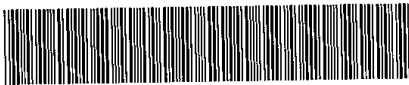


ORIGINAL



BK 1359 PG 571-574



MISC 2000 15962

RICHARD N TAKECHY  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NE  
00 NOV 27 PM 1:36  
RECEIVED

FEE 2.10 FB \_\_\_\_\_  
 BKP \_\_\_\_\_ C/O \_\_\_\_\_ COMP \_\_\_\_\_  
 DEL 2 SCAN OK FV \_\_\_\_\_

TRANS  
June 26, 2000

Doc.# 2.017 00(007)

**RIGHT-OF-WAY EASEMENT**

In consideration of the sum of One Dollar (\$1.00) and other valuable considerations, the receipt of which is hereby acknowledged, the undersigned owners of the real estate hereinafter described, their heirs, executors, administrators, successors and assigns, hereinafter called "Grantors", hereby grant and convey to the OMAHA PUBLIC POWER DISTRICT, a public corporation, its successors and assigns, hereinafter called "the District", a permanent right-of-way easement to survey, construct, reconstruct, relocate, alter, inspect, repair, replace, add to, maintain and operate thereon, electric transmission lines consisting of poles, pole foundations, towers, tower foundations, down guys, anchors, insulators, wires, underground cables, supports and other necessary fixtures and equipment over, upon, above, along, under, in and across the following described real estate, to wit:

the West 17 feet and except Ran  
 Lots 6 & 7, Block 5 of Cedarnole Addition, an addition to the City of Omaha as surveyed, platted, and recorded in Douglas County, Nebraska, except that portion conveyed to the City of Omaha by Warranty Deed recorded November 21, 2000, in Book 2168 at Page 157.

The area of the above-described real estate to be covered by this easement shall be as follows:

(See Exhibit "A" attached hereto for drawing of easement area.)

**CONDITIONS:**

The District shall have the right of ingress and egress across the Grantors' property for any purpose hereinbefore granted. Such ingress and egress shall be exercised in a reasonable manner.

The District shall also have the right to burn, trim, or remove all trees and brush on said right-of-way as may be necessary to efficiently exercise any of the hereinbefore granted rights, together with the express provision that any and all trees which, in falling would come within 15 feet of the nearest electric line conductor, may be topped or removed. All refuse from such tree cutting or trimming shall be disposed of by the District, and the District shall have the further right to control and impede the growth of all weeds, trees, and brush along the described right-of-way if said right-of-way is not being utilized for cultivated crops.

The District shall pay the Grantors or its Lessee, as their interests may appear, for all damages to growing crops, fences and buildings on said land which may be caused by the exercise of the hereinbefore granted rights.

Grantors may cultivate, use and enjoy the land within the right-of-way provided that such use shall not, in the judgement of the District, endanger or be a hazard to or interfere with the hereinbefore granted rights; Grantors shall not allow any buildings, structures, hay or straw stacks or other property to remain or be placed upon the above described easement area; Grantors shall not change or alter the grade of the right-of-way herein described without the prior written approval from the District; Grantors shall not allow the burning of any materials of any nature within the limits of the above described right-of-way.

It is further agreed that the Grantors have lawful possession of said real estate, good, right and lawful authority to make such conveyance and that 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 Owners have executed this instrument this 18 day of July, 2000.

Thomas Kirshenbaum  
 Thomas Kirshenbaum

Kate Kirshenbaum  
 Kate Kirshenbaum

William Kirshenbaum  
 William Kirshenbaum

Linda Kirshenbaum  
 Linda Kirshenbaum

Richard Kirshenbaum  
 Richard Kirshenbaum

Trustees for Kim Kirshenbaum:  
Audrey Wolf Kirshenbaum  
 Audrey Wolf Kirshenbaum

Joseph Kirshenbaum  
 Joseph Kirshenbaum

Surviving Trustee under Declaration of Trust dated May 27, 1987:  
Claire W. Shapiro  
 Claire W. Shapiro

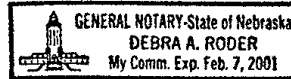
RETURN TO:  
 Omaha Public Power District  
 Right-of-way Dept (6W/EP1)  
 444 S 16th St Wall  
 Omaha NE 68102-2247

STATE OF NEBRASKA )  
 ) SS  
COUNTY OF DOUGLAS )

On this 18 day of July, 2000, before me the undersigned, a Notary Public in and for said County and State, personally appeared Thomas Kirshenbaum and Kate Kirshenbaum, personally, to me known to be the identical persons and who acknowledged the execution thereof, to be their voluntary act and deed for the purpose therein expressed.

Witness my hand and Notarial Seal the date above written.


  
NOTARY PUBLIC

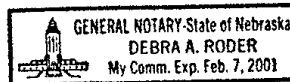


STATE OF NEBRASKA )  
 ) SS  
COUNTY OF DOUGLAS )

On this 18 day of July, 2000, before me the undersigned, a Notary Public in and for said County and State, personally appeared William Kirshenbaum and Linda Kirshenbaum, personally, to me known to be the identical persons and who acknowledged the execution thereof, to be their voluntary act and deed for the purpose therein expressed.

Witness my hand and Notarial Seal the date above written.

  
NOTARY PUBLIC

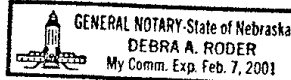


STATE OF NEBRASKA )  
 ) SS  
COUNTY OF DOUGLAS )

On this 18 day of July, 2000, before me the undersigned, a Notary Public in and for said County and State, personally appeared Richard Kirshenbaum, 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.

