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82-862
ETC

EASEMENT AND RIGHT OF WAY

THIS INDENTURE, made this 7 day of October, 1974, between Millard Highlands, 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 One Dollar (\$1.00) 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 water and 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:

Several strips of land lying in Lots 359, 360, 361, 362, 363, 364, 388, 389, 390, 391, 398, 399, 400, 401, 402, 405, 406, 407, 408, 409, 424, 425, 426, 427, 428, 429, 430, 431, 438, 439, 440, 441, 442, and 443 of Millard Highlands Replat, a subdivision as now platted and recorded in Douglas County, Nebraska, said strips being more particularly described as follows:

A strip of land Five (5) feet wide lying along and parallel to the right-of-way line of Polk Circle, said strip being the front Five (5) feet of Lots Three Hundred Fifty-nine (359), Three Hundred Sixty (360), Three Hundred Sixty-one (361), Three Hundred Sixty-two (362), Three Hundred Sixty-three (363), and Three Hundred Sixty-four (364) lying along Polk Circle;

A strip of land Five (5) feet wide lying along and parallel to the right-of-way line of Polk Street, said strip being the front Five (5) feet of Lots Three Hundred Eighty-eight (388), Three Hundred Eighty-nine (389), Three Hundred Ninety (390), and Three Hundred Ninety-one (391) lying along Polk Street;

A strip of land Five (5) feet wide lying along and parallel to the right-of-way line of Drexel Circle, said strip being the front Five (5) feet of Lots Three Hundred Ninety-eight (398), Three Hundred Ninety-nine (399), Four Hundred (400), Four Hundred One (401), and Four Hundred Two (402) lying along Drexel Circle;

A strip of land Five (5) feet wide lying along and parallel to the right-of-way line of Sarpy Circle, said strip being the front Five (5) feet of Lots Four Hundred Five (405), Four Hundred Six (406), Four Hundred Seven (407), Four Hundred Eight (408), and Four Hundred Nine (409) lying along Sarpy Circle;

A strip of land Five (5) feet wide lying along and parallel to the right-of-way line of 139th Avenue Circle, said strip being the front Five (5) feet of Lots Four Hundred Twenty-four (424), Four Hundred Twenty-five (425), Four Hundred Twenty-six (426), Four Hundred Twenty-seven (427), Four Hundred Twenty-eight (428), Four Hundred Twenty-nine (429), Four Hundred Thirty (430), and Four Hundred Thirty-one (431) lying along 139th Avenue Circle;

A strip of land Five (5) feet wide lying along and parallel to the right-of-way line of Drexel Circle, said strip being the front Five (5) feet of Lots Four Hundred Thirty-eight (438), Four Hundred Thirty-nine (439), Four Hundred Forty (440), Four Hundred Forty-one (441), Four Hundred Forty-two (442), and Four Hundred Forty-three (443) lying along Drexel Circle;

These strips containing a total of Eighteen One-hundredths (0.18) acre, more or less, all as shown on the plat attached hereto and made a part hereof.

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. Grantor, its successors or assigns agree that they will at no time erect, construct or place on or below the surface of said strips of land

any building or structure, except pavement, and that they will not give anyone else permission to do so.

2. 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 Grantor, or duties and powers of Grantee respecting the ownership, use, operations, extensions and connections to any pipeline constructed and maintained hereunder.

IN WITNESS WHEREOF, the Grantor has caused this easement to be signed on the day and year first above written.

MILLARD HIGHLANDS, INC., Grantor

ATTEST:

By [Signature]
Title [Signature]

[Signature]
Notary Public

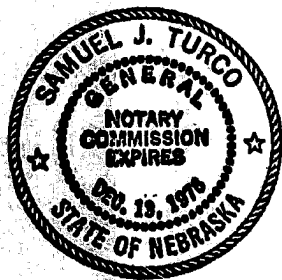


STATE OF NEBRASKA)
) ss
COUNTY OF DOUGLAS)

On this 21 day of October, 1977, before me, the undersigned, a Notary Public duly commissioned and qualified for said county, personally came RALPH J. HEWERIN, to me personally known to be the PRESIDENT of Millard Highlands, Inc., a Nebraska corporation, whose name is affixed to the foregoing instrument in that capacity and who acknowledged the same to be his voluntary act and deed and the voluntary act and deed of said corporation.

Witness my hand and Notarial Seal the day and year last above written.

[Signature]
Notary Public



15403
1291
25

DRAW
CHECK
APPR
REVI
REV
REV



MILLARD HIGHLANDS REPLAT

METROPOLITAN
UTILITIES
DISTRICT
OMAHA, NEBRASKA

EASEMENT
ACQUISITION
FOR WCC 5019

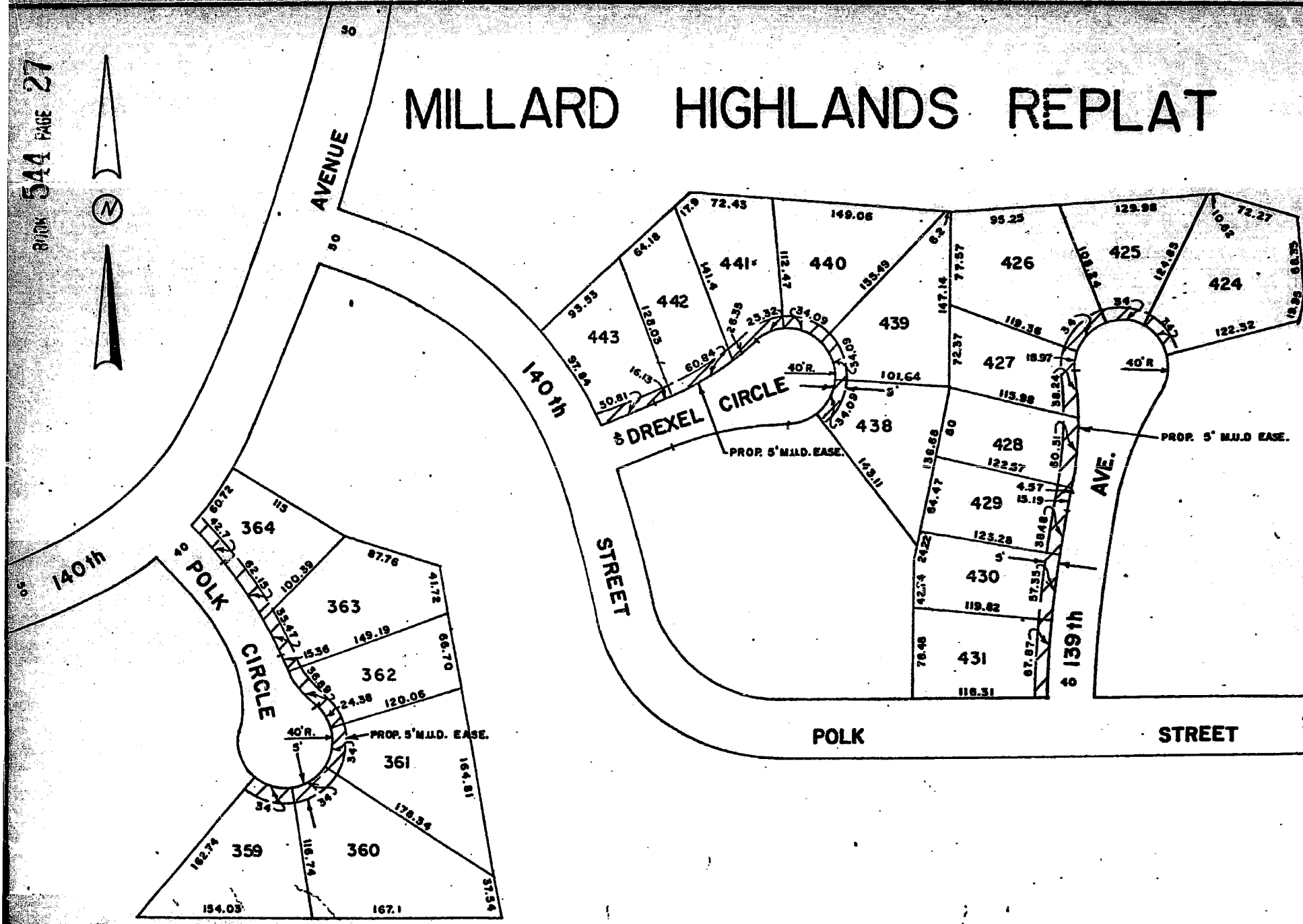
LAND OWNER:
MILLARD HIGHLANDS
INC.

