

FILED SARPY CO. NE
INSTRUMENT NUMBER

2004-41664

2004 OCT 29 PM 3:13

Glenn J. Lawling
REGISTER OF DEEDS

COUNTER D G.E. DE
VERIFY PLM D.E. CE
PROOF _____
FEES \$ 88.50
CHECK# 32191
CHG _____ CASH _____
REFUND _____ CREDIT _____
SHORT _____ NCR _____

PERMANENT EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT CLEARWATER FALLS, L.L.C., a Nebraska limited liability company, hereinafter referred to as GRANTOR, for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby grant to BOYER YOUNG EASEMENT HOLDING COMPANY, as Grantee, and its successors, assigns and licensees, an exclusive, perpetual easement, and reasonable access thereto, to erect, install, construct, operate, maintain, repair and renew poles, wires, cables, conduits and other related facilities, and appurtenances thereof above and below ground, and to extend thereon or therein wires or cable for the carrying and transmission of electric 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, internet access system, telephone system and/or any other communications system, and the reception related thereto, on, over, through, under and across a ten-foot (10') wide strip of land abutting all interior boundary lines of easements dedicated in the Plat of Clearwater Falls, including Lots 1 - 52, inclusive, Lots 60 - 164, inclusive, as surveyed, platted and recorded in Sarpy County, Nebraska (all lots collectively referred to hereinafter as "Clearwater Falls"), and replats thereof, which easements abut all front and side boundary lot lines of all lots within the plat; and a ten-foot (10') wide strip of land abutting all interior boundary lines of easements dedicated in the Plat of Clearwater Falls and any replats thereof which easements abut all rear boundary lines of all lots within the plat, except exterior lots of the Clearwater Falls; and an eighteen (18') foot wide strip of land abutting all interior boundary lines of easements dedicated in the Plat of Clearwater Falls and any replats thereof, which easements abut all rear boundary lines of all exterior lots in Clearwater Falls, which eighteen (18') foot wide easement on all exterior lots will be reduced to a ten (10') foot wide strip when the adjacent land is surveyed, platted and recorded if said eighteen (18') foot wide easement is not occupied by any facilities contemplated herein and if requested by the owner. The term exterior lots is herein defined as those lots forming the outer perimeter of the Plat of the Clearwater Falls. No permanent buildings or retaining walls shall be placed in the said easement ways, 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 herein granted. THIS EASEMENT SHALL RUN WITH THE LAND AND INURE TO THE BENEFIT OF GRANTEE'S SUCCESSORS, ASSIGNS, AND LICENSEES.

IN WITNESS WHEREOF, GRANTOR has executed this easement on this 27 day of OCTOBER 2004.

GRANTOR: Clearwater Falls, L.L.C., a Nebraska limited liability company,
By: Boyer Young Development Company,
Administrative Member,

By: *Timothy W. Young*
Timothy W. Young, President

BTK
FULLENKAMP DOYLE & JOBEUN
11440 WEST CENTER ROAD
OMAHA, NE 68144-4400

2004-41664 A

STATE OF NEBRASKA)
)
COUNTY OF DOUGLAS) ss.

Before me, the undersigned, Notary Public in and for said County and State appeared Timothy W. Young, President of Boyer Young Development Company as Administrative Member of Clearwater Falls, L.L.C., a Nebraska limited liability company, known to me to be the identical person who signed the above instrument and acknowledged the execution thereof to be his voluntary act and deed on behalf of said limited liability company.

WITNESS my hand and Notarial Seal this 27 day of October, 2004.

Randi A. Zabawa
Notary Public

