

BK 0885 PG 377



MISC 1989 07094

THIS PAGE INCLUDED FOR  
INDEXING  
PAGE DOWN FOR BALANCE OF INSTRUMENT

In consideration of the sum of One Dollar (\$1.00) and other valuable considerations, the receipt of which is hereby acknowledged, the undersigned owner(s) of the real estate hereinafter described, his/her its/their heirs, executors, administrators, successors and assigns, hereinafter called "Grantor", hereby grant and convey to OMAHA PUBLIC POWER DISTRICT, a public corporation, its successors and assigns, hereinafter called "District", a permanent right-of-way easement to survey, construct, reconstruct, relocate, alter, inspect, repair, replace, add to, maintain and operate thereon, electric transmission lines consisting of poles, pole foundations, towers, tower foundations, down guys, anchors, insulators, wires, underground cables, supports and other necessary fixtures and equipment over, upon, above, along, under, in and across the following described real estate, to wit:

Refer to Exhibit "A" attached hereto for complete legal description of property covered by this document.

the area of the above described real estate to be covered by this easement shall be as follows:

Refer to Exhibit "B" attached hereto for location of right-of-way herein granted.

CONDITIONS:

- (a) The District 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.
- (b) The District shall also have the right to burn, trim, or remove all trees and brush on said right-of-way as may be necessary to efficiently exercise any of the hereinbefore granted rights, together with the express provision that any and all trees which, in falling would come within 15 feet of the nearest electric line conductor, may be topped or removed. All refuse from such tree cutting or trimming shall be disposed of by the District, and the District shall have the further right to control and impede the growth of all weeds, trees, and brush along the described right-of-way if said right-of-way is not being utilized for cultivated crops.
- (c) The District shall pay the Grantor or Lessee, as their interests may appear, for all damages to growing crops, fences and buildings on said land which may be caused by the exercise of the hereinbefore granted rights.
- (d) Grantor may cultivate, use and enjoy the land within the right-of-way provided that such use shall not, in the judgement of the District, endanger or be a hazard to or interfere with the hereinbefore granted rights; Grantor shall not allow any buildings, structures, hay or straw stacks or other property to remain or be placed upon the above described easement area; Grantor shall not change or alter the grade of the right-of-way herein described without the prior written approval from the District; Grantor shall not allow the burning of any materials of any nature within the limits of the above described right-of-way.
- (e) 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 17 day of April, 1989.

Wally P. Champion, Secretary

Center & Development Co.  
David C. Mullins, Pres.

709407. misc

RECEIVED  
1989 MAY -4 PM 1:28  
GEORGE J. GUGLIEWICZ  
REGISTER OF DEEDS  
GONGLAS COUNTY, NEBR.

BK 885 N \_\_\_\_\_ C/O \_\_\_\_\_ FEE 23.<sup>50</sup>  
PG 377-380 N \_\_\_\_\_ DEL ma MC wc  
OF Musich COMP. \_\_\_\_\_ FILE 20-43220

STATE OF Nebraska

COUNTY OF Douglas

BOOK 885 PAGE 378

On this 17 day of April, 1989, before me the undersigned, a Notary Public in and for said County, personally came

Dean B. Truitt

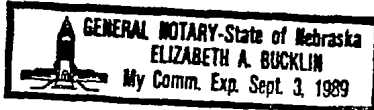
Vice President of Center Development Co.

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 at Omaha NE in said County the day and year last above written.

Elizabeth A. Bucklin  
NOTARY PUBLIC

My Commission expires: 9-3-89



STATE OF Nebraska

COUNTY OF Douglas

On this 19 day of April, 1989, before me the undersigned, a Notary Public in and for said County and State, personally appeared

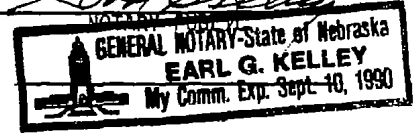
Walter P. Champion, Secretary

Center Development Co.

personally to me known to be the identical person(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.

