

FILED SARPY CO. NE.  
INSTRUMENT NUMBER  
2006-36236

2006 OCT 23 A 11:52 B

Shirley J. Dowling  
REGISTER OF DEEDS

COUNTER an C.E. M  
VERIFY an D.E. P  
PROOF an  
FEES \$ 37.50  
CHECK # an  
CHG CPPD - 37.50 CASH an  
REFUND an CREDIT an  
SHORT an NCR an

ⓔ  
R+R  
Omaha Public Power Dist  
444 S. 16th St, Mall  
Omaha, NE 68102-2247

September 11, 2006

Doc.#

## JOINT UTILITY EASEMENT

Papillion Development, LLC

Owner(s) of the real estate described as follows, and hereafter referred to as "Grantor",

Lots ~~1, 2, 3, 4~~, 5, 6, 7, 8, 9, 10, 11, 12, 13, and Out Lot "C", all in Shadow Lake Towne Center, an Addition as surveyed, platted and recorded in Sarpy County, Nebraska. Lots 13 and Out Lot "C" are now known as Lots 1 & 2 and Out Lots "A", "B", and "C" of Shadow Lake Towne Center Replat 1.

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, Qwest Communications, and any other company which has been granted a franchise to provide a cable television system in the area to be subdivided, their successors and assigns, subject to matters of record, a permanent utility easement to erect, operate, maintain, repair, and renew poles, wires, cables, conduits and other related facilities, and to extend thereon wires or cables for the carrying and transmission of electrical current for light, heat and power and for the transmission of signals and sounds of all kinds including signals provided by a cable television system, and the reception on, over through, under and across the following described real estate, to wit:

(See attached exhibits "A", "B", "C", and "D" for sketch of easement areas.)

The Grantor hereby grants to said Utilities, their 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.

No permanent buildings or retaining walls shall be placed in the easement area, but the same may be used for gardens, shrubs, landscaping and other purposes that do not then or later interfere with the aforesaid uses or rights granted herein.

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

IN WITNESS WHEREOF, the Owners(s) have executed this instrument this 22 day of September, 2006.  
OWNERS SIGNATURE(S)

Papillion Development, LLC  
a Nebraska limited liability company

By: RED Papillion, LLC, Manager

By: E+R Holdings, LLC, Manager

By: Michael L. Ebert, Manager

36236

A

**CORPORATE ACKNOWLEDGMENT**

STATE OF Arizona

COUNTY OF Maricopa

On this 22 day of September, 2006, before me the undersigned, a Notary Public in and for said County, personally came

Michael L. Ebert

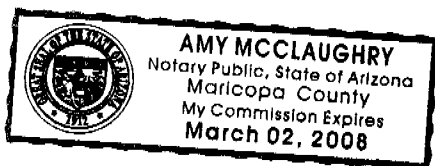
Manay  
President of EXR Holdings

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 a voluntary act and deed for the purpose therein expressed.

Witness my hand and Notarial Seal the date above written.

[Signature]

NOTARY PUBLIC



**INDIVIDUAL ACKNOWLEDGMENT**

STATE OF

COUNTY OF

On this \_\_\_\_\_ day of \_\_\_\_\_, 2006, 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) 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

EXHIBIT "A"

