



BK 0924 PG 561



MISC 1990 09005

THIS PAGE INCLUDED FOR
INDEXING
PAGE DOWN FOR BALANCE OF INSTRUMENT

May 1, 1990

RIGHT-OF-WAY EASEMENT

I, Hardee's Food Systems, Inc.
We, _____ Owner(s)
of the real estate described as follows, and hereafter referred to as "Grantor",

Part of Tax Lot 10, located in the Southwest Quarter of Section 4, Township 14 North, Range 13 East of the 6th P.M., in the City of Omaha, Douglas County, Nebraska, described as follows: Commencing at the point of intersection of the Northerly right-of-way line of Edward Babe Gomez Avenue and the Easterly right-of-way line of 33rd Street; thence North 07°00'14" East (assumed bearing) along the Easterly right-of-way line of said 33rd Street a distance of 205.23 feet; thence South 88°52'32" East along the Easterly right-of-way line of 33rd Street as dedicated and recorded in Book 823, Page 100, of the Douglas County Register of Deeds, a distance of 46.52 feet, to the point of beginning; thence North 01°07'28" East along said Easterly right-of-way line of 33rd Street a distance of 263.50 feet; thence North 86°46'42" East along the proposed "L" Street right-of-way line a distance of 132.08 feet; thence South 89°02'07" East along said right-of-way line a distance of 13.41 feet; thence South 01°07'28" West a distance of 293.55 feet; thence North 88°52'32" West a distance of 145.11 feet; thence North 01°07'28" East a distance of 20.00 feet to the point of beginning.

NOTE: The above premises is to be known as Lot 1, in Stockyards Plaza II, an Addition to the City of Omaha, 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, a public corporation, its successors and assigns referred to as "Grantee", a permanent right of way easement with rights of ingress and egress thereto, to construct, operate, maintain, replace and remove its underground electric facilities, consisting of cables, wires, conduits, manholes, drains, splicing boxes and other appurtenances, upon, over, along and under the following described real estate, to wit:

See reverse side hereof for sketch of easement area.

CONDITIONS: The Grantor hereby grants to the District, its 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. The Grantor understands that a single pole and appurtenances may be used to provide service to this property.

In granting this easement, it is understood that said cables shall be buried below plow depth in order to not interfere with the ordinary cultivation of the strip. Damages to fences and growing crops arising from the construction and maintenance of the aforesaid system shall be paid for by the District.

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 District forever against the claims of all persons whatsoever in any way asserting any right, title or interest prior to or contrary to this conveyance.

IN WITNESS WHEREOF, the parties hereto have signed their names and caused the execution of this instrument this 9 day of May, 19 90.

Attest: [Signature]
Assistant Secretary

Hardee's Food Systems, Inc.
By: [Signature]
Executive Vice President

APPROVED
LEGAL DEPARTMENT
BY: [Signature]
DATE: 5-9-90
Distribution Engineer [Signature] Date 5-17-20

Property Management [Signature] Date 5-15-90

Section SW 1/4 Township 14 North, Range 13 East
Salesman Rosales Engineer Rosales Est. # 900033701 v.o. # 6281

COMPLETE APPROPRIATE ACKNOWLEDGEMENT ON REVERSE SIDE

CORPORATE ACKNOWLEDGEMENT

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF North Carolina
COUNTY OF Halifax

STATE OF _____
COUNTY OF _____

On this 9 day of May, 19 90,
before me the undersigned, a Notary Public in and
for said County, personally came
Breen O. Condon, Executive Vice
President of Hardees Food Systems, Inc.

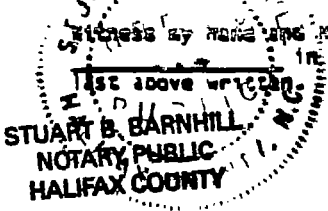
On this _____ day of _____, 19 _____,
before me the undersigned, a Notary Public in and
for said County and State, personally appeared _____

personally to me known to be the identical person(s)
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.

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 as _____
in said County the day and year

Witness my hand and Notarial Seal the date above
written.



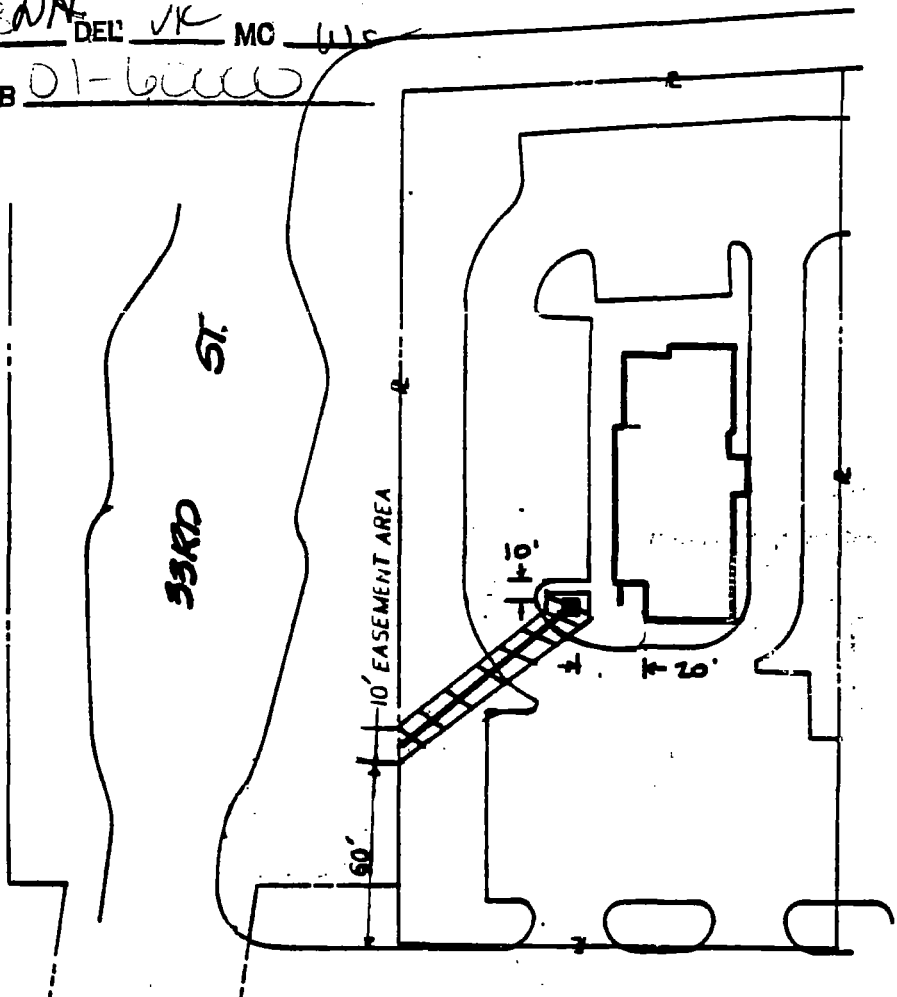
Stuart B. Barnhill
NOTARY PUBLIC

NOTARY PUBLIC



DK 924 N _____ FIO _____ FEE 10.50
PG 561 562 N 4-14-13 DN DEL VK MC WLS
OB Misc COMP OP F/B 01-6000

RECEIVED
MAY 22 10 45 AM '90
GEORGE J. BUGLIOWICZ
REGISTER OF DEEDS
DOUGLAS COUNTY, NC



RETURN TO:
MAHA PUBLIC POWER DISTRICT
Real Estate Division
1605 16th Street Mall
Winston-Salem, NC 27102-2247