

NWB
R/W PERM.
No. ROE-3-73

ORIGINAL
47-1411

RELEASE OF EASEMENT AND LICENSE CONTAINED IN RESTRICTIVE COVENANTS
CONTAINED IN MISCELLANEOUS RECORDS, BOOK 46, PAGE 261, FILED MAY
24, 1973, SARPY COUNTY REGISTER OF DEEDS, SARPY COUNTY, NEBRASKA

WHEREAS, Charles G. Smith and Nellie M. Smith have developed a subdivision in Sarpy County, Nebraska known as Park Hills III and have prior to the date hereof and specifically on May 24, 1973, filed Restrictive Covenants at Book 46, Page 281, Miscellaneous Records, Sarpy County Register of Deeds, and

WHEREAS, Charles G. Smith and Nellie M. Smith have granted to Omaha Public Power District and Northwestern Bell Telephone Company, their successors and assigns, a perpetual license and easement by virtue of the Restrictive Covenants as aforementioned, to erect and operate, maintain, repair, replace and renew buried or underground cables, conduits, poles with the necessary supports, sustaining wires, cross arms, guys and anchors and other instrumentalities and to extend thereon wires for the carrying and transmission of electric current for light, heat and power and for all telephone and telegraph and message service over, under, through and upon a five (5) foot strip of land adjoining the rear side boundary lines of said lots in said Addition; said license being granted for the use and benefit of all present and future owners of lots in said Addition provided however, that said side lot line easement is granted upon the specific condition that if both of said utility companies fail to construct cables, conduits or poles along any of said side lot lines within 36 months of date hereof or if any poles or wires are constructed but are thereafter removed without replacement within 60 days after their removal, then this side line easement shall automatically terminate and become void as to such unused or abandoned easementways, and

WHEREAS, Charles G. Smith and Nellie M. Smith have since the declaring and filing of the aforesaid Restrictive Covenants altered the lot sizes and dimensions of Lots 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 92, 93, 94, 95, 96, 97, 98, 99, 100, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, and 136 upon which the said Northwestern Bell Telephone Company and Omaha Public Power District have the easements as aforementioned, and

WHEREAS, Northwestern Bell Telephone Company and Omaha Public Power District, their successors and assigns are desirous of having an easement only upon and over a 5 foot strip adjoining the rear boundary of the lots as altered and changed in dimensions, and a 5 foot strip on the side boundaries upon the terms and conditions as set forth in Paragraph II above.

NOW, THEREFORE, the undersigned Omaha Public Power District and Northwestern Bell Telephone Company hereby release, remise and quit claim any and all right, title and interest to, over or upon a 5 foot strip of land on the rear and side boundaries of the following described property:

FILED FOR RECORD 3-15-74 AT 3:15 P.M. IN BOOK 47 OF Misc Recd.
PAGE 144 Carl G. Hissler REGISTER OF DEEDS, SARPY COUNTY, NEB. 76 75

See # 034886 ✓

47-144A

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Lots 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 92, 93, 94, 95, 96, 97, 98, 99, 100, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135 and 136, in Park Hills III, a Subdivision in Sarpy County, Nebraska as surveyed, platted and recorded.

NORTHWESTERN BELL TELEPHONE COMPANY,

By: BR Morris

Attest: Vice President & Chief Executive Officer

S B Buder

R/W & LIAISON COORDINATOR

OMAHA PUBLIC POWER DISTRICT,

By: Lloyd C Shalla
Assistant General Manager

Attest:

Leach
SECRETARY
OMAHA PUBLIC POWER DISTRICT
INCORPORATED
CREATED
1945
OMAHA, NEBRASKA

C. & S. ENGR. 6501
DATE 12-10-73
D.S.
TRANS. ENGR. 74
DATE 12-17-73

ENGR. W E Miller LEGAL W B Buder ACCT. _____
DEPT. _____ DEPT. _____ DEPT. _____
DATE 12-10-73 DATE 12-17-73 DATE _____