

EASEMENT AND RIGHT-OF-WAY

THIS INDENTURE, made this 5<sup>th</sup> day of May, 1993, between PACESETTER HOMES, INC., 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, together with the right of ingress and egress to and from the same, on, over, under and through lands described as follows:

PERMANENT EASEMENT

A tract in the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of Section Four (4), Township Fourteen (14) North, Range Eleven (11) East of the 6th P.M., in Douglas County, Nebraska, and described as follows:

Commencing at the Northwest corner of Lot 297 in Lakeshore, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, at the point of beginning; thence Northwesterly on the South line of Orchard Avenue to the point of intersection of the South line of Orchard Avenue and the West line of Karen Street; thence Southwesterly a distance of 5.00 feet on a line perpendicular to the South line of Orchard Avenue; thence Southeasterly on a line parallel to the South line of Orchard Avenue to a point of intersection with the Northwest property line of said Lot 297; thence Northeasterly a distance of 5.00 feet on the Northwest property line of said Lot 297 to the point of beginning.

Said tract contains .0039 of an acre, more or less, and is shown on the drawing attached hereto and made a 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 agrees that neither it nor its successors or assigns will at any time erect, construct or place on or below the surface of said easement tract any building or structure, except pavement and other similar covering, and it will not give anyone else permission to do so.

2. The 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.

Please return to:

R. OWENS

M.U.D.

1723 HARNEY STREET

OMAHA, NE 68102

CASH 12981 BK 1073

TYPE MAN PG 653-655

FEE 15.50 OF MAN

LEGL PG MC FV FB

R 4-14-11

C/O COMP

SCAN 1

MC FB

RECEIVED

MAY 21 1 31 PM '93

GEORGE J. BROWN, JR.  
REGISTERED CLERK  
DOUGLAS COUNTY, NE

Now lot 329

3. Nothing herein contained shall be construed as a waiver of any rights of the Grantor, or duties and powers of the Grantee, respecting the ownership, use, operations, extensions and connections to any pipeline constructed and maintained hereunder.

4. It is further agreed the Grantor has lawful possession of said real estate, good right and lawful authority to make such conveyance and it and its executors, administrators, successors and assigns shall warrant and defend the same and will indemnify and hold harmless the Grantee forever against the claims of all persons whomsoever in any way asserting any right, title or interest prior to or contrary to this conveyance.

5. The person executing this instrument represents he has the requisite authority to execute same and make this conveyance on behalf of said Corporation.

IN WITNESS WHEREOF, the Grantor has caused this Easement and Right-of-Way to be signed and executed on the day and year first above written.

**PACESETTER HOMES, INC.,**  
a Nebraska Corporation,  
Grantor

(Corporate Seal)

**ATTEST:**

IMPRINTED CORPORATE SEAL  
REGISTER OF DEEDS

By: [Signature]  
Title: Asst. Dir.

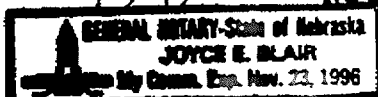
## ACKNOWLEDGMENT

STATE OF NEBRASKA )  
 ) ss  
COUNTY OF DOUGLAS )

On this 5 day of May, 1993, before me, the undersigned, a Notary Public in and for said State of Nebraska, personally came Ralph J. Heavrin, President of PACESETTER HOMES, INC., a Nebraska Corporation, to me known to be the identical person whose name is affixed to the foregoing instrument, and he/she acknowledged the execution of this instrument to be his/her voluntary act and deed as an individual and as such officer and the voluntary act and deed of said Corporation.

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

James E. Blair  
Notary Public



My Commission expires: