

EASEMENT AND RIGHT OF WAY

THIS INSTRUMENT, MADE THIS 11th DAY OF SEPTEMBER, 1983,
 between Pepperwood Joint Venture, a joint venture organized under the Nebraska Uniform Partnership Act, 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, a pipeline for the transportation of gas, and all appurtenances thereto, including but not limited to valve boxes, together with the right of ingress and egress to and from the same, on, over, under and through lands described as follows:

Several tracts of land in Pepperwood, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska, being more particularly described as follows:

The Westerly Five (5) feet of Lots Three Hundred Forty (340), Three Hundred Forty-one (341), Three Hundred Forty-two (342), Three Hundred Fifty-six (356), Three Hundred Fifty-seven (357), Three Hundred Fifty-eight (358), 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 Four Hundred Forty-five (445) lying adjacent and parallel to the Easterly right-of-way line of 154th Street. The Northerly Five (5) feet of Lots Three Hundred Sixty-three (363), Three Hundred Sixty-four (364), Three Hundred Seventy-one (371), Three Hundred Seventy-two (372), Three Hundred Seventy-three (373), and Three Hundred Seventy-four (374) lying parallel and adjacent to the Southerly right-of-way line of Charles Street. The Northwesterly Five (5) feet of Lot Three Hundred Ninety-five (395) lying adjacent and parallel to the Southerly right-of-way line of Charles and Hamilton Streets.

Said tracts of land, as shown on the plat attached hereto and made a part hereof by this reference, contain Twenty-four Hundredths (0.24) of an acre, more or less.

TO HAVE AND TO HOLD said easement and right of way unto the said Grantee, Metropolitan Utilities District of Omaha, its successors and assigns.

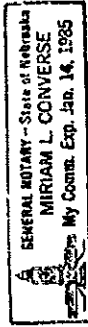
1. The Grantor agrees that neither it nor its successors or assigns will at any time erect, construct or place on or below the surface of said tracts of land any building or structure, except pavement, and they will not give anyone else permission to do so.
2. The Grantee shall restore the surface of 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.

STATE OF NEBRASKA)
BOOK 705 PAGE 109)

COUNTY OF DOUGLAS) ss
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On this 9th day of December, 1983, before me, the undersigned, a Notary Public in and for said State of Nebraska, personally came Ira R. Smith, to me personally known to be the President of CBS Investment Company, a Nebraska corporation and partner of BS & W Enterprises, a Nebraska partnership and partner of Pepperwood Joint Venture, a joint venture organized under the Nebraska Uniform Partnership Act, and 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 the voluntary act and deed of said corporation and of said Pepperwood Joint Venture and of said BS & W Enterprises.

