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GRANT OF EASEMENT

PERMANENT COMMUNICATION LINE EASEMENT

This Grant of Easement made this	day of	, 2008, between	CLEARWAT	<u>ER</u>
FALLS, LLC hereinafter referred to as "Grantor",	in favor of AT&T INC.	, hereinafter referred	to Grantee, a	and
its successors and assigns.				

THAT, said Grantor in consideration of the sum of One dollars (\$ 1.00), and other valuable consideration, the following grants and agreements are made:

1. Grantor does hereby grant and confirm unto Grantee and its successors and assigns, the right to use the parcel of land described as follows, to-wit:

SEE ATTACHED EXHIBIT "A"

- Grantor does hereby grant and confirm unto Grantee, its successors and assigns, together with the
 right of ingress and egress from said premises for the purpose of constructing (including grading),
 inspecting and maintaining buried communication lines and associated appurtenances at the will of
 the Grantee.
- 3. That no buildings, improvements, or other structures, excluding landscaping, fencing, grading for roadways and development of roads or streets, shall be placed in, on, over or across said easement strip by Grantor, his successors and assigns, without express approval of the Grantee. Road improvements and any trees, grass or shrubbery placed on said easement shall be maintained by Grantor, his successors or assigns.
- 4. Grantee shall cause any disturbance of grade made on said easement to be properly refilled and shall cause the premises to be left in a neat and orderly condition with the disturbed soil properly stabilized. The Grantor hereby grants to the Grantee the right, privilege and authority to clear trees, roots, and brush from the surface and subsurface of said strip and to temporarily open any fences crossings said strip. The repair of damages to fences and grass, sod or other cover crop arising from construction and maintenance of the communication line shall be paid for by the Grantee. This easement is also for the benefit of any contractor, agent, employee or representative of the Grantee and any of said construction work.
- 5. That said Grantor for himself and his successors and assigns, do confirm with the Grantee and its assigns, that he the Grantor is well seized in fee of the above-described property and that he has the right to grant and convey this easement in the manner and form aforesaid, and that he will, and his successors and assigns, shall warrant and defend this easement to Grantee and its assigns against the lawful claims and demands of all persons. This easement runs with the land.
- 6. That this instrument contains the entire agreement of the parties; that there are no other different agreements or understandings between the Grantor and the Grantee or its agents; and that the Grantor, in executing and delivering this instrument, has not relied upon any promises, inducements or representations of the Grantee or its agents or employees except as are set forth herein.

Grantor: Clearwater Falls, LLC a Nebraska Corporation

By: Timothy W. Young, Managing Member

STATE OF NEBRASKA)

COUNTY OF DOUGLAS)

On this <u>21</u>th day of <u>FRORUGELL</u>, 2008, before me, a Notary Public in and for said County and State, personally appeared GLORIA JEAN BARTELS, LARRY E. BARTELS, BRADLEY BARTELS AND REBECCA SUDBECK who executed the above and foregoing easement acknowledged the execution thereof to be their voluntary act and deed.

NOTARY PUBLIC

My Commission expires MM, 23, 2010





LEGAL DESCRIPTION WARRANTY DEED CLEARWATER FALLS L.L.C. DEED INST. NO. 2003-30168

EXHIBIT "A"

