



MISC 2006060356



MAY 31 2006 15:34 P 4

Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
5/31/2006 15:34:26.52



2006060356

PERMANENT AND TEMPORARY
CONSTRUCTION EASEMENTS

THIS INDENTURE, made this 9th day of May, 2006
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 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,
round iron covers, hydrants, roadway boxes, and pipeline markers, 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

Tracts of land in the Northwest Quarter (NW ¼) of the
Northwest Quarter (NW ¼) of Section 27, Township 16 North,
Range 11 East of the 6th P.M. in Douglas County, Nebraska
and being described as follows:

Tract 1

The south 42 feet of the north 75 feet of the west 250 feet of
the east 961.5 feet as it abuts the south right-of-way line of
State Street.

-and-

Tract 2

The south 62 feet of the north 95 feet of the west 580 feet of
the east 711.5 feet as it abuts the south right-of-way line of
State Street.

-and-

Tract 3

The south 42 feet of the north 75 feet of the west 81.5 feet of
the east 131.5 feet as it abuts the south right-of-way line of
State Street and the west right-of-way line of 165th Street,
excluding the existing permanent M.U.D. easement.

This permanent easement contains 1.12 acres, more or less,
and is shown on the drawing attached hereto and made a
part hereof by this reference.

Return to Susan Hazan
M.U.D.
1723 Harvey Street
Omaha, NE 68102 ✓ *025161*

misc	
FEE 20.50	FB 01-60000
BKP 27-16-11 ⁰²	COMP _____
DEL _____	SCAN _____ FV _____

TEMPORARY EASEMENT

Tracts of land in the Northwest Quarter (NW ¼) of the Northwest Quarter (NW ¼) of Section 27, Township 16 North, Range 11 East of the 6th P.M. in Douglas County, Nebraska and being described as follows:

Tract 4

The south 50 feet of the north 125 feet of the west 250 feet of the east 961.5 feet as it abuts the proposed permanent easement Tract 1.

-and-

Tract 5

The south 30 feet of the north 125 feet of the west 580 feet of the east 711.5 feet as it abuts the proposed permanent easement Tract 2.

-and-

Tract 6

The south 50 feet of the north 125 feet of the west 81.5 feet of the east 131.5 feet as it abuts the proposed permanent easement Tract 3 and the west right-of-way line of 165th Street.

This temporary easement contains 0.78 of an acre, more or less, and is shown on the drawing attached hereto and made a part hereof by this reference.

TO HAVE AND TO HOLD said Permanent and Temporary Construction Easements 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. The Grantor may landscape in the easement area except such landscaping shall not include trees. Any landscaping will be at the Grantor's risk if maintenance on Grantee's facilities is required that disturbs the landscaping.

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. The Grantee shall seed the disturbed area at the conclusion of construction with the seed mix used by Douglas County in county road ditches.

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.

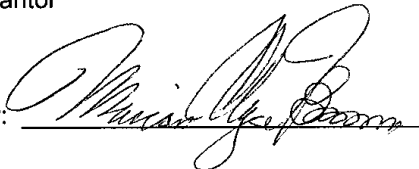
4. The Grantor is the lawful possessor of this real estate; has good, right and lawful authority to make such conveyance; and Grantor and its successors and assigns shall warrant and defend this conveyance and shall indemnify and hold harmless Grantee forever against claims of all persons asserting any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

5. The Grantee shall compensate the Grantor for any crop damages incurred as a result of the water main installation. The Grantor shall provide documentation verifying any crop damages which will include the number of acres involved, the then-current crop market prices and historical crop yield data.

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

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

MARION MAGEE BREWER TRUST,
Grantor

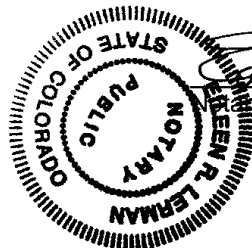
By: 

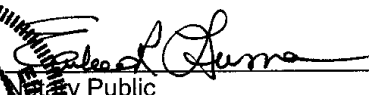
Title: Trustee

ACKNOWLEDGMENT

STATE OF COLORADO)
) ss
CITY AND COUNTY OF)
DENVER)

This instrument was acknowledged before me on May 25, 2006,
by Marion Magee Brewer, _____ of the MARION MAGEE
BREWER TRUST, on behalf of the trust.





