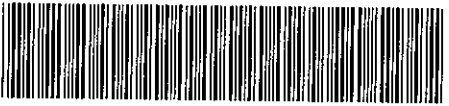




1306 598 MISC



13351 99 598-601

A JL

Nebr Doc Stamp Tax
Date
\$
By

RICHARD N. TAKECHI  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NE

99 AUG 30 AM 11:51

DOC.# RECEIVED

### RIGHT-OF-WAY EASEMENT

ComFed-Dodge Fund II,  
a Nebraska Limited Partnership, Owner(s) of the real estate described below, and hereafter referred to as "Grantor(s)", 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 to install, operate, maintain, repair, replace and renew its electric facilities over, upon, above, along, under, in and across the following described real estate, to wit:

(see attached Exhibit "B")

#### CONDITIONS:

- (a) Since Grantor does not intend to dedicate any streets, alleys or public ways for public use, where Grantees facilities are to be constructed to serve Grantor's apartment project. Grantee shall have the right to survey, construct, reconstruct, relocate, alter, inspect, repair, replace, add to, maintain and operate service lines, switches, wires, cable, and other instrumentalities for the transmission of electric current for light, heat and power, including services of the Grantee to the improvements on the above described real estate, over, above, along, under, in and across a strip of land Ten feet (10') in width, being Five feet (5') each side of and parallel to facilities as constructed by Grantee and as shown on the attached Exhibit "A".
- (b) The Grantees shall have the right of ingress and egress across the Grantor's property for any purpose hereinbefore granted excepting those portions thereof which will be occupied by apartment structures and or garages (The term apartment house structures shall not include adjacent walks, driveways, parking areas or streets) and excepting those portions which may hereafter be occupied by a swimming pool and bathhouse, the specific location thereof to be hereafter agreed upon between the parties. Such ingress and egress shall be exercised in a reasonable manner.
- (c) Grantor, its successors and assigns, covenant that at no time will any buildings, structures, pipelines or other property, except walks or driveways be erected, constructed, used or placed on or below the surface of said land where Grantees' facilities have been constructed.
- (d) Grantees shall restore the surface of the soil excavated for any purpose hereunder to the original contour thereof as near as may be and to repair or replace the surface of any walks or driveways which may have been disturbed for any purpose hereunder as near as may be and shall repair any other damage caused by the construction and reconstruction of its facilities on the easement area.
- (e) Grantees may extend any facilities constructed hereunder from which service to said project is accomplished through and beyond said project the same as if said facilities were in dedicated streets, alleys or public ways.
- (f) The Grantor covenants that he/they has/have lawful possession of said real estate, good, right and lawful authority to grant such right and that their 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 whomsoever in any way asserting any right, title or interest prior to or contrary to this right.

IN WITNESS WHEREOF, the Owner(s) have executed this instrument this 29 day of JULY, 1999.

OWNERS SIGNATURE(S)

B  
 FEE 32.00 FB 55-22020  
 BKP \_\_\_\_\_ C/O \_\_\_\_\_ COMP ST  
 DEL \_\_\_\_\_ SCAN ds FV \_\_\_\_\_

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

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

**CORPORATE ACKNOWLEDGEMENT**

STATE OF  
COUNTY OF

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me the undersigned, a Notary Public in and for said County, personally came \_\_\_\_\_

President of \_\_\_\_\_ 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 \_\_\_\_\_ voluntary act and deed for the purpose therein expressed.

Witness my hand and Notarial Seal the date above written.

\_\_\_\_\_  
NOTARY PUBLIC

**INDIVIDUAL ACKNOWLEDGEMENT**

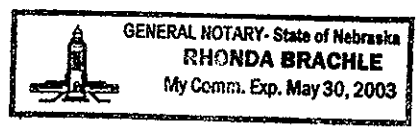
STATE OF Nebraska  
COUNTY OF Douglas

On this 29 day of July, 1999, before me the undersigned, a Notary Public in and for said County and State, personally appeared \_\_\_\_\_ Gary Petersen, General Partner \_\_\_\_\_

\_\_\_\_\_ personally to me known to be the identical person(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.

*Rhonda Brachle*  
\_\_\_\_\_  
NOTARY PUBLIC

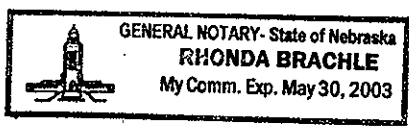


**INDIVIDUAL ACKNOWLEDGEMENT**

STATE OF Nebraska  
COUNTY OF Douglas

On this 29th day of July, 1999, before me the undersigned, a Notary Public in and for said County and State, personally appeared N.P. Dodge, Jr., General Partner personally to me known to be the identical person 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.



