

EASEMENT AND RIGHT OF WAY

THIS INDENTURE, made this 14 day of August, 1979, between Menco Corp., a corporation organized and existing under and by virtue of the laws of the State of Nebraska, 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 One Dollar (\$1.00) 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, including but not limited to water valve boxes, together with the right of ingress and egress to and from the same, on, over, under and through lands described as follows:

FILED FOR RECORD 8-31-79 AT 10:55 AM IN BOOK 52 OF Menco Corp. 148 REGISTER OF DEEDS, SARPY COUNTY, NEB. Carl S. Hillstedt PAGE 596

Several strips of land lying in Lots 107, 108, 109, 110, 111, 113, 114, 116, 117, and 120 of Whispering Timber Estates Phase 3, a subdivision, as now platted and recorded, in Sarpy County, Nebraska, said strips being more particularly described as follows:

A strip of land lying in Lots One Hundred Seven (107), One Hundred Eight (108), One Hundred Nine (109), One Hundred Ten (110), and One Hundred Eleven (111), being Ten (10) feet wide, lying along and parallel to the Easterly property line of said lots and extending from the Northeasterly property line of Lot One Hundred Seven (107) to the Northerly right-of-way line of Childs Road;

The East Ten (10) feet of Lot One Hundred Thirteen (113);

The East Ten (10) feet of Lot One Hundred Fourteen (114);

The East Ten (10) feet of Lot One Hundred Sixteen (116);

The East Ten (10) feet of Lot One Hundred Seventeen (117);

The East Ten (10) feet of Lot One Hundred Twenty (120).

These strips, as shown on the plat attached hereto and made a part hereof, contain a total of Nineteen Hundredths (0.19) acre, more or less.

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. 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 strips of land any building or structure, except pavement or other utilities, and that they will not give anyone else permission to do so.

2. 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 Grantor, or duties and powers of Grantee, respecting the ownership, use, operations, extensions and connections to any pipeline constructed and maintained hereunder.

IN WITNESS WHEREOF, the Grantor has caused this easement to be signed on the day and year first above written.

ATTEST:

Robert A. Mank Title Sec

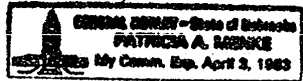
MENCO CORP., a Corporation organized and existing under and by virtue of the laws of the State of Nebraska, Grantor,

By [Signature] Title President

STATE OF NEBRASKA)
) ss
COUNTY OF SARPY)

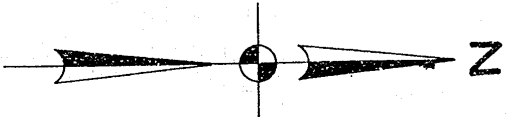
On this 12th day of August, 1979, before me, the undersigned, a Notary Public in and for said State of Nebraska, personally came W. Murke, to me personally known to be President, of Menco Corp., a Corporation organized and existing under and by virtue of the laws of the State of Nebraska, and the identical person whose name is affixed to the foregoing instrument, and acknowledged the execution of this instrument as his/her voluntary act and deed and the voluntary act and deed of said Corporation.

