

BK 1362 PG 247-248



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By

RICHARD M. TAKECHI
REGISTER OF DEEDS
DOUGLAS COUNTY, NE.

2000 DEC 19 AM 11:47

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DIST
November 9, 2000

Doc.# _____

RIGHT-OF-WAY EASEMENT

Lowe's Home Centers, Inc.

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

Lot One (1) and Lot Six (6) of Lowe's of Omaha as surveyed, platted, and recorded in Douglas County, Nebraska.

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, hereafter referred to as "District", 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 Exhibit "A" on the reverse side hereof for a drawing of the Easement area.)

CONDITIONS:

Where the District's facilities are constructed the District shall have the right to operate, maintain, repair, replace and renew said facilities consisting of poles, wires, cables, fixtures, guys and anchors and other instrumentalities within a strip of land as indicated above, and 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').

Where the District's facilities have been installed, no trees, permanent buildings or other structures shall be placed in or encroach the easement and no change of grade elevation or any excavations shall be made therein without prior written approval of the District, but the same may be used for landscaping or other purposes that do not then or later interfere with the granted easement uses.

Where the District's facilities are placed adjacent to Grantor's property line, Grantor hereby grants the owner of said adjacent property, or his agent, reasonable access to the District's facilities.

It is further agreed that Grantor has lawful possession of said real estate, good, right and lawful authority to make such conveyance and that ~~his/her/its/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 whomsoever in any way asserting any right, title or interest prior to or contrary to this conveyance.

IN WITNESS WHEREOF, the Owner(s) have executed this instrument this 6th day of December, 2000.

OWNERS SIGNATURE(S)

Lowe's Home Centers, Inc.

David E. Shelton
David E. Shelton
Senior Vice President

< COMPLETE ACKNOWLEDGMENT ON THE REVERSE SIDE HEREOF >

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

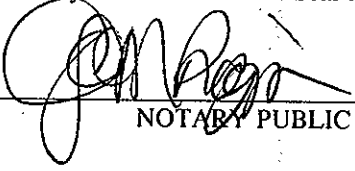
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FEE 1.00 FB 49-27142
BKP _____ C/O _____ COMP ✓
DEL _____ SCAN ok FV _____

STATE OF North Carolina) SS
COUNTY OF Wilkes)

On this 6th day of December, 2000, before me the undersigned, a Notary Public in and for said County, personally came David E. Shulten, Sr. Vice President of Lowes Home Centers, Inc., personally known to me to be the identical person(s) who signed the foregoing instrument as grantor(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.


NOTARY PUBLIC

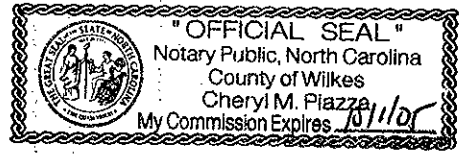


Exhibit "A"

