



BK 0852 PG 141



MISC 1988 09669

THIS PAGE INCLUDED FOR

INDEXING

PAGE DOWN FOR BALANCE OF INSTRUMENT

EASEMENT AND RIGHT-OF-WAY

THIS INDENTURE, made this 31st day of MAY, 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, together with the right of ingress and egress to and from the same, on, over, under and through lands described as follows:

PERMANENT EASEMENTLAKE SHORE

Several tracts in Lake Shore, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska. Said tracts are more particularly described as follows:

The Southerly Five (5) feet of Lots One (1) through Ten (10), inclusive, and of Lot Thirty-eight (38), said footage abutting Orchard Avenue.

Said tracts contain a total of approximately 0.203 of an acre and are shown on the drawing attached hereto and made a part hereof by this reference.

SE 1/4, SEC. 4-14-11

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

A 5-foot wide easement located in the Southeast Quarter of Section 4, T 14 N, R 11 E of the 6th P.M., Douglas County, Nebraska, located 5 feet Southerly of the following described line: commencing at the Northeast corner of said SE 1/4; thence S 00° 00' 29" E (assumed bearing) 1342.00 feet along the East line of said SE 1/4; thence S 89° 59' 31" W 580.00 feet; thence N 00° 00' 29" W 10 feet to the point of beginning. Thence S 89° 59' 31" W 110.25 feet to a point of curve; thence Northwesterly on a 690.00 foot radius curve to the right, chord bearing N 73° 10' 11" W, chord distance of 399.75 feet, an arc distance of 405.56 feet to a point of tangency; thence N 56° 19' 53" W 412.22 feet to point of termination.

Said tract contains 0.106 of an acre, more or less, and is shown on the drawing attached hereto and made a part hereof.

RECEIVED
1988 JUN 16 AM 9:18
GEORGE J. HOFFMEIER
REGISTER OF DEEDS
DOUGLAS COUNTY, NEBR.

9669 MISC
BK 852 N 92-41-11
Pg 14-143
OF 14-143
FIB 01-10000
7/1-24550
FEE 21.00
4-14-11
4-14-11
FEB 21.00
MC 41c

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.

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.

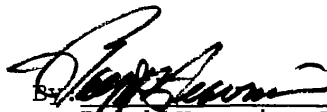
5. The person executing this instrument represents he has the requisite authority to execute same and make this conveyance on behalf of said Corporation.

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.

(Corporate Seal)

PACESETTER HOMES, INC.,
a Nebraska Corporation,
Grantor

ATTEST:

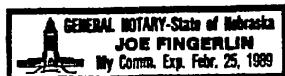

By Ralph Heavrin, President

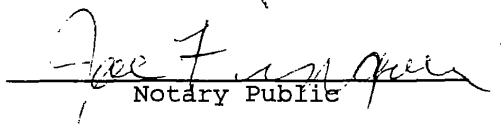
ACKNOWLEDGMENT

STATE OF NEBRASKA)
) ss
COUNTY OF DOUGLAS)

On this 31st day of July, 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.




Notary Public

My Commission expires: _____.

METROPOLITAN UTILITIES DISTRICT	OMAHA, NEBRASKA
EASEMENT ACQUISITION	FOR V.C.C. 0166-2
	S.R.M. 9353
LAND OWNER	PAESETER HOMES
	1042 DODZ SOUTH
	131ST AVENUE
	OMAHA, NE 68112
TOTAL ACRE PERMANENT	0.203±
LEGEND	PERMANENT EASEMENT
PAGE 1	OF 1

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DRAWN BY C.G. DATE 11-23-87

CHECKED BY W.W.P. DATE 11-24-87

APPROVED BY J.W.A. DATE 11/24/87

REVISED BY DATE

REV. CHK'D BY DATE

REV. APPROV. BY DATE

