

EASEMENT AND RIGHT-OF-WAY

THIS INDENTURE, made this 29 day of December, 1989, between FRANK R. WEST and GERDA WEST, Husband and Wife, hereinafter referred to as "Grantors", and METROPOLITAN UTILITIES DISTRICT OF OMAHA, a Municipal Corporation, hereinafter referred to as "Grantee",

WITNESSETH:

That Grantors, in consideration of the sum of Two Dollars (\$2.00) and other valuable consideration, receipt of which is hereby acknowledged, do 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 all appurtenances thereto, including but not limited to ten (10) round iron vault covers and five (5) hydrants, together with the right of ingress and egress to and from the same, on, over, under and through lands described as follows:

PERMANENT EASEMENT

Several tracts in Section Twenty-nine (29), Township Fifteen (15) North, Range Eleven (11) East of the 6th P.M. in Douglas County, Nebraska, and described as follows:

Tract 1 - The South twenty-seven feet (27') of the North sixty feet (60') of the Northeast Quarter of Section 29 except the East thirty-three feet (33') and the West 824.68 feet, more or less, the same also being described as the South twenty-seven feet (27') of the North sixty feet (60') of the East one hundred ten (110) acres of the Northeast Quarter of Section 29 except the East thirty-three feet (33'); and the East eighty feet (80') of the South sixty feet (60') of the North one hundred twenty (120') of the Northeast Quarter of Section 29 except the East thirty-three feet (33').

Tract 2 - The South twenty-seven feet (27') of the North sixty feet (60') of the Northwest Quarter of Section 29 except the West thirty-three feet (33').

Said tracts contain 2.784 acres, more or less, and are shown on the drawing attached hereto and made a part hereof by this reference.

TEMPORARY EASEMENT

Several parcels in Section Twenty-nine (29), Township Fifteen (15) North, Range Eleven (11) East of the 6th P.M. in Douglas County, Nebraska, and described as follows:

Parcel A - The South sixty feet (60') of the North one hundred twenty feet (120') of the Northeast Quarter of Section 29 except the East eighty feet (80') and the West 824.68 feet, more or less, the same being also described as the South sixty feet (60') of the North one hundred twenty feet (120') of the East one hundred ten (110) acres of the Northeast Quarter of Section 29 except the East eighty feet (80').

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1989
hwy

912 N 29-15-11K-100
PG 129-132 N 29-15-11
OF MISC COMP Q FIB 01-6000
FEE 20.00
DEL MK MC 4/5

GEORGE J. DUCLEWICZ
REGISTER OF DEEDS
DOUGLAS COUNTY, NE

FEB 1 1 42 PM '90

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Parcel B - The South sixty feet (60') of the North one hundred twenty feet (120'); of the Northwest Quarter of Section 29 except the West thirty-three feet (33').

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Said parcels contain 5.979 acres, more or less, and are shown on the drawing attached hereto and made a part hereof by this reference.

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 Grantors agree that neither they nor their successors or assigns will at any time erect, construct or place on or below the surface of said easement tracts any building or structure, except pavement, and they will not give anyone else permission to do so. The temporary easement abovescribed shall be in effect for twenty-four (24) months following execution and delivery of this conveyance.

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 Grantors, 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 Grantors have lawful possession of said real estate, good right and lawful authority to make such conveyance and they and their executors and administrators and 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.

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

FRANK R. WEST and GERDA WEST,
Husband and Wife, Grantors

ATTEST:

Frank R. West
Frank R. West

Gerda M. West
Gerda West

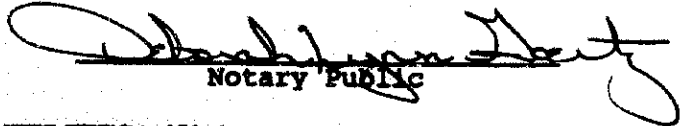
ACKNOWLEDGMENT


STATE OF Nebraska)
COUNTY OF Douglas) ss

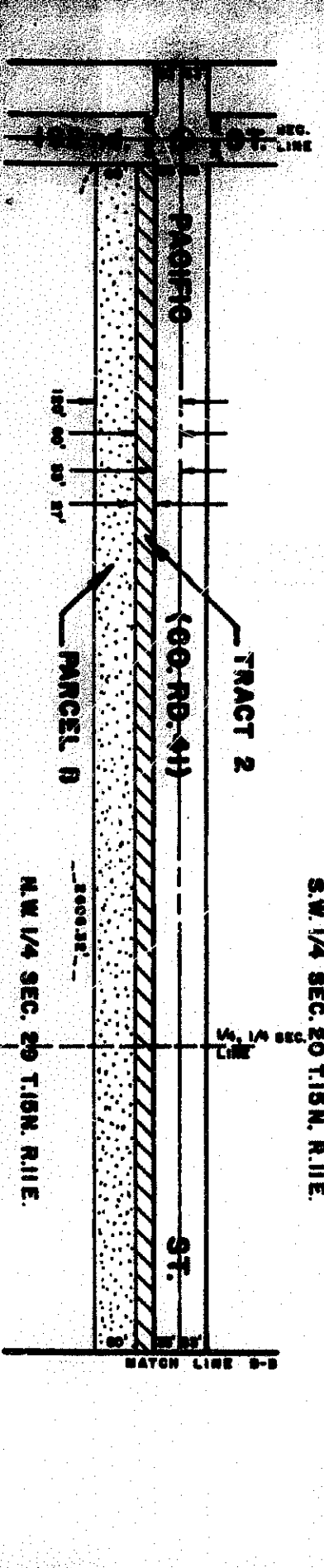
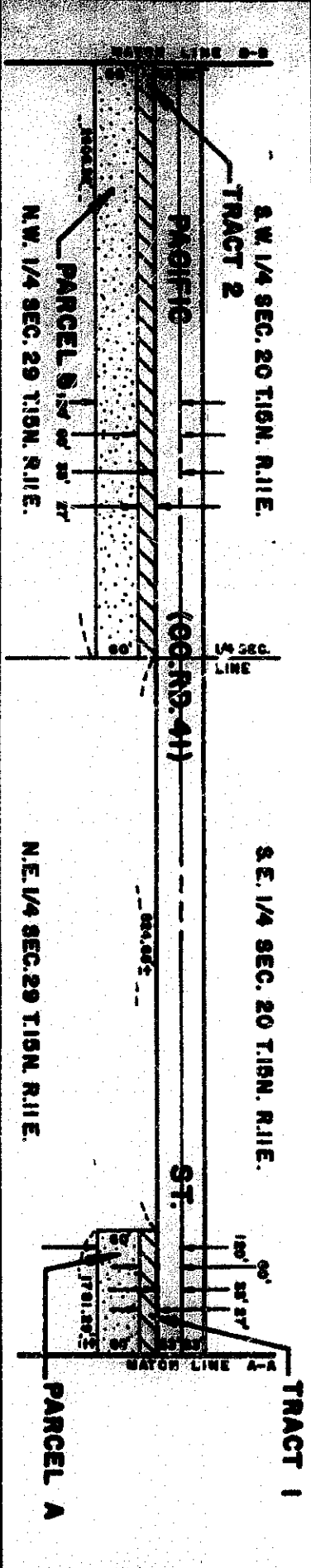
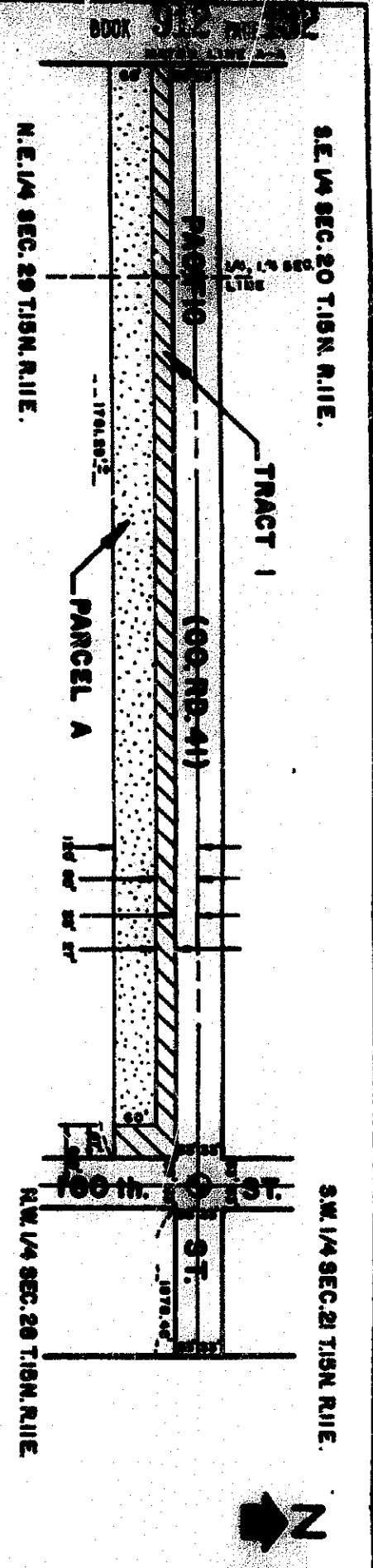
On this 29th day of December, 1989, before me, the undersigned, a Notary Public in and for said State of Nebraska, County of Douglas,

personally came Frank R. West and Gerda West, husband and wife, to me personally known to be the identical persons whose names are affixed to the foregoing instrument, and they acknowledged the execution of this instrument to be their voluntary act and deed as individuals and as husband and wife.

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


Notary Public

My Commission expires:  My Comm. Exp. Jan. 21, 1938



METROPOLITAN
UTILITIES
DISTRICT

OWNER REQUIRED

EASEMENT
ACQUISITION
FOR S.E. 2076

LAND OWNER
PAGE 1 OF 2

TOTAL ACRES
PERMANENT 2.706

TOTAL ACRES
TEMPORARY 2.079

LEASED
PERMANENT EASEMENT
TEMPORARY EASEMENT

PAGE OF

DATE 12-14-88
DRAWN BY K/S
CHECKED BY
APPROVED BY
DATE
DATE
DATE
DATE