TOTAL ACRE 0.18

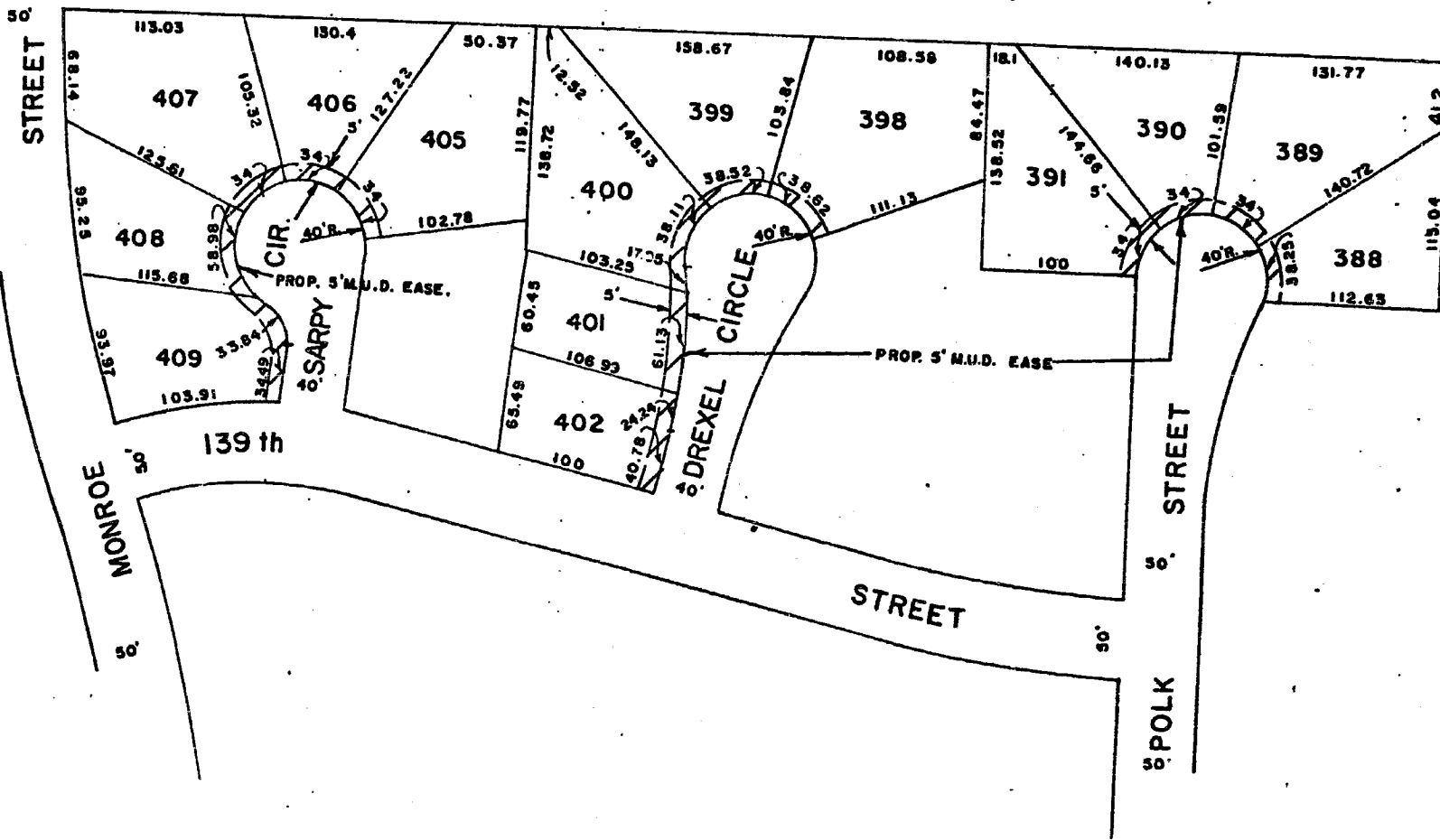
LEGEND
PERMANENT EASEMENT

PG. 1 OF 2

DRAWN BY R.L.D. DATE 10-2-73
CHECKED BY M.J. DATE 10-7-74
APPROVED BY T.P.S. DATE 10-7-74
REVISED BY _____ DATE _____
REV CHK'D BY _____ DATE _____
REV APPROV BY _____ DATE _____



MILLARD HIGHLANDS REPLAT



ENTERED IN NUMERICAL INDEX AND RECORDED IN THE REGISTER OF DEEDS OFFICE IN DOUGLAS COUNTY, NEBRASKA
 1974 AT 3:47 P.M. C. HAROLD OSTLER, REGISTER OF DEEDS
 25 DAY OF Oct 20.50

METROPOLITAN UTILITIES DISTRICT
OMAHA, NEBRASKA

EASEMENT ACQUISITION FOR WCC 5019

LAND OWNER: MILLARD HIGHLANDS INC.

TOTAL ACRE 0.18

LEGEND
PERMANENT EASEMENT

PG. 2 OF 2

DRAWN BY R.J.D. DATE 10/14/74
 CHECKED BY W.L. DATE 10-7-74
 APPROVED BY T.P.S. DATE 10-7-74
 REVISED BY DATE
 REV. CNFL. BY DATE
 REV. APPROV. BY DATE

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