



MISC 2008103641



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Received - DIANE L. BATTIATO  
Register of Deeds, Douglas County, NE  
10/23/2008 12:46:41.61



2008103641

Doc.# 3,002 01(052)

UNG  
January 28, 2008

**RIGHT-OF-WAY EASEMENT**

AVG-CFM Country Corporate Campus, LLC,

AVG-CFM 204 Q L.L.C. & AVG-CFM Country Estates, LLC.

Owner(s) of the real estate described as follows, and hereafter referred to as "Grantor",

Lots Ninety-two (92) and Out Lot "E" (O.L. E) all in Coventry, an Addition as surveyed, platted and recorded in Douglas 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 with rights of ingress and egress thereto, to construct, operate, maintain, replace and remove its underground electric facilities, consisting of cables, wires, conduits, manholes, drains, splicing boxes and other appurtenances, upon, over, along and under the following described real estate, to wit:

(See attached Exhibits "A", "B" for sketch and location of easement areas.)

**CONDITIONS:**

The Grantor hereby grants to the District, its successors and assigns, the right, privilege and authority to clear all trees, roots, brush, and other obstructions from the surface and subsurface of said strip and to temporarily open any fences crossing said strip. Grantor agrees that grade shall not be reduced more than One foot (1') in elevation without the prior approval of the District. The Grantor understands that a single pole and appurtenances may be used to provide service to this property.

In granting this easement, it is understood that said cables shall be buried below plow depth in order to not interfere with the ordinary cultivation of the strip. Damages to fences and growing crops arising from the construction and maintenance of the aforesaid system shall be paid for by the District.

The Grantor covenants that he/they has/have lawful possession of said real estate, good, right and lawful authority to make such conveyance and that his/her/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 20<sup>TH</sup> day of MARCH, 2008.

**OWNERS SIGNATURE(S)**

Joseph F. Carter  
Joseph F. Carter, manager \* \* member of Arnold Schilling, manager of \* \* member of \* \*  
\* \* AVG-CFM Country Corporate Campus, LLC & AVG-CFM 204 Q, LLC &  
\* \* AVG-CFM Coventry Estates, LLC.

RETURN TO:  
OMAHA PUBLIC POWER DISTRICT  
% Land Rights 5E/EP2  
444 South 16th Street Mall  
Omaha, NE 68102-2247

CORPORATE ACKNOWLEDGMENT

STATE OF Nebraska

COUNTY OF Douglas

On this 17 day of March, 2008,  
before me the undersigned, a Notary Public in and for said  
County, personally came

Joseph F. Carter, manager of  
AVG-CFM Coventry Corporate Campuses LLC,

President of Manager  
AVG-CFM 2040, LLC & member  
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.

Jessica Cooper  
NOTARY PUBLIC



INDIVIDUAL ACKNOWLEDGMENT

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

On this 20 day of MARCH, 2008,  
before me the undersigned, a Notary Public in and for said  
County and State, personally appeared

Arnold Schlesinger  
Gregory Scott

Managers of AVG-CFM 2040, LLC and members  
of AVG-CFM Coventry Estates, LLC.  
personally to me known to be the identical person(s) who  
acknowledged the execution thereof to be their voluntary  
act and deed for the purpose therein expressed.

Witness my hand and Notarial Seal the date above written.

Kammie L. Kay  
NOTARY PUBLIC

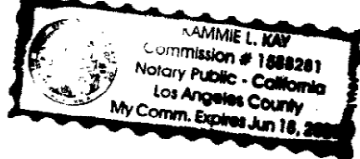
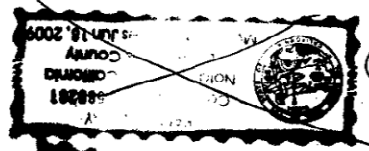




EXHIBIT "B"