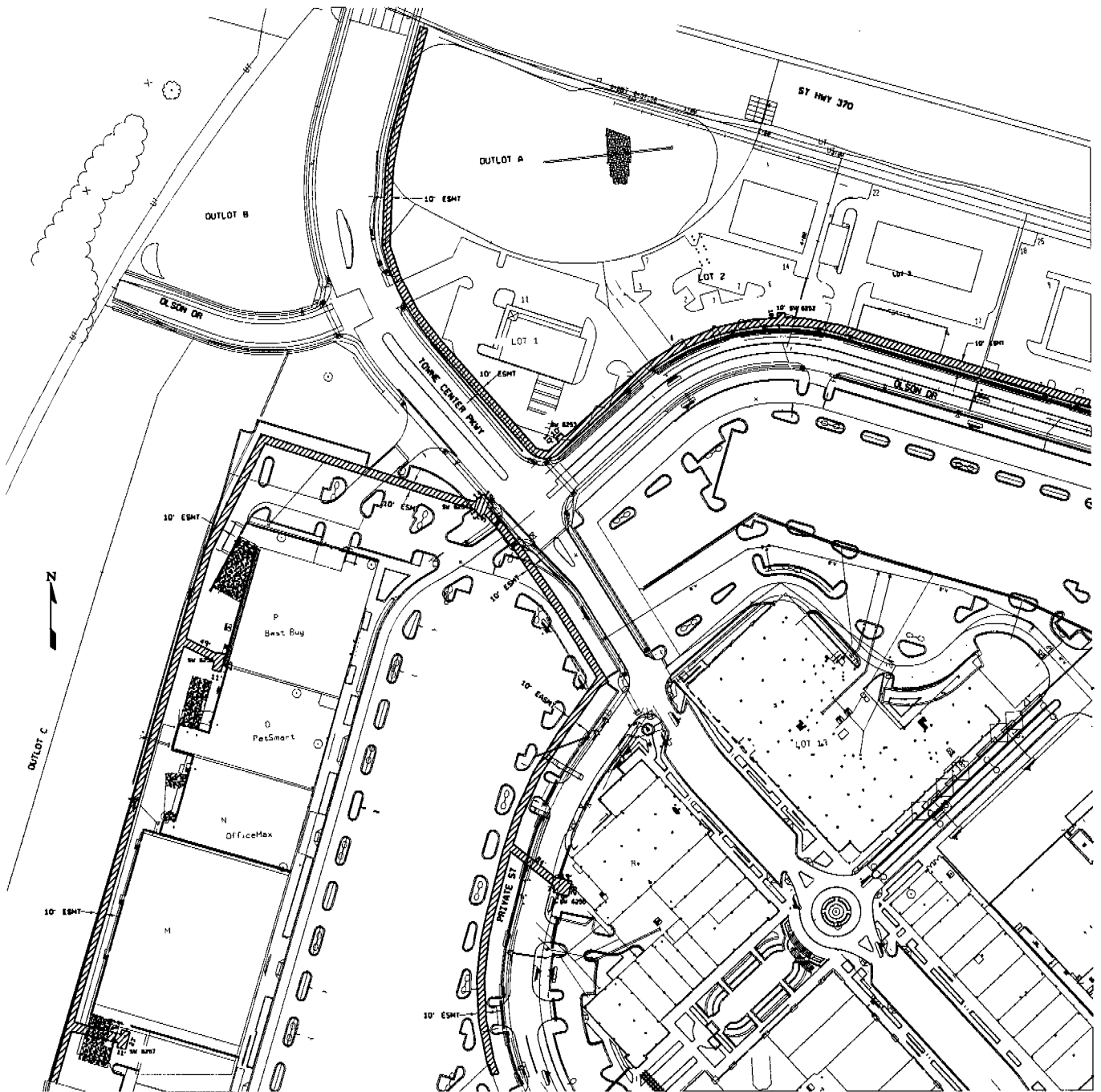
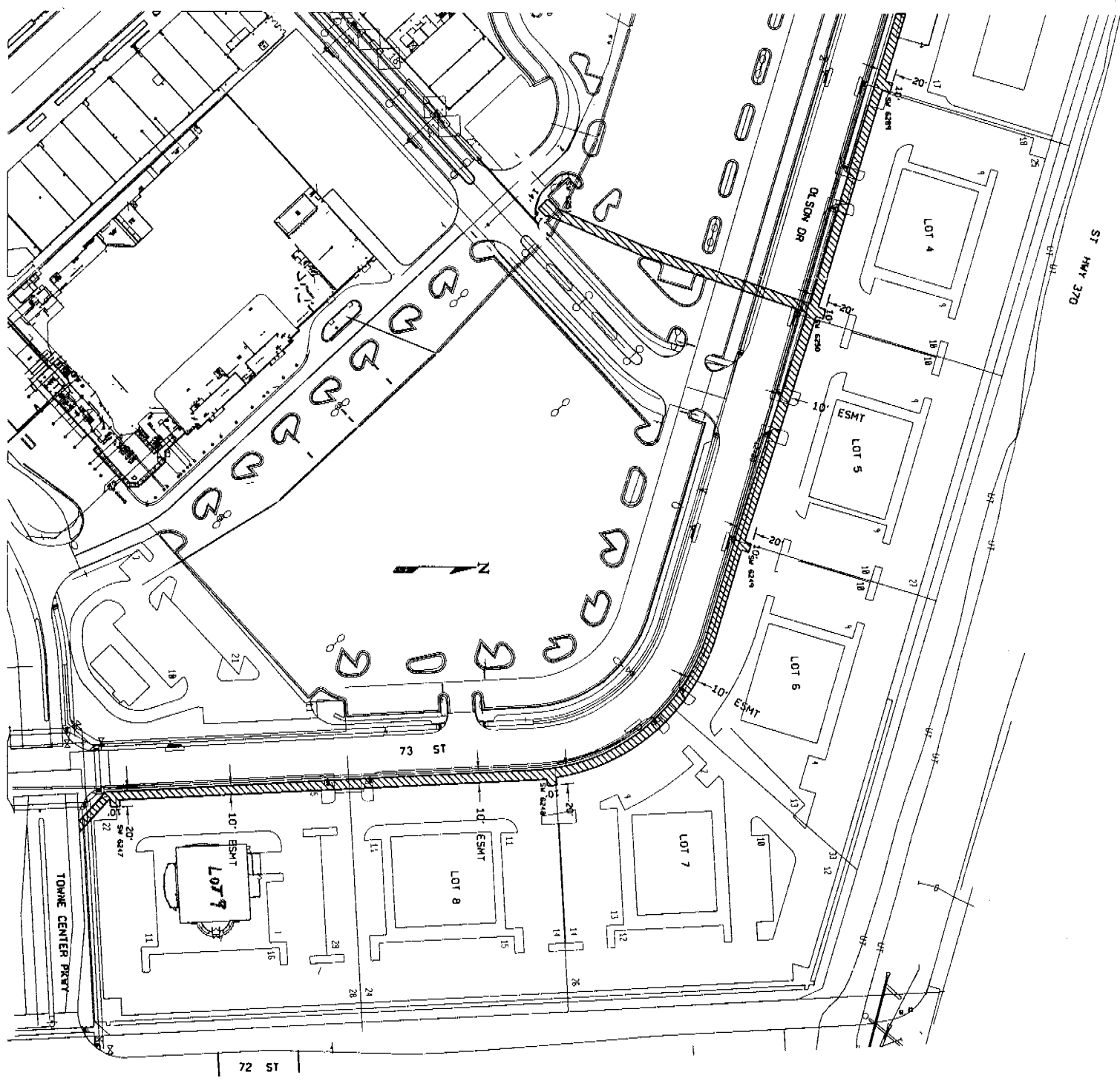
