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MISC 2000 12283

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Date

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By

RICHARD N TAKECHI  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NE

00 SEP 13 PM 2:41

RECEIVED

PERMANENT  
AND  
TEMPORARY  
EASEMENTS AND RIGHTS-OF-WAY

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FEE 20.50 FB 01-60000  
BKR 23-16-11 C/O COMP  
DEL SCAN dc FV

THIS INDENTURE, made this 11<sup>th</sup> day of September, 2000, between PAUL M. BROWN, TRUSTEE OF THE FRANCES LYNNE UDES SCOTT IRREVOCABLE TRUST NO. 3 FOR THE BENEFIT OF THE FRANCES LYNNE UDES SCOTT FAMILY, AND PAUL M. BROWN, TRUSTEE OF THE BARBARA UDES SHAW IRREVOCABLE TRUST NO. 3 FOR THE BENEFIT OF THE BARBARA UDES SHAW FAMILY and BENNINGTON COMPANY, a Nebraska Corporation ("Grantors") and METROPOLITAN UTILITIES DISTRICT OF OMAHA, a Municipal Corporation, ("Grantee");

WITNESS:

That Grantors, in consideration of the sum of Two Dollars (\$2.00) and other valuable consideration, receipt of which is hereby acknowledged, do hereby grant to Metropolitan Utilities District of Omaha, its successors and assigns, a permanent easement and right-of-way to lay, maintain, operate, repair, relay and remove, at any time, pipelines for the transportation of water and all appurtenances thereto, including but not limited to, valve boxes and fire hydrants, and a temporary easement for construction purposes, together with the right of ingress and egress on, over, under and through lands described as follows:

PERMANENT EASEMENT

Tracts of land in the SW ¼ of Section 23, Township 16 North, Range 11 East of the 6<sup>th</sup> P.M. in Douglas County, Nebraska and described as follows:

The easterly 10 feet of the westerly 55 feet of the SW ¼ of the SW ¼ of Section 23, Township 16, Range 11.

The easterly 10 feet of the westerly 55 feet of the southerly 1040 feet of the NW ¼ of the SW ¼ of Section 23, Township 16, Range 11.

This permanent easement contains 0.54 of an acre, more or less, and is shown on the drawing attached hereto and made a part hereof by this reference.

TEMPORARY EASEMENT

Tracts of land in the SW ¼ of Section 23, Township 16 North, Range 11 East of the 6<sup>th</sup> P.M. in Douglas County, Nebraska and described as follows:

The easterly 50 feet of the westerly 105 feet of the southerly 1040 feet of the NW ¼ of the SW ¼ of Section 23, Township 16, Range 11.

This temporary easement contains 2.71 acres, 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 Permanent and Temporary Easements and Rights-of-Way to Grantee, Metropolitan Utilities District of Omaha, its successors and assigns.

1. The Grantors and their successors and assigns shall not at any time erect, construct or place on or below the surface of the permanent easement tract any building or structure, except pavement and similar covering, and shall not permit anyone else to do so, and, with respect to the temporary easement tract, the same prohibitions apply during the effective period of that temporary conveyance, which effective period shall commence upon the date of execution hereof and extend for twelve months.

2. The Grantee shall restore the surface of any soil excavated for any purpose hereunder, as nearly as is reasonably possible to its original contour within a reasonable time after the work is performed.


3. Nothing herein shall be construed to waive any right of Grantors or duty and power of Grantee respecting the ownership, use, operations, extensions and connections to any pipeline constructed and maintained hereunder.

4. The Grantors are lawful possessors of this real estate and have good, right and lawful authority to make such conveyance. Grantors and their successors and assigns shall warrant and defend this conveyance and shall indemnify and hold harmless Grantee forever against claims of all persons asserting any right, title, or interest prior to or contrary to this conveyance.

5. The person executing this instrument represents that he has authority to execute it on behalf of the trust and the corporation.

IN WITNESS WHEREOF, Grantors execute these Permanent and Temporary Easements and Rights-of-Way to be signed on the above date.

