

EASEMENT AND RIGHT OF WAY

THIS INDENTURE, made this 23 day of DECEMBER, 1972, between Pheasant Run, 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 the 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 transmission of water and gas, and all appurtenances thereto, together with the right of ingress and egress to and from the same, on, over, and through lands described as follows:

Several tracts of land lying in Lots 193, 194, 195, 196, 197, 219, 220, 221, 222, 250, 251, 252, 253, 254, 291, 292, 293, 294, 295, and 296 of Pheasant Run Addition, as now platted and recorded, a subdivision in Douglas County, Nebraska, being more particularly described as follows:

A strip of land in Lot One Hundred Ninety-Three (193), Five (5) feet wide, running along and parallel to the curved portion of the Southwesterly property line of Lot One Hundred Ninety-Three (193);

A strip of land in Lot One Hundred Ninety-Four (194), Five (5) feet wide, running along and parallel to the curved Westerly property line of Lot One Hundred Ninety-Four (194);

A strip of land in Lot One Hundred Ninety-Five (195), Five (5) feet wide, running along and parallel to the curved Northwesterly property line of Lot One Hundred Ninety-Five (195);

A strip of land in Lot One Hundred Ninety-Six (196), Five (5) feet wide, running along and parallel to the curved Northerly property line of Lot One Hundred Ninety-Six (196);

A strip of land in Lot One Hundred Ninety-Seven (197), Five (5) feet wide, running along and parallel to the curved portion of the Northeastly property line of Lot One Hundred Ninety-Seven (197);

A strip of land in Lot Two Hundred Nineteen (219), Five (5) feet wide, running along and parallel to the curved Easterly property line of Lot Two Hundred Nineteen (219);

A strip of land in Lot Two Hundred Twenty (220), Five (5) feet wide, running along and parallel to the curved Southeastly property line of Lot Two Hundred Twenty (220);

A strip of land in Lot Two Hundred Twenty-One (221), Five (5) feet wide, running along and parallel to the curved Southwesterly property line of Lot Two Hundred Twenty-One (221);

A strip of land in Lot Two Hundred Twenty-Two (222), Five (5) feet wide, running along and parallel to the curved Westerly property line of Lot Two Hundred Twenty-Two (222);

A strip of land in Lot Two Hundred Fifty (250), Five (5) feet wide, running along and parallel to the curved Southerly property line of Lot Two Hundred Fifty (250);

A strip of land in Lot Two Hundred Fifty-One (251), Five (5) feet wide, running along and parallel to the curved Southwesterly property line of Lot Two Hundred Fifty-One (251);

A strip of land in Lot Two Hundred Fifty-Two (252), Five (5) feet wide, running along and parallel to the curved Northwesterly property line of Lot Two Hundred Fifty-Two (252);

A strip of land in Lot Two Hundred Fifty-Three (253), Five (5) feet wide, running along and parallel to the curved Northerly property line of Lot Two Hundred Fifty-Three (253);

A strip of land in Lot Two Hundred Fifty-Four (254), Five (5) feet wide, running along and parallel to the curved Northeastery property line of Lot Two Hundred Fifty-Four (254);

The Northeastery Five (5) feet of the Southeastery Five (5) feet of Lot Two Hundred Ninety-One (291);

A strip of land in Lot Two Hundred Ninety-Two (292), Five (5) feet wide, running along and parallel to the curved Southeastery property line of Lot Two Hundred Ninety-Two (292);

A strip of land in Lot Two Hundred Ninety-Three (293), Five (5) feet wide, running along and parallel to the Southerly property line of Lot Two Hundred Ninety-three (293);

A strip of land in Lot Two Hundred Ninety-Four (294), Five (5) feet wide, running along and parallel to the curved Westerly property line of Lot Two Hundred Ninety-Four (294);

A strip of land in Lot Two Hundred Ninety-Five (295), Five (5) feet wide, running along and parallel to the curved Northwesterly property line of Lot Two Hundred Ninety-Five (295);

The Northwesterly Five (5) feet of the Northeastery Five (5) feet of Lot Two Hundred Ninety-Six (296);

All these tracts containing a total of Ninety-Three One-Thousandths (0.93) 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 tracts 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

BOOK 518 PAGE 129  
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 water main or gas main constructed and maintained hereunder.

