



RECEIVED

AUG 18 1 05 PM '95

GEORGE J. BOLLINGER  
REGISTERED  
DOUGLAS COUNTY

EASEMENT AND RIGHT-OF-WAY

THIS INDENTURE, made this 28<sup>th</sup> day of July, 1995, between HAWTHORNE DEVELOPMENT COMPANY, a Nebraska Corporation, DAVID F. LANOHA, PATRICIA SORENSEN, BRUCE KALCHIK, KEVIN IRISH, and HERB FREEMAN, Trustees of Sanitary and Improvement District No. 393 of Douglas County, Nebraska, hereinafter referred to as "Grantors", and METROPOLITAN UTILITIES DISTRICT OF OMAHA, a Municipal Corporation, hereinafter referred to as "Grantee",

WITNESSETH:

That Grantors, 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.

Pls return to -  
R. OWENS  
MUD  
1723 HARNEY ST  
OMAHA 68102

8867

H

27-265  
27A-213  
M1-15922

FEE	36.50 R	FB
DEL	C/O	COMP
LEGAL PG	SD/W	FV

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 Grantors and their 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 Grantors or duty and power of Grantee respecting the ownership, use, operations, extensions and connections to any pipeline constructed and maintained hereunder.

4. The Grantors are lawful possessors of this real estate; have good, right, and lawful authority to make such conveyance; and Grantors and their 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 for the Hawthorne Development Company represents that he has authority to execute it on behalf of said corporation. The persons executing this instrument for District No. 393 represent they have the authority to execute same on behalf of said District.

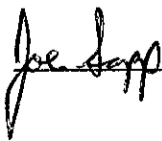
IN WITNESS WHEREOF, Grantors cause this Easement and Right-of-Way to be signed on the above date.

HAWTHORNE DEVELOPMENT COMPANY,  
a Nebraska Corporation, Grantor

(Corporate Seal)

ATTEST:

By:   
David Lanoha, President

  
\_\_\_\_\_



ACKNOWLEDGMENT

STATE OF NEBRASKA )  
 ) ss  
COUNTY OF Douglas )

This instrument was acknowledged before me on July 28, 1995, by Patricia Sorensen, Trustee of Sanitary and Improvement District No. 393 of Douglas County, Nebraska, and she acknowledged the execution of this instrument to be her voluntary act and deed as an individual and in her capacity as said Trustee of said District No. 393.

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



Patricia A. Sorensen  
Notary Public

ACKNOWLEDGMENT

STATE OF NEBRASKA )  
 ) ss  
COUNTY OF Douglas )

This instrument was acknowledged before me on July 28, 1995, by Bruce Kalchik, Trustee of Sanitary and Improvement District No. 393 of Douglas County, Nebraska, and he acknowledged the execution of this instrument to be his voluntary act and deed as an individual and in his capacity as said Trustee of said District No. 393.

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



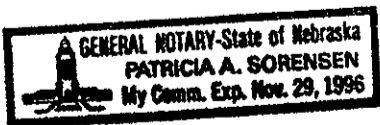
Patricia A. Sorensen  
Notary Public

ACKNOWLEDGMENT

STATE OF NEBRASKA )  
 ) ss  
COUNTY OF Douglas )

This instrument was acknowledged before me on July 28, 1995, by Kevin Irish, Trustee of Sanitary and Improvement District No. 393 of Douglas County, Nebraska, and he acknowledged the execution of this instrument to be his voluntary act and deed as an individual and in his capacity as said Trustee of said District No. 393.

