

98-15462
FILED SARPY CO. NE.
INSTRUMENT NUMBER
98-015462
98 JUN 11 PM 2:09
REGISTER OF DEEDS

Counter SS
Verify [Signature]
D.E. Da
Proof [Signature]
Fee \$ 30.50
Ck Cash Chg

Ret.

AFTER RECORDING RETURN TO:

JAMES F. KASHER
CROKER, HUCK, KASHER, DeWITT,
ANDERSON & GONDERINGER, P.C.
2120 S 72 ST STE 1250
OMAHA NE 68124

PERPETUAL EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT HILLTOP INDUSTRIAL PARK, L.L.C., a Nebraska limited liability company, (hereinafter referred to as "Grantor"), for valuable consideration, the receipt of which is hereby acknowledged, does hereby grant and convey unto OMAHA PUBLIC POWER DISTRICT and other telephone or cable or related utility companies, (hereinafter collectively referred to as "Grantee"), their successors and assigns, a perpetual easement and connection right over, under, on and across that real estate in Sarpy County, Nebraska, more particularly described as follows:

The East 20 Feet of Lots 1, 2, 3, 8 and 9, Hilltop Industrial Park, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska, together with the West 20.00 feet of Lots 4, 5, 6, 10, 11 and 12, said Hilltop Industrial Park, as drawn on Exhibits "A" and "B" attached hereto and incorporated herein by this reference.

The scope and purpose of said easement is for the use, construction, repair, maintenance, replacement and renewal of electric, telephone or cable utility lines, including related appurtenances. The Grantee and its contractor and engineers shall have full right and authority to enter upon said easementway in order to perform any of the acts and functions described within the scope and purposes of such easement, subject to the rights of Sanitary and Improvement District No. 189 of Sarpy County, Nebraska ("SID 189") under prior easements granted for storm sewer purposes.

By accepting and using this perpetual easement grant, said Grantee, agrees forthwith to make good or cause to be made good to the owner or owners of the property in which same are constructed, any and all damage that may be done by reason of construction, alterations, maintenance, inspection, repairs or reconstruction in the way of damage to trees, grounds, or other improvements thereon, including crops, vines and gardens. Grantee further acknowledges the prior rights of SID 189.

Grantor herein, for itself, its successors and assigns, does hereby covenant and agree with the said Grantee and its successors and assigns that at the time of the execution and delivery of these presents, Grantor is lawfully seized of said premises; that Grantor has good right and lawful authority to grant said perpetual sanitary outfall sewer easement; and Grantor further hereby covenants to warrant and defend said easementway against the lawful claims of all persons whomsoever.

This instrument shall be binding on the successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the Grantor herein, for itself, its successors and assigns, has caused the due execution hereof as of the 8 day of June, 1998.

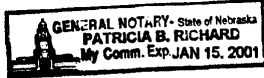
HILLTOP INDUSTRIAL PARK, L.L.C.

By: [Signature]
Title: Chairman

98-15462A

STATE OF NEBRASKA)
COUNTY OF Douglas) ss.

The foregoing instrument was acknowledged before me this 8 day of June, 1998, by Rudy Mudra Chairman of HILLTOP INDUSTRIAL PARK, L.L.C., on behalf of the company.



Patricia B. Richard
Notary Public

CONSENT AND SUBORDINATION

The undersigned, American National Bank, being the holder of a deed of trust or other security interest in or upon the above-described real property, for and in consideration of the sum of One Dollar and other valuable considerations, the receipt of which are hereby acknowledged from the above-named Grantee, does hereby consent to the granting of the easement rights as hereinabove set forth, and further covenants and agrees with said Sanitary and Improvement District No. 189 of Sarpy County, Nebraska, that said easement rights shall be senior and paramount to the rights of the undersigned in and to said real property by virtue of any deed of trust or other security interest of the undersigned in said property presently held by the undersigned.

Dated this 8th day of June, 1998.

AMERICAN NATIONAL BANK

By: Susan K. Danken
Title: ASST. VICE PRESIDENT

STATE OF NEBRASKA)
COUNTY OF Douglas) ss.

