



MISC 2003118070

RICHARD N. TAKECHI  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NE



JUN 19 2003 14:26 P 6

RECEIVED

PERMANENT  
AND  
TEMPORARY CONSTRUCTION  
EASEMENTS AND RIGHTS-OF-WAY

Misc  
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BKP \_\_\_\_\_ C/O \_\_\_\_\_ COMP \_\_\_\_\_  
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THIS INDENTURE, made this 30 day of September, 2002 between WHITEHAWK DEVELOPMENT, LLC, a Nebraska limited liability company ("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 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, 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

A tract of land in Whitehawk, a subdivision, as platted and recorded in Douglas County, Nebraska and being described as follows:

The easterly 10.00 feet of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 75, 76, 77, 85, 86, 87, 88, 91, 92, 93, Outlot "A", Outlot "B", and Outlot "C" and the easterly 10.00 feet of the northerly 97.06 feet of Lot 12.

This permanent easement contains 0.490 of an acre, more or less, and is shown on the drawing attached hereto and made a part hereof by this reference.

TEMPORARY CONSTRUCTION EASEMENT

A tract of land in Whitehawk, a subdivision, as platted and recorded in Douglas County, Nebraska and being described as follows:

The westerly 15.00 feet of the easterly 25.00 feet of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 75, 76, 77, 85, 86, 87, 88, 91, 92, 93, Outlot "A", Outlot "B", and Outlot "C".

This temporary easement contains 0.838 of an acre, more or less, and is shown on the drawing attached hereto and made a part hereof by this referenced.

TO HAVE AND TO HOLD said Permanent and Temporary Construction Easements and Rights-of-Way to Grantee, Metropolitan Utilities District of Omaha, its successors and assigns.

PLEASE RETURN TO:  
JUSTIN COOPER  
MUD LEGAL DEPARTMENT  
1723 HARNEY ST  
OMAHA, NE 68102

013440

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 paving or a similar covering, and shall not give permission to 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 contemplated herein, which shall not be later than one year after the date of execution hereof.

2. The Grantee shall restore or replace 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.

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 conveyances; and grantor and his 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, excluding therefrom the legal effect of easements of record on the date of execution hereof.

5. The person executing this instrument represents that he has authority to execute it on behalf of the limited partnership.

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

WHITEHAWK DEVELOPMENT, LLC,  
a Nebraska limited liability company,  
Grantor

By: BUSHWOOD DEVELOPMENT, LLC,  
a Nebraska limited liability company,  
Member

By:   
John C. Allen, Manager

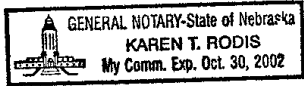
By: M.J.A. – F STREET, LLC,  
a Nebraska limited liability company,  
Member

By:   
Gerald L. Torczon, Manager

ACKNOWLEDGMENT

STATE OF NEBRASKA )  
 ) ss  
 COUNTY OF DOUGLAS )

This instrument was acknowledged before me on the 27<sup>TH</sup> day of SEPTEMBER, 2002, by John C. Allen, Manager of Bushwood Development, LLC, a Nebraska limited liability company.



*Karen T. Rodis*  
 \_\_\_\_\_  
 Notary Public

ACKNOWLEDGMENT

STATE OF NEBRASKA )  
 ) ss  
 COUNTY OF DOUGLAS )

This instrument was acknowledged before me on the 30 day of September, 2002, by ~~John C. Allen~~ Gerald L. Torczon, Manager of ~~Bushwood Development, LLC~~ M.J.A.-F Street, LLC, a Nebraska limited liability company.



