



MISC 2004046682



APR 13 2004 11:37 P 5

*North of + Abutting
State Street. B*

Mix 26.00 01.60000
FEE _____ FB _____
BKB *26.16.11* CO _____
DEL *23.16.11* SCAN _____

**PERMANENT
AND
TEMPORARY CONSTRUCTION
EASEMENTS AND RIGHTS-OF-WAY**

Received - RICHARD TAKECHI
Register of Deeds, Douglas County, NE

4/13/2004 11:37:42.68



2004046682

THIS INDENTURE, made this 4th day of April, 2004 between STATE STREET, L.L.C., a Nebraska Limited Liability Company, ("Grantor"), and METROPOLITAN UTILITIES DISTRICT OF OMAHA, a Municipal Corporation and Political Subdivision, ("Grantee"),

WITNESS:

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, 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, hydrants, roadway boxes, pipeline markers and 24-inch round iron rings and covers, 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 Northwest Quarter (NW ¼) of Section 26-16-11 in Douglas County, Nebraska and being described as follows:

TRACT 1

The south 42 feet of the north 75 feet of the west 354 feet of the east 1021 feet abutting the south right-of-way line of State Street and the east right-of-way line of Military Road of the NW ¼ of said Section 26.

TRACT 2

The south 57 feet of the north 90 feet of the west 550 feet of the east 667 feet abutting the south right-of-way of State Street of the NW ¼ of said Section 26.

TRACT 3

The south 42 feet of the north 75 feet of the east 117 feet of the east 1021 feet abutting the south right-of-way line of State Street of the NW ¼ of said Section 26.

These permanent easement tracts contain 1.16 acres, more or less, and are shown on the drawing attached hereto and made a part hereof by this reference.

TEMPORARY CONSTRUCTION EASEMENT

Tracts of land in the Northwest Quarter (NW ¼) of Section 26-16-11 in Douglas County, Nebraska and being described as follows:

*Return to: Suso Prazan
M.U.D. - Harney Street
1723
Omaha, NE 68102*

TRACT 4

The south 45 feet of the north 120 feet of the west 354 feet of the east 1021 feet parallel to the south right-of-way of State Street and abutting the east right-of-way of Military Road of the NW ¼ of said Section 26.

TRACT 5

The south 30 feet of the north 120 feet of the west 550 feet of the east 667 feet parallel to the south right-of-way of State Street of the NW ¼ of said Section 26.

TRACT 6

The south 45 feet of the north 120 feet of the east 117 feet of the east 1021 feet parallel to the south right-of-way of State Street of the NW ¼ of said Section 26.

These temporary construction easement tracts contain 0.82 of an acre, more or less, and are shown on the drawing attached hereto and made a part hereof by this reference.

-and-

A tract of land in the Southwest Quarter (SW ¼) of Section 23-16-11 in Douglas County, Nebraska and being described as follows:

The north 45 feet of the south 105 feet of the east 640 feet of the west 700 feet parallel to the Section line in State Street of the SW ¼ of said Section 23.

This temporary construction easement tract contains 0.35 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 Permanent and Temporary Construction Easements and Rights-of-Way to Grantee, Metropolitan Utilities District of Omaha, its successors and assigns.

1. The Grantor and its successors and assigns shall not at any time erect, construct or place on or below the surface of the permanent easement any building or structure, except pavement or a similar covering, and shall not permit anyone else to do so, and, with respect to the temporary construction easement, the same prohibitions apply during the effective period of this temporary conveyance, which effective period shall commence upon the date of execution hereof and cease after completion of the project and restoration work contemplated herein.

2. The Grantee shall restore the 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 Grantor or duty and power of Grantee respecting the ownership, use, operations, extensions and connections to any pipeline constructed and maintained hereunder.

4. The Grantor is the lawful possessor of this real estate; has good, right and lawful authority to make such conveyance; and Grantor and its 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 she has authority to execute it on behalf of the limited liability company.

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

STATE STREET, L.L.C., a Limited Liability Company,
Grantor

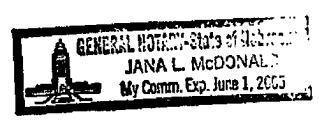
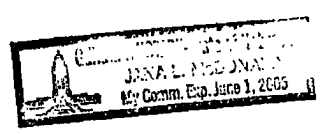
By: Barbara Udes Shaw
Barbara Udes Shaw
Manager

ACKNOWLEDGMENT

STATE OF NEBRASKA)
) ss
COUNTY OF DOUGLAS)

This instrument was acknowledged before me on April 9, 2004, 2004, by Barbara Udes Shaw, Manager of STATE STREET, L.L.C., a Nebraska limited liability company, on behalf of the limited liability company.

