

FILED SARY CO., NE
BOOK 59 OF misc. Rec.
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1986 SEP -3 PM 4:40

SUBORDINATION AGREEMENT

Carl S. Hibel
THIS ~~INSTRUMENT~~ ~~MADE~~ this 7th day of August 1986, by and between ~~NORTHWESTERN BELL TELEPHONE COMPANY~~, a Corporation organized and existing under the laws of Iowa, with its principal office located in Des Moines, Iowa, but having its chief business office and general headquarters located in the city of Omaha, State of Nebraska, hereinafter called the Company, and the UNITED STATES OF AMERICA, hereinafter called the Government; WITNESSETH:

WHEREAS, the Government has, under the authority of the Flood Control Act of 1968 (Public Law 90-485) and the Energy and Water Development Act of 1981 (Public Law 96-367), undertaken the development of a Dam and Reservoir Project, known as the Papillion Creek Flood Protection Project, Dam Site 20, on the Papillion Creek and Tributaries (hereinafter called the Project); and

WHEREAS, the Company is the holder of certain easement rights and interests in land on which the Company has constructed and is operating and maintaining certain facilities, consisting of buried telephone service and trunk lines, which interfere with the development and use of the Project by the Government; and

WHEREAS, on the 27th of April, 1982, an agreement, Relocation Contract No. DACW45-82-C-0041, was entered into by and between the Company and the Government for the alteration of facilities of the Company, which arrangement provided further that the Company subordinate by separate instrument to the rights of the Government to cause seepage and flooding permanently or intermittently to certain properties within the Company's holdings not conveyed to the Government;

WHEREFORE, in consideration of the sum of One Dollar (\$1.00) in hand paid, and other further valuable consideration, as set forth in Contract No. DACW45-82-C-0041, the Company does hereby subordinate its rights in said land herein described and set forth to the perpetual and permanent right of the Government and its assigns to permanently or intermittently flood said land to an elevation of 1113.1 feet mean sea level. Said land is described further, to wit:

Those portions of the existing telephone lines situated in the NW¹/₄ of Section 26 and the SE¹/₄ of Section 27, Township 14 North, Range 11 East of the Sixth Principal Meridian, Sarpy County, Nebraska, lying below contour 1113.1 m.s.l. Also, that portion of the existing buried telephone line lying along the South line of said Section 27 of aforesaid Township and Range, lying below contour 1113.1 m.s.l.

The portions of land herein described contain 3.94 acres, more or less.

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IN WITNESS WHEREOF, the Company has caused these presents to be executed in its name and on its behalf and its seal to be affixed on the day and year last written.

ATTEST:

NORTHWESTERN BELL TELEPHONE COMPANY

By:

K. D. Power

Title:

Title: Vice President Corporate & Human Resources

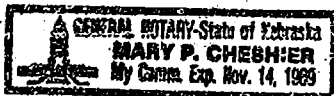
STATE OF NEBRASKA)

COUNTY OF DOUGLAS)

) ss

The within and foregoing instrument was acknowledged before me this 7th day of August, 1986, by K. D. Power, as Vice President, and _____, as _____, of Northwestern Bell Telephone Company, an Iowa Corporation.

Witness my hand and official seal.



Mary P. Chesher
NOTARY PUBLIC

My Commission Expires:

11/14/89