



MISC 2004070476



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1 BKP 24-15-12 C/O COMP
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Received - RICHARD TAKECHI
Register of Deeds, Douglas County, NE
6/1/2004 12:36:07.15



2004070476

DIST
May 11, 2004

Doc.# _____

RIGHT-OF-WAY EASEMENT

Crosswinds Apartments, LLC Owner(s)

of the real estate described as follows, and hereafter referred to as "Grantor",

That part of the Southwest Quarter (SW¹/₄) of the Southwest Quarter (SW¹/₄) of Section 24, Township 15 North, Range 12 East of the 6th P.M., in the City of Omaha, Douglas County, Nebraska, more particularly described as follows: Beginning at a point Ten feet South of the intersection of the North line of the Southwest Quarter (SW¹/₄) of the Southwest Quarter (SW¹/₄) of Section 24, Township 15 North, Range 12 East of the 6th P.M., Douglas County, Nebraska, with the West line of 69th Street (said West line of 69th Street being the West line of the 10-foot strip dedicated by Overland-Wolf Inc., for the widening of 69th Street); thence South a distance of 866.3 feet to a point 445 feet North and 980.4 feet East of the Southwest corner of said Section 24; thence West along a line 445 feet North of and parallel to the South line of Section 24, a distance of 317.6 feet; thence North 866.3 feet; thence East along a line 10 feet South of the North line of the Southwest Quarter (SW¹/₄) of the Southwest Quarter (SW¹/₄) of Section 24, a distance of 317.6 feet to the place of beginning.

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 to install, operate, maintain, repair, replace, and renew its electric facilities over, upon, above, along, under, in and across the following described real estate, to wit:

See Exhibit "A" on the reverse side hereof for a drawing of the easement areas.

CONDITIONS:

Where the District's facilities are constructed the District 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, and 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 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.

Where the District'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 District, but the same may be used for landscaping or other purposes that do not then or later interfere with the granted easement uses.

Where the District's facilities are placed adjacent to Grantor's property line, Grantor hereby grants the owner of said adjacent property, or his agent, reasonable access to the District's facilities.

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 Owner(s) have executed this instrument this 19th day of May, 2004.

OWNERS SIGNATURE(S)

Crosswinds Apartments, LLC

James Sophir
By: James Sophir, Manager

<COMPLETE ACKNOWLEDGMENT ON THE REVERSE SIDE HEREOF>

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

CORPORATE ACKNOWLEDGMENT

STATE OF Nebraska
COUNTY OF Douglas
On this 19th day of May, 2004, before me the undersigned, a Notary Public in and for said County and State, personally came James Sopher, Manager of Crosswinds Apartments, LLC 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 the date above written.

Ramona A. Borg
NOTARY PUBLIC



INDIVIDUAL ACKNOWLEDGMENT

STATE OF _____
COUNTY OF _____
On this _____ day of _____, 2004, before me the undersigned, a Notary Public in and for said County and State, personally appeared _____

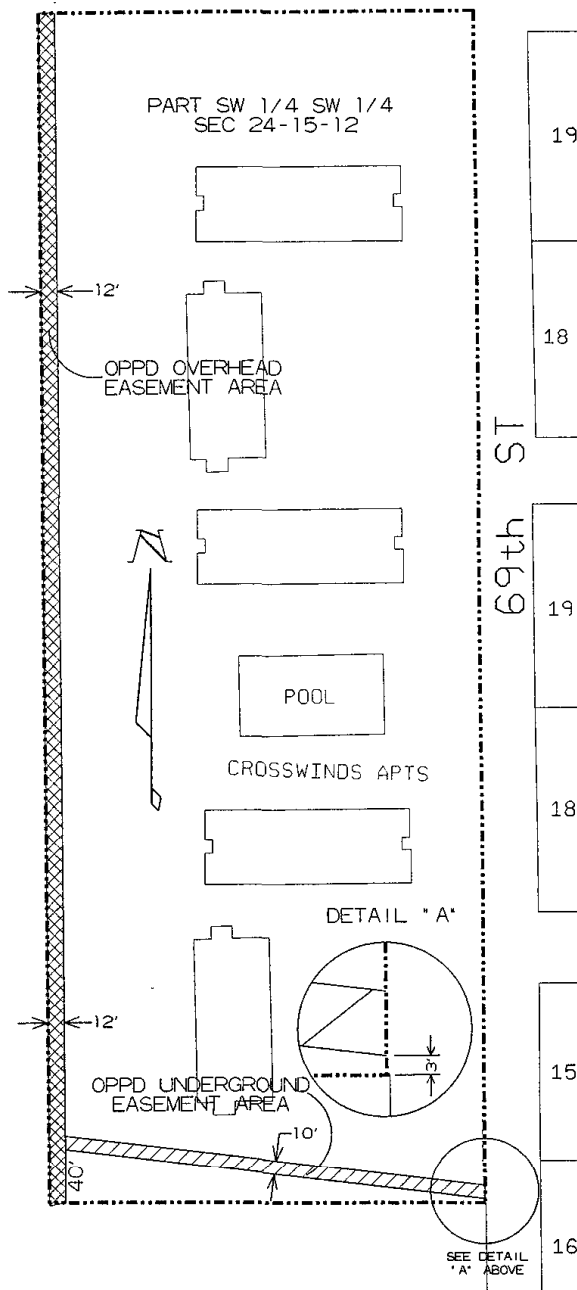
personally to me known to be the identical person(s) and who acknowledged the execution thereof to be _____ voluntary act and deed for the purpose therein expressed.

Witness my hand and notarial seal the date above written.

NOTARY PUBLIC

EXHIBIT "A"

LEAVENWORTH ST



SW 1/4, Section 24, T 15 N, R 12 E, County Douglas ROW RAM
Customer Rep. Marshall Engineer Victor Srvc Req. # _____ W.O.# 153208