

EASEMENT AND RIGHT OF WAY

THIS INDENTURE, made this 25 day of JANUARY, 1978, between William S. Latta, Helen Latta, Gary R. Bowen, Elizabeth A. Bowen, K. Scott Findley, Thomas L. Findley, Polly Savage, ^{and} Gary Tasich, ~~XXXXXXXXXXXXXXXXXXXX~~ hereinafter referred to as "Grantors", and Metropolitan Utilities District of Omaha, a municipal corporation, hereinafter referred to as "Grantee", WITNESSETH:

That the Grantors, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, do 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:

A tract of land lying in Lots Nine Hundred Seventy (970), Nine Hundred Seventy-one (971), Nine Hundred Seventy-two (972), Nine Hundred Seventy-three (973), Nine Hundred Seventy-four (974), Nine Hundred Seventy-five (975), and Nine Hundred Seventy-six (976) of Morningside Addition, as platted and recorded, in Douglas County, Nebraska, said tract being more particularly described as follows:

Starting at the Southeast corner of Lot Nine Hundred Seventy (970) of Morning side Addition; thence North 90°00'00" West (assumed bearing) along the South line of Lot Nine Hundred Seventy (970) a distance of Ten (10) feet; thence North 00°00'00" West a distance of Thirty (30) feet to the point of beginning; thence continuing North 00°00'00" West a distance of Ten (10) feet; thence South 90°00'00" East a distance of Two Hundred Nineteen and Twelve Hundredths (219.12) feet; thence South 00°00'00" East a distance of Ten (10) feet; thence North 90°00'00" West a distance of One Hundred Sixty-six and Twelve Hundredths (166.12) feet; thence South 00°00'00" East a distance of Thirty (30) feet; thence North 90°00'00" West a distance of Ten (10) feet; thence North 00°00'00" West a distance of Thirty (30) feet; thence North 90°00'00" West a distance of Forty-three (43) feet to the point of beginning.

Said tract contains Fifty-seven Thousandths (0.057) acre, more or less, all as shown on the plat attached hereto and made a part hereof.

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 Grantors agree that neither they nor their heirs or assigns will at any time erect, construct or place on or below the surface of said tract of land any building or structure, except pavement, 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 Grantors, or duties and powers of the Grantee, respecting the

ownership, use, operations, extensions and connections to any pipeline constructed and maintained hereunder.

IN WITNESS WHEREOF, the Grantors have executed this easement the day and year first above written.

William S. Latta
William S. Latta

Helen Latta
Helen Latta

Gary R. Bowen
Gary R. Bowen

Elizabeth A. Bowen
Elizabeth A. Bowen

K. Scott Findley
K. Scott Findley

Thomas L. Findley
Thomas L. Findley

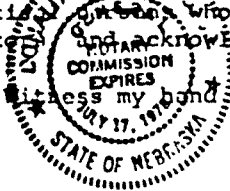
Polly Savage
Polly Savage

Gary Tasich
Gary Tasich

Grantors

STATE OF NEBRASKA)
) ss
COUNTY OF DOUGLAS)

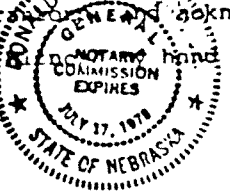
On this 25th day of January, 1978, before me, the undersigned, a Notary Public duly commissioned and qualified for said county, personally came William S. Latta and Helen Latta, to me personally known to be the identical persons whose names are affixed to the foregoing instrument as Grantors and acknowledged the same to be their voluntary act and deed.



Edward C. [Signature]
Notary Public

STATE OF NEBRASKA)
) ss
COUNTY OF DOUGLAS)

On this 25th day of January, 1978, before me, the undersigned, a Notary Public duly commissioned and qualified for said county, personally came Gary R. Bowen and Elizabeth A. Bowen, to me personally known to be the identical persons whose names are affixed to the foregoing instrument as Grantors and acknowledged the same to be their voluntary act and deed.



Edward C. [Signature]
Notary Public

STATE OF NEBRASKA)
) ss
COUNTY OF DOUGLAS)

On this 25th day of January, 1978, before me, the undersigned, a Notary Public duly commissioned and qualified for said county, personally came K. Scott Riddley, to me personally known to be the identical person whose name is affixed to the foregoing instrument as Grantor, and acknowledged the same to be his voluntary act and deed.

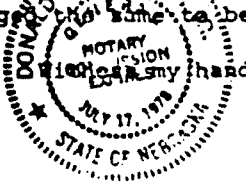


Witness my hand and Notarial Seal the day and year last above written.

Arnold C. Hildebrand
Notary Public

STATE OF NEBRASKA)
) ss
COUNTY OF DOUGLAS)

On this 25th day of January, 1978, before me, the undersigned, a Notary Public duly commissioned and qualified for said county, personally came Therese D. Findley, to me personally known to be the identical person whose name is affixed to the foregoing instrument as Grantor, and acknowledged the same to be his voluntary act and deed.

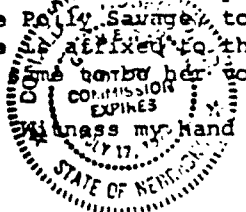


Witness my hand and Notarial Seal the day and year last above written.

Arnold C. Hildebrand
Notary Public

STATE OF NEBRASKA)
) ss
COUNTY OF DOUGLAS)

On this 21st day of January, 1978, before me, the undersigned, a Notary Public duly commissioned and qualified for said county, personally came Polly Savage, to me personally known to be the identical person whose name is affixed to the foregoing instrument as Grantor, and acknowledged the same to be her voluntary act and deed.

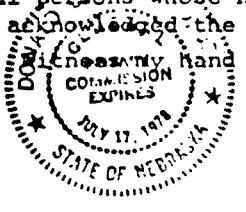


Witness my hand and Notarial Seal the day and year last above written.

Arnold C. Hildebrand
Notary Public

STATE OF NEBRASKA)
) ss
COUNTY OF DOUGLAS)

On this 25th day of January, 1978, before me, the undersigned, a Notary Public duly commissioned and qualified for said county, personally came Gary Tasich ~~XXXXXXXXXXXXXXXXXXXX~~ to me personally known to be the identical persons whose names are affixed to the foregoing instrument as Grantors and acknowledged the same to be their voluntary act and deed.



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

Arnold C. Hildebrand
Notary Public