

FILED SARPY CO. NE.
INSTRUMENT NUMBER
2004 38036

2004 OCT -1 P 12: 24 8

Glenn J. Dowling
REGISTER OF DEEDS

COUNTER ST C.E. SA
VERIFY P D.E. SA
PROOF PIM
FEES \$ 10.50
CHECK# _____
CHG OPPD CASH _____
REFUND _____ CREDIT _____
SHORT _____

DIST

September 27, 2004

Doc.#

RIGHT-OF-WAY EASEMENT

Sidney E. Smith, for the Estate of Lola B. Smith
Owner(s) of the real estate described as follows, and hereafter referred to as "Grantor",

SW 1/4 OF
Tax Lot 5A1A located in Section Twenty-two (22), Township Fourteen (14) North, Range thirteen (13) East of the 6th P.M., Sarpy county, Nebraska.

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, hereafter referred to as "District", 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:

Recorder Note; check Range
A Twenty-five foot wide strip of land lying within Tax Lot 5A1A in the Southwest Quarter of Section 22, Township 14 North, Range ~~12~~ ¹³ East of the 6th P.M., Sarpy County, Nebraska, the centerline of said 25 foot wide strip of land being described as follows: Commencing at the Northwest corner of said Southwest Quarter; thence south (assumed bearing) 423.75 feet on the west line of said Southwest Quarter to the point of beginning; thence N85°26'50"E, 421.33 ~~feet~~ ^{feet} to the west line of Lot 1, Smith's Acre, a ~~Subdivision in said Sarpy County and to the point of termination, with the outer limits of said 25 foot wide strip of land being extended to meet the west line of said Southwest Quarter and the west line of said Lot 1.~~

(See reverse side hereof for sketch of easement area.)

CONDITIONS:

Where the District's facilities are constructed the District shall have the right to operate, maintain, repair, replace and renew said facilities consisting of poles, wires, cables, fixtures, guys and anchors and other instrumentalities within a strip of land as indicated above, and together with the right to trim or remove any trees along said line so as to provide a minimum clearance from the overhead facilities of at least Twelve feet (12').

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.

Where the District's facilities have been installed, no trees, permanent buildings or other structures shall be placed in or encroach the easement and no change of grade elevation or any excavations shall be made therein without prior written approval of the District, but the same may be used for landscaping or other purposes that do not then or later interfere with the granted easement uses.

Where the District's facilities are placed adjacent to Grantor's property line, Grantor hereby grants the owner of said adjacent property, or his agent, reasonable access to the District's facilities.

It is further agreed that 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 whomsoever 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 27th day of September, 2004.

OWNERS SIGNATURE(S)

Sidney E. Smith

For the Estate of Lola B. Smith

38036

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

2004-38036A

CORPORATE ACKNOWLEDGMENT

STATE OF

COUNTY OF

On this _____ day of _____, 2004, before me the undersigned, a Notary Public in and for said County, personally came

President of _____ 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 _____ voluntary act and deed for the purpose therein expressed.

Witness my hand and Notarial Seal the date above written.

NOTARY PUBLIC

INDIVIDUAL ACKNOWLEDGMENT

STATE OF NEBRASKA

COUNTY OF DOUGLAS

On this 27th day of September, 2004, before me the undersigned, a Notary Public in and for said County and State, personally appeared

SIDNEY E. SMITH, FOR THE
ESTATE OF LOLA B. SMITH

personally to me known to be the identical person(s) and who acknowledged the execution thereof to be A voluntary act and deed for the purpose therein expressed.

Witness my hand and Notarial seal the date above written.

Randy J. DeGeorge
NOTARY PUBLIC

