

EASEMENT

BOOK 491 PAGE 173

I, A. S. Battiato Construction Company, Inc. a Nebraska Corporation Owner(s)

of (agent for) the real estate described as follows: Lot 20 Except the South 10 ft.

and all of Lot 17, Menke Park, an addition to the City of Omaha, Douglas
County, Nebraska, as surveyed, platted and recorded.

in consideration of the sum of One Dollar (\$1.00), receipt of which is hereby acknowledged, do hereby grant to the OMAHA PUBLIC POWER DISTRICT, its successors and assigns, an easement, 12 & 24 feet in width, to construct, operate and maintain its electric transmission and distribution line(s), consisting of poles, wires, cables, fixtures, guys and anchors, together with the right to trim any trees, along said line(s) where necessary to secure a clearance of at least twelve feet (12') for the wires.

The electric line(s) are to be located as herein described: within the easement shown on the reverse side.

The Grantor also grants the OMAHA PUBLIC POWER DISTRICT power to extend to the Telephone Company the right to use jointly with the OMAHA PUBLIC POWER DISTRICT any pole placed pursuant to the provisions hereof.

The foregoing right is granted upon the express condition that the OMAHA PUBLIC POWER DISTRICT will assume liability for all damages to the above described property caused by said District's failure to use due care in its exercise of the granted right.

It is further agreed Grantor has lawful possession of said real estate, good, right and lawful authority to make such conveyance and that his/their heirs, executors, administrators, successors and assigns shall warrant and defend the same and will indemnify and hold harmless the Grantee forever against the claims of all persons whomsoever in any way asserting any right, title or interest prior to or contrary to this conveyance.

WITNESS my hand and Notarial Seal this 5th day of May, 1970.

ATTEST: A.S. BATTIATO CONSTRUCTION COMPANY, INC.
Kathryn A. Hybl Roland J. Waites

ATTEST: Kathryn A. Hybl A.S. Battiato, Sec.
Grantors

STATE OF _____)
COUNTY OF _____) ss

On this _____ day of _____, 19____, 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) 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 the date above written.

Notary Public

My Commission expires _____

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STATE OF Nebraska)
COUNTY OF Douglas) ss

On this 5th day of May, 1970, before me the undersigned, a Notary Public in and for said County, personally came

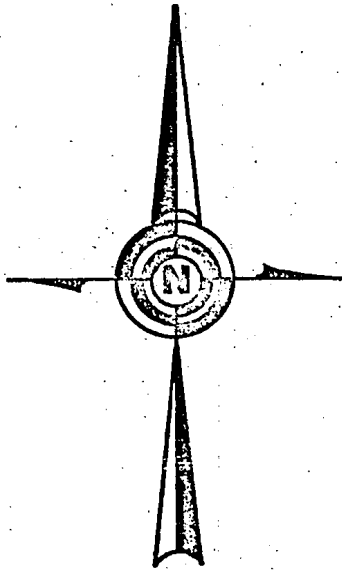
Roland J. Waites, President of A.S. Battiato Construction Company, (a corporation), to me personally known to be the President and the identical person whose name is affixed to the above conveyance, and acknowledged the execution thereof to be his voluntary act and deed as such officer and the voluntary act and deed of said corporation and that the Corporate Seal of said corporation was thereto affixed by its authority.

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

Notary Public

My Commission expires Sept. 10, 1970

EXHIBIT "A"



SCALE 1"=100'

