

RETURN TO:
OMAHA PUBLIC POWER DISTRICT
% Right of Way SW/EP1
444 South 13th Street Mall
Omaha, NE 68102-2247

98-002299

FILED SARPY CO. NE.
INSTRUMENT NUMBER
98-002299
98 FEB -2 PM 3:49

Counter *9.9*
Verify: *9.9*
P.E. *W*
Proof: *W*
Fee: *13.00*
Chk *13.00*
Cash *13.00*
Charge *13.00*
OPPD

Steve J. Dowling

DIST
November 19, 1997

REGISTER OF DEEDS
RIGHT-OF-WAY EASEMENT

RECORDER NOTE
INDEXED IN "AVIAN FOREST"
REPLAT I Owner(s)

Avian Development Company LLC

of the real estate described as follows, and hereafter referred to as "Grantor",

Lots Twenty-eight (28) through Thirty (30) and Forty (40) through Forty-three (43), Avian Forest, an addition as surveyed, patted and recorded in 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:

(See exhibit on the reverse side.)

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, 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 Sixteen feet (16').

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 28 day of January, 19 98.

OWNERS SIGNATURE(S)

Tom Otterbein

<COMPLETE ACKNOWLEDGMENT ON REVERSE SIDE HEREOF>

002299

98-02299A

CORPORATE ACKNOWLEDGMENT

STATE OF Nebraska

COUNTY OF Sarpy

On this 20th day of January, 1998, before me the undersigned, a Notary Public in and for said County, personally came Jana Osterloh President of Avian Development Company LLC 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.

Joyce A. Spamer
NOTARY PUBLIC

INDIVIDUAL ACKNOWLEDGMENT

STATE OF

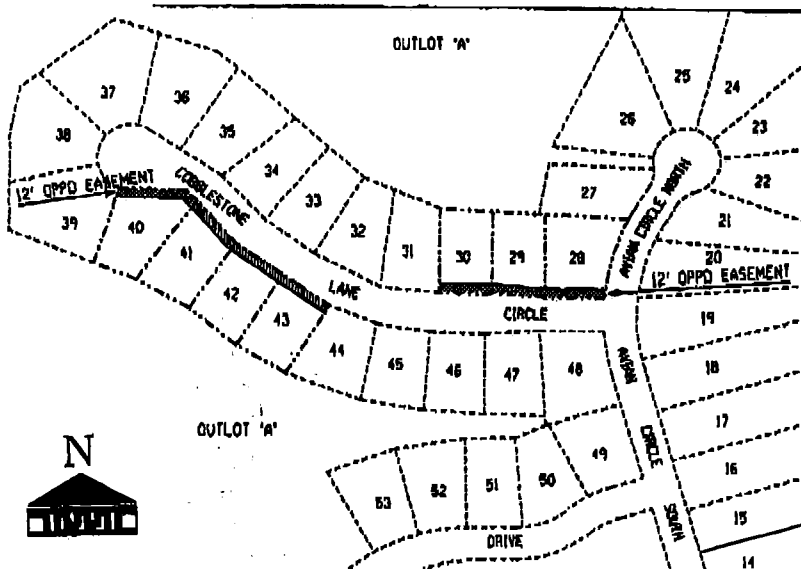
COUNTY OF

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.

Witness my hand and notarial seal the date above written.

NOTARY PUBLIC



Distribution Engineer _____ Date _____ Property Management _____ Date _____
Section NW 23 Township 14 North, Range 13 East
Salesman Wilkins Engineer Gabriel Est. 960149407 W.O.P. M1 9331