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

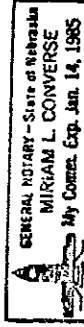


Miriam L. Converse
Notary Public

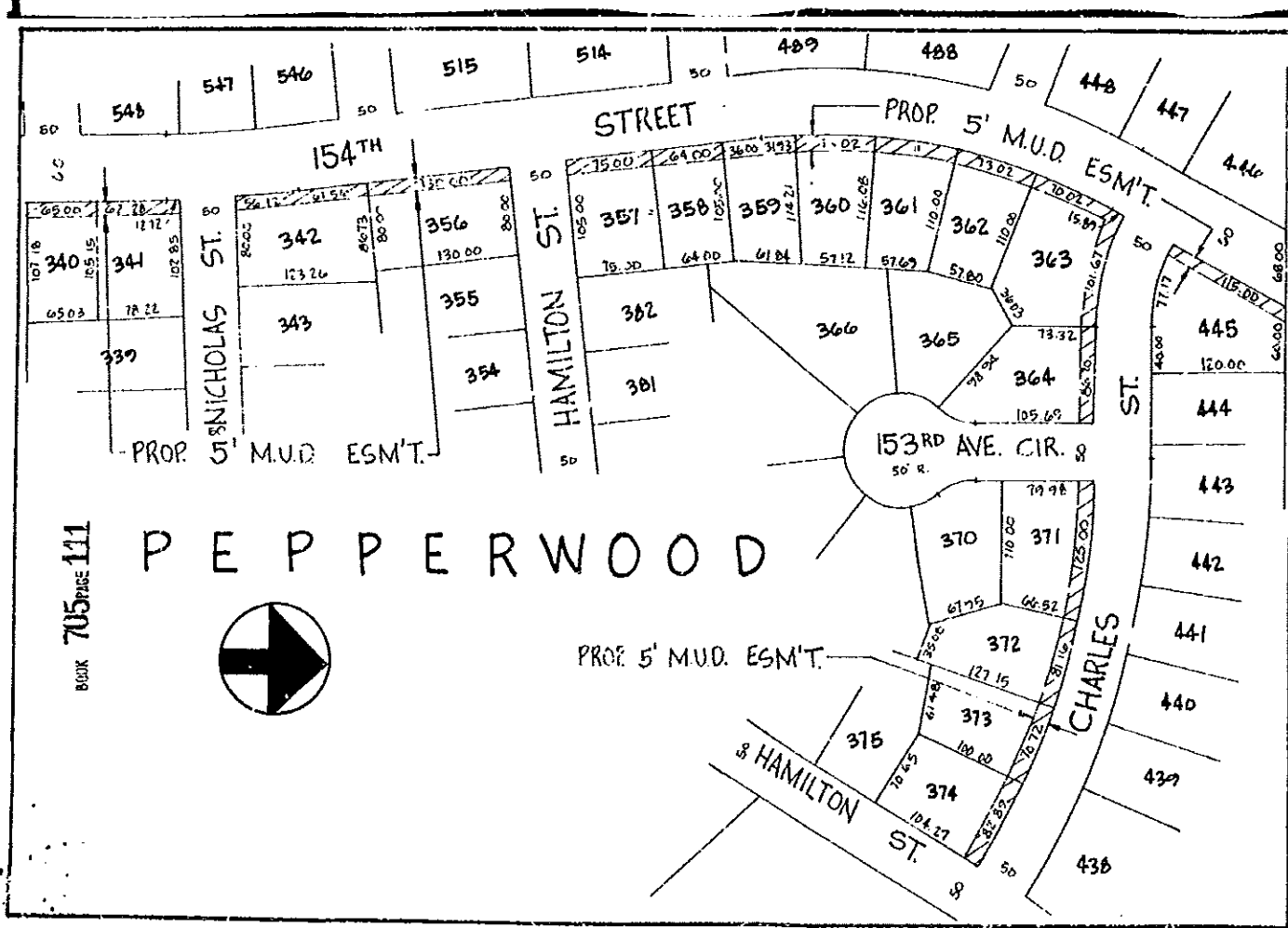
STATE OF NEBRASKA)
COUNTY OF DOUGLAS) ss

On this 9th day of December, 1983, before me, the undersigned, a Notary Public in and for said State of Nebraska, personally came Willard I. Friedman, to me personally known to be a General Partner of Royal Realty, a Nebraska partnership and partner of BS & W Enterprises, a Nebraska partnership and partner of Pepperwood Joint Venture, a joint venture organized under the Nebraska Uniform Partnership Act, and 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 the voluntary act and deed of said Royal Realty and of said Pepperwood Joint Venture and of said BS & W Enterprises.

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



Miriam L. Converse
Notary Public



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PEPPERWOOD



METROPOLITAN UTILITIES DISTRICT
OMAHA, NEBRASKA

EASEMENT ACQUISITION
FOR G.C.C. 8820

LAND OWNER
PEPPERWOOD JOINT VENTURE

TOTAL ACRES 1.18±

LEGEND
PERMANENT EASEMENT

PAGE 2 OF 2

DRAWN BY CS DATE 10-21-83
 CHECKED BY CS DATE 10-27-83
 APPROVED BY CS DATE 11-1-83
 REVISED BY _____ DATE _____
 REV. CHK'D BY _____ DATE _____
 REV. APPROV. BY _____ DATE _____

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RECEIVED
 684 FEB 10 AM 10:39
 C. HAROLD CASTLER
 REGISTER OF DEEDS
 DANIELS COUNTY, NEBR.

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