A PERMANENT 16.50 FOOT WIDE AT&T EASEMENT

A PERMANENT 16.50 FOOT WIDE AT&T EASEMENT LOCATED IN LOT 166, CLEARWATER FALLS (LOTS 1 THRU 166, INCLUSIVE, OUTLOTS "A" THRU "G" INCLUSIVE), A SUBDIVISION LOCATED IN THE SW1/4 OF SECTION 8; AND ALSO TOGETHER WITH LOTS 258 THRU 270, INCLUSIVE, AND ALSO LOTS 340 THRU 345, INCLUSIVE, CLEARWATER FALLS (LOTS 255 THRU 345 INCLUSIVE AND OUTLOTS "I", "J" AND "K"), A SUBDIVISION LOCATED IN SAID SW1/4 OF SECTION 8; AND ALSO TOGETHER WITH PART OF 45TH STREET RIGHT-OF-WAY, AND ALSO PART OF HEARTLAND DRIVE RIGHT-OF-WAY, AND ALSO TOGETHER WITH PART OF SAID SW1/4 OF SECTION 8; ALL LOCATED IN TOWNSHIP 13 NORTH, RANGE 13 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SW1/4 OF SECTION 8; THENCE N87°02'38"E (ASSUMED BEARING) ALONG THE NORTH LINE OF SAID SW1/4 OF SECTION 8, A DISTANCE OF 50.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF 48TH STREET, SAID POINT ALSO BEING THE NORTHWEST CORNER OF SAID LOT 258, CLEARWATER FALLS (LOTS 255 THRU 345 INCLUSIVE AND OUTLOTS "I", "J" AND "K"), SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING N87°02'38"E ALONG SAID NORTH LINE OF THE SW1/4 OF SECTION 8, SAID LINE ALSO BEING THE NORTH LINE OF SAID LOT 258, CLEARWATER FALLS (LOTS 255 THRU 345 INCLUSIVE AND OUTLOTS "I", "J" AND "K"), AND ALSO THE NORTH LINE OF SAID LOTS 259 THRU 270, CLEARWATER FALLS (LOTS 255 THRU 345 INCLUSIVE AND OUTLOTS "I", "J" AND "K"), AND ALSO THE NORTH RIGHT-OF-WAY LINE OF SAID 45TH STREET, AND ALSO THE NORTH LINE OF SAID LOT 344, CLEARWATER FALLS (LOTS 255 THRU 345 INCLUSIVE AND OUTLOTS "I", "J" AND "K"), A DISTANCE OF 1041.69 FEET; THENCE S02°57'22"E, A DISTANCE OF 277.03 FEET; THENCE SOUTHEASTERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 258.50 FEET, A DISTANCE OF 65.07 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS \$10°10'03"E, A DISTANCE OF 64.90 FEET; THENCE \$17°22'43"E, A DISTANCE OF 72.36 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 340, CLEARWATER FALLS (LOTS 255 THRU 345 INCLUSIVE AND OUTLOTS "I", "J" AND "K"), SAID LINE ALSO BEING THE WESTERLY LINE OF SAID LOT 345, CLEARWATER FALLS (LOTS 255 THRU 345 INCLUSIVE AND OUTLOTS "I", "J" AND "K"); THENCE SOUTHEASTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 341.50 FEET, A DISTANCE OF 4.51 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS \$17°00'00"E, A DISTANCE OF 4.51 FEET, THENCE N76°08'53"E, A DISTANCE OF 142.23 FEET; THENCE S02°57'22"E, A DISTANCE OF 339.83 FEET; THENCE S05°14'18"E, A DISTANCE OF 67.22 FEET; THENCE S22°07'38"E, A DISTANCE OF 59.76 FEET; THENCE S41°18'55"E, A DISTANCE OF 59.42 FEET; THENCE S60°30'12"E, A DISTANCE OF 59.42 FEET; THENCE S79°41'30"E, A DISTANCE OF 76.16 