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



Patricia A. Sorensen  
Notary Public

NOTARIAL SEAL AFFIXED  
REGISTER OF DEEDS





NO SCALE  
HAWTHORNE

**METROPOLITAN UTILITIES DISTRICT**  
OMAHA, NEBRASKA

**EASEMENT ACQUISITION**  
FOR  
**W.C.P. 7956**

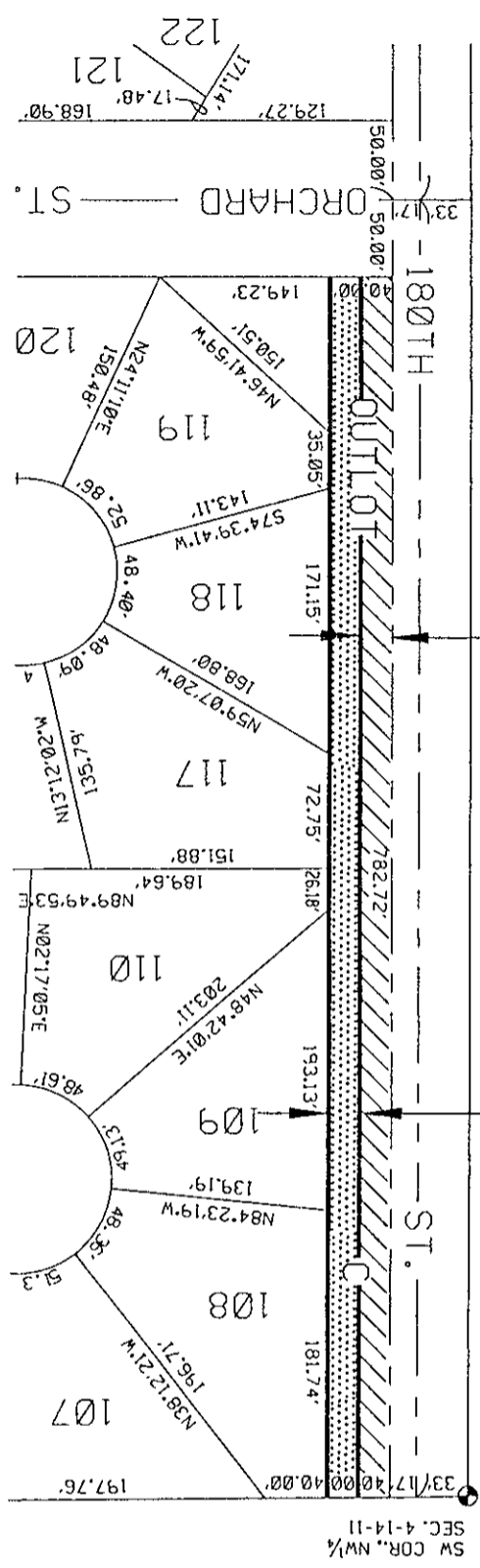
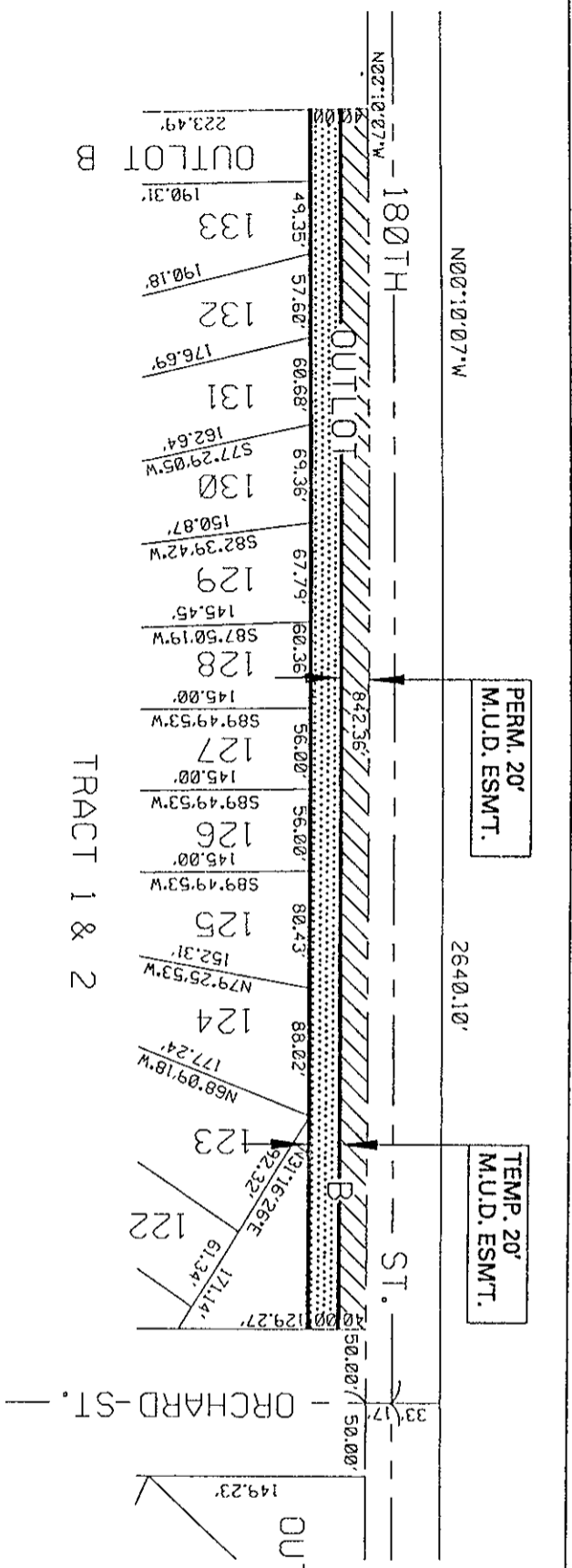
LAND OWNER  
**HAWTHORNE DEVELOPMENT CO.**  
DAVE LANDOHA