  
NOTARY PUBLIC

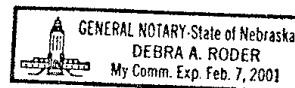


STATE OF NEBRASKA )  
 ) SS  
COUNTY OF DOUGLAS )

On this 18 day of July, 2000, before me the undersigned, a Notary Public in and for said County and State, personally appeared Audrey Wolf Kirshenbaum and Joseph Kirshenbaum, Trustees for Kim Kirshenbaum, personally, to me known to be the identical persons and who acknowledged the execution thereof, to be their voluntary act and deed for the purpose therein expressed.

Witness my hand and Notarial Seal the date above written.

  
NOTARY PUBLIC



STATE OF California )  
 ) SS  
COUNTY OF Sacramento )

On this 6 day of July, 2000, before me the undersigned, a Notary Public in and for said County and State, personally appeared Claire W. Shapiro, Surviving Trustee under Declaration of Trust dated May 27, 1987, personally, to me known to be the identical person and who acknowledged the execution thereof, to be her voluntary act and deed for the purpose therein expressed.

Witness my hand and Notarial Seal the date above written.


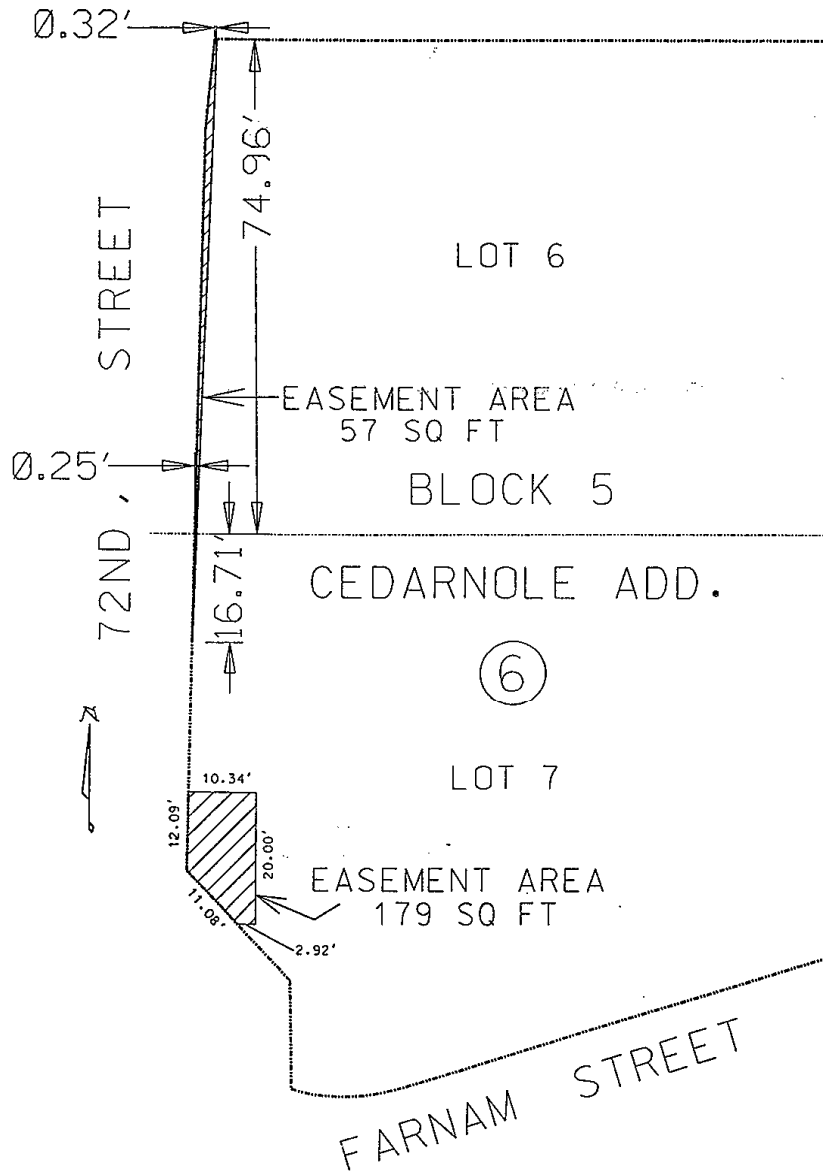
  
NOTARY PUBLIC



Exhibit "A"





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

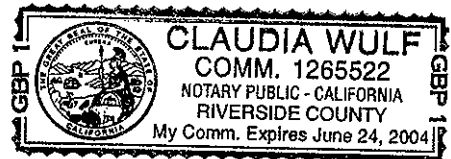
Riverside

} ss.

On 6/28/00, before me, Claudia Wulf,  
personally appeared Joseph Kirschenbaum & Audrey  
Wolf Kirschenbaum, personally known to me  
(or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) ~~is~~/are  
subscribed to the within instrument and acknowledged to me that ~~he~~/she/they executed the same  
in ~~his~~/her/their authorized capacity(ies), and that by ~~his~~/her/their signature(s) on the instrument the  
person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Claudia Wulf



(This area for official notarial seal)

Title of Document \_\_\_\_\_  
Date of Document \_\_\_\_\_ No. of Pages \_\_\_\_\_  
Other signatures not acknowledged \_\_\_\_\_