The foregoing instrument was acknowledged before me this 8 day of June, 1998, by Susan Danken AVP of AMERICAN NATIONAL BANK, on behalf of the corporation.



Patricia B. Richard
Notary Public

CONSENT

Sanitary and Improvement District No. 189 of Sarpy County, Nebraska ("SID 189") hereby consents to the granting of the foregoing easement, subject however, to the prior rights of SID 189 under existing easements over the same described property.

Dated this 8 day of June, 1998.

Sanitary and Improvement District No. 189 of Sarpy County, Nebraska

BY: [Signature]
Chairman

BY: Carolyn T. Mudra
Clerk

98-15462B

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 8 day of June, 1998, by John M. Peltz, Chairman of SID 189, on behalf of the SID.



Patricia B. Richard
Notary Public

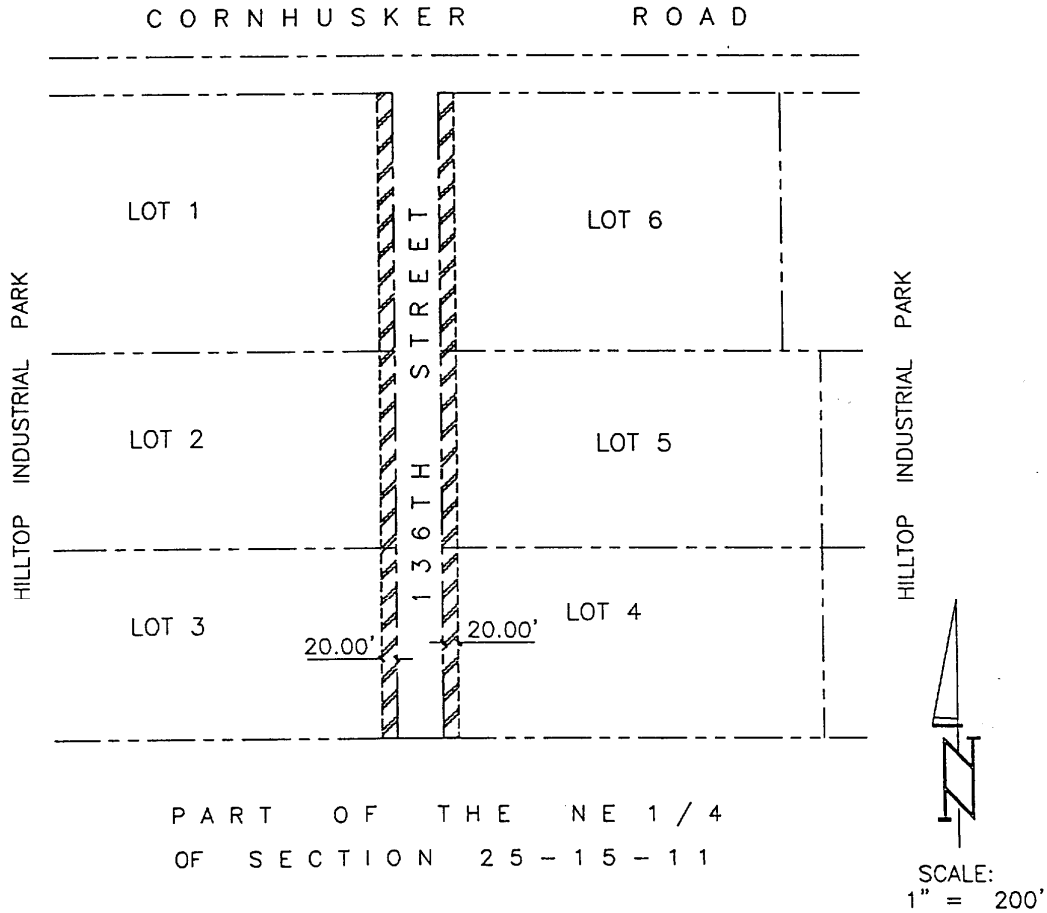
STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 8 day of June, 1998, by Carly M. Mabe, Clerk of SID 189, on behalf of the SID.



Patricia B. Richard
Notary Public

98-15462C



LEGAL DESCRIPTION

THE EAST 20.00 FEET OF LOTS 1, 2, AND 3, HILLTOP INDUSTRIAL PARK, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN SARPY COUNTY, NEBRASKA.