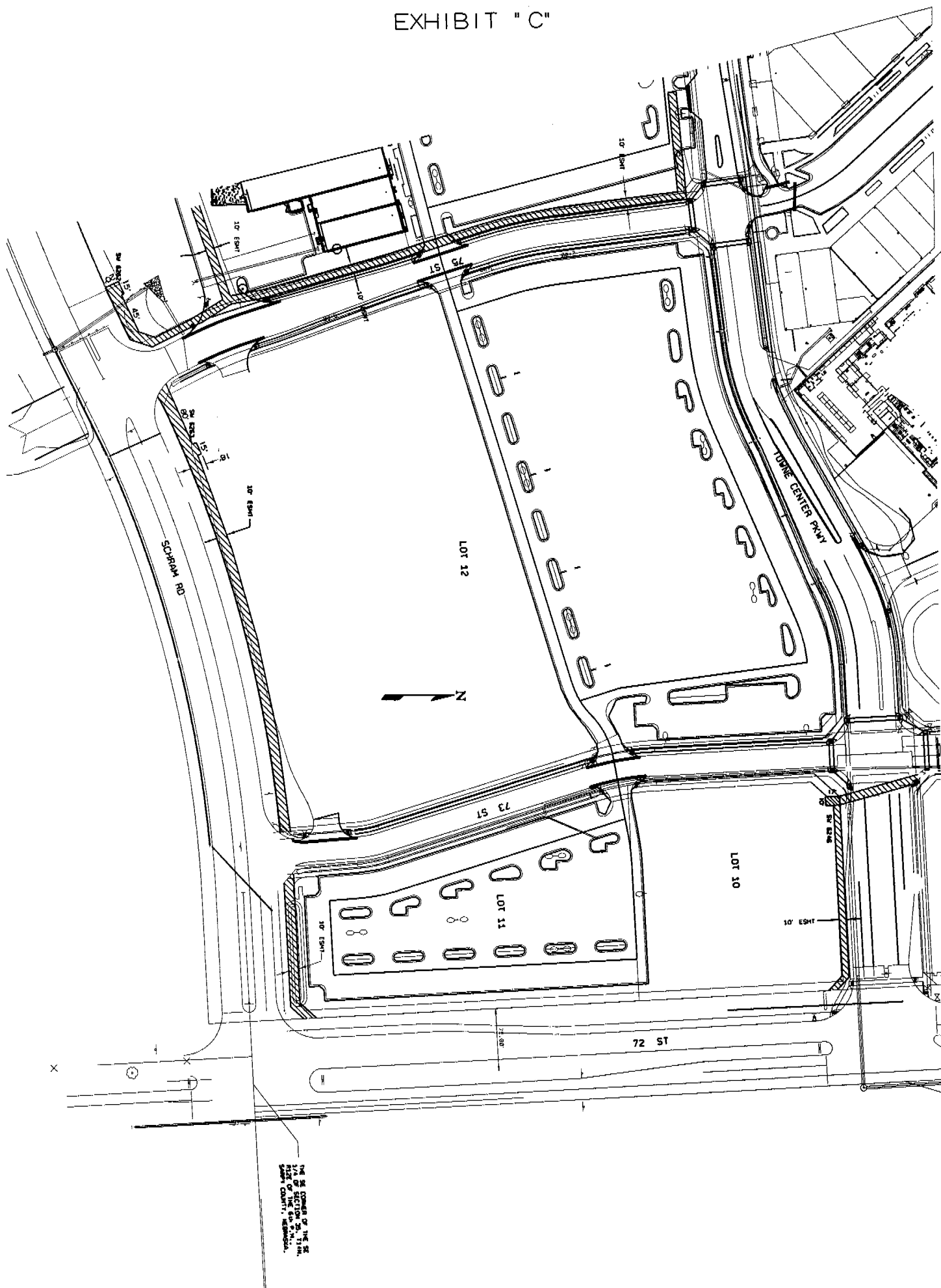


EXHIBIT "B"



D

# EXHIBIT "C"



2006-36236 E

EXHIBIT "D"

