

Doc. No. 2.97(4)

EASEMENT

In consideration of the sum of One Dollar (\$1.00) and other valuable considerations, the receipt of which is hereby acknowledged, the undersigned owner(s) of the real estate hereinafter described, his/her heirs, executors, administrators, successors and assigns, hereinafter called "Grantor," hereby grant and convey to OHAWA PUBLIC POWER DISTRICT, its successors and assigns, hereinafter called "District," a right-of-way with the perpetual right to survey, construct, reconstruct, relocate, alter, inspect, repair, replace, add to, maintain and operate thereon, electric transmission lines consisting of poles, pole foundations, towers, tower foundations, down guys, anchors, insulators, wires, underground cables, supports and other necessary fixtures and equipment over, above, along, under, in and across the following described real estate situated in Douglas County, State of Nebraska, to-wit:

That part of the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section Five (5), Township Fourteen (14) North, Range Twelve (12), East of the 6th P.M., Douglas County, Nebraska, lying East of the Interstate Highway right-of-way, together with Lots Thirty (30) thru Thirty-four (34), Empire Park, an addition to Douglas County, Nebraska, as surveyed, platted and recorded.

The area of the above described real estate to be covered by this easement shall be as follows: See sketch on the reverse side of this document for location of easement area.

1. District 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.
2. District shall have the right to trim or remove all trees and brush on said right-of-way as may be necessary to efficiently exercise any of the hereinbefore granted rights, together with the express provision that any and all trees which, in falling, would come within 15 feet of the nearest electric line conductor may be topped or removed. All refuse from such tree cutting or trimming shall be disposed of by the District.
3. District hereby agrees to pay the Grantor or Lessee, as their interests may appear, for all damages to growing crops, fences and buildings on said land which may be caused by the exercise of the hereinbefore granted rights.
4. Grantor may cultivate, use and enjoy the land within the right-of-way provided that such use shall not, in the judgment of the District, endanger or be a hazard to or interfere with the rights hereinbefore granted, and provided further, that the Grantor shall not allow any buildings, structures, combustible material or property to remain or be placed upon the above described easement area, or change or alter the grade of the right-of-way herein described without prior written approval from the District.
5. It is further agreed that Grantor has lawful possession of said real estate, good, right and title thereto, authority to make such conveyance and that his/her heirs, executors, administrators, successors and assigns shall warrant and defend the same and will indemnify and hold harmless the District forever against the claims of all persons whosoever, in any way whatsoever, having any right, title or interest prior to or contrary to this conveyance.

IN WITNESS WHEREOF the parties hereto have signed their names and caused this instrument to be signed by their duly authorized officers and agents, this 28th day of October, 1974.

OHAWA PUBLIC POWER DISTRICT  
 [Signature]  
 Assistant Secretary

RONALD J. ABBOLD, Group Manager -  
 ATTEST: Engineering & Construction  
 [Signature]  
 Assistant Secretary

STATE OF NEBRASKA  
 COUNTY OF DOUGLAS

On this 28th day of October, 1974, before me the undersigned, a Notary Public in and for said County, personally came Ronald J. Abbold and JoAnn M. Abbold, husband and wife, personally known to me as the President and the identical person whose name is affixed to the above conveyance, and acknowledged the execution thereof to be his voluntary act and deed for the purpose therein expressed.

[Signature] President of Fidelity Title Insurance Company, Trustee

[Signature] Ronald J. Abbold  
 [Signature] JoAnn M. Abbold Grantor

STATE OF NEBRASKA  
 COUNTY OF DOUGLAS

On this 28th day of October, 1974, before me the undersigned, a Notary Public in and for said County and State, personally appeared Ronald J. Abbold and JoAnn M. Abbold, husband and wife 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 their voluntary act and deed for the purpose therein expressed.

[Signature] Notary Public

Witness my hand and Notarial Seal the date above written.

My Commission expires [Signature]

Transmission Engineer [Signature] Date 11-13-74  
 Engineering Dept. [Signature] Date 11-13-74  
 Accounting Dept. [Signature] Date 11/14/74

STATE OF NEBRASKA  
 COUNTY OF DOUGLAS

On this 28th day of October, 1974, before me the undersigned, a Notary Public in and for said County, personally came [Signature] President of Fidelity Title Insurance Company, Trustee, (a corporation), to me personally known to be the President and the identical person whose name is affixed to the above conveyance, and acknowledged the execution thereof to be his voluntary act and deed as such officer and the voluntary act and deed of said corporation and that the Corporate Seal of said corporation was thereto affixed by its authority.

