



MISC 2006116101



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 DEL _____ SCAN _____ FV _____

October 2, 2006

Doc.#

JOINT UTILITY EASEMENT

Received - DIANE L. BATTIATO
 Register of Deeds, Douglas County, NE
 10/10/2006 10:12:05.70



2006116101

HEARTSTONE HOMES, INC.

Owner(s) of the real estate described as follows, and hereafter referred to as "Grantor",

Lots Four Hundred Thirteen thru Four Hundred Fifteen (413, 414, 415), Arbor Gate,
 an Addition as surveyed, platted and recorded in Douglas County, Nebraska.

in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, do hereby grant to the Omaha Public Power District, Qwest Communications, and any other company which has been granted a franchise to provide a cable television system in the area to be subdivided, their successors and assigns, subject to matters of record, a permanent utility easement to erect, operate, maintain, repair, and renew poles, wires, cables, conduits and other related facilities, and to extend thereon wires or cables for the carrying and transmission of electrical current for light, heat and power and for the transmission of signals and sounds of all kinds including signals provided by a cable television system, and the reception on, over through, under and across the following described real estate, to wit:

(See attached Exhibit "A" for easement description and sketch.)

The Grantor hereby grants to said Utilities, their successors and assigns, the right, privilege and authority to clear all trees, roots, brush, and other obstructions from the surface and subsurface of said strip and to temporarily open any fences crossing said strip.

Grantor agrees that grade shall not be reduced more than One foot (1') in elevation without the prior approval of the District.

No permanent buildings or retaining walls shall be placed in the easement area, but the same may be used for gardens, shrubs, landscaping and other purposes that do not then or later interfere with the aforesaid uses or rights granted herein.

The Grantor covenants that he/they has/have lawful possession of said real estate, good, right and lawful authority to make such conveyance and that his/her/their heirs, executors, administrators, successors and assigns shall warrant and defend the same and will indemnify and hold harmless the Utilities forever against the claims of all persons whomsoever in any way asserting any right, title or interest prior to or contrary to this conveyance.

IN WITNESS WHEREOF, the Owners(s) have executed this instrument this 10th day of October, 2006.

OWNERS SIGNATURE(S)

John J. Smith, President
 HEARTSTONE HOMES, INC.

EACG1

CORPORATE ACKNOWLEDGMENT

STATE OF _____

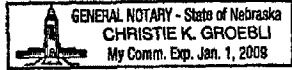
COUNTY OF _____

On this 24th day of OCTOBER, 2006, before me the undersigned, a Notary Public in and for said County, personally came JOHN J. SMITH

President of HEARTHSTONE HOMES, INC personally to me known to be the identical person(s) who signed the foregoing instrument as grantor(s) and who acknowledged the execution thereof to be his voluntary act and deed for the purpose therein expressed.

Witness my hand and Notarial Seal the date above written.

Christie K Groebli
NOTARY PUBLIC



INDIVIDUAL ACKNOWLEDGMENT

STATE OF _____

COUNTY OF _____

On this _____ day of _____, 2006, before me the undersigned, a Notary Public in and for said County and State, personally appeared _____

