

FILED SARPY CO. NE.
INSTRUMENT NUMBER
1999-037380

1999 DE 15 AM 11:16

Glenn J. Lawling
REGISTER OF DEEDS

Counter Da
Verify S
D.E. S
Proof JK
Fee \$ 14.50
Ck Cash OPPD

UNG
October 26, 1999

Doc.# _____

RIGHT-OF-WAY EASEMENT

Brook Valley II, Ltd. Owner(s) of the real estate
described as follows, and hereafter referred to as "Grantor",

Lots 26, 27, 29, 30, 31,32, 33, 35 and 36 of Brook Valley II Business Park Addition,
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:

The South Ten feet of Lot 26, the South Ten feet of Lot 27, the North Ten feet of Lot 29, the South Ten feet of Lot 30, the North Ten feet of Lot 31, the North Ten feet of Lot 32, the West Ten feet of Lot 33 together with the North Ten feet of Lot 33, the North Ten feet of Lot 35 and the South Ten feet of Lot 36.

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. 1999

OWNERS SIGNATURE(S)

BROOK VALLEY II, LTD.
PRIME REALTY, INC., GENERAL PARTNER

James V. McCart, Pres.
BY: James V. McCart, President

2092
RETURN TO:
OMAHA PUBLIC POWER DISTRICT
% Right of Way 6W/EP1
444 South 16th Street Mall
Omaha, NE 68102-2247

037380

TD2 872-122

1999-37380A

CORPORATE ACKNOWLEDGMENT

INDIVIDUAL ACKNOWLEDGMENT

STATE OF NEBRASKA

STATE OF _____

COUNTY OF DOUGLAS

COUNTY OF _____

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 BROOK VALLEY II, LTD. PRIME REALTY, INC. ~~GENERAL PARTNER~~ 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.

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.

Witness my hand and Notarial Seal the date above written.

James Warner
NOTARY PUBLIC

NOTARY PUBLIC



Distribution Engineer _____ Date _____ Property Management _____ Date _____
Section NW1/4 20 Township 14 North, Range 12 East, County Sarpy
Salesman Wilkins Engineer Broschat Est. # _____ W.O.# 41070