

EASEMENT AND RIGHT-OF-WAY

THIS INDENTURE, made this 24 day of JUNE, 1986 between FOC-BA 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, 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:

PERMANENT EASEMENT

Parcels in Lots 227, 226, 225, 206, 205, 185, 184, 1, 2, 7, 8, 9, 10, 11, 37, 183, 145, 144, 143, 142, 141, 38, 39, 40, 41, 42, 43, 44, 140, 139, 138, 137, 136, 135, 134, 47, 48, 49, 50, 51, 52, 115, 116, 117, 122, 123, 124, 103, 100, 133, 132, 131, 130, 129, 128, 127, 126, 125, 101, 163, 164, 114, 86 and 85, all in South Shore Heights, a subdivision, as surveyed platted and recorded in Douglas County, Nebraska. Said parcels are more particularly described as follows:

The south five (5) feet of Lots 183, 145, 144, 143, 142, 141, 140, 139, 126, 125 and 101.

The southeasterly five (5) feet of Lots 138, 137, 134, 133, 132, 131, 130, 129, 128 and 127.

The north five (5) feet of Lots 38, 39, 40, 41, 42, 43, 44, 47, 48, 100 and 103.

The northwesterly five (5) feet of Lots 49, 50, 51, 52, 115, 116, 117, 122, 123 and 124.

The northeasterly five (5) feet of Lots 1, 2, 7, 8, 9, 10, 11 and 37.

The east five (5) feet of Lots 163 and 164.

The southwesterly five (5) feet of Lots 115, 114, 86, 85, 227, 226, 225, 206, 205, 185 and 184.

The southwesterly ten (10) feet of Lot 136.

The southeasterly ten (10) feet of the southwesterly fifty (50) feet and the southeasterly five (5) feet of the northeasterly forty-nine and fifty-five hundredths (49.55) feet of Lot 135.

Said tracts are shown on the attached drawing which is made part hereof by this reference. Said tracts contain a total of .71 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 tract of land 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 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.

5. The persons executing this instrument represent that they have the requisite authority to execute this instrument and make this conveyance on behalf of the Grantor Joint Venture.

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.

FOC-BA JOINT VENTURE,  
a Joint Venture organized under  
the Nebraska Uniform Partnership  
Act, Grantor

(Corporate Seal)

By: GREENSBORO INVESTMENT CO.,  
a Nebraska Corporation,  
Venturer

ATTEST:

By: Bert P. Allen  
Bert P. Allen, President

## ACKNOWLEDGMENT

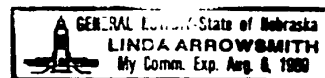
STATE OF NEBRASKA )  
 ) ss  
COUNTY OF DOUGLAS )

On this 24 day of June, 1986, before me, the undersigned, a Notary Public in and for said State and County, personally came Bert P. Allen, to me personally known to be President of GREENSBORO INVESTMENT CO., a Nebraska Corporation, a Venturer of the FOC-BA JOINT VENTURE, a Joint Venture organized under the Nebraska Uniform Partnership Act, 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 and of said Corporation as a Venturer in said Joint Venture and the voluntary act and deed of said Joint Venture.