*Rhonda Brachle*  
\_\_\_\_\_  
Notary Public

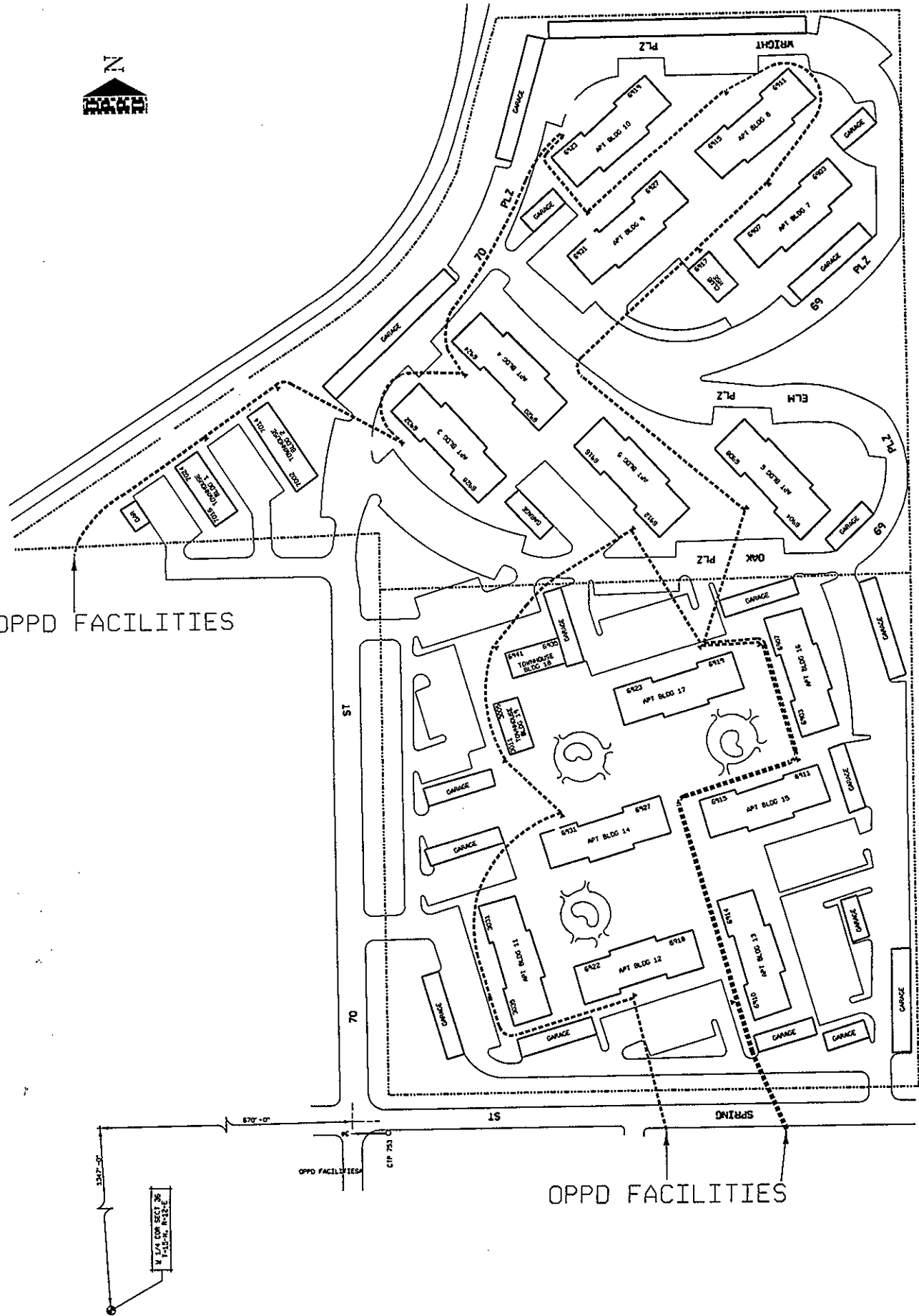
Distribution Engineer \_\_\_\_\_ Date \_\_\_\_\_ Property Management \_\_\_\_\_ Date \_\_\_\_\_  
Section NW 1/4 16 Township 15 North, Range 12 East  
Salesman Hagan Engineer Weber Est. # \_\_\_\_\_ W.O.# \_\_\_\_\_

# EXHIBIT "A"



OPPD FACILITIES

OPPD FACILITIES



## EXHIBIT "B"

Lots 1 through 10 of Blocks 1 and 2, and Lots 3, 4, 5, and 6 of Block 16, except the those parts deeded to Douglas County for road purposes in Deed Book 1093, Page 677, including all of vacated 70<sup>th</sup> Street adjacent, all of Vacated Oak Street adjacent, the South 30.0 feet of Vacated Bancroft Street adjacent, the West 30.0 feet of Vacated 69<sup>th</sup> Street adjacent to Block 1 and the West 15.0 feet of Vacated 69<sup>th</sup> Street adjacent to Block 2, all in Lawnfield Addition, as surveyed, platted and recorded in Douglas County, Nebraska.

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