



MISC 2004051699



APR 23 2004 13:34 P 3

*misc*  
 FEE 15.50 FB 01-60000  
 BKP 27-16-11-C/O COMP \_\_\_\_\_  
 DEL \_\_\_\_\_ SCAN \_\_\_\_\_ FV \_\_\_\_\_

*3/11*

Received - RICHARD TAKECHI  
 Register of Deeds, Douglas County, NE  
 4/23/2004 13:34:56.55



2004051699

PERMANENT AND TEMPORARY CONSTRUCTION  
 EASEMENTS AND RIGHTS-OF-WAY

THIS INDENTURE, made this 14th day of April, 2004  
 between MARION MAGEE BREWER TRUST, ("Grantor"), and METROPOLITAN  
 UTILITIES DISTRICT OF OMAHA, a Municipal Corporation and Political Subdivision,  
 ("Grantee"),

WITNESS:

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, a permanent  
 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, hydrants, roadway boxes, pipeline markers and one 24-inch round  
 iron ring and cover, and a temporary easement for construction purposes, together with  
 the right of ingress and egress on, over, under and through lands described as follows:

PERMANENT EASEMENT

A tract of land in the Northwest Quarter (NW ¼) of the  
 Northwest Quarter (NW ¼) of Section 27-16-11 in Douglas  
 County, Nebraska and being described as follows:

The south forty feet (40') of the north seventy three feet (73')  
 of the west thirty feet (30') of the east eighty feet (80')  
 abutting the south right-of-way line of State Street and the  
 west right-of-way line of 165<sup>th</sup> Street of the Northwest Quarter  
 (NW ¼) of the Northwest Quarter (NW ¼) of Section 27-16-  
 11.

This permanent easement contains 0.0275 of an acre, more  
 or less, and is shown on the drawing attached hereto and  
 made a part hereof by this reference.

TEMPORARY CONSTRUCTION EASEMENT

A tract of land in the Northwest Quarter (NW ¼) of the  
 Northwest Quarter (NW ¼) of Section 27-16-11 in Douglas  
 County, Nebraska and being described as follows:

The south thirty feet (30') of the north one hundred three feet  
 (103') of the west thirty feet (30') of the east eighty feet (80')  
 parallel to the south right-of-way line of State Street and  
 abutting the west right-of-way line of 165<sup>th</sup> Street of the  
 Northwest Quarter (NW ¼) of the Northwest Quarter (NW ¼)  
 of Section 27-16-11.

This temporary easement contains 0.0207 of an acre, more  
 or less, and is shown on the drawing attached hereto and  
 shown on the drawing attached hereto and made a part  
 hereof by this reference.

Return to: *Olson Pragan*  
 M.U.D. *Harvey Street*  
 1723  
 Omaha, NE 68102 *✓19809*

TO HAVE AND TO HOLD said Permanent and Temporary Construction Easements and Rights-of-Way to Grantee, Metropolitan Utilities District of Omaha, its successors and assigns.

1. The Grantor and its successors and assigns shall not at any time erect, construct or place on or below the surface of the permanent easement any building or structure, except pavement or a similar covering, and shall not permit anyone else to do so, and, with respect to the temporary construction easement, the same prohibitions apply during the effective period of this temporary conveyance, which effective period shall commence upon the date of execution hereof and cease after completion of the project and restoration work contemplated herein.

2. The Grantee shall restore the soil excavated for any purpose hereunder, as nearly as is reasonably possible to its original contour within a reasonable time after the work is performed.

3. Nothing herein shall be construed to waive any right of Grantor or duty and power of Grantee respecting the ownership, use, operations, extensions and connections to any pipeline constructed and maintained hereunder.

4. The Grantor is the lawful possessor of this real estate; has good, right and lawful authority to make such conveyance; and Grantor and its successors and assigns shall warrant and defend this conveyance and shall indemnify and hold harmless Grantee forever against claims of all persons asserting any right, title or interest prior to or contrary to this conveyance.

5. The person executing this instrument represents that he/she has authority to execute it on behalf of the trust.

IN WITNESS WHEREOF, Grantor executes these Permanent and Temporary Easements and Rights-of-Way to be signed on the above date.

MARION MAGEE BREWER TRUST,  
Grantor

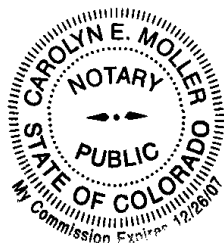
By: *Marion Magee Brewer*

Title: *Trustee*

ACKNOWLEDGMENT

*Colorado*  
STATE OF ~~NEBRASKA~~ )  
*Denver* ) ss  
*CITY* & COUNTY OF ~~DOUGLAS~~ )

This instrument was acknowledged before me on *April 14<sup>th</sup>*, 2004,  
by *Marion Magee Brewer* *Trustee* the MARION MAGEE  
BREWER TRUST, on behalf of the trust.



