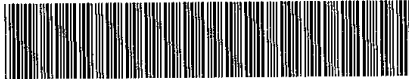




BK 1516 PG 379-380

RICHARD N. TAKECHI
REGISTER OF DEEDS
DOUGLAS COUNTY, NE

2003 MAY -9 AM 10:33



MISC 2003 16460

RECEIVED

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Date 03-25-2003FEE 10.30 FB 00-40328
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JOINT UTILITY EASEMENT

BROWN INVESTMENT PARTNERSHIP LTD owner(s) of the real estate described as follows, and hereafter referred to as "Grantor",

Out Lot "A", Village Pointe 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, 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:

Commencing at the Northwest corner of said Out Lot "A", thence N87° 31'01"E along the north line of Out Lot "A" and the South right of way line of West Dodge Road a distance of 58.19 feet to the point of beginning; thence continuing N87° 31'01"E along the north line of Out Lot "A" and the south right of way line of West Dodge Road a distance of 324.85 feet; thence N86° 52'50"E along the north line of Out Lot "A" and the south right of way line of West Dodge Road a distance of 451.3 feet; thence on a curve to the right with a radius of 95.14 feet, chord bearing S83°16'16"E, chord distance of 5.3 feet and arc distance of 5.35 feet; thence S01° 01'17"E a distance of 42.8 feet; thence S89° 38'58"W a distance of 10.0 feet; thence N01° 01'17"W a distance of 30.0 feet; thence N88° 13'30"W to a point on the north line of Out Lot "A" and the south right of way line of West Dodge Road, said point being the point of beginning.

CONDITIONS:

Where the Utilities facilities are constructed, said Utilities shall have the right to operate, maintain, repair, replace and renew said facilities consisting of poles, wires, cables, fixtures, guys and anchors and other instrumentalities within a strip of land as indicated above, together with the right to trim or remove any trees along said line so as to provide a minimum clearance from the overhead facilities of at least Twelve feet (12').

Said Utilities shall have the right of ingress and egress across the Grantor's property for any purpose hereinbefore granted. Such ingress and egress shall be exercised in a reasonable manner.

Where the Utilities facilities have been installed, no trees, permanent buildings or other structures shall be placed in or encroach the easement and no change of grade elevation or any excavations shall be made therein without prior written approval of said Utilities, but the same may be used for landscaping or other purposes that do not then or later interfere with the granted easement uses.

Where the Utilities facilities are placed adjacent to Grantor's property line, Grantor hereby grants the owner of said adjacent property, or his agent, reasonable access to the Utilities facilities.

It is further agreed that Grantor has lawful possession of said real estate, good, right and lawful authority to make such conveyance and that his/her/its/their heirs, executors, administrators, successors and assigns shall warrant and defend the same and will indemnify and hold harmless the said 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 Owner(s) have executed this instrument this 22 day of April, 2003.

BROWN INVESTMENT PARTNERSHIP LTD
OWNERS SIGNATURE(S)

By RED Development of West Dodge, LLC,
a Missouri limited liability company, General Partner

By: E&R Holdings, LLC, an Arizona limited liability company, Manager

By: Michael Ebert
Michael Ebert, Manager

RETURN TO:
OMAHA PUBLIC POWER DISTRICT
% Right of Way 6W/EP1
444 South 16th Street Mail
Omaha, NE 68102-2247

RECEIVED
MAY - 1 2003

CORPORATE ACKNOWLEDGMENT

INDIVIDUAL ACKNOWLEDGMENT

STATE OF Arizona

STATE OF _____

COUNTY OF Maricopa

COUNTY OF _____

On this 22 day of April, 2003, before me the undersigned, a Notary Public in and for said County, personally came Michael L. Hunt President of General Partner of Brown Investment Partnership Ltd. 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.

On this _____ day of _____, 2003, 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.

General Partner of Brown Investment Partnership Ltd.
Witness my hand and Notarial Seal the date above written.

Witness my hand and Notarial Seal the date above written.

Ramona Zapustas
NOTARY PUBLIC

NOTARY PUBLIC