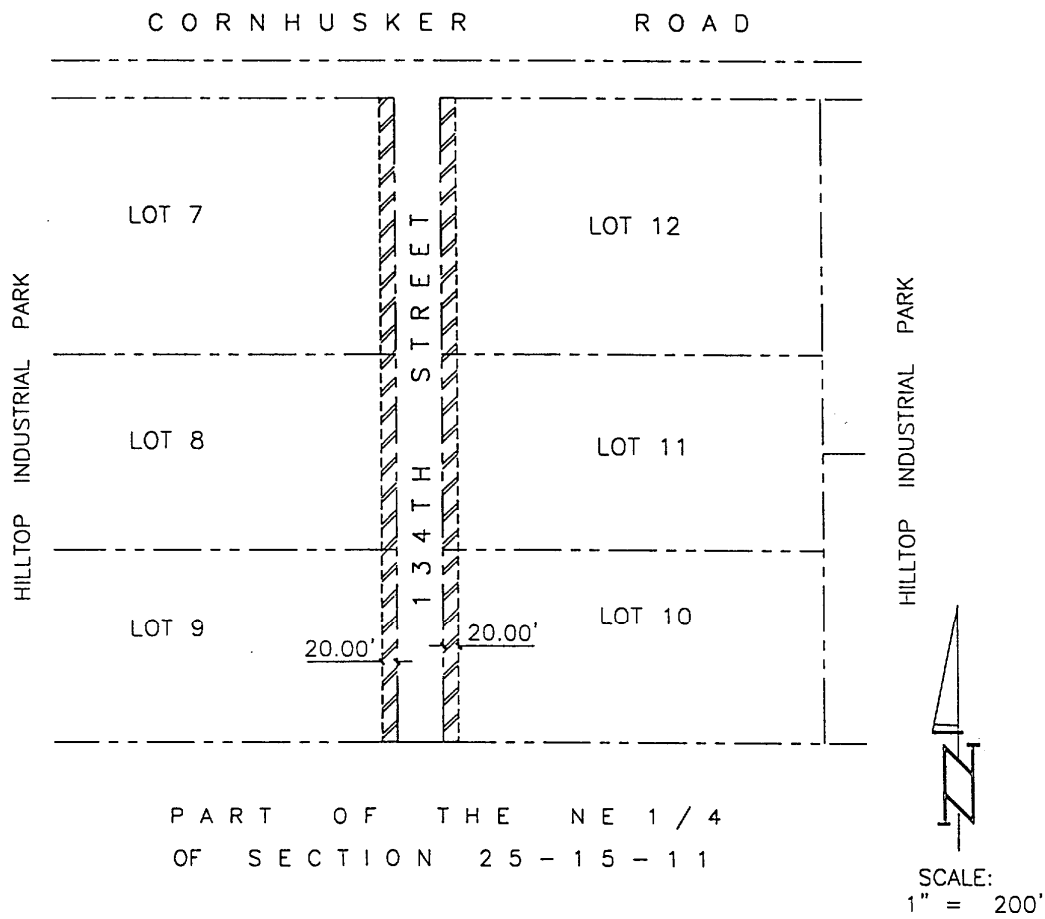
AND

THE WEST 20.00 FEET OF LOTS 4, 5, AND 6, HILLTOP INDUSTRIAL PARK, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN SARPY COUNTY, NEBRASKA.

EXHIBIT "A"

S.I.D. NO. 189, SCN TD2 FILE NO. 1086-103-E3 DATE: FEB. 17, 1998
THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860

98-15462D



LEGAL DESCRIPTION

THE EAST 20.00 FEET OF LOTS 8, AND 9, HILLTOP INDUSTRIAL PARK, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN SARPY COUNTY, NEBRASKA.

AND

THE WEST 20.00 FEET OF LOTS 10, 11 AND 12, HILLTOP INDUSTRIAL PARK, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN SARPY COUNTY, NEBRASKA.

EXHIBIT "B"

S.I.D. NO. 189, SCN TD2 FILE NO. 1086-103-E4 DATE: FEB. 17, 1998
THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860