

23-15-13

Y. Harbor Terminal, Inc. ~~xxxxxx~~ Owner(s)  
We, of (agent for) the real estate described as follows, and hereafter referred to as "Grantor:"

Sub Lot 1 of Government Lot 3 being situated in the S.W. 1/4 of Sec. 23-T15-R13, in the City of Omaha, Douglas County Nebraska

In consideration of the sum of One Dollar (\$1.00), receipt of which is hereby acknowledged, do hereby grant to the OMAHA PUBLIC POWER DISTRICT, its successors and assigns, and the NORTHWESTERN BELL TELEPHONE COMPANY, its successors and assigns, collectively referred to as "Grantee," a permanent easement, with rights of ingress and egress thereto, to install, operate, maintain, repair, replace and renew its electric and telephone facilities over, upon, along and under the following described real estate, to wit:

The west 12 feet of the south 250 feet of Sub Lot 1 of Government Lot 3 being situated in the S.W. 1/4 of Sec. 23-T15-R13, in the City of Omaha, Douglas County Nebraska.

CONDITIONS:

- (A) Where Grantee's facilities are constructed they shall have the right to operate, maintain, repair, replace and renew said facilities consisting of poles, wires, cable, fixtures, guys and anchors 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').
- (B) After electric and telephone facilities have been installed, no trees, permanent buildings or other structures shall be placed in or encroach the easement and no change in grade elevation or any excavations shall be made therein without prior written approval of the Grantee. But the same may be used for landscaping or other purposes that do not then or later interfere with the granted easement uses.
- (C) The foregoing right is granted upon the express condition that the Grantees will assume liability for all damages to the above described property caused by Grantees' failure to use due care in its exercise of the granted right.
- (D) It is further agreed Grantor has lawful possession of said real estate, good, right and lawful authority to make such conveyance and that his/her heirs, executors, administrators, successors and assigns shall warrant and defend the same and will lawfully and hold harmless the Grantee forever against the claims of all persons whatsoever in any way asserting any right, title or interest prior to or contrary to this conveyance.

WITNESS my hand and Notarial Seal this 5 th day of February, 19 74.

ATTEST: Richard J. Propst  
ATTEST: Richard J. Propst, Secretary

HARBOR TERMINAL, INC.  
Harvey D. Ferer  
Harvey D. Ferer, President

Grantors

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

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

On this 5 th day of February, 19 \_\_\_\_\_, before me the undersigned, a Notary Public in and for said County, personally came \_\_\_\_\_

Harvey D. Ferer, 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.

Harbor Terminals, Inc., (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 the date above written.

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

Notary Public

Notary Public

My Commission expires \_\_\_\_\_

My Commission expires 3/1/75

APPROVED: \_\_\_\_\_ Section 23 Township 15 Range 13 Saleman Harrison  
C.R.S. Engr. \_\_\_\_\_ Date \_\_\_\_\_ Address: W.O. 3489 Est. 24,915

27 ENTERED IN NUMERICAL INDEX AND RECORDED IN THE REGISTER OF DEEDS OFFICE IN DOUGLAS COUNTY, NEBRASKA  
4 DAY OF March 1974 AT 11:57 A.M. C. HAROLD OSTLER, REGISTER OF DEEDS 325