

29-307

PARTIAL RELEASE OF EASEMENT  
AND  
GRANT OF COVENANTS

WHEREAS, the undersigned, Loup River Public Power District (herein called "District") is the Grantee and holder of an easement executed by John L. Sautter and Mary Sautter, covering the Northwest Quarter (NW<sup>1</sup>/<sub>4</sub>) of Section Fourteen (14), Township Fourteen (14) North, Range Twelve (12) East of the 6th P.M. in Sarpy County, Nebraska, which easement was dated May 10, 1939 and was recorded May 22, 1939, in Book 10 at Page 98 of the Miscellaneous Records in the office of the County Clerk of Sarpy County, Nebraska, and

WHEREAS, the District is the Grantee and holder of an easement executed by Jacob W. and Caroline Pfling covering the North One-half of Southeast Quarter and South 1 rod of South One-half of Northeast Quarter of Section 14, Township 14 North, Range 12 East of the 6th P.M. in Sarpy County, Nebraska, which easement was recorded May 22, 1939 in Book 10 at Page 95 of Miscellaneous Records in the office of said County Clerk.

WHEREAS, the District has located its electric transmission line diagonally across said land within the confines of a 100-foot-wide easement way described and laid out upon the plat of La Vista, a subdivision in Sarpy County, Nebraska, as surveyed, platted and recorded on September 29, 1961 in Book 4 at Page 7 of the Plat Records in the office of the County Clerk of Sarpy County, Nebraska.

NOW, THEREFORE, in consideration of One Dollar and other valuable consideration, the District does hereby release said easement from all of said land excepting only the said 100-foot-wide overhead power easement which diagonally traverses said land, and which easement is described and laid out on said plat of La Vista; it being understood and agreed that the District retains the easement and all rights granted therein, over, upon and along said 100-foot-wide overhead power line easement together with rights of ingress and egress thereto and therefrom over the publicly dedicated roads on said plat, to-wit: Harrison Street, 80th Street, 79th Street, 78th Street, 72nd Street and Easy Street North.

Decker Enterprises, Inc., in consideration of the foregoing release, and as owner of all the following described real estate, does hereby acknowledge that said easement is reserved over portions of the following described lots as shown on said recorded plat:

- Lots 1282E, 1190, 1191, 1194, 1195, 1186, 1187, 1157, 1158, 1143, 1144, 1136, 1137, 1091, Lots 1093 through 1099, both inclusive, Lots 743, 744 and 945 in La Vista.

Said easement extends 100 feet in width, and the following covenants shall govern the use of land within said easement way until such time as the District, or its assigns, may consent to a release or modification of these restrictions:

FILED FOR RECORD IN SARP COUNTY RECORDS *Jan 24 1962* AT 9:00 AM  
AND RECORDED IN B. 22 OF *22* PAGES *307* *Public Power* COUNTY CLERK  
\$18.00  
100 copies

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(1) No planting will be made within the boundaries of said easement great which may interfere with or otherwise endanger the safe operation of said transmission line and equipment used in connection therewith.

(2) No structure shall be erected against the erection of buildings and structures which might endanger or interfere with the operation and maintenance of said transmission line, on lots or parcels of land either adjacent to or partially within the boundaries of such 100-foot easement, the following limitations on height of structures and proximity to boundaries are imposed on all lots adjacent to or wholly or partially within the boundaries of such transmission line easement:

(a) No structure shall be placed within the boundaries of such easement, except underground water, sewer and gas mains, street paving, driveways or sidewalks.

(b) Permanent structures may be placed on such lots which are partially within the boundaries of such easement on the express condition that such structure does not encroach on the defined easement area and that the maximum height of such structure and appendages is limited to thirty feet at the outer easement boundary, and one additional foot of height is permitted for each foot of distance, measured from the nearest point, from such outer boundary.

Executed this 10 day of January, 1962.

LOUP RIVER PUBLIC POWER DISTRICT

LOUP RIVER PUBLIC POWER DISTRICT

*John W. Decker*  
President

By: *Clarence J. Hittler*  
President

Attest: *John W. Decker*  
Secretary

Attest: \_\_\_\_\_  
Assistant Secretary

STATE OF NEBRASKA )  
COUNTY OF \_\_\_\_\_ ) ss. \_\_\_\_\_  
Notary Public in and for said County, personally appeared *Clarence J. Hittler* who is known to be the *President* of Loup River Public Power District, a Public Power District organized under the laws of the State of Nebraska, and the identical person who executed the foregoing instrument as such officer, and he acknowledged his execution thereof to be his voluntary act and deed as such officer and the voluntary act and deed of said Loup River Public Power District.

*Wm. H. Reinhardt*  
Notary Public

My Commission Expires:  
Feb 23 - 1962

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STATE OF NEBRASKA) On the date last above written before me, the  
) ss. undersigned, a Notary Public in and for said  
COUNTY OF DOUGLAS) County, personally came EAR HENNING, President  
of Decker Enterprises, Inc., to me personally known to be the President and the identical person whose name is affixed to the above instrument, and acknowledged the execution thereof to be his voluntary act and deed as such officer and the voluntary act and deed of said corporation and that the Corporate Seal of the said corporation was thereto affixed by its authority.

WITNESS my hand and Notarial Seal at Omaha in said County the day and year last above written.

Richard E. Parker  
Notary Public

My Commission Expires:

July 8, 1963