Notary Public

My Commission Expires Aug. 07, 2006



METROPOLITAN UTILITIES DISTRICT OMAHA, NEBRASKA

EASEMENT ACQUISITION

FOR **WCP 10098**

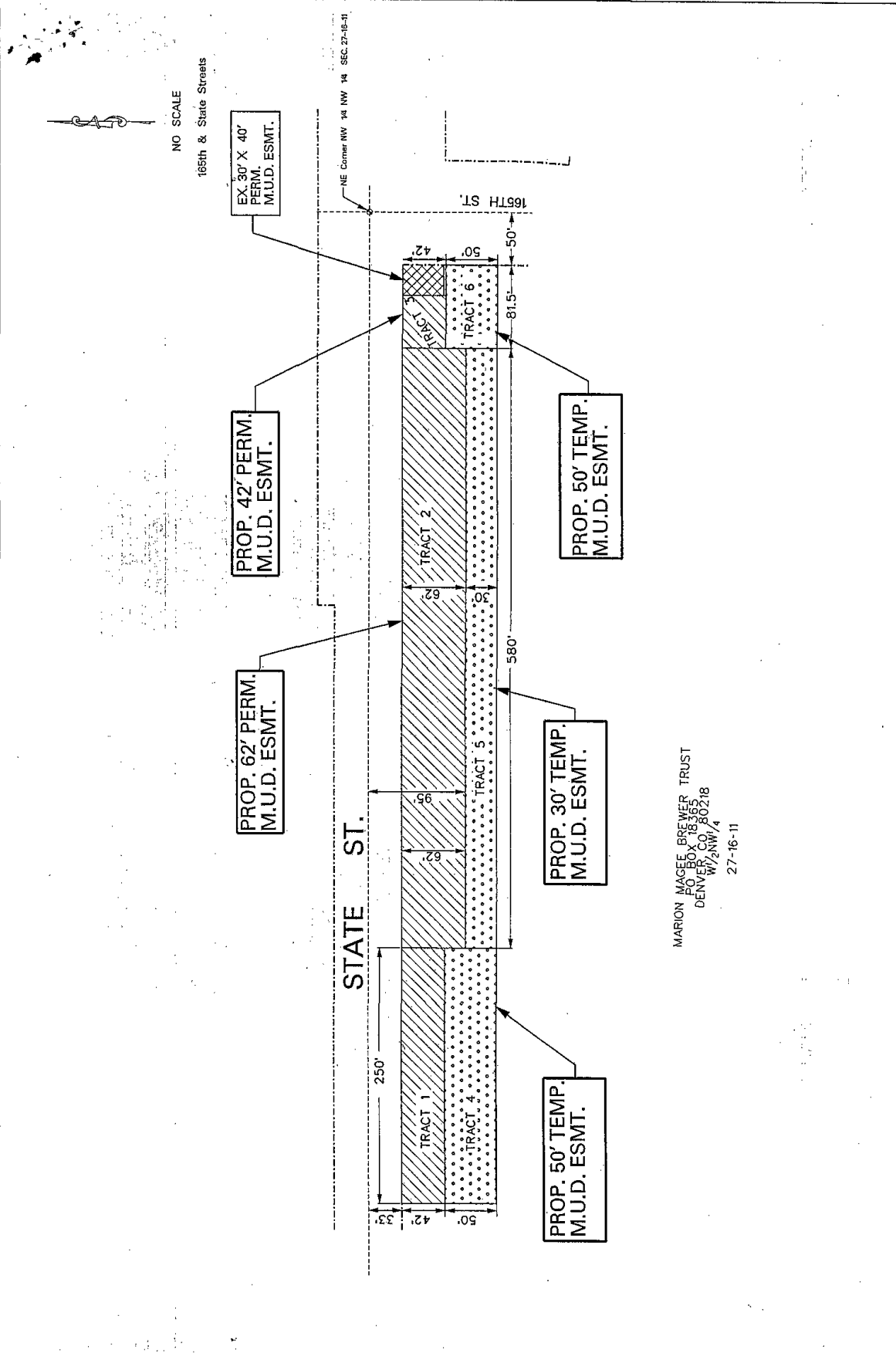
LAND OWNER
MARION MAGEE BREWER TRUST
 P.O. BOX 18365
 DENVER CO. 80218

TOTAL ACRE PERMANENT 1.12 ±
 TOTAL ACRE TEMPORARY 0.78 ±

LEGEND
 PERMANENT EASEMENT
 TEMPORARY EASEMENT

PAGE 1 OF 1

DRAWN BY _____ D.R.B.
 DATE 12-1-05
 CHECKED BY _____ MKM
 DATE 1-09-06
 APPROVED BY _____
 DATE _____
 REVISED BY _____
 DATE _____
 REV. CHK'D. BY _____
 DATE _____
 REV. APPROV. BY _____
 DATE _____



MARION MAGEE BREWER TRUST
 P.O. BOX 18365
 DENVER CO. 80218
 W/2 NW/4
 27-16-11