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7 feet
lot 263T

EASEMENT AND RIGHT-OF-WAY

THIS INDENTURE, made this 15th day of November, 1989, 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 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 Southeast Quarter (SE $\frac{1}{4}$) of Section Four (4), Township Fourteen (14) North, Range Eleven (11) East of the 6th P.M., Douglas County, Nebraska, described as follows:

Beginning at the Northwest corner of Lot 178 of Autumn Ridge, a subdivision to be surveyed, platted and recorded in Douglas County, Nebraska; thence North $33^{\circ} 40' 07''$ East for 50 feet along the southeasterly right-of-way line of 172nd Street to the true point of beginning; thence South $56^{\circ} 19' 53''$ East for 5 feet; thence North $33^{\circ} 40' 07''$ East for 70 feet; thence South $56^{\circ} 19' 53''$ East 110 feet to a point on a line extended from the northwesterly right-of-way line of Lake Shore, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska; thence North $33^{\circ} 40' 07''$ East for 15 feet to a point on the southwesterly right-of-way line of Orchard Avenue 5 feet northeasterly of the southwesterly right-of-way line of Orchard Avenue; thence North $56^{\circ} 19' 53''$ West for 125 feet; thence South $33^{\circ} 40' 07''$ West for 85 feet to a point on the northeasterly right-of-way line of 172nd Street in said Autumn Ridge; thence South $56^{\circ} 19' 53''$ East along the northerly right-of-way line of 172nd Street for 10 feet to the true point of beginning.

RECEIVED

Nov 30 10 11 AM '89

GEORGE A. BOULENGER
REGISTER OF DEEDS
DOUGLAS COUNTY, NE

Said tract, which contains 0.0671 of an acre, more or less, 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 they will not give anyone else permission to do so.

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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 lawful 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 that he has the requisite authority to execute same and make this conveyance on behalf of the Grantor.

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)

PACSETER HOMES, INC.,
a Nebraska Corporation,
Grantor

ATTEST:

Titel: *24*

ACKNOWLEDGMENT

STATE OF NEBRASKA)
) ss
COUNTY OF DOUGLAS)

On this 15 day of November, 1989, 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 acknowledged the execution of this instrument to be his voluntary act and deed as an individual and as said 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:

DRAWN BY
CHECKED BY
APPROVED BY
REVISED BY
REV. CHK'D
REV. APPR'D