*Doris J. Nicholson*  
 \_\_\_\_\_  
 Notary Public

**METROPOLITAN**

**UTILITIES**

**DISTRICT**

OMAHA, NEBRASKA

**EASEMENT**

**ACQUISITION**

FOR **W.C.P. 9373**

LAND OWNER

John Allen

CBS Home Real Estate

14769 California Street

Omaha, Nebraska 68154

TOTAL ACRE 0.490 ±

PERMANENT 0.490 ±

TEMPORARY 0.838 ±

**LEGEND**

PERMANENT EASEMENT



TEMPORARY EASEMENT



PAGE 1 OF 3

DRAWN BY DAS

DATE 7-16-2002

CHECKED BY JAZ

DATE 1/24/02

APPROVED BY

DATE

REVISED BY

DATE

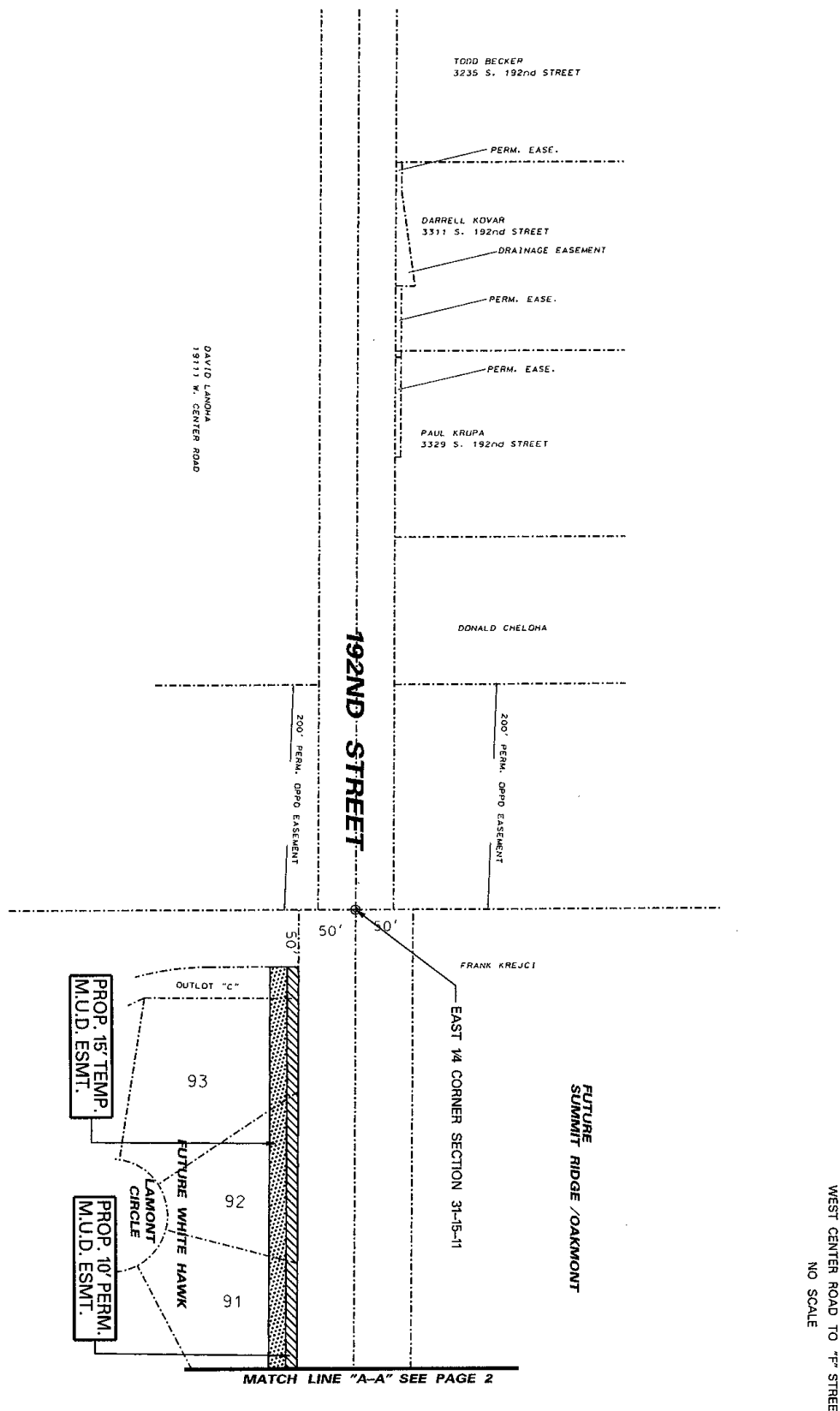
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DATE

