone else to do so. The same prohibition shall apply to the temporary easement tracts, during their effective period, which period shall be from January 1, 1995 to sixty (60) days after construction is complete.

2. The Grantee shall restore the surface of any soil excavated for any purpose hereunder, as nearly as is reasonably possible to its original contour within a reasonable time after the work is performed.

3. Nothing herein shall be construed to waive any right of Grantor or duty and power of Grantee respecting the ownership, use, operations, extensions and connections to any pipeline constructed and maintained hereunder.

4. The Grantor is a lawful possessor of this real estate; has good, right, and lawful authority to make such conveyance; and Grantor and its executors, administrators, successors and assigns shall warrant and defend this conveyance and shall indemnify and hold harmless Grantee forever against claims of all persons asserting any right, title or interest prior to or contrary to this conveyance.


5. The person executing this instrument represents that he has authority to execute it on behalf of the corporation.

IN WITNESS WHEREOF, Grantor causes this Easement and Right-of-Way to be signed on the above date.

HAWTHORNE DEVELOPMENT COMPANY,
a Nebraska Corporation, Grantor

(Corporate Seal)

ATTEST:

By: 
David Lanoha, President

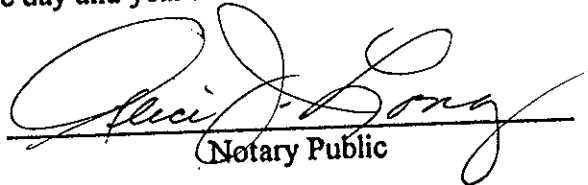
ACKNOWLEDGMENT

STATE OF NEBRASKA)
COUNTY OF Douglas) ss

This instrument was acknowledged before me on March 7, 199~~A~~⁵ by David Lanoha, President of Hawthorne Development Company, a Nebraska Corporation, and he acknowledged the execution of this instrument to be his voluntary act and deed as an individual and in his capacity as said President, and the voluntary act and deed of said corporation.