*Carolyn E. Moller*  
Notary Public



**METROPOLITAN UTILITIES DISTRICT**  
OMAHA, NEBRASKA

**EASEMENT ACQUISITION**

FOR **WCP 9524**

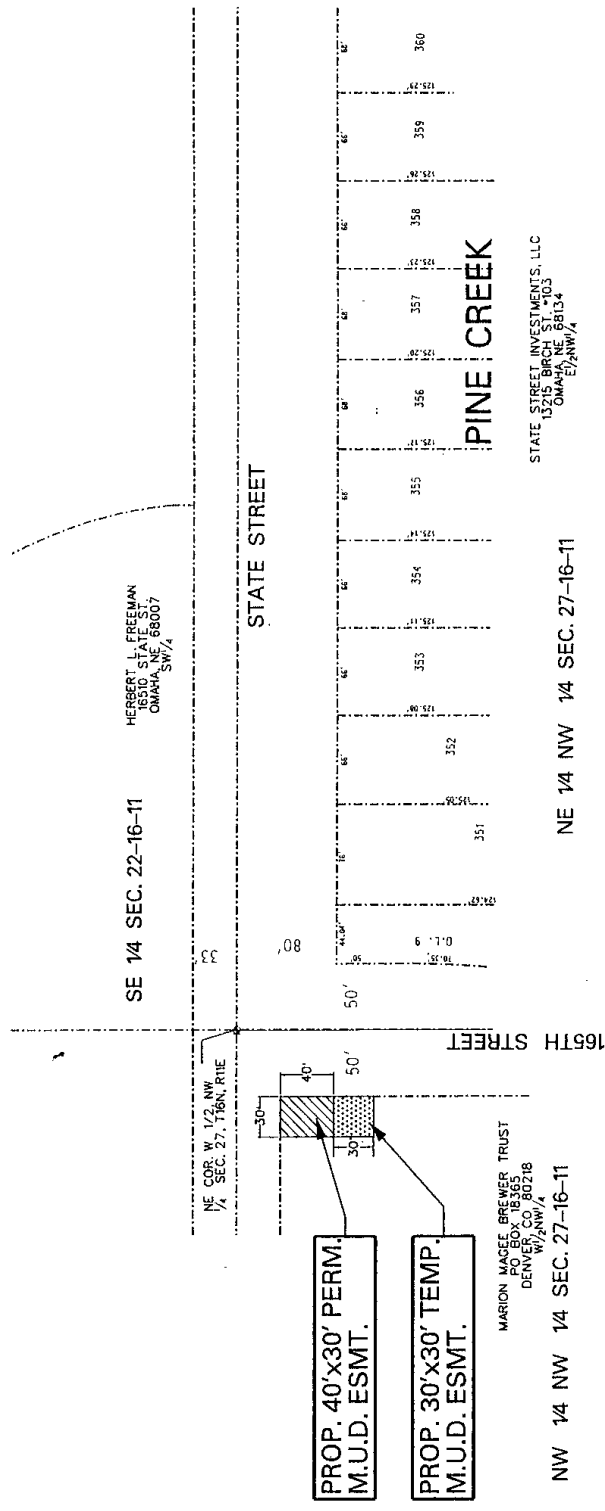
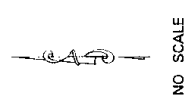
LAND OWNER  
MARION MAGEE BREWER TRUST  
PO BOX 18365  
DENVER, CO 80218

TOTAL ACRE PERMANENT 0.0275 ±  
TOTAL ACRE TEMPORARY 0.0207 ±

LEGEND  
 PERMANENT EASEMENT  
 TEMPORARY EASEMENT

PAGE 1 OF 1

DRAWN BY DAS  
 DATE 10-29-2003  
 CHECKED BY MKM  
 DATE 11/20/04  
 APPROVED BY  
 DATE  
 REVISED BY  
 DATE  
 REV. CHK'D. BY  
 DATE  
 REV. APPROV. BY  
 DATE



STATE STREET INVESTMENTS, LLC  
13215 BIRCH ST. #103  
OMAHA, NE 68107

NE 1/4 NW 14 SEC. 27-16-11

NW 1/4 NW 14 SEC. 27-16-11