FEET; THENCE S00°42'52"W, A DISTANCE OF 193.58 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID HEARTLAND DRIVE, SAID LINE ALSO BEING THE NORTHERLY LINE OF SAID LOT 166, CLEARWATER FALLS (LOTS 1 THRU 166, INCLUSIVE, OUTLOTS "A" THRU "G" INCLUSIVE); THENCE NORTHEASTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF HEARTLAND DRIVE, SAID LINE ALSO BEING SAID NORTHERLY LINE OF LOT 166, CLEARWATER FALLS (LOTS 1 THRU 166, INCLUSIVE, OUTLOTS "A" THRU "G" INCLUSIVE) ON A CURVE TO THE LEFT WITH A RADIUS OF 375.00 FEET, A DISTANCE OF 87.03 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS N81°32'37"E, A DISTANCE OF 86.84 FEET TO THE NORTHEAST CORNER OF SAID LOT 166, CLEARWATER FALLS (LOTS 1 THRU 166, INCLUSIVE, OUTLOTS "A" THRU "G" INCLUSIVE), SAID POINT ALSO BEING THE NORTHWEST CORNER OF LOT 66, SAID CLEARWATER FALLS (LOTS 1 THRU 166, INCLUSIVE, OUTLOTS "A" THRU "G" INCLUSIVE); THENCE S25°18'48"E ALONG THE EASTERLY LINE OF SAID LOT 166, CLEARWATER FALLS (LOTS 1 THRU 166, INCLUSIVE, OUTLOTS "A" THRU "G" INCLUSIVE), SAID LINE ALSO BEING THE WESTERLY LINE OF SAID LOT 66, CLEARWATER FALLS (LOTS 1 THRU 166, INCLUSIVE, OUTLOTS "A" THRU "G" INCLUSIVE), A DISTANCE OF 101.65 FEET TO THE SOUTHWEST CORNER OF SAID LOT 66, CLEARWATER FALLS (LOTS 1 THRU 166, INCLUSIVE, OUTLOTS "A" THRU "G" INCLUSIVE), SAID POINT ALSO BEING THE NORTHWEST CORNER OF LOT 67, SAID CLEARWATER FALLS (LOTS 1 THRU 166, INCLUSIVE, OUTLOTS "A" THRU "G" INCLUSIVE); THENCE \$18°20'01"E ALONG SAID EASTERLY LINE OF LOT 166, CLEARWATER FALLS (LOTS 1 THRU 166, INCLUSIVE, OUTLOTS "A" THRU "G" INCLUSIVE), SAID LINE ALSO BEING THE WESTERLY LINE OF SAID LOT 67, CLEARWATER FALLS (LOTS 1 THRU 166, INCLUSIVE, OUTLOTS "A" THRU "G" INCLUSIVE), A DISTANCE OF 66.35 FEET TO THE SOUTHWEST CORNER OF SAID LOT 67, CLEARWATER FALLS (LOTS 1 THRU 166, INCLUSIVE, OUTLOTS "A" THRU "G" INCLUSIVE), SAID POINT ALSO BEING THE NORTHWEST CORNER OF LOT 68, SAID CLEARWATER FALLS (LOTS 1 THRU 166, INCLUSIVE, OUTLOTS "A" THRU "G" INCLUSIVE); THENCE S04°11'26"E ALONG SAID EASTERLY LINE OF LOT 166, CLEARWATER FALLS (LOTS 1 THRU 166, INCLUSIVE, OUTLOTS "A" THRU "G" INCLUSIVE), AND THE SOUTHERLY EXTENSION THEREOF, SAID LINE ALSO BEING THE WESTERLY LINE OF SAID LOT 68, CLEARWATER FALLS (LOTS 1 THRU 166, INCLUSIVE, OUTLOTS "A" THRU "G" INCLUSIVE), AND ALSO THE WESTERLY LINE OF LOT 69, SAID CLEARWATER FALLS (LOTS 1 THRU 166, INCLUSIVE, OUTLOTS "A" THRU "G" INCLUSIVE), AND THE SOUTHERLY EXTENSION THEREOF, A DISTANCE OF 246.57 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF BIRCHWOOD DRIVE; THENCE EASTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF BIRCHWOOD DRIVE ON THE FOLLOWING DESCRIBED COURSES;

