

30-257

PARTIAL RELEASE OF EASEMENT AND GRANT OF COVENANTS

WHEREAS, the undersigned, Loup River Public Power District (hereinafter called "District") is the grantee and holder of an easement executed by Elizabeth O'Keefe, a widow, on July 18, 1947, over and across the West Half of the Southwest-Quarter of Section 21, Township 14 N, Range 13 East of the 6th P.M., Sarpy County, Nebraska, which easement was recorded on August 27, 1947, in Book 13, Page 346 of Miscellaneous Records in the office of the Register of Deeds, Sarpy County, Nebraska, and

WHEREAS, The District has located its electric transmission line diagonally across said lands within the confines of the boundaries described below which enters said quarter section at a point 358.4 feet south of the northwest corner thereof, thence running southeasterly through said quarter section.

NOW, THEREFORE, in consideration of the sum of One Dollar and other valuable consideration, the District does hereby release said easement from all of said lands excepting only the said lands specifically described below which diagonally transverses said quarter section and it being expressly understood and agreed that the District retains the easement and all rights granted therein, over, upon and across the following described lands, to-wit:

Commencing at the Northwest corner of the Southwest (SW) quarter of Section twenty-one (21), Township Fourteen (14) North, Range Thirteen (13), East of the Sixth (6th) P.M., Sarpy County, Nebraska, thence southward along the west line of said quarter section a distance of three-hundred-fifty-eight and four-tenths (358.4) feet to the point of beginning: thence eastward at a right angle to the west line of said section a distance of ninety-five and eight-tenths (95.8) feet to a point, thence south-eastward at a deflection angle of thirty-seven (37) degrees thirteen (13) minutes a distance of one-thousand-fifs-hundred-sixty-three and three-tenths (1563.3) feet to a

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point, thence southward on the east property line of the West one-half (½) of the Southwest quarter (SW¼) of said section a distance of two-hundred-thirty and two-tenths (230.2) feet to a point, thence northwestward at a deflection angle of one-hundred-twenty-seven (127) degrees and thirteen (13) minutes on a course parallel to the southeastward course a distance of one-thousand-five-hundred seventy-eight (1578.0) feet to a point, thence westward at a deflection angle of thirty-seven (37) degrees thirteen (13) minutes on a course parallel to the eastward course a distance of eighty-three and two-tenths (83.2) feet to the west line of said section, thence northward on the west line of said section a distance of two-hundred-fourteen and three-tenths (214.3) feet to the point of beginning.

of ingress and egress thereto and therefrom.

**Blue Ridge Land Co., Omaha, Nebraska**, in consideration of the foregoing release, as owners of all of the property affected by the above referred to easement, which real estate is presently being developed under the name of Blue Ridge Subdivision, does hereby acknowledge that said easement is reserved over the portions of all the lots and parcels of land now burdened by the easement described above, and the following covenants shall govern the use of all land within said easement way until such time as the District, or its assigns, may consent to a release or modification of these restrictions:

1. No planting will be made within the boundaries of said easement grant which may interfere with or obstruct or endanger the safe operation of said transmission line or the equipment used in connection therewith.

2. As a safeguard against the erection of buildings and structures which might endanger or interfere with the operation and maintenance of said transmission line, on any lot or parcels of land either adjacent to or partially within the boundaries of such easement, the following limitations on height of structures and proximity to boundaries are imposed on all lots adjacent to or wholly or partially within the boundaries of such transmission line easement:

(a) No structure shall be placed within the boundaries of such easement, except underground water, sewer and gas mains, street paving, driveways or sidewalks.

(b) Permanent structures may be placed on such lots which are partially within the boundaries of such easement on the express condition that such structure shall not encroach on the defined easement area and that the maximum height of such structure and appurtenances is

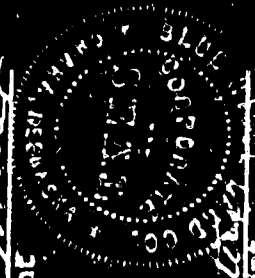
33-261

limited to thirty feet at the outer easement boundary, and one additional foot of height is permitted for each foot of distance, measured from the nearest point, from such outer boundary.

EXECUTED this 25 day of July, 1962.

LOUP RIVER PUBLIC POWER DISTRICT

By Clarence J. Wittler  
President



BLUE RIDGE LAND CO.

Per Robert S. McClellan  
Notary Public

Attest:

Robert S. McClellan  
Secretary

Attest:

Robert S. McClellan  
Secretary

STATE OF NEBRASKA )  
COUNTY OF PLATTE )

ss.

On this 25 day of July, 1962, before me the undersigned, a Notary Public in and for said County, personally came CLARENCE J. WITTLER, who is known to me to be the President of LOUP RIVER PUBLIC POWER DISTRICT, a corporation, and the identical person who executed the foregoing instrument as such officer, and he acknowledged the execution thereof to be his voluntary act and deed as such officer and the voluntary act and deed of said Loup River Public Power District.

Clarence J. Wittler  
Notary Public

STATE OF NEBRASKA )  
COUNTY OF PLATTE )

ss.

On this 31 day of July, 1962, before me the undersigned, a Notary Public in and for said County, personally came Clarence J. Wittler, who is known to me to be the President of BLUE RIDGE LAND CO., a corporation, and the identical person who executed the foregoing instrument as such officer, and he acknowledged the execution thereof to be his voluntary act and deed as such officer and the voluntary act and deed of said Blue Ridge Land Co.

Clarence J. Wittler  
Notary Public