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




Notary Public

NO SCALE
HAWTHORNE

METROPOLITAN UTILITIES DISTRICT
OMAHA, NEBRASKA

EASEMENT ACQUISITION

FOR
W.C.P. 7956

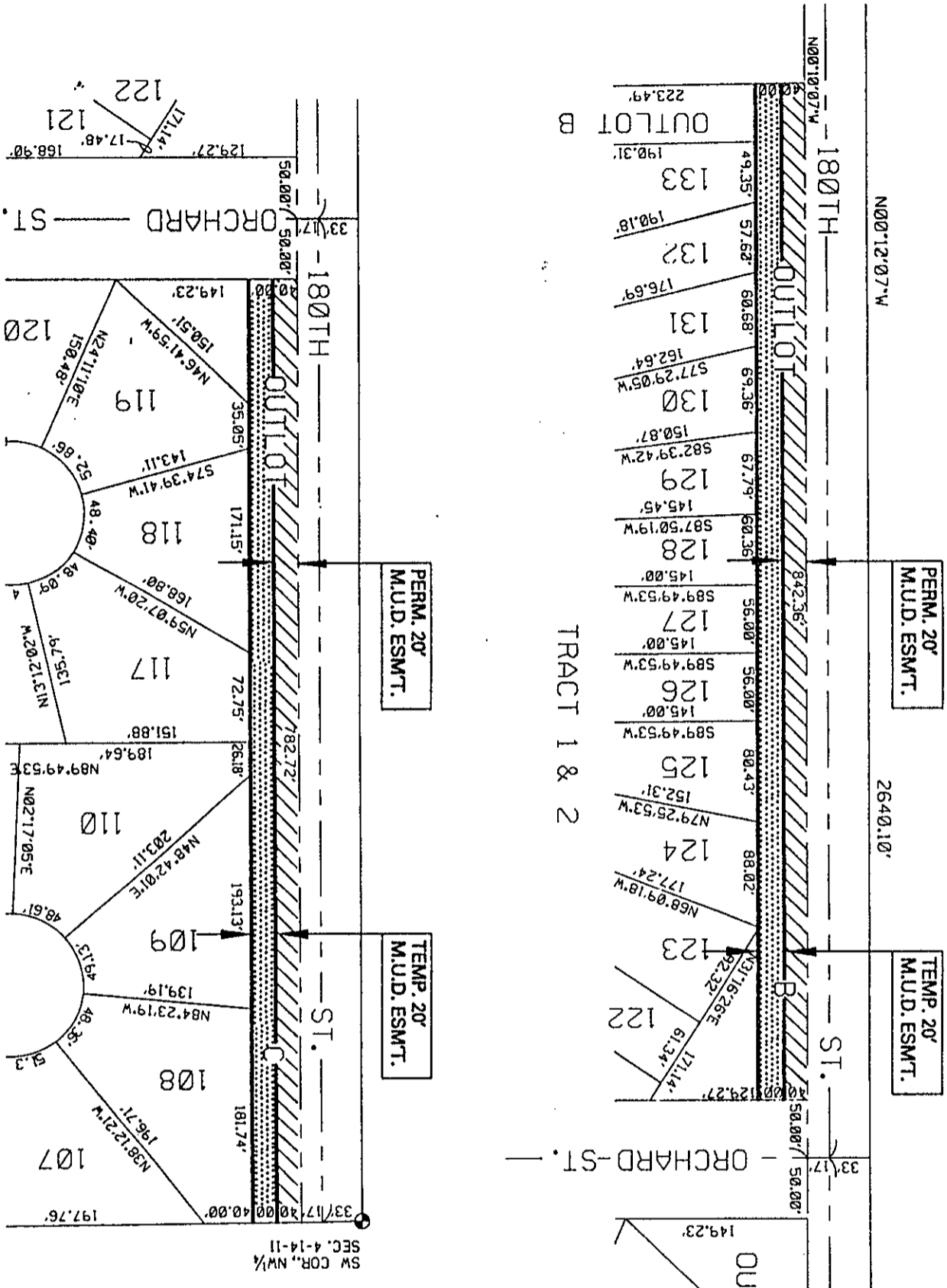
LAND OWNER
HAWTHORNE DEVELOPMENT CO.
DAVE LANOHA

TOTAL ACRE 0.746 ±
PERMANENT 0.746 ±
TOTAL ACRE 0.746 ±
TEMPORARY 0.746 ±

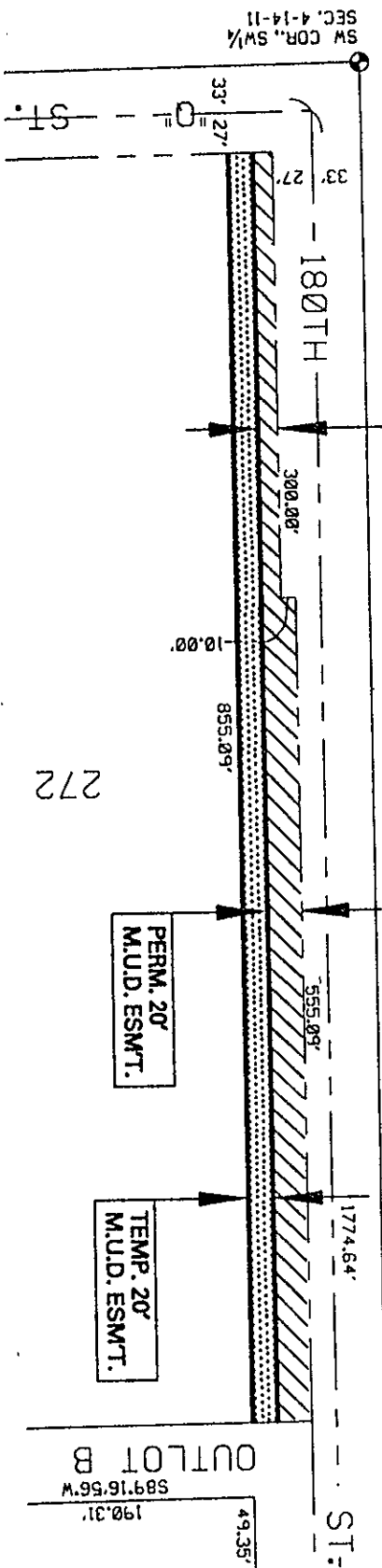
LEGEND
PERMANENT EASEMENT
TEMPORARY EASEMENT

PAGE 1 OF 2

DRAWN BY S.R.W.
DATE 08-17-04
CHECKED BY
DATE 11-7-04
APPROVED BY
DATE 11-8-04
REVISED BY
DATE
REV. CHK'D. BY
DATE
REV. APPROV. BY
DATE



NO SCALE
HAWTHORNE



TRACT 5 & 6

OUTLET B
589'16.56"
190.31'
49.35'

METROPOLITAN

**UTILITIES
DISTRICT**
OMAHA, NEBRASKA

**EASEMENT
ACQUISITION**

FOR
W.C.P. 7956

LAND OWNER

HAWTHORNE DEVELOPMENT CO.

DAVE LANOHA

TOTAL ACRE
PERMANENT 0.324 ±

TOTAL ACRE
TEMPORARY 0.393 ±

LEGEND

PERMANENT EASEMENT
TEMPORARY EASEMENT

PAGE 2 OF 2

DRAWN BY _____ S.R.W.
DATE 08-17-94
CHECKED BY *[Signature]*
DATE 11-1-94
APPROVED BY *[Signature]* 655
DATE 11-8-94
REVISED BY _____
DATE _____
REV. CHK'D. BY _____
DATE _____
REV. APPROV. BY _____
DATE _____