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

PHEASANT RUN, INC.  
Grantor  
By [Signature]  
Title [Signature]

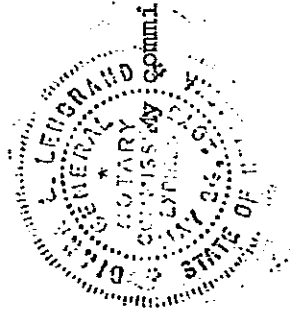
Attest:  
[Signature]  
Title [Signature]

(Corporate Seal)

STATE OF NEBRASKA )  
                          ) ss  
COUNTY OF DOUGLAS)

On this 2nd day of December, 1972, before me, the undersigned, a Notary Public duly commissioned and qualified for said county, personally came Ed Reicher & Sons, Inc. to me personally known to be the President & Secretary of Pheasant Run, 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 on the day and year last above written.

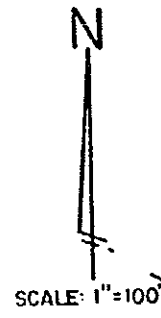
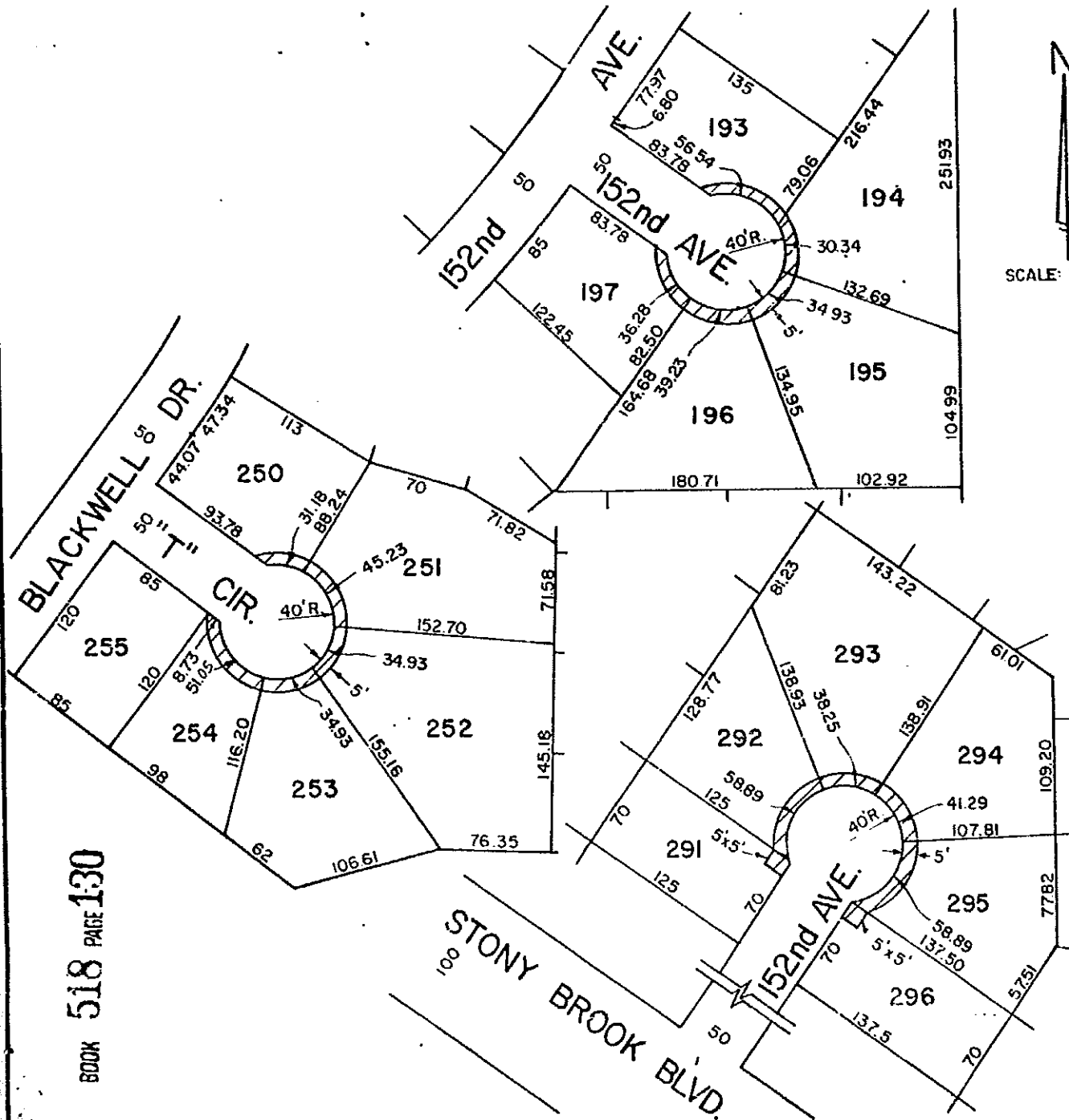