PAUL M. BROWN, TRUSTEE OF THE  
FRANCES LYNNE UDES SCOTT  
IRREVOCABLE TRUST NO. 3 FOR THE  
BENEFIT OF THE FRANCES LYNNE UDES  
SCOTT FAMILY, Grantor

By:   
Paul M. Brown  
Trustee

PAUL M. BROWN, TRUSTEE OF THE  
BARBARA UDES SHAW IRREVOCABLE  
TRUST NO. 3 FOR THE BENEFIT OF THE  
BARBARA UDES SHAW FAMILY, Grantor

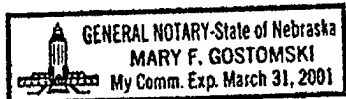
BENNINGTON COMPANY, a Nebraska Corporation, Grantor

By: Maurice M. Udes  
Maurice M. Udes  
President

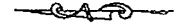
ACKNOWLEDGMENT

STATE OF NEBRASKA    )  
  ) ss  
COUNTY OF DOUGLAS    )

This instrument was acknowledged before me on September 11, 2000 by Paul M. Brown, on behalf of the trusts and by Maurice M. Udes on behalf the corporation.



Mary F. Gostomski  
Notary Public

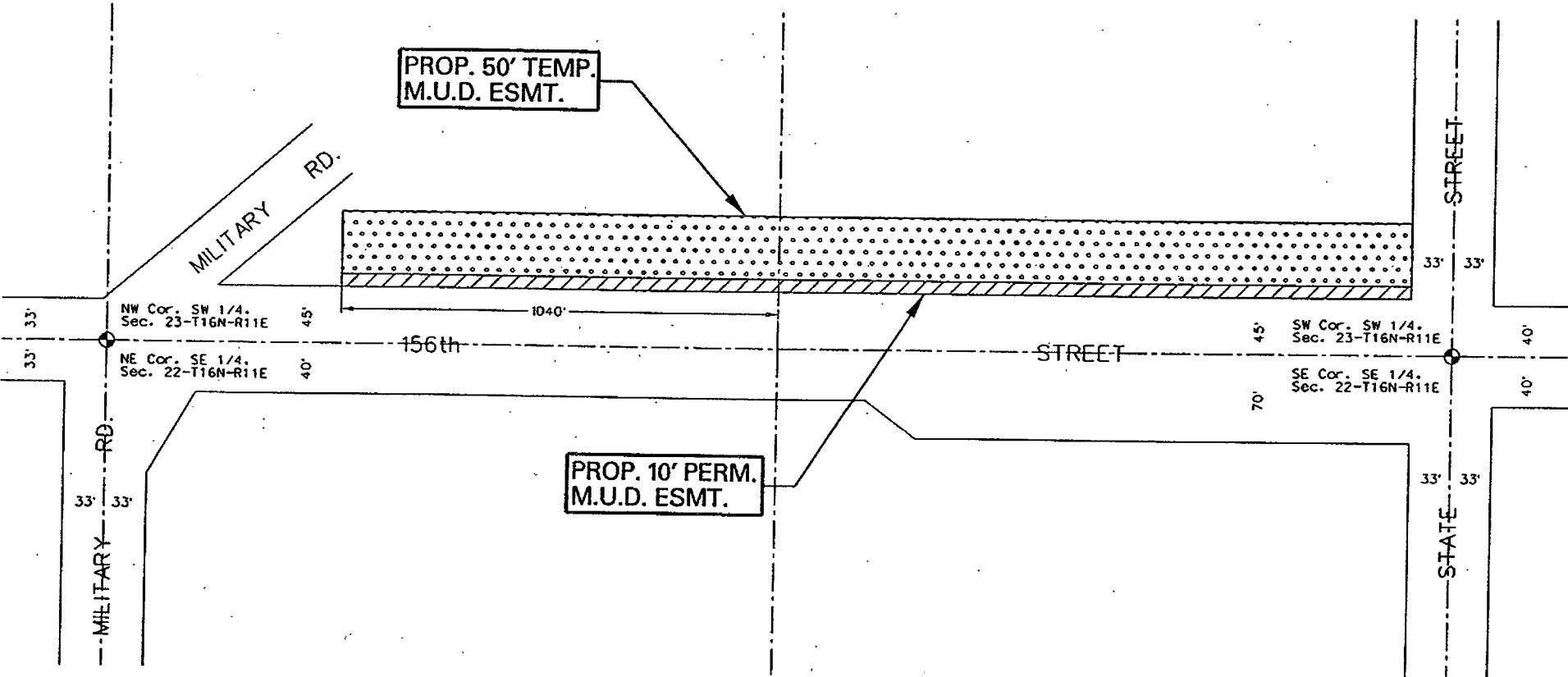


NO SCALE  
156TH & MILITARY RD.

UNPLATTED  
T16N-R11E-SEC 23

PROP. 50' TEMP.  
M.U.D. ESMT.

PROP. 10' PERM.  
M.U.D. ESMT.



UNPLATTED  
T16N-R11E-SEC 22