EASEMENT AND RIGHT-OF-WAY

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, pipelines for the transportation of 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:

PERMANENT EASPMENT

Several tracts located in Prairie Pointe, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, and more particularly described as follows:

The Westerly 5'of Lot 325 adjacent to 167th Avenue.

The Northwesterly 5' of Lot 326 adjacent to 167th Research Avenue and Riggs Street.

The Northerly 5' of Lots 327, 328, 329, 330 and 331 adjacent to Riggs Street.

Said tracts are shown on the attached drawing which is made a part hereof by this reference. Said tracts contain 0.066 of an acre, more or less.

GEORGE A COLLEICZ REGISTEL COLLEICZ REGISTEL COLLEICZ REGISTEL COLLEICS 0900LAS COLUMN NEBR

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 easement tract any building or structure, except pavement, and neither it nor they will 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 condition 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.

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5. The persons executing this instrument represent they have the requisite authority to execute same and make this conveyance on behalf of said Corporation.

IN WITNESS WHEREOF, the Grantor has caused this Easement and Right-of-Way to be signed and executed on the day and year first above written.

BENCHMARK HOMES, INC., A Nebraska Corporation, Grantor

ATTEST:

By:
J. C. Czerwinski, President

ACKNOWLEDGMENT

STATE OF NEBRASKA)

SS

COUNTY OF DOUGLAS)

On this 17 day of November, 1986 before me, the undersigned, a Notary Public in and for said State and County, personally came J. C. Czerwinski, to me personally known to be the President of Benchmark Homes, Inc., a Nebraska Corporation, 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 as such officer and the voluntary act and deed of said Corporation.

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

COURSE N. SCOLARO

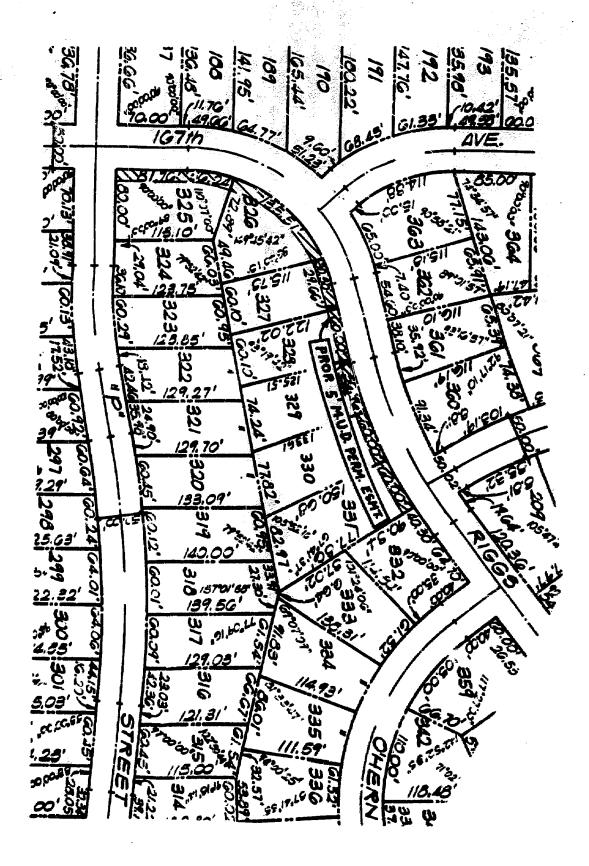
Notary Public Scalaro

My Commission expires: Det 7 1989.

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BAIRIE POISIE

DRAWN BY J.R.P. DATE B-23-86 CHECKED BY QOO DATE B-23-86 APPROVED BY AS DATE B-25-96 REVISED BY DATE REV. CHICD BY DATE REV. APPROV. BY DATE	PAGE / OF /	TOTAL ACRE Q.Q66: LEGEND PERMANENT EASEMENT (ZZZ)	LAND OWNER BENCHMARK HOMES INC.	EASEMENT ACQUISITION GRM. 9226	METROPOLITAN UTILITIES DISTRICT