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Stamp Tax

Date

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By

RICHARD N. TAKECHI  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NE

99 FEB 10 AM 9:02

RECEIVED

TRANS  
October 5, 1998

Doc.# 2.154 00(007)

**RIGHT-OF-WAY EASEMENT**

In consideration of the sum of One Dollar (\$1.00) and other valuable considerations, the receipt of which is hereby acknowledged, the undersigned owner(s) of the real estate hereinafter described, his/her its/their heirs, executors, administrators, successors and assigns, hereinafter called "Grantor", hereby grant and convey to OMAHA PUBLIC POWER DISTRICT, a public corporation, its successors and assigns, hereinafter called "District", a permanent right-of-way easement to survey, construct, reconstruct, relocate, alter, inspect, repair, replace, add to, maintain and operate thereon, electric transmission and distribution lines consisting of poles, pole foundations, towers, tower foundations, down guys, anchors, insulators, wires, underground cables, supports and other necessary fixtures and equipment over, upon, above, along, under, in and across the following described real estate, to wit:

Lots 8, 9, 19 and 20, Indian Creek Addition, as surveyed, platted and recorded in Douglas County, Nebraska.

The area of the above described real estate to be covered by this easement shall be as follows:

The North Twenty-two feet (N22') of the above described lots.  
(see Exhibit "A" on the reverse side hereof for sketch of easement area)

**CONDITIONS:**

The District shall have the right of ingress and egress across the Grantor's property for any purpose hereinbefore granted. Such ingress and egress shall be exercised in a reasonable manner.

The District shall also have the right to burn, trim, or remove all trees and brush on said right-of-way as may be necessary to efficiently exercise any of the hereinbefore granted rights, together with the express provision that any and all Trees which, in falling would come within 15 feet of the nearest electric line conductor, may be topped or removed. All refuse from such tree cutting or trimming shall be disposed of by the District, and the District shall have the further right to control and impede the growth of all weeds, trees, and brush along the described right-of-way if said right-of-way is not being utilized for cultivated crops.

The District shall pay the Grantor or Lessee, as their interests may appear, for all damages to growing crops, fences and buildings on said land which may be caused by the exercise of the hereinbefore granted rights.

Grantor may cultivate, use and enjoy the land within the right-of-way provided that such use shall not, in the judgement of the District, endanger or be a hazard to or interfere with the hereinbefore granted rights; Grantor shall not allow any buildings, structures, hay or straw stacks or other property to remain or be placed upon the above described easement area. The District and Grantor agree to the locations and elevations of the poles as prescribed in attached Exhibit "B". Any variations of more than 1 foot from said prescribed elevations shall require prior written approval from the District; Grantor shall not allow the burning of any materials of any nature within the limits of the above described right-of-way.

It is further agreed that the Grantor has lawful possession of said real estate, good, right and lawful authority to make such conveyance and that his/her its/their heirs, 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 whatsoever in any way asserting any right, title or interest prior to or contrary to this conveyance.

IN WITNESS WHEREOF, the Owner(s) have executed this instrument this 28<sup>th</sup> day of January, 1999.

1985 B AC-1829  
FEE 17- FB \_\_\_\_\_  
BKP \_\_\_\_\_ C/O \_\_\_\_\_ COMP CP  
DEL \_\_\_\_\_ SCAN BW FV \_\_\_\_\_

OWNERS SIGNATURE(S)

RETURN TO:  
OMAHA PUBLIC POWER DISTRICT  
% Right of Way 6W/EP1  
444 South 16th Street Mall  
Omaha, NE 68102-2247

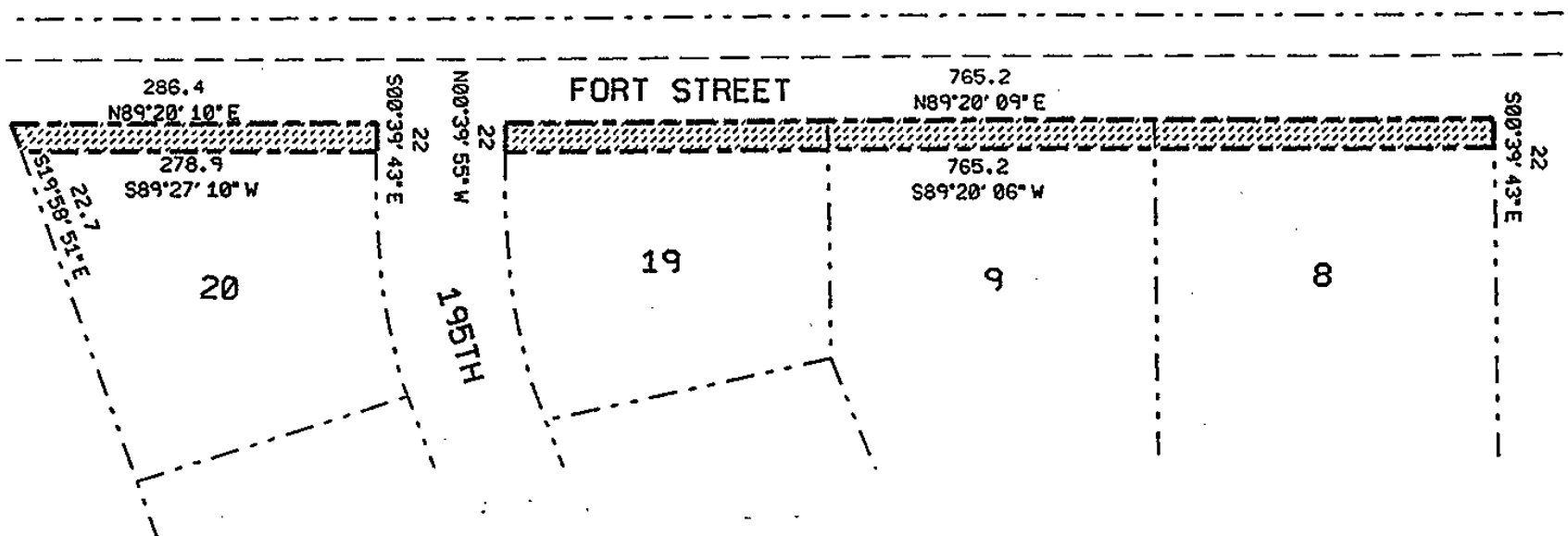
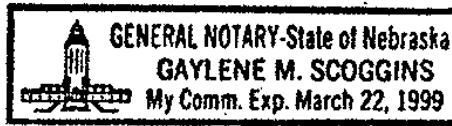
**CORPORATE ACKNOWLEDGMENT**