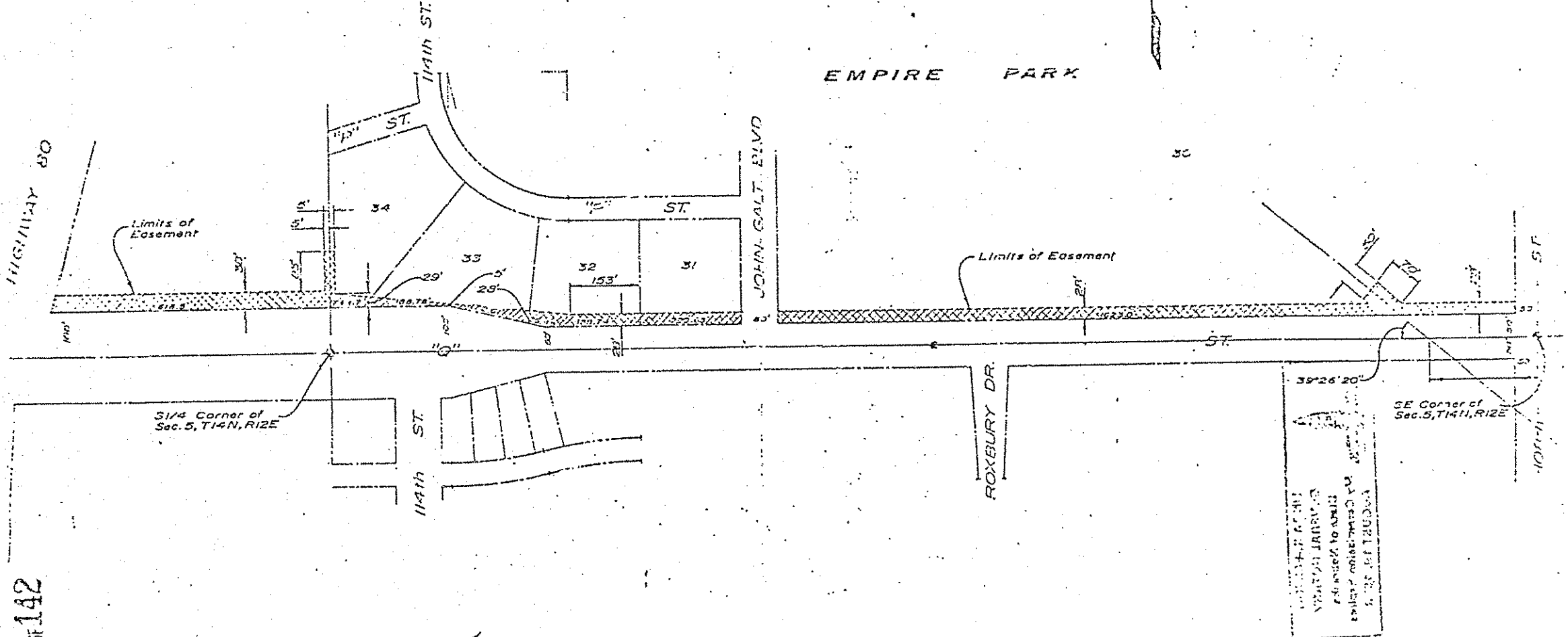
Witness my hand and Notarial Seal at Omaha, in said County the day and year last above written.

[Signature] Notary Public

LINDA K. GENTON, Notary Public  
 State of Nebraska  
 My Commission Expires August 19, 1978

C. E. S. Engineer [Signature] Date 11/2/74  
 Legal Department [Signature] Date 11/17/74  
 Sec. [Signature] Rgs. [Signature] Address [Signature]

BOOK 545 PAGE 142



15

ENTERED IN NUMERICAL INDEX AND RECORDED IN THE REGISTER OF DEEDS OFFICE IN DOUGLAS COUNTY, NEBRASKA  
 25 DAY OF NOV 1974 AT 10:30 AM. C. HAROLD OSTLER, REGISTER OF DEEDS

7.50

NOTICE TO ALL PERSONS INTERESTED IN THE ABOVE DESCRIBED PROPERTY THAT THE SAME IS OFFERED FOR SALE AT PUBLIC AUCTION ON WEDNESDAY, NOVEMBER 28, 1974 AT 10:00 A.M. AT THE COURTHOUSE, DOUGLAS COUNTY, NEBRASKA.