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

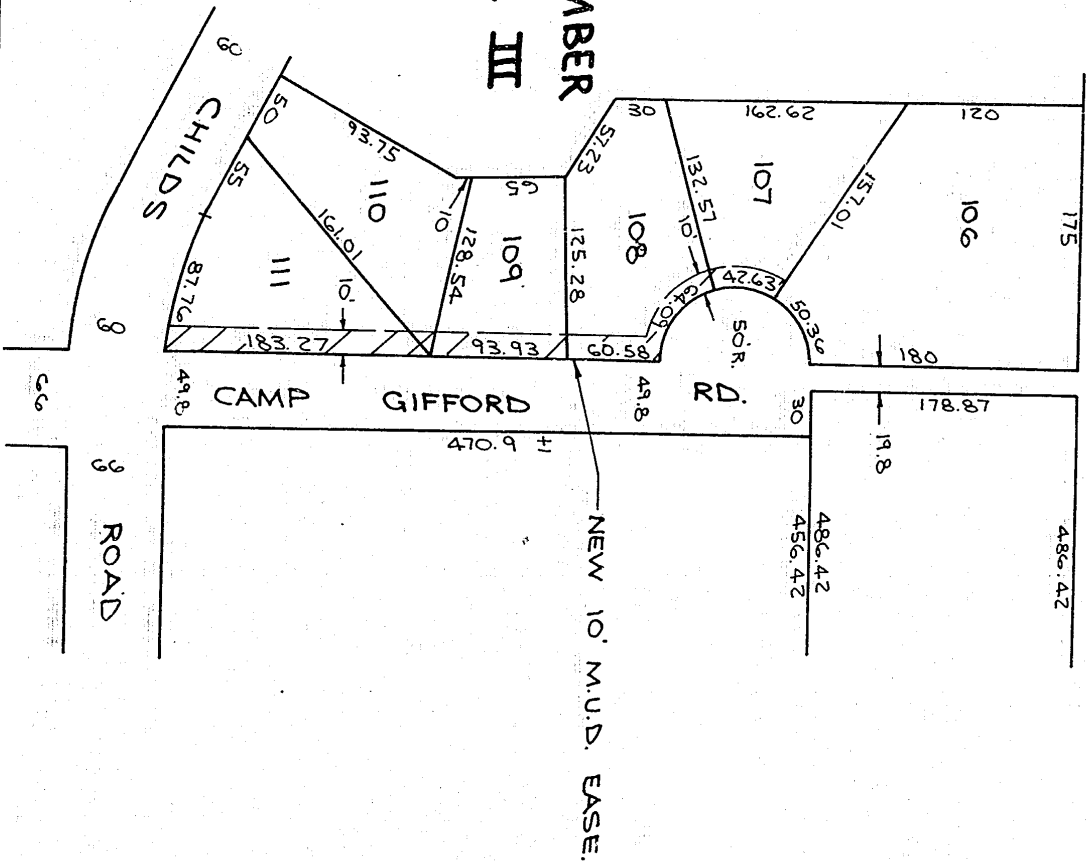


Patricia A. Menck
Notary Public

52-596 B



WHISPERING TIMBER ESTATES PHASE III



METROPOLITAN
UTILITIES
DISTRICT
OMAHA, NEBRASKA

EASEMENT
ACQUISITION
FOR S.C.C. 8024 &
W.C.C. 5555
TRACT NO. TWO

LAND OWNER
MENCO CORP

TOTAL ACRE 0.19

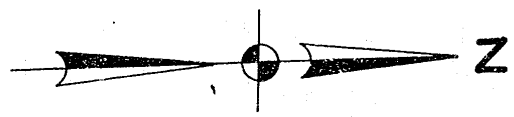
LEGEND
PERMANENT EASEMENT

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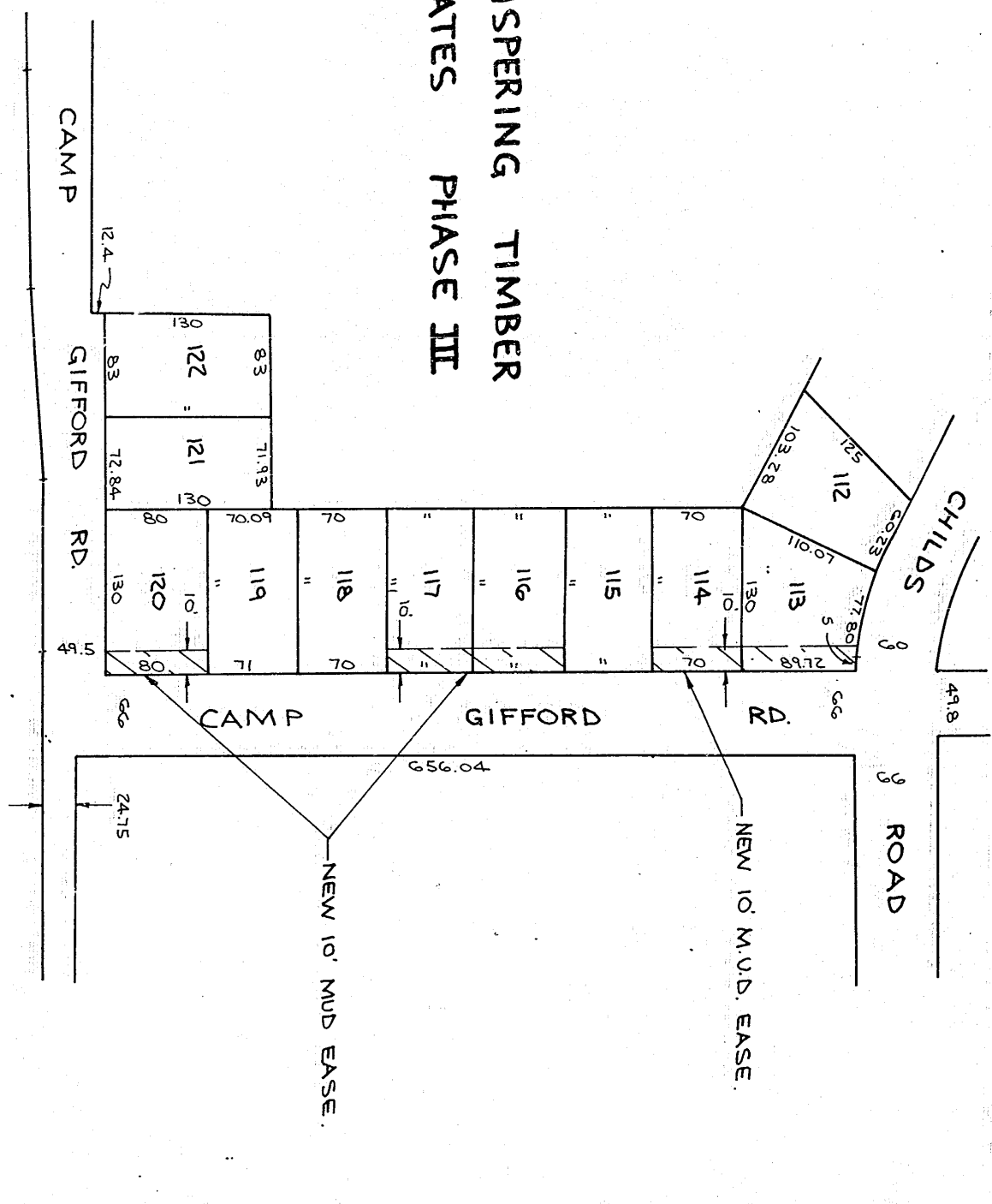
DRAWN BY C.G. DATE 6-12-79
 CHECKED BY W.W.P. DATE 6-13-79
 APPROVED BY TPS DATE 6-14-79
 REVISED BY _____ DATE _____
 REV. CHK'D BY _____ DATE _____
 REV. APPROV. BY _____ DATE _____

FILE NO. 417075

52-5760



WHISPERING TIMBER ESTATES PHASE III



DRAWN BY <u>C.G.</u> DATE <u>6-12-79</u>		METROPOLITAN UTILITIES DISTRICT OMAHA, NEBRASKA EASEMENT ACQUISITION FOR G.C.C. 8024 & W.C.C. 5555 TRACT NO. TWO LAND OWNER MENCO CORP. TOTAL ACRE <u>0.19</u> LEGEND PERMANENT EASEMENT
CHECKED BY <u>W.W.P.</u> DATE <u>6-13-79</u>		
APPROVED BY <u>TPS</u> DATE <u>6-14-79</u>		
REVISED BY _____ DATE _____		
REV. CHK'D BY _____ DATE _____		
REV APPROV BY _____ DATE _____		
PAGE 2 OF 2		