

37-415

EASEMENT

THIS INDENTURE, made this 18th day of July, 1966, between Gladys Marie Fornoff and Walter E. Fornoff, 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 Three Hundred Seventy Five and 85/100 Dollars (\$375.85), 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:

Beginning at a point on the south line of the N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 8, Township 13 North, Range 13 East of the 6th P.M., in Sarpy County, Nebraska; said point being on the west right of way line of 36th Street and 33.0 feet west of the southeast corner of the N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of said section; thence west along the south line of the N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of said section a distance of 44.0 feet; thence north along a line 77.0 feet west of and parallel to the east line of said section a distance of 268.50 feet; thence northeasterly at an interior angle of 177°43' a distance of 350 feet to a point 618.30 feet north of the south line of the N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of said section and 63.0 feet west of the east line of said section; thence north along a line 63.0 feet west of and parallel to the east line of said section a distance of 619.06 feet; thence northeasterly at an interior angle of 45°00' a distance of 42.43' to a point on the west right of way line of 36th Street; thence south along the west right of way line of 36th Street a distance of 1,267.36 feet to the point of beginning, containing 1.01 acres more or less, all as shown on 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 tract or strip of land immediately west of and adjacent to the above described easement and being generally 1,267.36 feet in length and 20.0 feet in width 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,

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AND RECORDED IN BOOK 17 OF REG. PAGE 415
P. J. ... REGISTER OF DEEDS

1834

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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.

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 (3½) 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 easement the day and year first above written.

Gladys Marie Fornoff
Walter E. Fornoff
Grantors

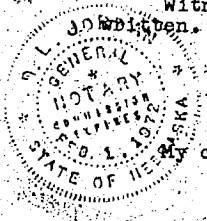
METROPOLITAN UTILITIES DISTRICT
OF OMAHA, Grantee

By R. H. [Signature]
General Manager

STATE OF NEBRASKA }
COUNTY OF Sully } ss.

On this 10th day of July, 1966, before me, the undersigned, a Notary Public duly commissioned and qualified for said county, personally came Gladys Marie Fornoff and Walter E. Fornoff, to me personally known to be wife and husband and 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.



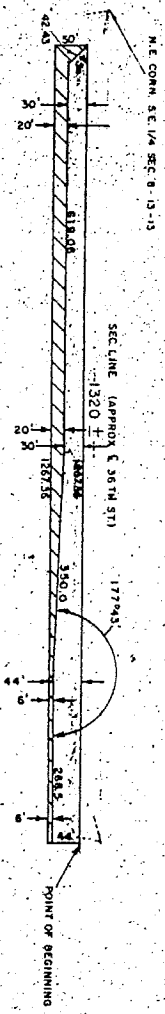
P. L. Jordan
Notary Public

My commission expires the 1st day of February, 1972.

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SCALE: 1" = 100'

SEC. 9-13-13



N.E. 1/4 SEC. 8-13-13

N. 1/2 SE. 1/4 SEC. 8-13-13

1/4 SEC. LINE
2640 ±

1/16 SEC. LINE
2640 ±

METROPOLITAN
UTILITIES
DISTRICT
OMAHA, NEBRASKA

EASEMENT
ACQUISITION
FOR 50" WATER MAIN
JOB NO. W.C. 3401

TRACT NO. I
LAND OWNED BY GLADYS
MARIE FORNOFF
LINEAL FEET 124028
AREA - PERM. 43,778.4 SQ. FT.
TEMP. 19,589.6 SQ. FT.
ACRE, PERM. 1.01
TEMP. 0.45

LEGEND
PERMANENT EASEMENT
TEMPORARY EASEMENT

LENGTH IN RODS 75.17

DRAWN BY D.O.B. DATE 4-12-65
CHECKED BY DATE
APPROVED BY DATE
REVISED BY DATE
REV. CMD. BY DATE