

EASEMENT AND RIGHT OF WAY

THIS INDENTURE, made this 12TH day of MAY, 1977, between Charles G. Smith & Nellie M. Smith, 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:

Two tracts of land lying in Lots One (1) and Thirty-six (36) of Pheasant Run Replat II, as now platted and recorded, in Douglas County, Nebraska, said tract being more particularly described as follows:

Beginning at the Southeast corner of Lot One (1); thence West along the North right-of-way line of "R" Street a distance of Ten (10) feet; thence Northeasterly along a straight line a distance of Fourteen and Fourteen Hundredths (14.14) feet, more or less, to a point on the West right-of-way line of Blackwell Drive; thence South along said right-of-way line a distance of Ten (10) feet to the point of beginning;

Beginning at the Southeasterly corner of Lot Thirty-six (36); thence Northwesterly along the Northerly right-of-way line of "T" Street a distance of Ten (10) feet; thence Easterly along a straight line a distance of Fourteen and Fourteen Hundredths (14.14) feet, more or less, to a point on the Westerly right-of-way line of Blackwell Drive; thence Southwesterly along said right-of-way line a distance of Ten (10) feet to the point of beginning.

These tracts contain a total of Two Thousandths (0.002) 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.

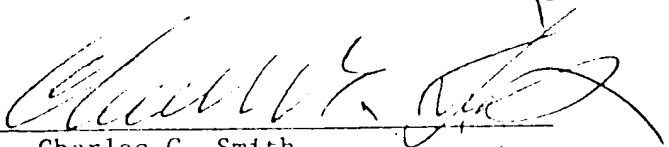
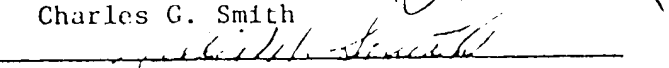
1. Grantor, its successors or assigns, agree that they will at no time erect, construct, or place on or below the surface of said tracts of land any building or structure, except pavement, and that they will not give anyone else permission to do so.

2. Grantee shall restore the surface of the soil excavated for any purpose hereunder, as near as may be reasonably possible, to the 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.

ATTEST:

By 
 Charles G. Smith
 By 
 Nellie M. Smith

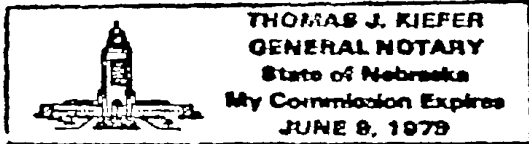
 Title _____

(SEAL)

STATE OF NEBRASKA)
) SS
COUNTY OF DOUGLAS)

On this 12th day of May, 1977, before me, the undersigned, a Notary Public duly commissioned and qualified for said county, personally came CHARLES G. SMITH AND NELLIE M. SMITH to me personally known to be the identical persons whose names are affixed to the foregoing instrument and who acknowledged the same to be their voluntary act and deed for the purpose therein stated.

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



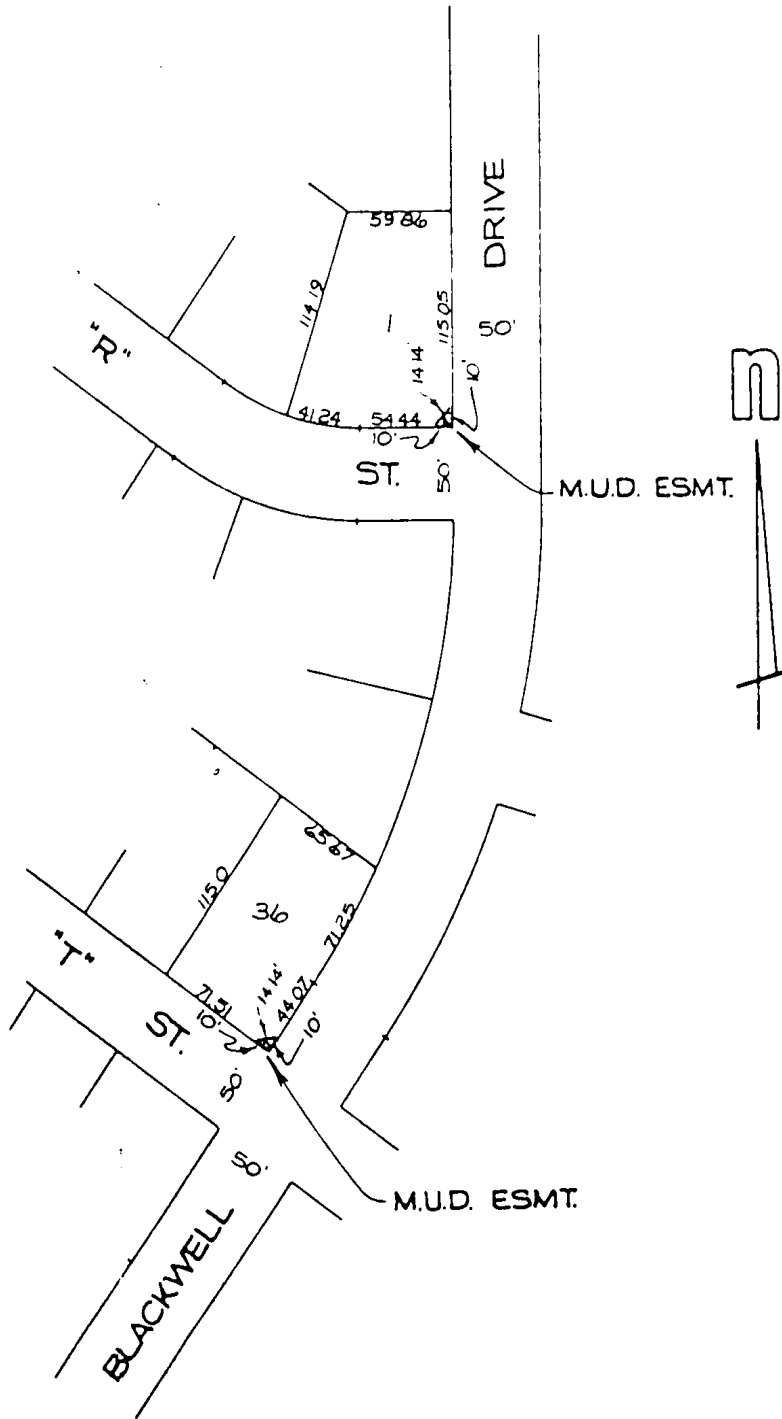
Thomas J. Kiefer
Notary Public

BOOK 582 PAGE 515

PHEASANT

RUN

REPLAT II



156 / 351 / T/S

METROPOLITAN UTILITIES DISTRICT
OMAHA, NEBRASKA

EASEMENT ACQUISITION
FOR WCC 5369

LAND OWNER
PHEASANT RUN INC.

TOTAL ACRE 0.002

LEGEND
PERMANENT EASEMENT

PAGE 1 OF 1

RECEIVED
177 JUN 24 AM 2:37

31 Miles

Drawn By: P.R. DATE: 3-15-77
 Checked By: A.E. DATE: 3-15-77
 Approved By: I.P.S. DATE: 3-16-77
 Revised By: _____ DATE: _____
 Rev. Chk'd By: _____ DATE: _____
 Rev. Approv By: _____ DATE: _____

156 / 351 / T/S - T/S
0.86
573
582