

87-7754

EASEMENT AND RIGHT OF WAY

THIS INDENTURE, made this 29 day of May, 1975, between Omaha Industrial Foundation, a Nebraska non-profit corporation, hereinafter referred to as "Grantor", and Omaha Public Power District, Northwestern Bell Telephone Company and Metropolitan Utilities District of Omaha, their successors and assigns, hereafter referred to as "Grantees".

WITNESSETH:

WHEREAS, Grantor has platted and recorded Riverfront Industrial Park, a subdivision in Douglas County, Nebraska, and has dedicated utility easements for water lines and mains, cables, conduits and related appurtenances and to extend wires for the carrying and transmission of electrical current for light, heat and power and for all telephone, telegraph and message services under and over a 10 foot wide strip of land adjoining the front boundary line of each of the lots contained therein with certain time restrictions and provisions for termination; and

WHEREAS, the Grantor has shown on the recorded plat but not described in the dedication, certain areas of land entitled "Utility and Sewer Easements"; and

WHEREAS, the above dedicated easements, together with the rights and restrictions contained therein are not adequate for the Grantees to install their utility lines and mains in said subdivision.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, Grantor does hereby grant to Omaha Public Power District, Northwestern Bell Telephone Company and Metropolitan Utilities District of Omaha, their successors, and assigns, easements and rights of way to lay, maintain, operate, repair, relay and remove, at any time, water lines and mains, cables, conduits and related appurtenances and to extend wires for the transmission and carrying of electrical current for light, heat and power and for all telephone, telegraph and message services, together with the right of ingress and egress to and from the same, on, under and through lands described as follows:

A ten (10) foot wide strip of land lying in and which adjoins those boundary lines of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19, of Riverfront Industrial Park, as now platted and recorded, a subdivision in Douglas County, Nebraska abutting all streets dedicated by the Grantor in connection with the platting of Riverfront Industrial Park;

A Ten (10) foot wide strip of land abutting the southwesterly right-of-way line of Abbott Drive from Fort Street to Ninth Street; and

Those areas of land captioned "Utility and Sewer Easement" appearing on the plat of Riverfront Industrial Park recorded April 23, 1974 at the Register of Deeds, Douglas County, Nebraska.

TO HAVE AND TO HOLD said easements and rights of way unto the said Grantees, Omaha Public Power District,

Northwestern Bell Telephone Company and Metropolitan Utilities District of Omaha, their successors and assigns.

1. Grantor, its successors or assigns, agrees that it will at no time erect, construct or place on or below the surface of said easement areas any building or structure, except other utility facilities and pavement and it will not give anyone else permission to do so.

2. If Grantees, their successors and assigns, fail to construct such utility lines, mains, cables, conduits or wires under any part of the easement area by February 22, 1978, then this easement shall automatically terminate and become void as to such unused easement and right of way area.

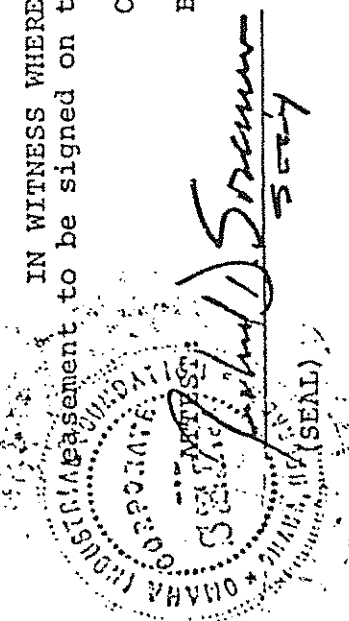
3. Nothing herein contained shall be construed as a waiver of any rights of Grantor, or duties and powers of Grantees respecting the ownership, use, operations, extensions and connections to any utility lines, mains, cables, conduits or wires and maintained hereunder.

4. The rights granted hereunder shall supersede any rights previously granted or dedicated by reason of platting and recording of the Riverfront Industrial Park and shall govern notwithstanding any provisions thereof to the contrary.

IN WITNESS WHEREOF, the Grantor has caused this easement to be signed on the day and year first above written.

OMAHA INDUSTRIAL FOUNDATION, Grantor

By Frank J. Bussell  
Title Chairman



STATE OF NEBRASKA )  
                                  ) SS.  
COUNTY OF DOUGLAS )

On this 29 day of May, 1975, before me, the undersigned, a Notary Public duly commissioned and qualified for said County, personally came George F. Riedel to me personally known to be the President of Omaha Industrial Foundation, a corporation, whose name is affixed to the foregoing instrument in that capacity and who acknowledged the same to be his voluntary and deed and the voluntary act and deed of said corporation.

Witness my hand and Notarial Seal the day and year last above written.

Maple C. Newquist  
Notary Public

My commission expires August 27, 1978

MAPLE C. NEWQUIST  
General & Special Notary  
My Commission Expires  
August 27, 1978

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4. BY OF June 19. 75. 2135P 1075  
2.  
ENTERED IN NUMERICAL INDEX AND RECORDED IN THE REGISTER OF DEEDS OFFICE IN DOUGLAS COUNTY, NEBRASKA  
G. HAROLD OSER REGISTER OF DEEDS