SEE SHEET 1 OF 3 FOR DRAWING

LEGAL CONTINUES ON SHEET 3 OF 3



E&A CONSULTING GROUP, INC.

ENGINEERING ◆ PLANNING ◆ FIELD SERVICES
330 NORTH 117TH STREET OMAHA NE 68154 PHONE: (402) 895-4700

Drawn by: JHVD Chkd by: Wal 2-26-08 Chkd by:

Job No.: P2005.198.001

Date: 02/20/2008

Sheet No.: 2 of 3

PERMANENT 16.50 FOOT WIDE AT&T EASEMENT SW1/4 OF SECTION 8, T13N, R13E

SARPY COUNTY, NEBRASKA

EXHIBIT "A"

THENCE N85°48'34"E, A DISTANCE OF 208.67 FEET; THENCE SOUTHEASTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 260.00 FEET, A DISTANCE OF 88.97 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S84°23'12"E, A DISTANCE OF 88.54 FEET; THENCE S74°34'58"E, A DISTANCE OF 52.25 FEET; THENCE EASTERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 340.00 FEET, A DISTANCE OF 106.86 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S83°35'13"E, A DISTANCE OF 106.42 FEET; THENCE N87°24'33"E, A DISTANCE OF 631.68 FEET TO A POINT ON THE EAST LINE OF SAID SW1/4 OF SECTION 8, SAID POINT ALSO BEING ON THE WEST LINE OF LOT 42, FOX RIDGE ESTATES, A SUBDIVISION LOCATED IN THE SE1/4 OF SAID SECTION 8; THENCE \$02°35'06"E ALONG SAID EAST LINE OF THE SW1/4 OF SECTION 8, SAID LINE ALSO BEING THE WEST LINE OF SAID LOT 42, FOX RIDGE ESTATES, AND ALSO THE WEST LINE OF LOTS 41 THRU 37, SAID FOX RIDGE ESTATES, A DISTANCE OF 1054.38 FEET TO THE SOUTHEAST CORNER OF SAID SW1/4 OF SECTION 8, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF SAID LOT 37, FOX RIDGE ESTATES; THENCE S87°02'50"W ALONG THE SOUTH LINE OF SAID SW1/4 OF SECTION 8, A DISTANCE OF 16.50 FEET; THENCE N02°35'06"W, A DISTANCE OF 1037.98 FEET; THENCE S87°24'33"W, A DISTANCE OF 615.18 FEET; THENCE NORTHWESTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 356.50 FEET, A DISTANCE OF 112.05 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS N83°35'13"W, A DISTANCE OF 111.58 FEET; THENCE N74°34'58"W, A DISTANCE OF 52.25 FEET; THENCE WESTERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 243.50 FEET, A DISTANCE OF 83.33 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS N84°23'12"W, A DISTANCE OF 82.92 FEET; THENCE S85°48'34"W, A DISTANCE OF 225.17 FEET; THENCE N04°11'26"W, A DISTANCE OF 261.02 FEET; THENCE N18°20'01"W, A DISTANCE OF 63.29 FEET; THENCE N25°18'48"W, A DISTANCE OF 87.10 FEET; THENCE WESTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 391.50 FEET, A DISTANCE OF 94.25 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S83°49'03"W, A DISTANCE OF 94.03 FEET; THENCE N00°42'52"E ALONG THE EASTERLY LINE OF LOT 331, SAID CLEARWATER FALLS (LOTS 255 THRU 345 INCLUSIVE AND OUTLOTS "I", "J" AND "K"), AND THE SOUTHERLY EXTENSION THEREOF, SAID LINE ALSO BEING SAID WESTERLY LINE OF LOT 345, CLEARWATER FALLS (LOTS 255 THRU 345 INCLUSIVE AND OUTLOTS "I", "J" AND "K"), AND THE SOUTHERLY EXTENSION THEREOF, A DISTANCE OF 196.50 FEET TO THE NORTHEAST CORNER OF SAID LOT 331, CLEARWATER FALLS (LOTS 255 THRU 345 INCLUSIVE AND OUTLOTS "I", "J" AND "K"), SAID POINT ALSO BEING ON THE WESTERLY LINE OF SAID LOT 345, CLEARWATER FALLS (LOTS 255 THRU 345 INCLUSIVE AND OUTLOTS "I", "J" AND "K"); THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID LOT 345, CLEARWATER FALLS (LOTS 255 THRU 345 INCLUSIVE AND