

425

FILED FOR RECORD 11-1-96 AT 2:42 P.M.  
IN BOOK 49 OF NEW PAGE 192  
REGISTER OF DEEDS, CASS CO., NE Patricia Manning  
Doc #25 & 4050

Site Name: Kennedy (Greenwood)

Site I.D.: 308-A

GRANT OF UTILITY EASEMENTS

KNOW ALL MEN BY THESE PRESENTS:

That Millard A. Kennedy hereinafter the "Grantor"), for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby grant, transfer and convey unto Sprint Spectrum L.P., a Delaware limited partnership, Omaha Public Power District, U.S. West Communications, Teleport COMMUNICATIONS GROUP, Systems, and any other public utility company (hereinafter collectively referred to as the "Grantees"), permanent utility easement over, across and under the property described on Exhibit(s) "B-" attached hereto for the installation, construction, operation and maintenance (including access to said property for the repair, replacement, inspection and removal) of utility, power and telecommunication cables and related conduits, wires and such other equipment, surface structures and facilities as may be necessary and/or desirable for the operation, maintenance, utilization and servicing of the Communications Facility which is to be constructed by Sprint Spectrum L.P. upon the property described on Exhibit "A" attached hereto.

Grantor hereby covenants with said Grantees that: (i) Grantor and its successors and assigns will not take any actions which would interfere with the Easement herein granted; (ii) Grantor has good and lawful authority to grant, transfer and convey the Easement herein granted; (iii) Grantor is the owner of the property described on Exhibit(s) "B-" attached hereto in fee simple; and (iv) if Grantor decides to sell all or any part of the property described on Exhibit(s) "B-" attached hereto to a purchaser other than Grantees, such sale shall be under and subject to the Easement herein granted and the rights of the Grantees hereunder.

The Easement herein granted and conveyed to the Grantees shall not interfere or otherwise obstruct the Grantor's use of the Property described on Exhibit(s) "B-" attached hereto. Grantees shall provide to Grantor a plan or drawing of any proposed utility installations within the easement area. Any underground utility

PLEASE RETURN RECORDED DOCUMENT TO:  
Sprint Spectrum (Property Department)  
5078 South 111th Street  
Omaha, NE 68137-2138  
(402)597-5660

installations which may require the removal, destruction or replacement of any asphalt or concrete surfacing within the easement area, shall be subject to prior written approval by Grantor, which approval shall not be unreasonably withheld, conditioned or delayed. Grantees, and their successors and assigns, shall be responsible to repair any damages which may occur to the easement area as a result of their use of said area and the installation of utilities.

The Easement herein granted and conveyed to the Grantees, and the covenants herein contained, shall be Easements and covenants running with the land and shall inure to the benefit of, and be binding upon, the parties hereto and their respective agents, contractors, successors and assigns, but shall terminate if, as and when, Sprint Spectrum L.P. or its successors or assigns shall cease to use the property described on Exhibit "A" attached hereto as a Communications Facility location.

This instrument contains the entire agreement of the parties and the Grantor, in executing and delivering this instrument, has not relied upon any promises, inducements or reservations of the Grantees, their agents or employees, except as set forth herein.

IN WITNESS WHEREOF, Grantor has caused this instrument to be duly executed this 25<sup>th</sup> day of OCTOBER, 1996.

M. A. KENNEDY  
Grantor

By: M.A. Kennedy  
Title: OWNER

STATE OF NEBRASKA

COUNTY OF SARPY

The foregoing instrument was acknowledged before me this 25<sup>th</sup> day of OCTOBER, 1996 by

MILLEN A. KENNEDY

(AFFIX NOTARIAL SEAL)



My commission expires:

Debra A. Jaworski  
(OFFICIAL NOTARY SIGNATURE)  
NOTARY PUBLIC - STATE OF NEBRASKA

DEBRA A. JAWORSKI  
(PRINTED, TYPED OR STAMPED NAME OF NOTARY)

Acknowledgment: For use in the case of natural persons acting in their own right (Nebraska))

Site Name: Kennedy (Greenwood 2)

Site I.D.: 308-A

**EXHIBIT "A"**  
**(Communications Facility Location)**

A PARCEL OF LAND BEING A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (NWL/4 SWL/4) OF SECTION 26, TOWNSHIP 12 NORTH, RANGE 9 EAST OF THE SIXTH PRINCIPAL MERIDIAN, CASS COUNTY, NEBRASKA, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER (SWL/4) OF SAID SECTION 26;

THENCE EASTERLY ALONG THE SOUTHERLY LINE OF SAID SOUTHWEST QUARTER (SWL/4), 50.00 FEET;

THENCE NORTHERLY, PARALLEL WITH THE WESTERLY LINE OF SAID SOUTHWEST QUARTER (SWL/4), 1334.5 FEET TO THE SOUTHWEST CORNER OF OWNER'S (LESSOR'S) PROPERTY.

THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG THE SOUTHERLY LINE OF OWNER'S (LESSOR'S) PROPERTY, 265.00 FEET;

THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 10.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 30.00 FEET;

THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, 40.00 FEET;

THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, 30.00 FEET;

THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, 40.00 FEET TO THE TRUE POINT OF BEGINNING.

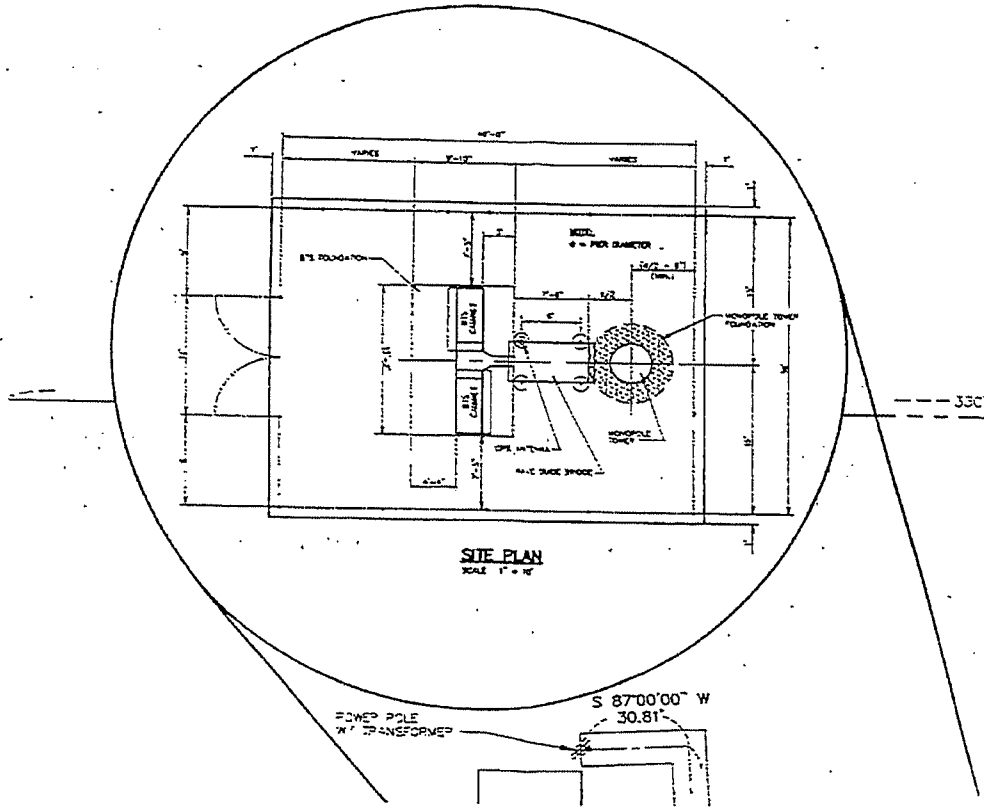
SAID PARCEL CONTAINS AN AREA OF 1200 SQUARE FEET (0.028 ACRES) MORE OR LESS.

Site Name:

Site I.D.:

Sketch

**EXHIBIT "A"**  
**(Communications Facility Location)**



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Site Name: Kennedy (Greenwood 2)

Site I.D.: 308-A

EXHIBITS "B-"  
(Utility (Electrical) Easement)

A STRIP OF LAND, 10.00 FEET IN WIDTH, BEING A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (NW1/4 SW1/4) OF SECTION 26, TOWNSHIP 12 NORTH, RANGE 9 EAST OF THE SIXTH PRINCIPAL MERIDIAN, CASS COUNTY, NEBRASKA, SAID STRIP BEING ALL OF THAT LAND LYING BETWEEN LINES THAT ARE PARALLEL WITH AND 5.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE AND SAID CENTERLINE PROLONGED:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER (SW1/4) OF SAID SECTION 26;

THENCE EASTERLY ALONG THE SOUTHERLY LINE OF SAID SOUTHWEST QUARTER (SW1/4), 50.00 FEET;

THENCE NORTHERLY, PARALLEL WITH THE WESTERLY LINE OF SAID SOUTHWEST QUARTER (SW1/4), 1334.5 FEET TO THE SOUTHWEST CORNER OF OWNER'S (LESSOR'S) PROPERTY;

THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG THE SOUTHERLY LINE OF OWNER'S (LESSOR'S) PROPERTY, 265.00 FEET.

THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 25.00 FEET TO THE TRUE POINT OF BEGIINING;

THENCE SOUTH 87 DEGREES 00 MINUTES 00 SECONDS WEST, 55.45 FEET;

THENCE NORTH 03 DEGREES 00 MINUTES 00 SECONDS WEST, 178.84 FEET;

THENCE SOUTH 87 DEGREES 00 MINUTES 00 SECONDS WEST, 30.81 FEET TO THE TERMINUS OF SAID CENTERLINE.

SAID STRIP CONTAINS AN AREA OF 2650 SQUARE FEET (0.061 ACRES) MORE OR LESS.

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Site Name: Kennedy (Greenwood 2)

Site I.D.: 308-A

EXHIBITS "B--"  
(Utility (TELEPHONE) Easement)

A STRIP OF LAND, 6.00 FEET IN WIDTH, BEING A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (NW1/4 SW1/4) OF SECTION 26, TOWNSHIP 12 NORTH, RANGE 9 EAST OF THE SIXTH PRINCIPAL MERIDIAN, CASS COUNTY, NEBRASKA, SAID STRIP BEING ALL OF THAT LAND LYING BETWEEN LINES THAT ARE PARALLEL WITH AND 3.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE AND SAID CENTERLINE PROLONGED:

COMMENCING OF THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER (SW1/4) OF SAID SECTION 26;

THENCE EASTERLY ALONG THE SOUTHERLY LINE OF SAID SOUTHWEST QUARTER (SW1/4), 50.00 FEET;

THENCE NORTHERLY, PARALLEL WITH THE WESTERLY LINE OF SAID SOUTHWEST QUARTER (SW1/4), 1334.5 FEET TO THE SOUTHWEST CORNER OF OWNER'S (LESSOR'S) PROPERTY.

THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG THE SOUTHERLY LINE OF OWNER'S (LESSOR'S) PROPERTY, 305.00 FEET;

THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 28.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, 25.00 FEET TO A POINT THAT IS ON THE EASTERLY LINE OF OWNER'S (LESSOR'S) PROPERTY AND THE TERMINUS OF SAID CENTERLINE.

SAID STRIP CONTAINS AN AREA OF 150 SQUARE FEET (0.003 ACRES) MORE OR LESS.

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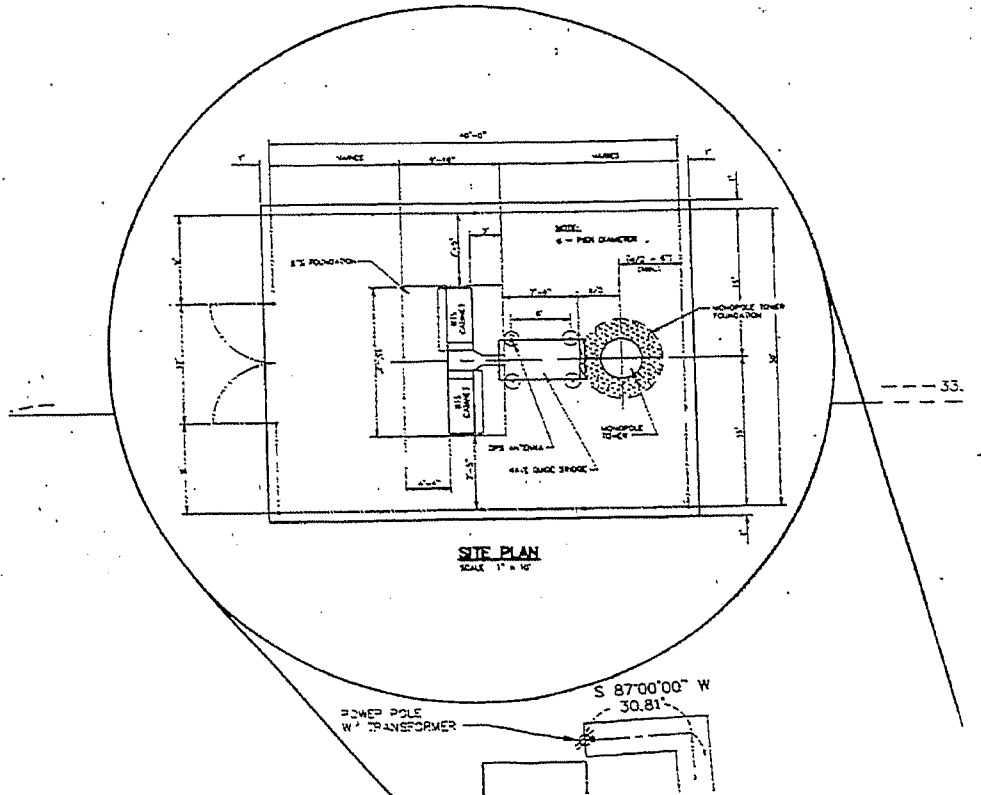
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Site Name: Kennedy (Greenwood 2)

Site I.D.: 308-A

EXHIBITS "B-"  
(Utility Easements)

Sketch



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