

OPPD Form No. 1-75-1

Distribution

RIGHT-OF-WAY EASEMENT

1. Peterson Construction Company Owner(s) of the real estate described as follows, and hereafter referred to as "Grantor". Lots Two (2), Three (3), Eight (8) and Nine (9), Block One (1); Lots Six (6), Seven (7), Ten (10), Eleven (11), Sixteen (16) and Seventeen (17), Block Two (2); Lots Two (2), Three (3), Seventeen (17), Eighteen (18), Twenty-one (21) and Twenty-two (22), Block Three (3); Lots Seven (7), Eight (8), Fourteen (14), Fifteen (15), Twenty (20) and Twenty-one (21), Block Four (4); and Lots Two (2) and Three (3), Block Five (5), Wulf's 5th Addition to Eagle, Cass County, Nebraska, as surveyed, platted and recorded.

COMPARED

Doc # 351 FILED FOR RECORD 10:22 6-30-1978 AT 8 M. IN BOOK 21 OF Misc PAGE 4 REGISTER OF DEEDS, CASS CO., NEBR. # 4.25 Betty Philpot

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, and the NORTHWESTERN BELL TELEPHONE COMPANY, a corporation, its successors and assigns, collectively referred to as "Grantees", a permanent right of way easement to install, operate, maintain, repair, replace, and renew its electric and telephone facilities over, upon, above, along, under, in and across the following described real estate, to wit: The East Five feet (5') of Lots Two (2) and Eight (8), Block One (1); Lots Fourteen (14) and Twenty (20), Block Four (4); the West Five feet (5') of Lots Three (3) and Nine (9) Block One (1); Lots Fifteen (15) and Twenty-one (21), Block Four (4); the South Five feet (5') of Lots Seven (7), Eleven (11) and Sixteen (16), Block Two (2), Lots Three (3), Seventeen (17) and Twenty-one (21), Block Three (3) and Lot Three (3), Block Five (5); the North Five feet (5') of Lots Six (6), Ten (10) and Seventeen (17), Block Two (2), Lots Two (2), Eighteen (18) and Twenty-two (22), Block Three (3); Lot Two (2), Block Five (5); the Northeasterly Five feet (5') of Lot Seven (7), Block Four (4) and the Southwesterly Five feet (5') of Lot Eight (8), Block Four (4), all in Wulf's 5th Addition to Eagle, Cass County, Nebraska, as surveyed, platted and recorded.

CONDITIONS:

- (a) where grantee's facilities are constructed Grantees 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, 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'). (b) the grantees 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. (c) where Grantee'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 Grantees, but the same may be used for landscaping or other purposes that do not then or later interfere with the granted easement uses. (d) 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 parties hereto have signed their names and caused the execution of this instrument this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Peterson Construction Company

Chairman of the Board

STATE OF

COUNTY OF

On this 13th day of June, 1978, before me the undersigned, a Notary Public in and for said County, personally appeared \_\_\_\_\_ Chairman of Board Peterson Construction Co. 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.

STATE OF

COUNTY OF

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me the undersigned, a Notary Public in and for said County and State, personally appeared \_\_\_\_\_

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

ELBERT B. PAULSEN Notary Public My Comm. Exp. April 11, 1981

My Commission expires: April 11, 1981

My Commission expires: \_\_\_\_\_

Distribution Engineer: [Signature] Date: 6/15/78 Land Rights and Services: [Signature] Date: 6/15/78

at Page No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_