

EASEMENT AND RIGHT-OF-WAY

THIS INDENTURE, made this 21<sup>ST</sup> day of JUNE, 1993, between WEST BAY, INC., a Nebraska Corporation, 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 gas and water 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

Four (4) tracts in West Bay, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, and described as follows:

The south five feet (S.5') of Lot Forty (40); and

The east twenty feet (E.20') and both the north five feet (N.5') and south five feet (S.5') of Lot Forty-one (41); and

The east twenty feet (E.20') and the north five feet (N.5') of Lot Forty-two (42).

The east twenty feet (E.20') of Lot Forty-three (43).

Said tracts contain a total of 0.1989 of an acre, more or less, and are shown on the drawing attached hereto and made a part hereof by this reference.

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 easement tract any building or structure, except pavement and other similar covering, and it will not 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.

Return to:

R. OWENS  
M.U.D.  
1723 HARNEY ST.  
OMAHA, NE 68102

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.

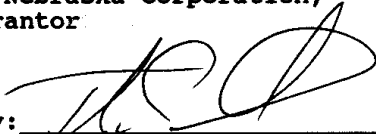
5. The person executing this instrument represents he has the requisite authority to execute same and make this conveyance on behalf of said Corporation.

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.

WEST BAY, INC.,  
a Nebraska Corporation,  
Grantor

(Corporate Seal)

ATTEST:

  
By: \_\_\_\_\_  
Thomas E. Smith, President

ACKNOWLEDGMENT

STATE OF NEBRASKA )  
                          ) ss  
COUNTY OF DOUGLAS )

On this 21<sup>st</sup> day of June, 1993, before me, the undersigned, a Notary Public in and for said State of Nebraska, personally came Thomas E. Smith, President of WEST BAY, INC., a Nebraska Corporation, to me known to be the identical person whose name is affixed to the foregoing instrument, 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.

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

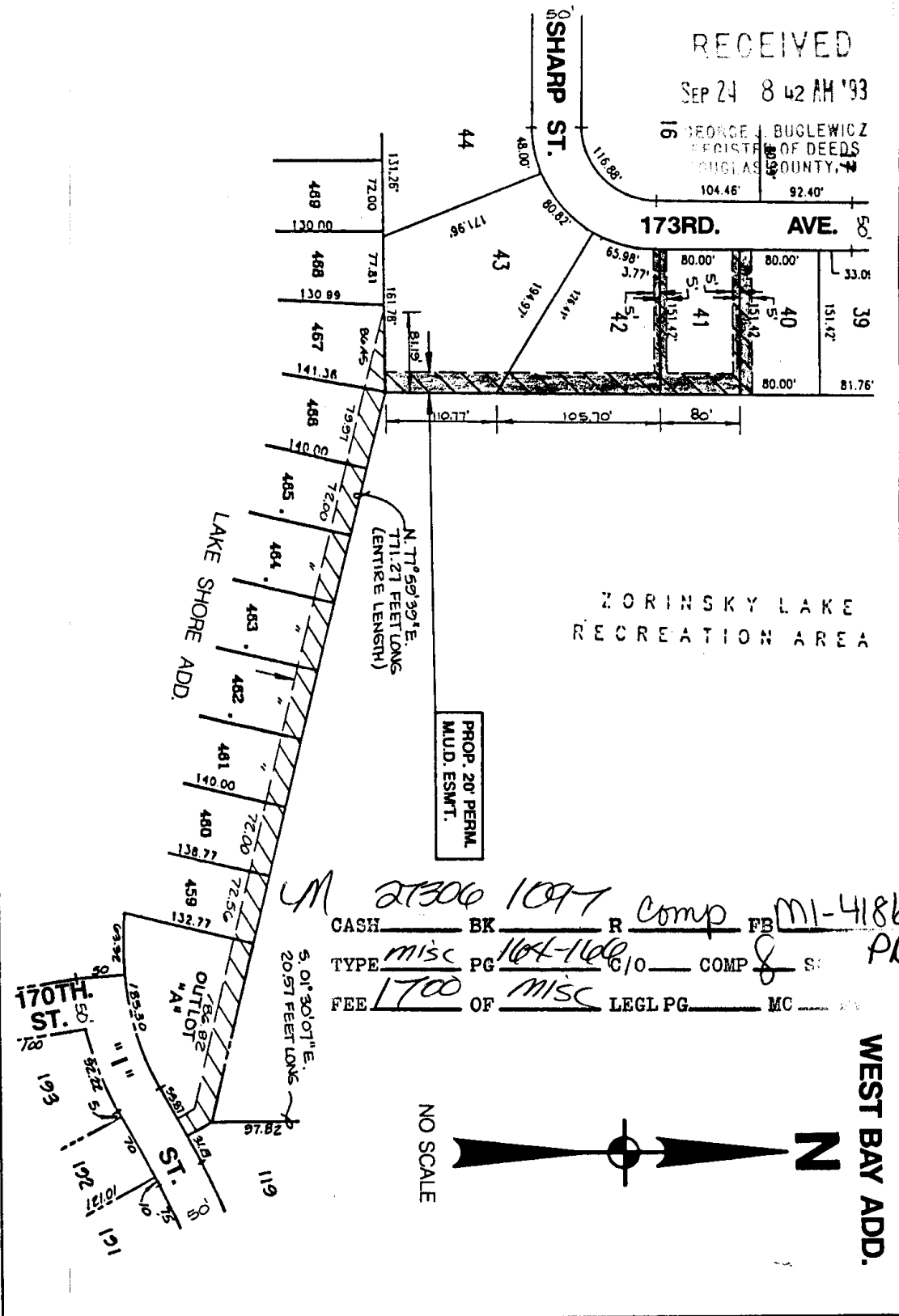


  
\_\_\_\_\_  
Notary Public

My Commission expires: 8-6-94.

RECEIVED  
SEP 24 8 42 AM '93

GEORGE J. BUGLEWICZ  
REGISTRAR OF DEEDS  
DODGE COUNTY, NE  
104.46' 92.40'



ZORINSKY LAKE  
RECREATION AREA

PROP. 20' PERM  
MUD. ESMT.

LM 27306 1097 Comp FB MI-41860  
CASH BK R PG 104-160 COMP 8 S PD  
TYPE misc OF misc LEGL PG MC  
FEE 1700

WEST BAY ADD.

NO SCALE



METROPOLITAN UTILITIES DISTRICT OMAHA, NEBRASKA	
EASEMENT ACQUISITION	
FOR W.C.C.7620 G.R.M.10458	
LAND OWNER	WEST BAY, INC.
	11823 ARBOR ST. STE. 220 OMAHA, NE 68144
TOTAL ACRE PERMANENT	0.1999±
LEGEND	
PERMANENT EASEMENT	
PAGE	1 OF 1
DRAWN BY	K.H.
DATE	5-01-93
CHECKED BY	
DATE	
APPROVED BY	
DATE	
REVISED BY	
DATE	
REV. CHK'D. BY	
DATE	
REV. APPROV. BY	
DATE	