Jana L McDonald
Notary Public



**METROPOLITAN
UTILITIES
DISTRICT**
OMAHA, NEBRASKA

**EASEMENT
ACQUISITION**

FOR
W.C. 9319-2

LAND OWNER

STATE STREET L.L.C.
CO JOHN FULLENKAMP
10822 OLD MILL ROAD SUITE 1
OMAHA NE. 68154
402-334-9011

TOTAL ACRE
PERMANENT 1.16 ±

TOTAL ACRE
TEMPORARY 0.82 ±

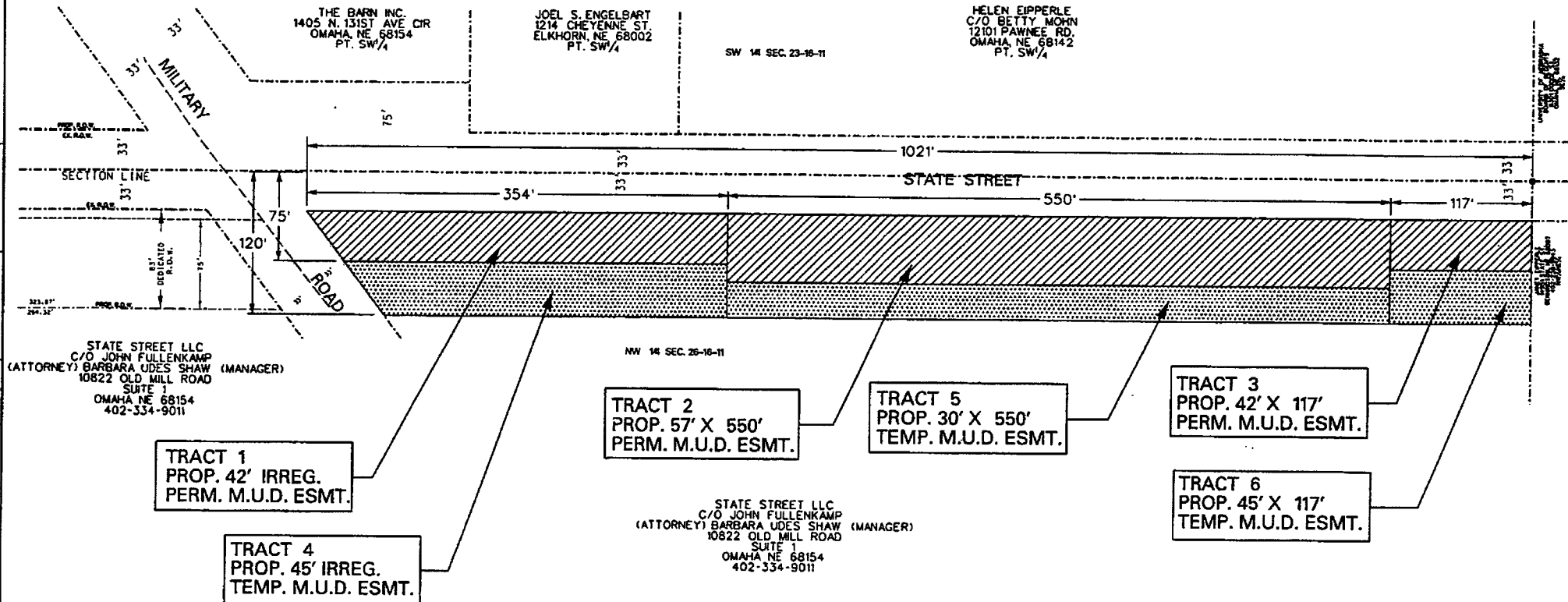
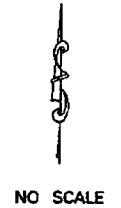
LEGEND

PERMANENT EASEMENT 

TEMPORARY EASEMENT 

PAGE 1 OF 2

DRAWN BY DAS
DATE 12-19-2003
CHECKED BY MKM
DATE 1-14-2004
APPROVED BY _____
DATE _____
REVISED BY _____
DATE _____
REV. CHK'D. BY _____
DATE _____
REV. APPROV. BY _____
DATE _____



