



MISC Inst. # 2018083159, Pg: 1 of 3 Rec Date: 10/18/2018 11:29:39.387  
Fee Received: \$22.00 Electronically Recorded By: CM  
Douglas County, NE Assessor/Register of Deeds DIANE L. BATTIATO

**DECLARATION OF  
UTILITY EASEMENT**

This Declaration of Utility Easement is made this 15<sup>th</sup> day of October, 2018, by 228 Skyline, LLC, a Nebraska limited liability company (“GRANTOR”).

**WITNESSETH:**

GRANTOR, in consideration of the sum of One and no/100 Dollars (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, does hereby reserve, grant and convey to the persons hereinafter described as Grantee, and their respective successors and assigns, the following:

1. A perpetual nonexclusive easement to Metropolitan Utilities District (the “GRANTEE”), to erect, operate, maintain, repair, and renew pipelines, hydrants and other sub-surface improvements for the carrying and transmission of gas and water under and across the real estate legally described in Exhibit “A” attached hereto (the “Easement Area”).

2. That no buildings, improvements, or other structures, nor any grading, fill or fill material, or embankment work, shall be placed in, on, over, or across said Easement Area by GRANTOR, its successors and assigns without express approval of the GRANTEE, except that GRANTOR may, without GRANTEES consent construct landscaping improvements and/or pavement within the Easement Area. These improvements and any trees, grass or shrubbery placed in the Easement Area shall be maintained by GRANTOR, and its, successors or assigns to the Easement Area.

3. That GRANTEE will replace or rebuild any and all damage to improvements caused by GRANTEE exercising its rights of inspecting, maintaining or operating said facilities, except that damage to, or loss of trees and shrubbery will not be compensated for by GRANTEE.

4. This Utility Easement is also for the benefit of any contractor, agent, employee, or representative of the GRANTEE performing said construction and work.

Return to:  
James D. Buser  
Pansing Hogan Ernst & Bachman, LLP  
10250 Regency Circle, Suite 300  
Omaha, Nebraska 68114

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5. That GRANTEE shall cause any trench made on said Easement Area to be properly refilled and shall cause the Easement Area and surrounding premises to be left in a neat and orderly condition.

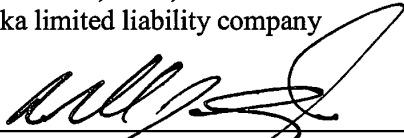
6. That this instrument contains the entire agreement of the parties; that there are no other or different agreements or understandings between the GRANTOR and the GRANTEE or its agents; and that the GRANTOR, in executing and delivering this instrument, has not relied upon any promises, inducements, or representations of the GRANTEE or its agents or employees, except as are set forth herein.

7. The easements granted herein shall run with the land and may be amended, modified or terminated by written instrument signed by GRANTOR and GRANTEE.

8. The easements contained herein are given without any warranty whatsoever.

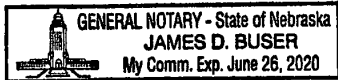
IN WITNESS WHEREOF, the GRANTOR has executed this Declaration of Utility Easement to be effective as of the day and year first above written.


228 SKYLINE, LLC, a  
Nebraska limited liability company

By:   
William J. Douglas, Manager

STATE OF NEBRASKA )  
 ) ss.:  
COUNTY OF DOUGLAS )

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of October, 2018, by William J. Douglas, Manager of 228 Skyline, LLC, a Nebraska limited liability company, on behalf of the company.



  
Notary Public

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**EXHIBIT "A"**

**EASEMENT AREA**

The eight-foot (8') wide strip of land that abuts Outlot "A" on each of Lots 4 through 67, inclusive, and on each of Outlots "B" through "G", in The Preserve, a subdivision as surveyed, platted, and recorded in Douglas County, Nebraska.

And

The eight-foot (8') wide strip of land that abuts Outlot "H" on each of Lots 1 through 3, inclusive, in The Preserve, a subdivision as surveyed, platted, and recorded in Douglas County, Nebraska.