OUTLOTS "I", "J" AND "K"), SAID LINE ALSO BEING THE NORTHERLY AND EASTERLY LINE OF SAID LOTS 331 THRU 339, CLEARWATER FALLS (LOTS 255 THRU 345 INCLUSIVE AND OUTLOTS "I", "J" AND "K"), ON THE FOLLOWING DESCRIBED COURSES; THENCE N79°41'30"W, A DISTANCE OF 65.00 FEET; THENCE N60°30'12"W, A DISTANCE OF 65.00 FEET; THENCE N41°18'55"W, A DISTANCE OF 65.00 FEET; THENCE N22°07'38"W, A DISTANCE OF 65.00 FEET; THENCE N05°14'18"W, A DISTANCE OF 70.01 FEET; THENCE N02°57'22"W, A DISTANCE OF 320.18 FEET TO THE NORTHEAST CORNER OF SAID LOT 339, CLEARWATER FALLS (LOTS 255 THRU 345 INCLUSIVE AND OUTLOTS "I", "J" AND "K"); THENCE S76°08'53"W ALONG THE NORTHERLY LINE OF SAID LOT 339, CLEARWATER FALLS (LOTS 255 THRU 345 INCLUSIVE AND OUTLOTS "I", "J" AND "K"), SAID LINE ALSO BEING SAID WESTERLY LINE OF LOT 345, CLEARWATER FALLS (LOTS 255 THRU 345 INCLUSIVE AND OUTLOTS "I", "J" AND "K"), A DISTANCE OF 138.35 FEET TO THE NORTHWEST CORNER OF SAID LOT 339, CLEARWATER FALLS (LOTS 255 THRU 345 INCLUSIVE AND OUTLOTS "I", "J" AND "K"), SAID POINT ALSO BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID 45TH STREET; THENCE NORTHWESTERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF 45TH STREET, SAID LINE ALSO BEING SAID WESTERLY LINE OF LOT 345, CLEARWATER FALLS (LOTS 255 THRU 345 INCLUSIVE AND OUTLOTS "I", "J" AND "K") ON A CURVE TO THE LEFT WITH A RADIUS OF 325.00 FEET, A DISTANCE OF 20.00 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS N15°36'55"W, A DISTANCE OF 20.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 340, CLEARWATER FALLS (LOTS 255 THRU 345 INCLUSIVE AND OUTLOTS "I", "J" AND "K"); THENCE N17°22'43"W ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF 45TH STREET, SAID LINE ALSO BEING THE WESTERLY LINE OF SAID LOT 340, CLEARWATER FALLS (LOTS 255 THRU 345 INCLUSIVE AND OUTLOTS "I", "J" AND "K"), A DISTANCE OF 72.36 FEET; THENCE NORTHERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF 45TH STREET, SAID LINE ALSO BEING SAID WESTERLY LINE OF LOT 340, CLEARWATER FALLS (LOTS 255 THRU 345 INCLUSIVE AND OUTLOTS "I", "J" AND "K"), AND ALSO THE WESTERLY LINE OF SAID LOT 341, CLEARWATER FALLS (LOTS 255 THRU 345 INCLUSIVE AND OUTLOTS "I", "J" AND "K") ON A CURVE TO THE RIGHT WITH A RADIUS OF 275.00 FEET, A DISTANCE OF 69.22 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS N10°10'03"W, A DISTANCE OF 69.04 FEET; THENCE N02°57'22"W ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF 45TH STREET, SAID LINE ALSO BEING THE WESTERLY LINE OF SAID LOT 341, CLEARWATER FALLS (LOTS 255 THRU 345 INCLUSIVE AND OUTLOTS "I", "J" AND "K"), AND ALSO THE WESTERLY LINE OF LOTS 342 THRU 344, SAID CLEARWATER FALLS (LOTS 255 THRU 345 INCLUSIVE AND OUTLOTS "I", "J" AND "K"), A DISTANCE OF 260.53 FEET; THENCE S87°02'38"W, A DISTANCE OF 1025.33 FEET TO A POINT ON SAID WESTERLY LINE OF LOT 258, CLEARWATER FALLS (LOTS 255 THRU 345 INCLUSIVE AND OUTLOTS "I", "J" AND "K"), SAID LINE ALSO BEING SAID EASTERLY RIGHT-OF-WAY LINE OF 48TH STREET; THENCE N02°28'34"W ALONG SAID WESTERLY LINE OF LOT 258, CLEARWATER FALLS (LOTS 255 THRU 345 INCLUSIVE AND OUTLOTS "I", "J" AND "K"), SAID LINE ALSO BEING SAID EASTERLY RIGHT-OF-WAY LINE OF 48TH STREET, A DISTANCE OF 16.50 FEET TO THE POINT OF BEGINNING.

