

FILED SARPY CO. NE.
INSTRUMENT NUMBER
1999-37379
1999 DE 15 AM 11:15
Glenn J. Dowling
REGISTER OF DEEDS

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Verify S
D.E. JK
Proof JK
Fee \$ 16.00
OK Cash Chg OPPD

BKUG
Revised November 16, 1999

Doc.# _____

RIGHT-OF-WAY EASEMENT

Brook Valley V JT. Venture, Brook Valley VI Ltd & Brook Valley XI JT+Vent.
Owner(s) of the real estate described as follows, and hereafter referred to as "Grantor",

Lots One, Two, Three, Six, Seven, Fourteen, Seventeen, Nineteen, Twenty, Twenty-one, Twenty-four, Twenty-five, all of Brook Valley II Business Park, a Subdivision, as surveyed, platted 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 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 reverse side hereof for sketch 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 1ST day of DECEMBER, 1999.

OWNERS SIGNATURE(S)

BROOK VALLEY V JT. VENTURE & BROOK VALLEY VI LTD. & BROOK VALLEY XI JT. VENTURE
BY: PRIME REALTY, INC., GENERAL PARTNER OF THE FOREGOING ENTITIES

James V. McCarty, President
JAMES V. McCARTY
PRESIDENT OF PRIME REALTY, INC.

< COMPLETE ACKNOWLEDGEMENT ON REVERSE SIDE HEREOF >

RHR
10/2

RETURN TO:
OMAHA PUBLIC POWER DISTRICT
% Right of Way 6W/EP1
444 South 16th Street Mall
Omaha, NE 68102-2247

999-37379A

CORPORATE ACKNOWLEDGMENT

STATE OF **NEBRASKA**

COUNTY OF **DOUGLAS**

On this 1ST day of DECEMBER, 1999, before me the undersigned, a Notary Public in and for said County, personally came

JAMES V. McCART

President of PRIME REALTY, 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.

James Warner
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

