



BK 0850 PG 743



MISC 1988 08947

THIS PAGE INCLUDED FOR
INDEXING
PAGE DOWN FOR BALANCE OF INSTRUMENT

EASEMENT AND RIGHT-OF-WAY

THIS INDENTURE, made this 25th day of April, 1988, 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, including but not limited to one (1) aboveground fire hydrant, 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 Lake Shore, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska, more particularly described as follows:

The westerly five (5) feet of Lots 193, 174, 173, 154 and 153, as the same abut the East right-of-way line of 170th Street.

and

A tract in the Southeast Quarter (SE 1/4) and in the Northeast Quarter (NE 1/4), both of Section 4, Township 14 North, Range 11 East of the 6th P.M., in Douglas County, Nebraska, more particularly described as follows:

The adjoining five (5) feet East of the East right-of-way line of 170th Street between the North property line of Lot 52, Lake Shore, to the South property line of Lot 153, Lake Shore.

Said parcel of land contains 0.14, acres more or less, and is shown on the attached plat, incorporated herein 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 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.

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.

RECEIVED
1988 JUN -3 AM 9:28
GEORGE J. BUCLEWICZ
REGISTER OF DEEDS
DOUGLAS COUNTY, NEBR.

8447
BK 850 N 92-264-10 FEE 18.00
PG 743-745 N DEL UK MC WC

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:

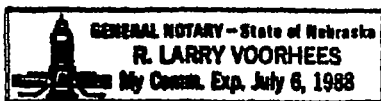
By *Ralph Heavrin*
Ralph Heavrin, President

ACKNOWLEDGMENT

STATE OF NEBRASKA)
) ss
COUNTY OF DOUGLAS)

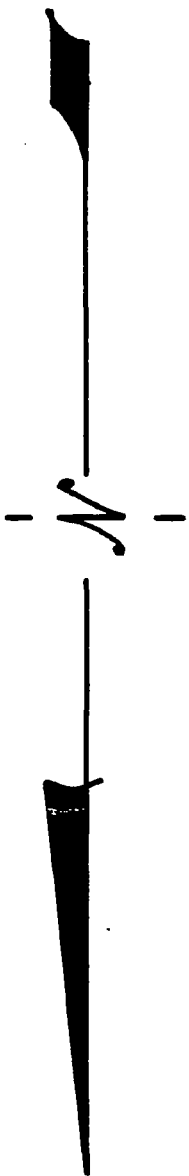
On this 25 day of April, 1988, before me, the undersigned, a Notary Public in and for said State of Nebraska, personally came Ralph Heavrin, President of PACESETTER HOMES, INC., a Nebraska Corporation, to me known to be the identical person whose name is affixed to the foregoing instrument, and he acknowledged the execution of this instrument to be his 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.

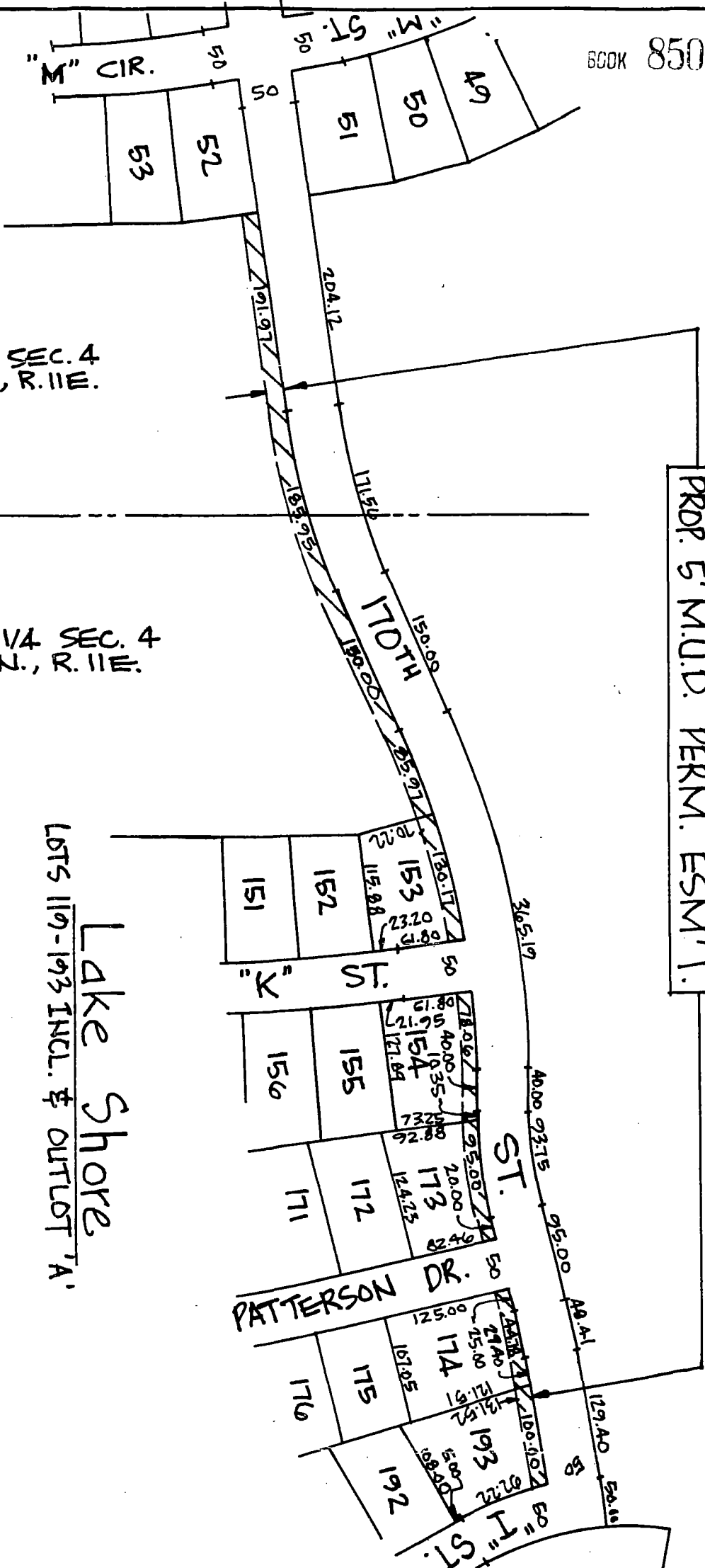


R. Larry Voorhees
Notary Public

My Commission expires: 7/6/88.



PROP. 5' M.U.D. PERM. ESM'T.



DRAWN BY C.G. DATE 2-10-88
CHECKED BY W.W.P. DATE 2-16-88
APPROVED BY E.S.S. DATE 2-18-88
REVISED BY _____ DATE _____
REV. CHK'D BY _____ DATE _____
REV. APPROV. BY _____ DATE _____

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LEGEND
PERMANENT EASEMENT

TOTAL ACRE 0.14+

LAND OWNER _____
PROSPECTOR HOMES, INC.

EASEMENT
ACQUISITION
FOR W.C.C. 6848-2.

METROPOLITAN
UTILITIES
DISTRICT
OMAHA, NEBRASKA