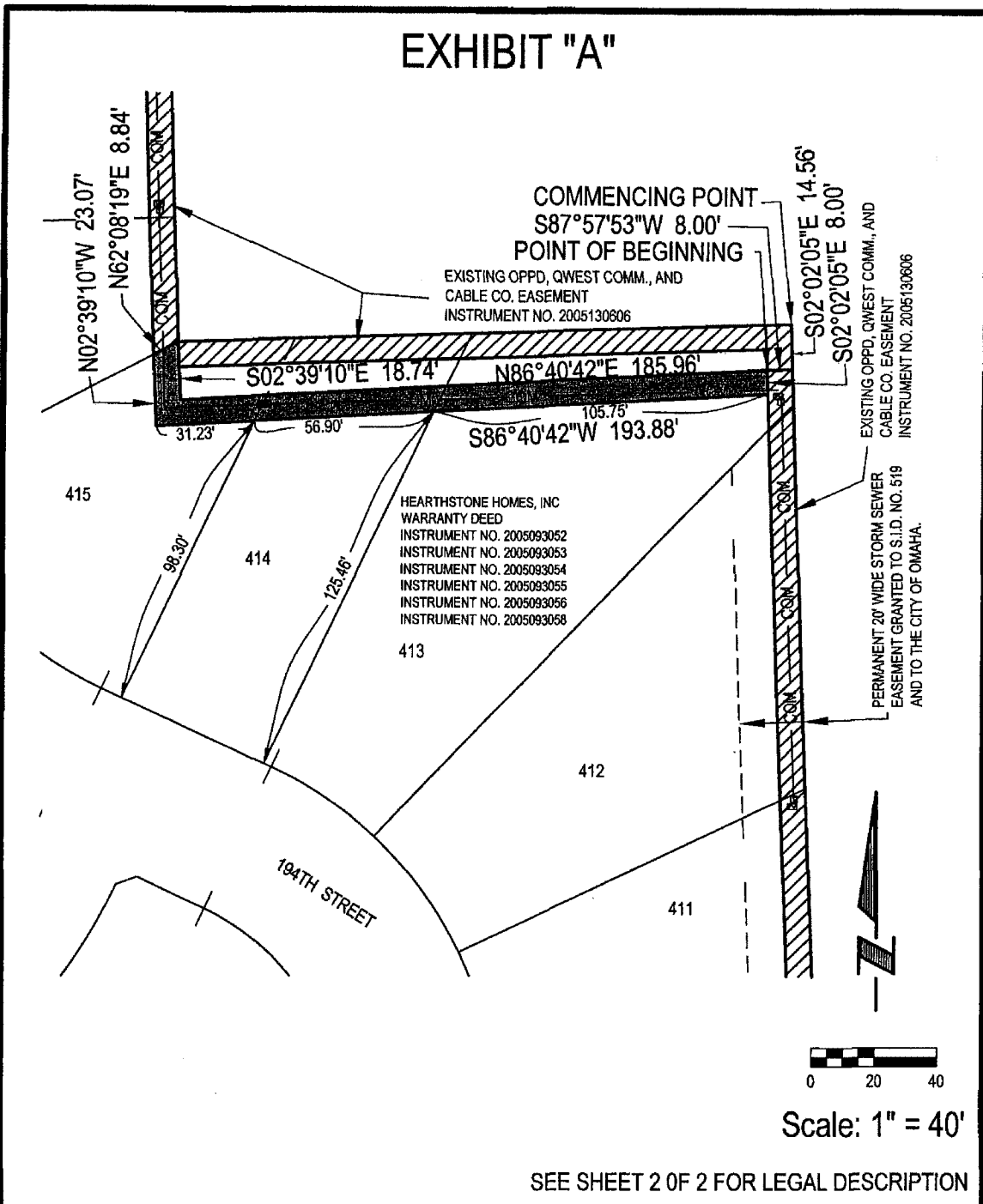
personally to me known to be the identical person(s) and who acknowledged the execution thereof to be _____ voluntary act and deed for the purpose therein expressed.

Witness my hand and Notarial Seal the date above written.

NOTARY PUBLIC

NE ¼, Section 07, T 14 N, R 11 E, County Douglas ROW RJD Date October 2, 2006
Customer Rep. Wilkins Engineer Scholz Srvc Req. # 22187/24043 W.O.# 0020455201

EXHIBIT "A"



e+a E&A CONSULTING GROUP, INC.
ENGINEERING • PLANNING • FIELD SERVICES
330 NORTH 117TH STREET OMAHA, NE 68154 PHONE (402) 866-4700

