

7/10/79

OPPD Form No. 1-75-1

BOOK

619 PAGE 108

Distribution

RIGHT-OF-WAY EASEMENT

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

Lots One (1), Four (4) and Five (5) High Point, an addition to Douglas County, Nebraska as surveyed, platted and recorded.

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:

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 14 day of July, 19 79.

ELKHORN RACQUETBALL INC.  
By Harry J. Farinacci Pres.

STATE OF

COUNTY OF

On this \_\_\_\_\_ day \_\_\_\_\_, 19 \_\_\_\_\_,  
before me the undersigned, a Notary Public in and for said

County, personally came \_\_\_\_\_

President of \_\_\_\_\_  
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 \_\_\_\_\_ voluntary act and deed for the purpose therein expressed.

Witness my hand and Notarial Seal at \_\_\_\_\_ in  
said County the day and year last above written.

NOTARY PUBLIC

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

Distribution Engineer \_\_\_\_\_ Date \_\_\_\_\_; Land Rights and Services \_\_\_\_\_

Recorded in Misc. Book No. \_\_\_\_\_ at Page No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_  
Section 18 Township 15 North, Range 11 East Salesman Miner Engineer Scott Est. # 33337 W.O. # 4577

STATE OF

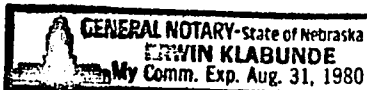
COUNTY OF

On this 14 day of July, 19 79,  
before me the undersigned, a Notary Public in and for said County and State, personally appeared \_\_\_\_\_

Harry J. Farinacci

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

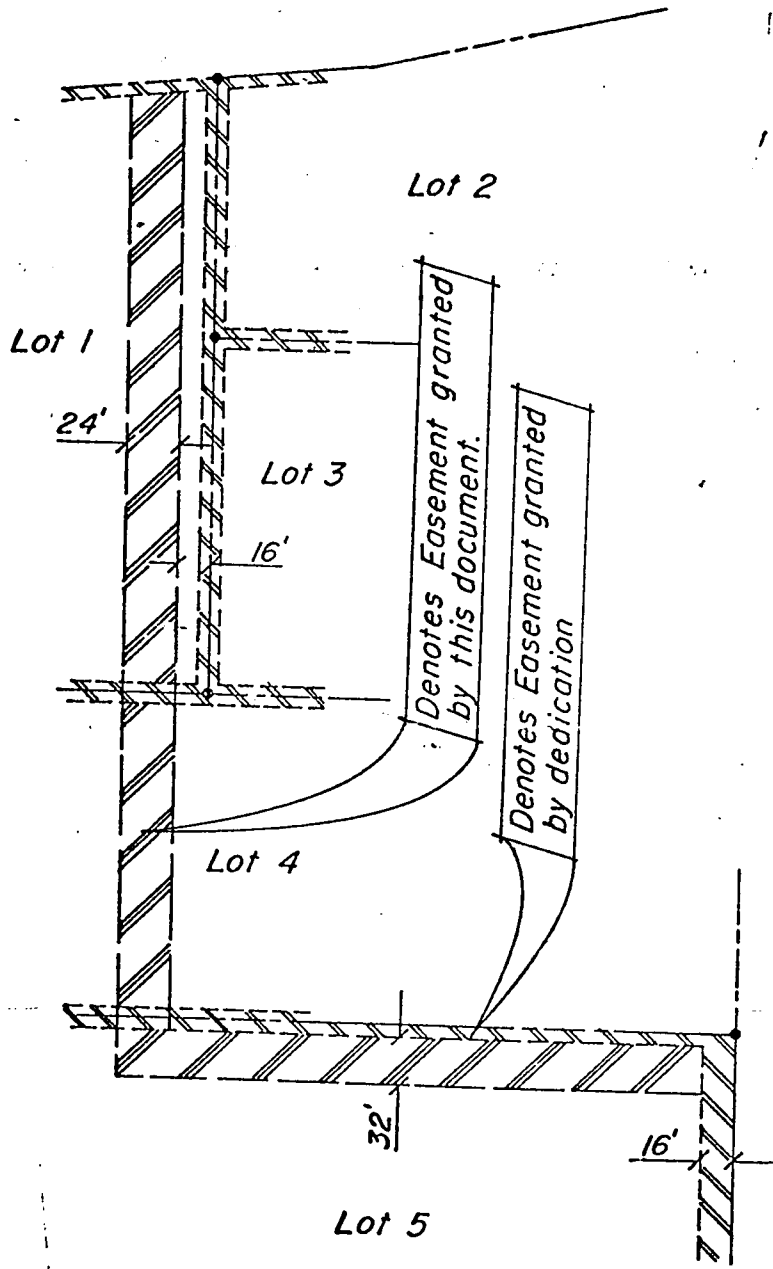
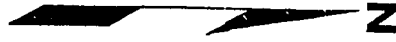
Witness my hand and Notarial Seal the date above written.



Erwin Klabunde  
NOTARY PUBLIC

My Commission expires: Aug 31 1980

3



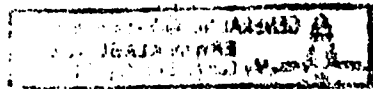
D. P. D.  
1623 Harvey.

13 paid.

RECEIVED

1979 AUG 16 AM 8:48

C. HAROLD OSTLER  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NEBR.



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