**METROPOLITAN
UTILITIES
DISTRICT**
OMAHA, NEBRASKA

**EASEMENT
ACQUISITION**



FOR
W.C. 9319-2

LAND OWNER

STATE STREET L.L.C.
CO JOHN FULLENKAMP
10822 OLD MILL ROAD SUITE 1
OMAHA NE. 68154
402-334-9011

TOTAL ACRE
PERMANENT N/A ±
TOTAL ACRE
TEMPORARY 0.35 ±

LEGEND

PERMANENT EASEMENT 
TEMPORARY EASEMENT 

PAGE 2 OF 2

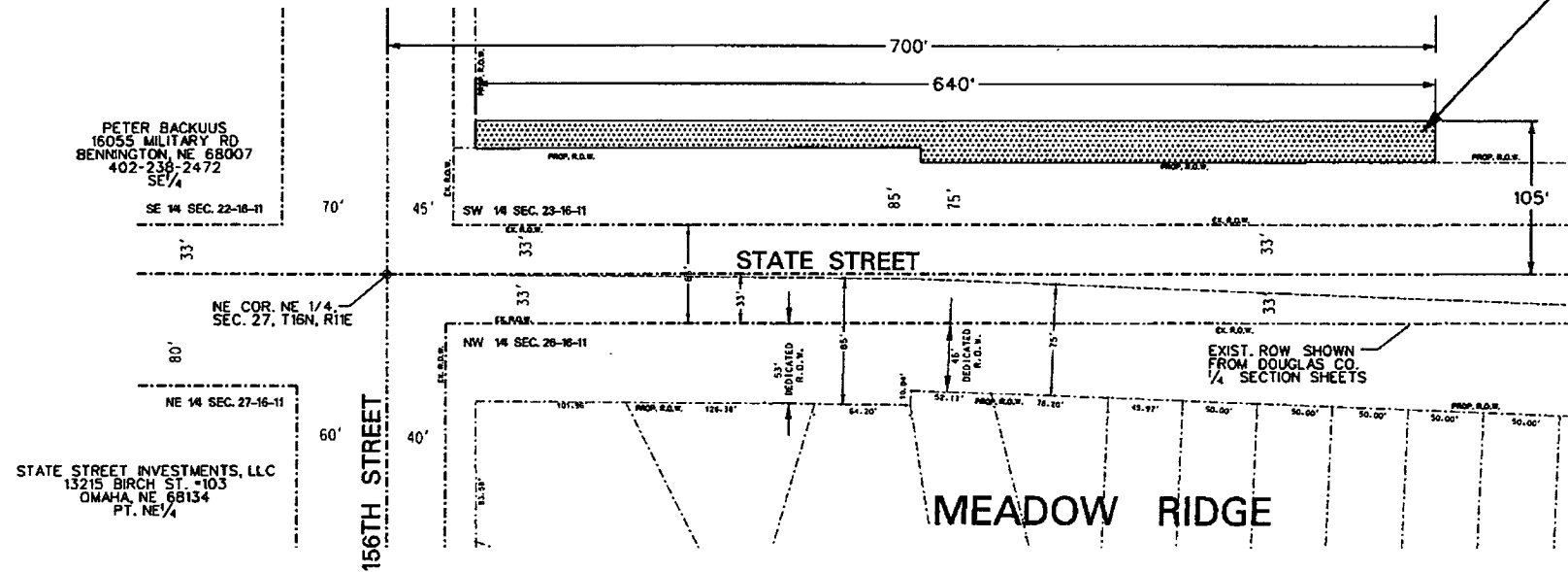
DRAWN BY DAS
DATE 12-19-2003
CHECKED BY MKM
DATE 2-11-2004
APPROVED BY _____
DATE _____
REVISED BY _____
DATE _____
REV. CHK'D. BY _____
DATE _____
REV. APPROV. BY _____
DATE _____



NO SCALE

STATE STREET LLC
C/O JOHN FULLENKAMP
(ATTORNEY) BARBARA UDES SHAW (MANAGER)
10822 OLD MILL ROAD
SUITE 1
OMAHA NE 68154
402-334-9011

**PROP. IRREG.
TEMP. M.U.D. ESMT.**



PETER BACKIUS
16055 MILITARY RD
BENNINGTON, NE 68007
402-238-2472
SE 1/4

STATE STREET INVESTMENTS, LLC
13215 BIRCH ST. #103
OMAHA, NE 68134
PT. NE 1/4