PERMANENT OPPD, QWEST
COMMUNICATION, & CABLE CO. EASEMENT

Drawn by: KAG Chkd by: WAC 9-13-06 Chkd by: _____

LOTS 413 THRU 415 INCLUSIVE, ARBOR GATE

Job No.: 2004264.01 Date: 09/11/2006 Sheet: 1 OF 2

DOUGLAS COUNTY, NEBRASKA

K:\Projects\2004\264\p01\Srvy\Easements\UTILITY EASEMENT-000.dwg, 8.5x11 (14)_Omaha, 9/13/2006 1:27:40 PM, KimG, Legal (8 1/2 x 14 in.), 1:1

EXHIBIT "A"

LEGAL DESCRIPTION

HEARTHSTONE HOMES, INC
WARRANTY DEED
INSTRUMENT NO. 2005093052
INSTRUMENT NO. 2005093053
INSTRUMENT NO. 2005093054
INSTRUMENT NO. 2005093055
INSTRUMENT NO. 2005093056
INSTRUMENT NO. 2005093058

A PERMANENT OPPD, QWEST COMMUNICATION, AND CABLE COMPANY EASEMENT LOCATED IN LOTS 413 THRU 415, ARBOR GATE (LOTS 401 THRU 468 INCLUSIVE), A SUBDIVISION LOCATED IN THE NORTH 1/2 OF THE NE1/4 OF SECTION 7, TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 413, ARBOR GATE (LOTS 401 THRU 468 INCLUSIVE); THENCE S02°02'05"E (ASSUMED BEARING) ALONG THE EASTERLY LINE OF SAID LOT 413, ARBOR GATE (LOTS 401 THRU 468 INCLUSIVE), A DISTANCE OF 14.56 FEET; THENCE S87°57'53"W, A DISTANCE OF 8.00 FEET TO THE POINT OF BEGINNING; THENCE S02°02'05"E, A DISTANCE OF 8.00 FEET; THENCE S86°40'42"W, A DISTANCE OF 193.88 FEET; THENCE N02°39'10"W, A DISTANCE OF 23.07 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT 415, ARBOR GATE (LOTS 401 THRU 468 INCLUSIVE), SAID LINE ALSO BEING THE SOUTHERLY LINE OF LOT 416, SAID ARBOR GATE (LOTS 401 THRU 468 INCLUSIVE); THENCE N62°08'19"E ALONG SAID WESTERLY LINE OF LOT 415, ARBOR GATE (LOTS 401 THRU 468 INCLUSIVE), SAID LINE ALSO BEING SAID SOUTH LINE OF LOT 416, ARBOR GATE (LOTS 401 THRU 468 INCLUSIVE), A DISTANCE OF 8.84 FEET TO THE NORTHWEST CORNER OF SAID LOT 415, ARBOR GATE (LOTS 401 THRU 468 INCLUSIVE), SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SAID LOT 416, ARBOR GATE (LOTS 401 THRU 468 INCLUSIVE); THENCE S02°39'10"E, A DISTANCE OF 18.74 FEET; THENCE N86°40'42"E,, A DISTANCE OF 185.96 FEET TO THE POINT OF BEGINNING.

SAID PERMANENT OPPD, QWEST COMMUNICATION, AND CABLE COMPANY EASEMENT CONTAINS AN AREA OF 1,687 SQUARE FEET OR 0.039 ACRES, MORE ORE LESS.

SEE SHEET 1 OF 2 FOR DRAWING



E&A CONSULTING GROUP, INC.
ENGINEERING • PLANNING • FIELD SERVICES
330 NORTH 117TH STREET OMAHA, NE 68154 PHONE: (402) 895-0700

Drawn by: KAG Chkd by: wac 9-13-06 Chkd by: _____

Job No.: 2004264.01 Date: 09/11/2006 Sheet: 2 OF 2

PERMANENT OPPD, QWEST
COMMUNICATION, & CABLE CO.EASEMENT
LOTS 413 THRU 415 INCLUSIVE, ARBOR GATE
DOUGLAS COUNTY, NEBRASKA