



MISC 2006068935



JUN 20 2006 09:06 P 3

Misc.
 3 REC 18-50 FB 00-40312
 BHP C/O COMP 86
 7 DEF SCAN FY

*Affects Common Element
 NOT JUST Units 1-7.*

Revised June 8, 2006

RIGHT-OF-WAY EASEMENT

Received - DIANE L. BATTIATO
 Registrar of Deeds, Douglas County, NE
 6/20/2006 09:06:08.77



2006068935

TRITON HOMES

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

Lot Two (2), Falcon Ridge, an Addition as surveyed, platted and recorded in Douglas County, Nebraska, now known as Units 1 thru 7, inclusive, of Village at Falcon Ridge Condominium Property Regime.

CONDITIONS:

- (a) Since Grantor does not intend to dedicate any streets, alleys or public ways for public use, where Grantees facilities are to be constructed to serve Grantor's condominium project. Grantee shall have the right to survey, construct, reconstruct, relocate, alter, inspect, repair, replace, add to, maintain and operate service lines, poles, switches, wires, cable, crossarms, guys and anchors and other instrumentalities for the transmission of electric current for light, heat and power, including services of the Grantee to the improvements on the above described real estate, over, above, along, under, in and across a strip of land Ten feet (10') in width, being Five feet (5') each side of and parallel to facilities as constructed by Grantee and as shown on the attached Exhibit "A".
- (b) The Grantees shall have the right of ingress and egress across the Grantor's property for any purpose hereinbefore granted excepting those portions thereof which will be occupied by condominium structures and or garages (The term condominium house structures shall not include adjacent walks, driveways, parking areas or streets) and excepting those portions which may hereafter be occupied by a swimming pool and bathhouse, the specific location thereof to be hereafter agreed upon between the parties. Such ingress and egress shall be exercised in a reasonable manner.
- (c) Grantor, its successors and assigns, covenant that at no time will any buildings, structures, pipelines or other property, except walks or driveways be erected, constructed, used or placed on or below the surface of said land where Grantees' facilities have been constructed.
- (d) Grantees shall promptly restore the surface of the soil excavated including sodding of grass for any purpose hereunder to the original contour thereof as near as may be and to repair or replace the surface of any walks or driveways which may have been disturbed for any purpose hereunder as near as may be to pre-construction condition.
- (e) Grantees may extend any facilities constructed hereunder from which service to said project is accomplished through and beyond said project the same as if said facilities were in dedicated streets, alleys or public ways.
- (f) The Grantor covenants that he/they has/have lawful possession of said real estate, good, right and lawful authority to grant such right and that their 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 right.

IN WITNESS WHEREOF, the Owner(s) have executed this instrument this 13 day of June, 2006.
 TRITON HOMES OWNERS SIGNATURE(S)

[Handwritten Signature]
 UP of Development

RETURN TO:
 OMAHA PUBLIC POWER DISTRICT
 % Land Rights 5E/EP2
 444 South 16th Street Mall
 Omaha, NE 68102-2247

CORPORATE ACKNOWLEDGEMENT

STATE OF Iowa
COUNTY OF Polk

On this 13 day of June, 2006, before me the undersigned, a Notary Public in and for said County, personally came

Robert R. Gibson
Via President of Development for Inton Homes

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 its voluntary act and deed for the purpose therein expressed.

Witness my hand and Notarial Seal the date above written.

Kristine G. Gardner
NOTARY PUBLIC



INDIVIDUAL ACKNOWLEDGEMENT

STATE OF
COUNTY OF

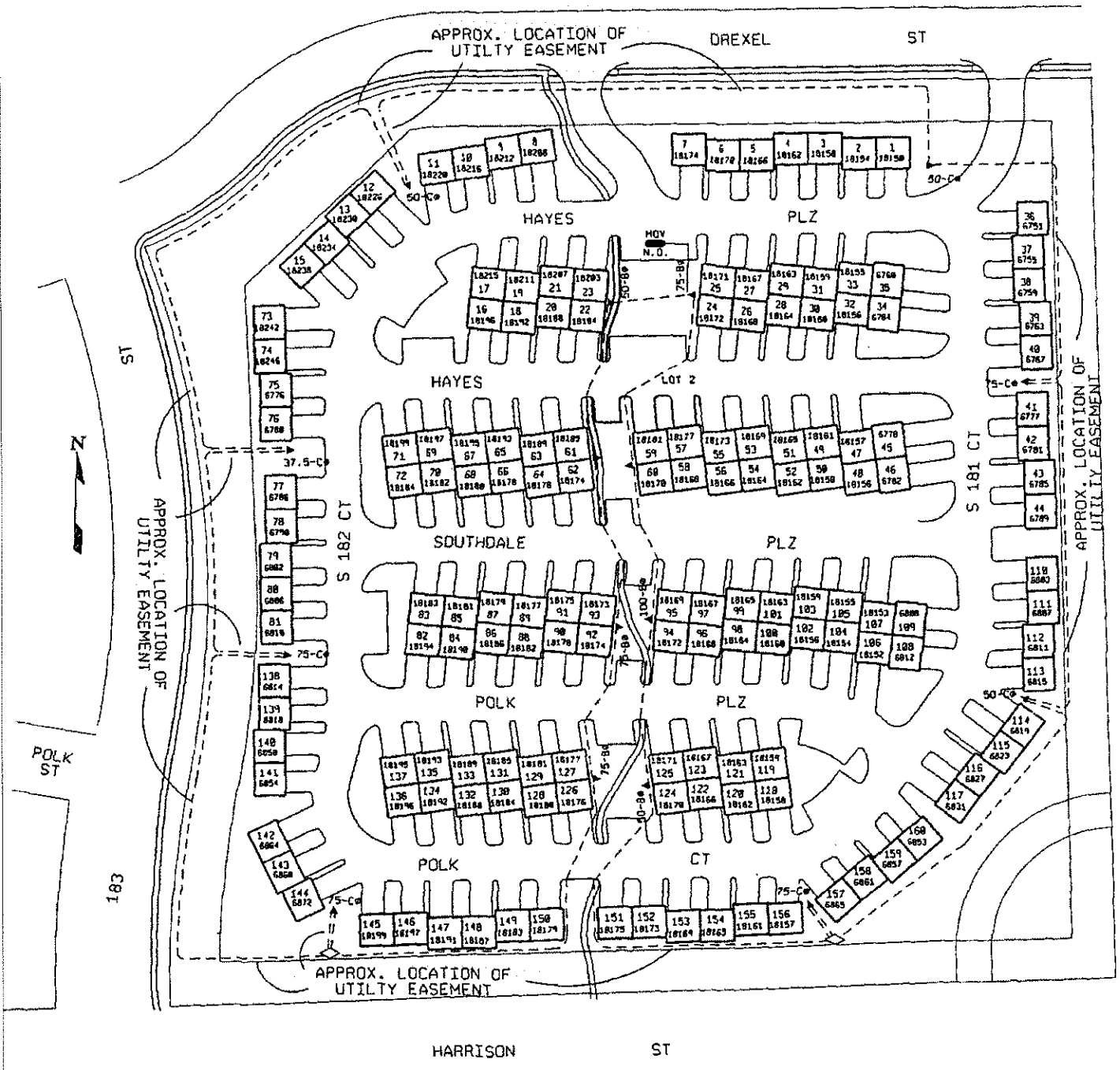
On this ___ day of _____, 2006, before me the undersigned, a Notary Public in and for said County and State, personally appeared

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"



HARRISON ST