Earl G. Kelley



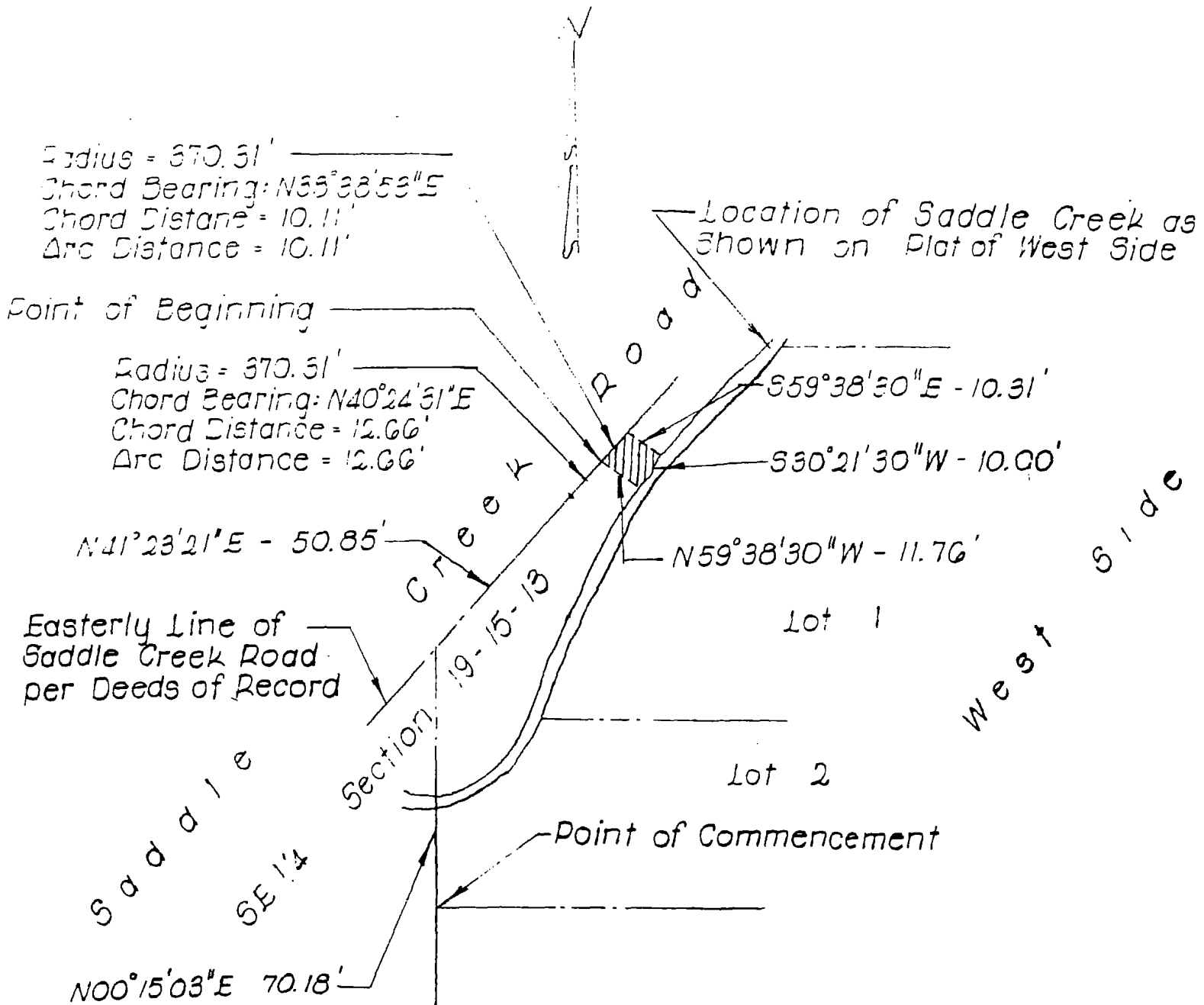
My Commission expires:

Part of Lot 1 and all of Lot 2, Block 3, West Side, together with the East 1/2 of the vacated alley adjacent to the South 30.00 feet of said Lot 2, Block 3, West Side, and also an irregular tract of land lying North of said Lot 1, Block 3 West Side, and also all of Lots 23 through 28, inclusive, Block 2, West Side, together with the West 1/2 of the vacated alley adjacent to said Lots 23 through 28, Block 2, West Side, and also the included portion of vacated 48th Avenue, all located in the SE 1/4 of Section 19, Township 15 North, Range 13 East of the 6th P.M., Douglas County, Nebraska, more particularly described as follows:

Beginning at the point of intersection of the Southeasterly right-of-way line of Saddle Creek Road and the West line of said Lot 1, Block 3, West Side; thence, along said Southeasterly right-of-way line of Saddle Creek Road, on the following described courses; thence  $N41^{\circ}12'54''E$ , a distance of 50.85 feet; thence Northeasterly, or: a curve to the left with a radius of 370.31 feet, a distance of 108.16 feet, said curve having a long chord which bears  $N32^{\circ}48'01''E$ , a distance of 107.77 feet; thence  $N24^{\circ}24'51''E$ , a distance of 111.08 feet to the point of intersection of said Southeasterly right-of-way line of Saddle Creek Road and the Westerly extension of the North line of said Lot 28, Block 2, West Side; thence  $N90^{\circ}00'00''E$ , along said North line of Lot 28, Block 2, West Side, and the Westerly extension thereof, a distance of 194.90 feet to a point on the centerline of said vacated alley; thence  $S00^{\circ}04'14''E$ , along said centerline of a vacated alley, a distance of 300.17 feet to the point of intersection of said centerline of a vacated alley and the Easterly extension of the South line of said Lot 23, Block 2, West Side; thence  $N90^{\circ}00'00''W$ , along said South line of Lot 23, Block 2, West Side, and the Easterly extension thereof, and the South line of Lot 2, Block 3, West Side, and the Westerly extension thereof, a distance of 342.88 feet to a point on the centerline of said vacated alley; thence  $N00^{\circ}09'26''W$ , along said centerline of a vacated alley, a distance of 30.00 feet; thence  $N90^{\circ}00'00''E$ , a distance of 10.00 feet to a point on the West line of said Lot 2, Block 3, West Side; thence  $N00^{\circ}09'26''W$ , along said West line of Lots 2 and 1, Block 3, West Side, a distance of 40.18 feet to the Point of Beginning.

EXHIBIT "A"

Doc. 2.013 00(030)



**LEGAL DESCRIPTION:**

Part of the SE $\frac{1}{4}$  of Section 19, T15N, R13E of the 6th P.M., Douglas County, Nebraska, described as follows: Commencing at the SW corner of Lot 2 in Block 3, West Side, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska; thence N00°15'03"E (assumed bearing) 70.18 feet on the West line of said Lot 2 and its Northerly extension to the Easterly line of Saddle Creek Road; thence N41°23'21"E 50.85 feet on the Easterly line of Saddle Creek Road to a point of curve; thence Northeasterly on the Easterly line of Saddle Creek Road on a 370.31 foot radius curve to the left, chord bearing N40°24'31"E, chord distance 12.66 feet, an arc distance of 12.66 feet to the point of beginning; thence continuing Northeasterly on the Easterly line of Saddle Creek Road on a 370.31 foot radius curve to the left, chord bearing N38°38'53"E, chord distance 10.11 feet, an arc distance of 10.11 feet; thence S59°38'30"E 10.31 feet; thence S30°21'30"W 10.00 feet; thence N59°38'30"W 11.76 feet to the point of beginning.

EXHIBIT "B"