STATE OF Nebraska  
COUNTY OF Douglas

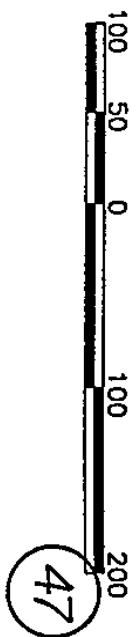
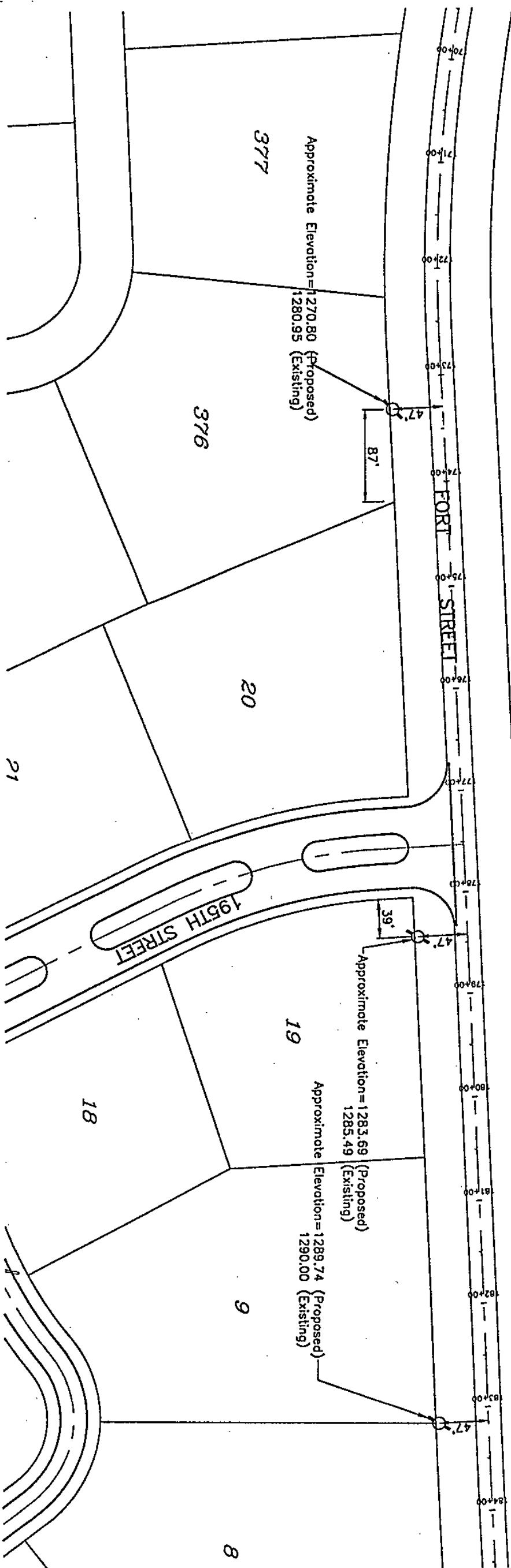
On this 28<sup>th</sup> day of January, 1999, before me the undersigned, a Notary Public in and for said County, personally came Brett Gottsch of Gottsch ~~Enterprise~~ Land Company personally, to me known to be the identical person(s) who signed the foregoing instrument as grantor(s) and who acknowledged the execution thereof, to be his voluntary act and deed for the purpose therein expressed.

Witness my hand and Notarial Seal the date above written.

Gaylene M. Scoggins  
NOTARY PUBLIC



Distribution Engineer RLS Date 1/27/99 ROW \_\_\_\_\_ Date \_\_\_\_\_  
Section NE1/4 6 Township 15 North, Range 11 East, County Douglas  
ROW Hagan Engineer Kuhlenengle Est \_\_\_\_\_ WO M1 0796



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UNPLATTED

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050\DWG\9450EXA3

**lamp, rynearson & associates, inc.**  
engineers      surveyors      planners

14710 west dodge road, suite 100  
omaha, nebraska 68154-2029

ph 402-498-2498  
fax 402-498-2730

Job number-tasks  
94051.11-056  
date 11-2-98  
drawn by RWO  
designer ACS

EXHIBIT A  
3 of 4