REV. APPROV. BY

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192ND STREET:  
WEST CENTER ROAD TO "F" STREET  
NO SCALE

**METROPOLITAN UTILITIES DISTRICT**  
OMAHA, NEBRASKA

**EASEMENT ACQUISITION**

FOR **W.C.P. 9373**

LAND OWNER  
**John Allen**

**CBS Home Real Estate**

**14769 California Street**  
Omaha, Nebraska 68154

TOTAL ACRE \_\_\_\_\_ SEE PAGE 1

PERMANENT \_\_\_\_\_ SEE PAGE 1

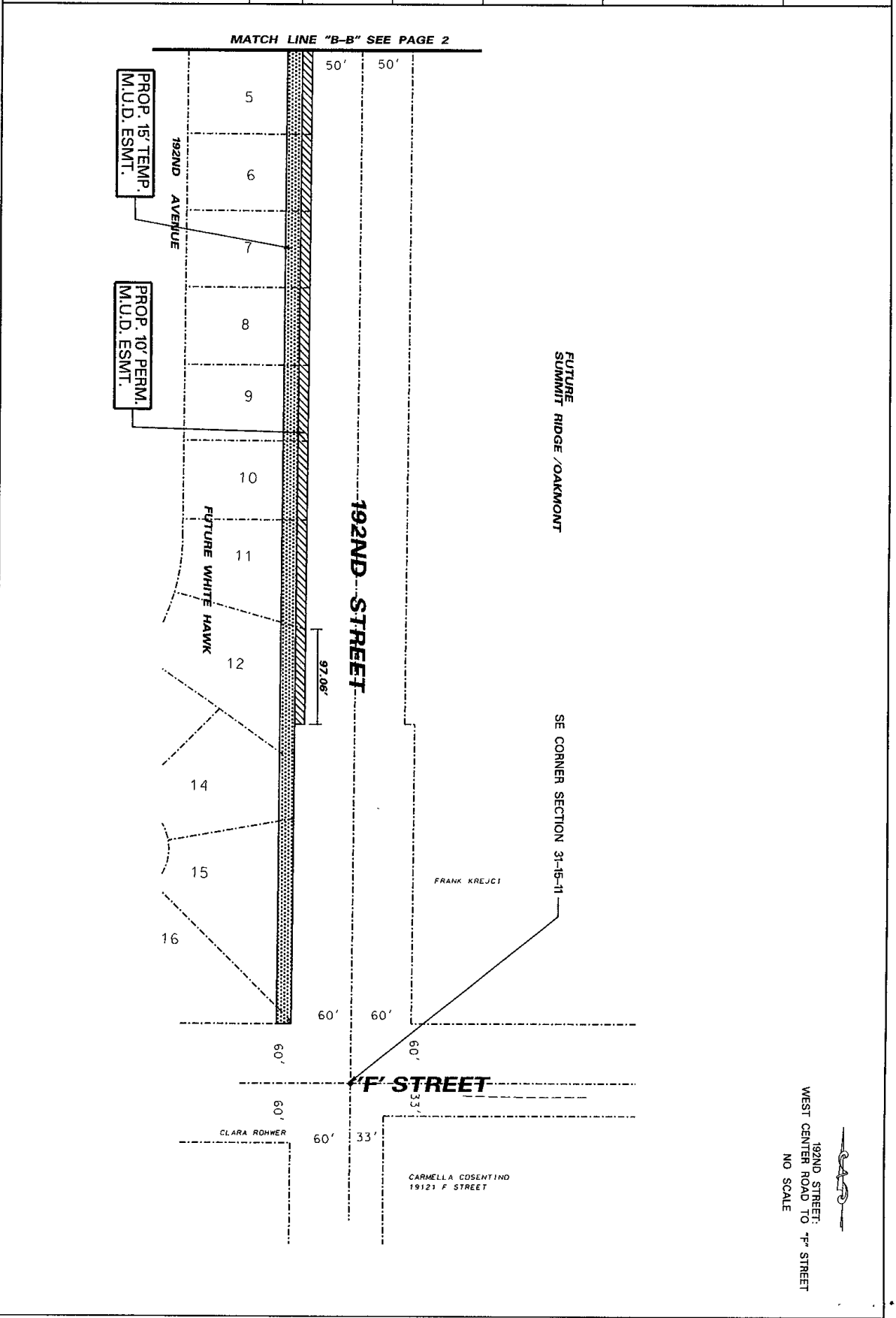
TEMPORARY \_\_\_\_\_ SEE PAGE 1

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TEMPORARY EASEMENT [dotted pattern symbol]

PAGE 3 OF 3

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192ND STREET:  
WEST CENTER ROAD TO "F" STREET  
NO SCALE

METROPOLITAN

UTILITIES  
DISTRICT  
OMAHA, NEBRASKA

EASEMENT  
ACQUISITION

FOR  
W.C.P. 9373



LAND OWNER  
John Allen  
CBS Home Real Estate  
14769 California Street  
Omaha, Nebraska 68154

TOTAL ACRE \_\_\_\_\_ SEE PAGE 1  
PERMANENT \_\_\_\_\_  
TEMPORARY \_\_\_\_\_ SEE PAGE 1

LEGEND  
PERMANENT EASEMENT [diagonal hatching symbol]  
TEMPORARY EASEMENT [dotted pattern symbol]

PAGE 2 OF 3

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