

OPPD Form No. 1-75-2

BOOK 573 PAGE 73

Distribution

## RIGHT-OF-WAY EASEMENT

1. Industrial Fire Partnership  
 of the real estate described as follows, and hereafter referred to as "Grantor", \_\_\_\_\_ Owner(s)

Lot forty-six (46) Southwest Park, Douglas County, Nebraska.

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 NOV 23 AM 10:11  
 CLARENCE E. MILLER  
 REGISTER OF DEEDS  
 DOUGLAS COUNTY, NEBR.

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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:

The east ten (10) feet of the west seventeen (17) feet of the north ten (10) feet of lot forty-six (46) southwest park, Douglas County, Nebraska.

## CONDITIONS:

- 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').
- 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.
- 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.
- 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 1 day of Nov, 1976.

STATE OF  
 COUNTY OF

On this \_\_\_\_\_ day of \_\_\_\_\_, 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 AT Date 11/4/76 Land Rights and Services, UP Date 11/4/76  
 Recorded in Misc. Book No. \_\_\_\_\_ at Page No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_  
 Section \_\_\_\_\_ Township \_\_\_\_\_ North, Range \_\_\_\_\_ East Salesman Estey Engineer Rockticki Est. # 28390 19\_\_\_\_ W.O. # 212

Lot 46  
 Southwest Park

Industrial Fire  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 STATE OF Nebraska  
 COUNTY OF Douglas  
 On this 1 day of Nov, 1976,  
 before me the undersigned, a Notary Public in and for said County and  
 State, personally appeared Frank Rogers, Partners in Industrial  
Fire, a Partnership  
 personally to me known to be the identical person(s) and who acknowledged  
 the execution thereof to be their voluntary act and deed for  
 the purpose therein expressed.

Witness my hand and Notarial Seal at \_\_\_\_\_ the date above written