SAID PERMANENT 16.50 FOOT WIDE AT&T EASEMENT CONTAINS AN AREA OF 83,876 SQUARE FEET OR 1.926 ACRES, MORE OR LESS.

SEE SHEET 1 OF 3 FOR DRAWING

LEGAL CONTINUES FROM SHEET 2 OF 3



E&A CONSULTING GROUP, INC.

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Drawn by: JHVD Chkd by: 2-26-08 Chkd by:

Job No.: P2005,198,001

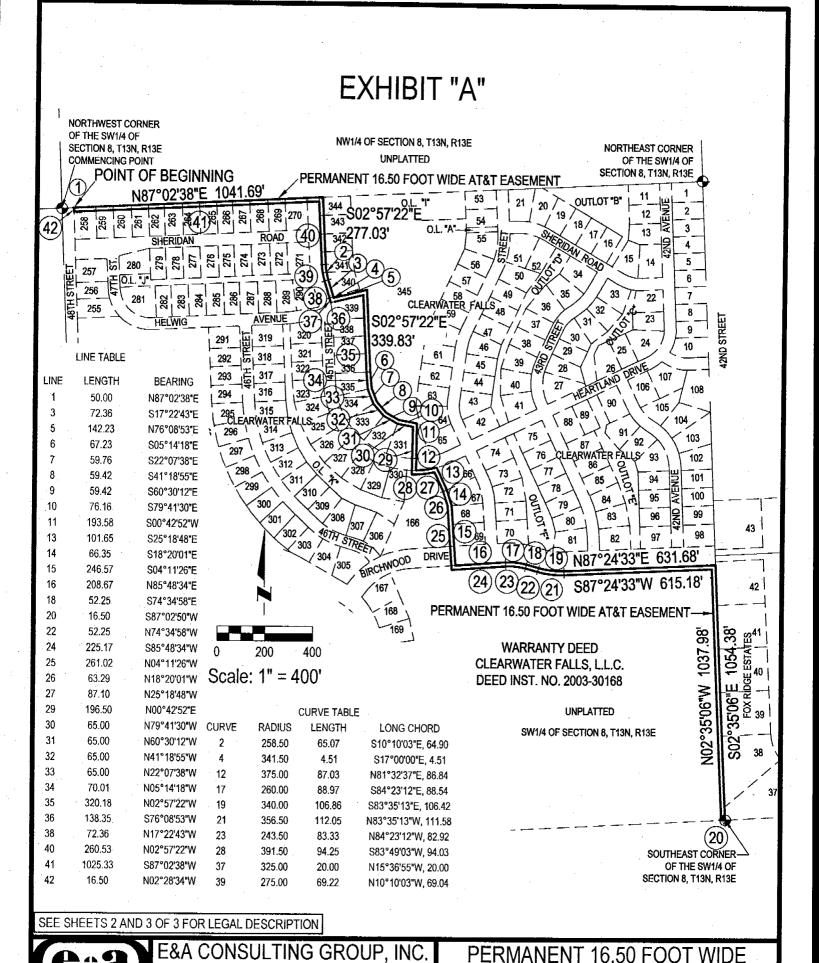
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Sheet No.: 3 of 3

PERMANENT 16.50 FOOT WIDE AT&T EASEMENT SW1/4 OF SECTION 8, T13N, R13E

SARPY COUNTY, NEBRASKA

2008-05435 C



AT&T EASEMENT

SW1/4 OF SECTION 8, T13N, R13E

SARPY COUNTY, NEBRASKA

Sheet No.: 1 of 3 K:\Projects\2005\190\p01\Srvy\Easements\ESMNT ATT SW SEC 8 T13N R13E -000.dwg, 8.5x11 (14)_DRAWING 1 OF 3, 2/26/2008 9:03:33 AM, JimV, Legal (8 1/2 x 14 in.)

2-26-08

Date: 02/20/2008

Drawn by: JHVD

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