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### UTILITY EASEMENT

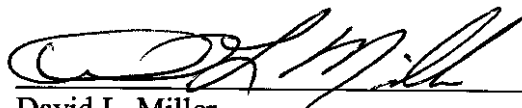
In consideration of reimbursement by Grantee for consideration, if any, paid by Grantors to Lancaster County, Nebraska in connection with the vacation of the Easement Area (as hereinafter defined), the undersigned ("Grantors"), hereby grant and convey unto the City of Lincoln, Nebraska, a municipal corporation, Windstream, Time-Warner Entertainment - Advance/Newhouse, Aquila, Lincoln Electric System, FT Development Company, Inc. a Nebraska corporation, and Firethorn Utility Service Co., a Nebraska corporation, their respective successors and assigns ("Grantees"), an easement for purposes of construction, reconstruction, replacement, repair, operation and maintenance of wires, cables, conduits, fixtures, pipes and equipment for the distribution of electricity and gas, telephone and cable television, water mains, sanitary sewer improvements and all appurtenances thereto over, upon and under the real property legally described on Exhibit "A" attached hereto and incorporated herein by this reference (the "Easement Area").

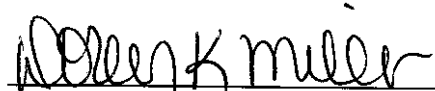
Grantee shall, at its sole cost and expense, restore the Easement Area to the original condition thereof and as soon after any work is performed as may be reasonably possible to do so. Grantors agree that no building or other structures shall hereafter be located on the Easement Area.

Grantees shall indemnify and hold Grantors harmless from and against all claims, liabilities, and expenses (including reasonable attorneys' fees) relating to accidents, injuries, loss, or damage to any person or property arising from or in any manner relating to the use by Grantee of the easement granted hereunder except as may result from the negligence or intentional misconduct of Grantors.

Nothing contained herein shall be construed as creating any rights in the general public or as dedicating for public use any portion of Grantors' property.

Dated this 9<sup>th</sup> day of July 2007.

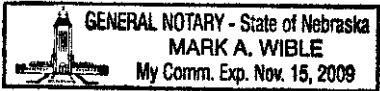
  
\_\_\_\_\_  
David L. Miller

  
\_\_\_\_\_  
Doreen K. Miller

please return  
recorded document to:  
JENNIFER STRAND  
Woods & Aitken LLP  
301 S. 13th St. Ste. 500 (08)

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF LANCASTER )

The foregoing instrument was acknowledged before me on the 9<sup>th</sup> day of July 2007 by David L. and Doreen K. Miller, husband and wife.



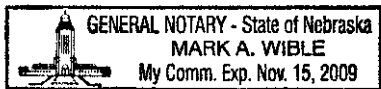
Mark A. Wible  
Notary Public

Jeffrey S. Dale  
Jeffrey S. Dale

Leslie T. Dale  
Leslie T. Dale

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF LANCASTER )

The foregoing instrument was acknowledged before me on the 9<sup>th</sup> day of July 2007 by Jeffrey S. and Leslie T. Dale, husband and wife.



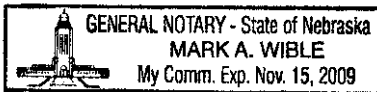
Mark A. Wible  
Notary Public

Robert Ewoldt  
Robert Ewoldt

Donna R. Ewoldt  
Donna R. Ewoldt  
F.

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF LANCASTER )

The foregoing instrument was acknowledged before me on the 9<sup>th</sup> day of July 2007 by Robert and Donna ~~V.~~ Ewoldt, husband and wife.



*M.A. Wible*

Mark A. Wible  
Notary Public

## EXHIBIT "A"

### Legal Descriptions of Easement Area

A part of South 88<sup>th</sup> Street, located in the SW ¼, of Section 2, Township 9 North, Range 7 East of 6th Principal Meridian, Lancaster County, Nebraska, more particularly described as follows:

Beginning at the northwest corner of IKIRU EAST subdivision, located in said SW ¼, said point also being located on the centerline and at the north line of said South 88<sup>th</sup> Street, said point also being a southeast corner of Lot 38, irregular tracts, located in said SW ¼; thence southerly with the west line of said IKIRU EAST subdivision, being common to the centerline of said South 88<sup>th</sup> Street, a distance of 530.0 feet to a point located on the westerly extension of the south line of Lot 3, of said IKIRU EAST subdivision, being common to the north line of Taliesin Drive, of said IKIRU EAST subdivision; thence westerly with the westerly extension of the south line of said Lot 3, a distance of 30.0 feet to a point located on an easterly line of said Lot 38, irregular tracts, being common to the west line of said South 88<sup>th</sup> Street; thence northerly with the west line of South 88<sup>th</sup> Street, being common to an easterly line of said Lot 38, irregular tracts, a distance of 530.0 feet, more or less, to the northwest corner of said South 88<sup>th</sup> Street, also being a point located on a southerly line of said Lot 38, irregular tracts; thence easterly with the north line of said South 88<sup>th</sup> Street, being common to a southerly line of said Lot 38, irregular tracts, a distance of 30.0 feet to the point of beginning.

AND

A portion of Lot 38, irregular tract, located in the SW ¼, of Section 2, Township 9 North, Range 7 East of the 6th Principal Meridian, Lancaster County, Nebraska, and more particularly described as follows:

Commencing at the Northeast corner of said Lot 38, irregular tract, said corner also being the Southeast corner of Outlot 'C', Firethorn 3<sup>rd</sup> Addition, said corner also being on the West line of Lot 5, irregular tract, thence South along the East line of said Lot 38, irregular tract, said line also being the West line of said Lot 5, irregular tract, on an assumed bearing of South 00 degrees 35 minutes 18 seconds West, a distance of 184.51 feet to the point of beginning; thence continuing South 00 degrees 35 minutes 18 seconds West along said line a distance of 81.42 feet to a point on a South line of said Lot 38, irregular tract, said line also being the North Right-of-Way line of South 88<sup>th</sup> Street; thence North 89 degrees 55 minutes 27 seconds West, along a South line of said Lot 38, irregular tract, said line also being the North Right-of-Way line of said South 88<sup>th</sup> Street, a distance of 29.18 feet to a point; thence North

00 degrees 40 minutes 05 seconds East, a distance of 27.52 feet to a point; thence North 28 degrees 52 minutes 09 seconds East, a distance of 61.50 feet to the point of the beginning.

All of the above containing 0.40 acres, more or less.

AND

A part of IKIRU EAST subdivision, located in the SW  $\frac{1}{4}$ , of Section 2, Township 9 North, Range 7 East of 6th Principal Meridian, Lancaster County, Nebraska, more particularly described as follows:

Beginning at the southwest corner of Lot 3 of said IKIRU EAST subdivision; thence westerly with the westerly extension of the south line of said Lot 3, common to the north line of Taliesin Drive of said IKIRU EAST subdivision, a distance of 30.0 feet to a point located on the west line of said IKIRU EAST subdivision, common to the centerline of South 88<sup>th</sup> Street; thence northerly with said common line, said common line also being 30.0 feet west of and parallel with the west line of said Lot 3, a distance of 310.0 feet to a point located on the westerly extension of the north line of said Lot 3, said line being common to the westerly extension of the south line of Lot 1, of said IKIRU EAST subdivision; thence easterly with said common line, a distance of 30.0 feet to the northwest corner of said Lot 3, common to the southwest corner of said Lot 1; thence southerly with the west line of said Lot 3, a distance of 310.0 feet to the point of beginning.

Containing 0.21 acres, more or less.

AND

A part of IKIRU EAST subdivision, located in the SW  $\frac{1}{4}$ , of Section 2, Township 9 North, Range 7 East of 6th Principal Meridian, Lancaster County, Nebraska, more particularly described as follows:

Beginning at the southwest corner of Lot 1 of said IKIRU EAST subdivision; thence westerly with the westerly extension of the south line of said Lot 1, common to the north line of said Lot 3, a distance of 30.0 feet to a point located on the west line of said IKIRU EAST subdivision, common to the centerline of South 88<sup>th</sup> Street; thence northerly with said common line, said common line also being 30.0 feet west of and parallel with the west line of said Lot 1, a distance of 220.0 feet to the northwest corner of said IKIRU EAST subdivision; thence easterly with the north line of said IKIRU EAST subdivision, a distance of 30.0 feet to the northwest corner of said Lot 1; thence southerly with the west line of said Lot 1, a distance of 220.0 feet to the point of beginning.

Containing 0.15 acres, more or less.