[Signature]  
Notary Public

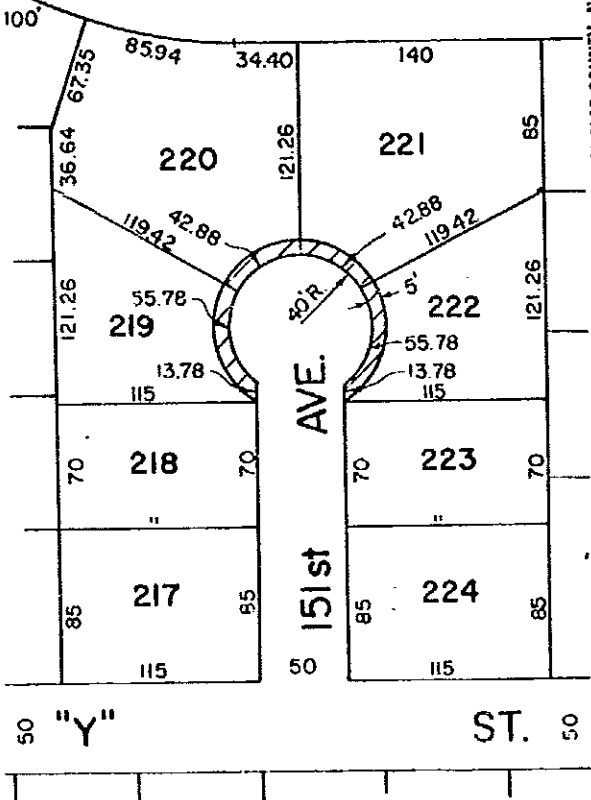
commission expires the 28th day of December, 1972.

the  
access-  
at  
said  
that  
ed for  
to the

BOOK 518 PAGE 130



ALL LOTS SHOWN ARE IN PHEASANT RUN



FILED IN MUNICIPAL INDEX AND RECORDED IN THE REGISTER OF DEEDS OFFICE IN DODD COUNTY, NEBRASKA  
 1970  
 1973  
 AT 1:48 P.M.  
 C. HAROLD OSTLER, REGISTER OF DEEDS

METROPOLITAN UTILITIES DISTRICT  
OMAHA, NEBRASKA

EASEMENT ACQUISITION FOR WC-C. 4615

LAND OWNER PHEASANT RUN INC. TED REEDER PRESIDENT

ACRE PERMANENT .093

LEGEND  
PERMANENT EASEMENT

DRAWN BY C.J.P. DATE 12-8-72  
 CHECKED BY [Signature] DATE 12-8-72  
 APPROVED BY [Signature] DATE [Blank]  
 REVISED BY [Blank] DATE [Blank]  
 REV. CHK'D BY [Blank] DATE [Blank]