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RICHARD M. TAKECHI RECISTER OF DEEDS DOUGLAS COUNTY, HE

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## **EASEMENT AND RIGHT-OF-WAY**

THIS INDENTURE, made this \_\_\_\_\_ day of \_\_\_\_\_ day of \_\_\_\_\_\_, 1997, between HARRISON SQUARE, INC., a Nebraska Corporation, ("Grantor"), and METROPOLITAN UTILITIES DISTRICT OF OMAHA, a Municipal Corporation, ("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, 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, including but not limited to fire hydrants, vault covers, and small valve boxes, together with the right of ingress and egress on, over, under and through lands described as follows:

## PERMANENT EASEMENT

Several tracts of land in Vintage Oaks Replat 1, a subdivision, as surveyed, platted, and recorded in Douglas County, Nebraska, described as follows:

The easterly ten feet (10') of Lots 11, 12, 21, 22, 29, 30, and 31 abutting the right of way of 165th Avenue.

and

The westerly ten feet (10') of Lots 16, 17, 25, 26, 32, and 33 abutting the right of way of 167th Street.

and

The southerly ten feet (10') of Lots 1, 4, and 5 abutting the Monroe Street right of way.

This permanent easement contains 0.444 of an acre, more or less, and is shown on the attached drawing.

TO HAVE AND TO HOLD said Easement and Right-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 easement tract any building or structure, except pavement and similar covering, and shall not permit anyone else to do so.
- 2. The Grantee shall restore the surface of any 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.

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- 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 a 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 has authority to execute it on behalf of the corporation.

IN WITNESS WHEREOF, Grantor executes this Easement and Right-of-Way to be signed on the above date.

HARRISON SQUARE, INC., a Nebraska Corporation, Grantor

By: James Linder, President

## **ACKNOWLEDGMENT**

STATE OF NEBRASKA )
) ss
COUNTY OF DOUGLAS )

This instrument was acknowledged before me on <u>lugurt 6</u>, 1997, by James Linder, President of Harrison Square, Inc., a Nebraska Corporation, on behalf of the corporation.

Notary Public

GENERAL NOTARY-State of Nebraska

JANET E. PAPROCKI
My Comm. Exp. Oct. 19, 1997

METROPOLITAN UTILITIES	
DISTRICT OMAHA, NEBRASKA	PROP. 10' PERM. M.U.D. ESMT.
EASEMENT ACQUISITION	NO SCALE VINTAGE OAKS; 167th & HARRISON
<sup>FOR</sup> W.C.C. 8128	
G.R.M. 10996	HEPU 13.50 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0
LAND OWNER HARRISON SQUARE, INC.	0 67 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
	100 PS
TOTAL ACRE PERMANENT 0.444 ±	
TOTAL ACRE TEMPORARY	
LEGEND PERMANENT EASEMENT	167TH STREET 3
TEMPORARY EASEMENT	455.46
PAGE1 OF1	PROP 10/ PEDAN
DRAWN BY KCG  DATE 2-3-97  CHECKED BY /// DATE 7-/0-97	M.U.D. ESMT.
APPROVED BY USTA DATE 7-(1-97 REVISED BY	15 VINTAGE DAKS
REV. CHK'D. BY	STREET
P: /cad/dgp/proposed/water/vo	20120 Tul 0 1007 24 47 50

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