

NO FEE

INST. NO 98

023163

*Don Noltz*  
REGISTER OF DEEDS

1998 MAY 14 P 3:52

FILED  
APR 30 1998  
LANCASTER COUNTY CLERK

BLOCK  
CODE  
CHECKED  
ENTERED  
EDITED

UTILITIES EASEMENT  
(PERPETUAL)

KNOW ALL MEN BY THESE PRESENTS:

That the County of Lancaster, a governmental subdivision of the State of Nebraska, in consideration of One dollar, the receipt of which is hereby acknowledged, does hereby grant and convey unto the City of Lincoln and the City of Lincoln also doing business as Lincoln Electric System, Aliant Communications and T.V. Transmission, their lessees, successors and assigns, the permanent right, privilege and easement of right of way to construct, operate, inspect and/or remove utilities on and across the following real property situated in Lancaster County, Nebraska and more particularly described as follows:

All that part of Capitol Parkway lying between Lot 57, irregular tract and Lot 65, irregular tract and all of Outlot "A" as platted in Pioneer Heights, all located in the NE 1/4 of Section 10, Township 9 North, Range 7 East of the 6<sup>th</sup> Principal Meridian, Lancaster County, Nebraska.

The Grantee shall also have the privilege and easement of ingress and egress across the said real property to their officers, employees and contractors for any purpose necessary in connection with the construction, operation, maintenance, inspection and/or removal of the Grantee's facilities.

The Grantee shall also have the right at any time to trim or remove such trees and underbrush as may in any way endanger or interfere with the safe operation of their facilities and equipment used in connection therewith.

The Grantee shall also at all times exercise all due care and diligence to avoid injury or damage to crops, livestock or other personal property of the Grantor and the Grantee shall indemnify and save harmless the Grantor from any such damage and loss arising or occurring to such property solely by reason of the construction, operation maintenance and removal of any utilities, however, in the event that all or part of the Grantee's facilities which may be installed on said easement right of way becomes defective or unserviceable in the sole judgment of the Grantee, the Grantee shall have the right, without additional payment or consideration to the Grantor or their successors in title for any damage or loss occasioned thereby, to maintain, repair or replace such utility facilities; provided, if improvements to the property make the installation of such replacements impractical at the location of the original easement granted hereby, the Grantor or their successors in title shall grant and convey to the Grantee, for the same consideration as granted herein, an easement for such further installation at a location on said real property which is mutually satisfactory to the parties. If the parties fail to agree upon such new location for the Grantee's facilities, the Grantee shall have the right to determine the most suitable location for the easement therefore and the Grantor agrees to convey such easement; and if the parties fail to agree upon any such new location for the Grantee's facilities, the Grantee shall have no obligation to replace or provide the Grantee's facilities across or to any such property. In determining the locations for further installation the Grantee shall at all times exercise due care and diligence to avoid injury or damage to the property of the Grantor or their successors.

The Grantee agrees that should their facilities constructed hereunder be abandoned for a period of five years, the right of way or easement hereby secured shall then cease and terminate and this agreement shall be of no further force and effect.

Executed by the Grantor this 5 day of May, 1998.

LANCASTER COUNTY BOARD OF COMMISSIONERS

*Kathy Campese*  
Vice CHAIRPERSON

Pioneer Heights Pt L-415, OLA  
Pt IT Lots 57+65 NE 1/4

Co. Engineer - Ken Sherwood

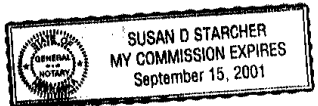
STATE OF Nebraska, County of Lancaster

Before me, a notary public qualified for said county, personally came

**Kathy Campbell, Vice Chair**

known to me to be the identical person or persons who signed the foregoing instrument and acknowledged the execution thereof to be his, her or their voluntary act and deed.

Witness my hand and notarial seal on this 5 day of May, 1998



Susan D Starcher  
Notary Public

My Commission Expires 9/15/2001

STATE OF \_\_\_\_\_, County of \_\_\_\_\_

Before me, a notary public qualified for said county, personally came

known to me to be the identical person or persons who signed the foregoing instrument and acknowledged the execution thereof to be his, her or their voluntary act and deed.

Witness my hand and notarial seal on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_  
Notary Public

My Commission Expires \_\_\_\_\_

STATE OF \_\_\_\_\_, County of \_\_\_\_\_

Before me, a notary public qualified for said county, personally came

known to me to be the identical person or persons who signed the foregoing instrument and acknowledged the execution thereof to be his, her or their voluntary act and deed.

Witness my hand and notarial seal on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_  
Notary Public

My Commission Expires \_\_\_\_\_

STATE OF \_\_\_\_\_, County of \_\_\_\_\_

Before me, a notary public qualified for said county, personally came

known to me to be the identical person or persons who signed the foregoing instrument and acknowledged the execution thereof to be his, her or their voluntary act and deed.

Witness my hand and notarial seal on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_  
Notary Public

My Commission Expires \_\_\_\_\_