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

Linda Andrews  
Notary Public

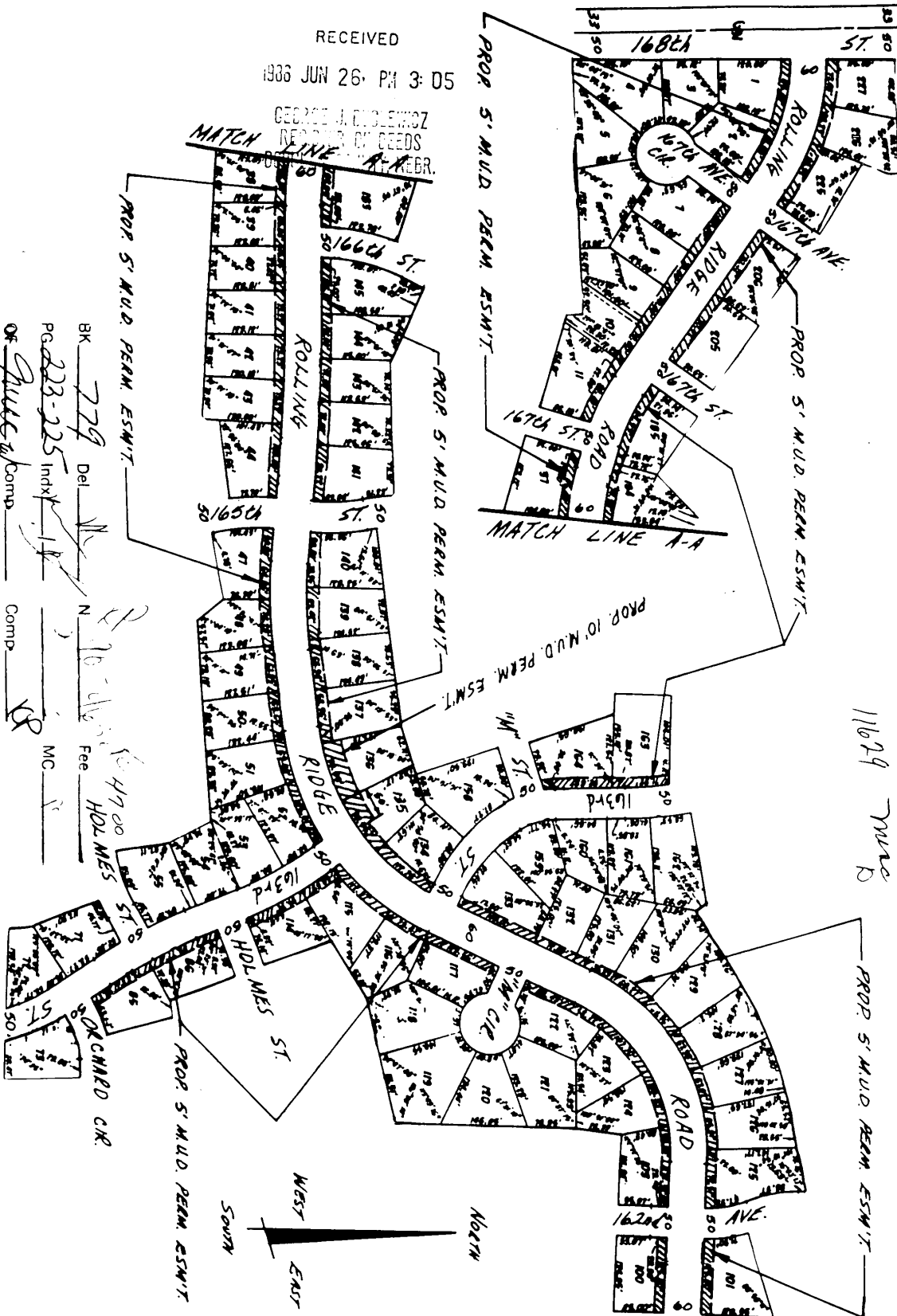
My Commission expires: Aug. 6, 1989



RECEIVED

1986 JUN 26 PM 3:05

GEORGE J. DUGLEWICZ  
REGISTERED SURVEYOR  
STATE OF NEBRASKA



ALL LOTS SHOWN ARE IN SOUTH SHORE HEIGHTS

11629 Ave D

BK 779 Del *[Signature]*  
PG 223-225 Indx *[Signature]*  
OF *[Signature]* Comp *[Signature]*  
N 16-46-16 4700 HOLMES  
MC 16

DRAWN BY *[Signature]* DATE *5-27-86*  
CHECKED BY *[Signature]* DATE *7-28-86*  
APPROVED BY *[Signature]* DATE *7-2-86*  
REVISED BY \_\_\_\_\_ DATE \_\_\_\_\_  
REV. CHK'D BY \_\_\_\_\_ DATE \_\_\_\_\_  
REV. APPROV. BY \_\_\_\_\_ DATE \_\_\_\_\_

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LEGEND  
PERMANENT EASEMENT *[Symbol]*

TOTAL ACRES 0.71 ±

LAND OWNER  
500-84 JONAT VENTURES  
BET ALLEN  
PRESIDENT

EASEMENT  
ACQUISITION  
FOR N.C.C. 6589  
G.A.M. 9/54

METROPOLITAN  
UTILITIES  
DISTRICT  
OMAHA, NEBRASKA