TOTAL ACRE  
PERMANENT 0.746 ±  
TOTAL ACRE  
TEMPORARY 0.746 ±

LEGEND  
PERMANENT EASEMENT  
TEMPORARY EASEMENT

PAGE 1 OF 2

DRAWN BY S.R.W.  
DATE 08-17-94  
CHECKED BY [Signature]  
DATE 11-7-94  
APPROVED BY E.S.S.  
DATE 11-8-94  
REVISED BY \_\_\_\_\_  
DATE \_\_\_\_\_  
REV. CHK'D. BY \_\_\_\_\_  
DATE \_\_\_\_\_  
REV. APPROV. BY \_\_\_\_\_  
DATE \_\_\_\_\_



NO SCALE  
HAWTHORNE

METROPOLITAN  
UTILITIES  
DISTRICT  
OMAHA, NEBRASKA

EASEMENT  
ACQUISITION  
FOR  
W.C.P. 7956

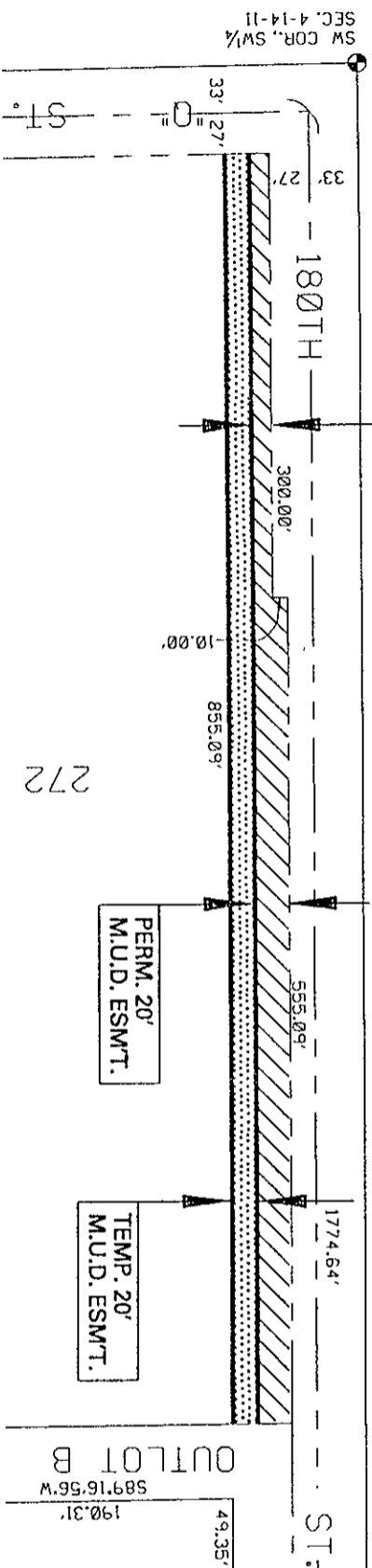
LAND OWNER  
HAWTHORNE DEVELOPMENT CO.  
DAVE LANOHA

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 *Spw*  
DATE 11-7-94  
APPROVED BY *CS5*  
DATE 11-8-94  
REVISED BY \_\_\_\_\_  
DATE \_\_\_\_\_  
REV. CHK'D. BY \_\_\_\_\_  
DATE \_\_\_\_\_  
REV. APPROV. BY \_\_\_\_\_  
DATE \_\_\_\_\_



TRACT 5 & 6  
272