



MISC Inst. # 2018014552, Pg: 1 of 4 Rec Date: 02/26/2018 12:49:55.200

Fee Received: \$28.00 Electronically Recorded By: DW

Douglas County, NE Assessor/Register of Deeds DIANE L. BATTIATO

THE ABOVE SPACE IS RESERVED FOR THE REGISTER OF DEEDS RECORDING INFORMATION

**THIS PAGE INCLUDED
FOR INDEXING**

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GPIN/Other#: _____

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:Cox Communications
401 N. 117th Street
Omaha, NE 68154
Attn: MDU Dept.THIS IS A CONVEYANCE OF AN EASEMENT
AND CONSIDERATION IS LESS THAN \$100.00

(space above for recorder's use only)

GRANT OF EASEMENT AND MEMORANDUM OF AGREEMENT

THIS GRANT OF EASEMENT AND MEMORANDUM OF AGREEMENT is made this 1 day of February, 2017, by and between Elk Ridge Independent Living, LLC ("**Grantor**") and Cox Communications Omaha, LLC. Grantor is the owner of certain real property located in Douglas County, Nebraska, which is more particularly described in Exhibit A, attached hereto and incorporated herein (the "**Property**"). Grantor hereby declares, creates, and grants to Cox, its affiliates, successors and assigns, a perpetual, non-exclusive easement and servitude in, on, over, under, across and through the Property and all its improvements, together with all rights of access, ingress and egress for the purposes stated hereafter (the "**Easement**"). Grantor hereby covenants, represents, and warrants to Cox that Grantor, at the time of execution of this Easement, has the right and title to the Property and all requisite authority to grant this Easement. This Easement shall run with the title to the Property, and be binding on Grantor, all subsequent owners of the Property, and others who may claim an interest in the Property.

This Easement is for the purposes of: (a) constructing, installing, operating, maintaining, repairing, replacing, and removing telecommunications and other facilities consisting of, without limitation, conduits, strands, wires, coaxial cables, hardware, wireless access points, backhaul modems, antennas, pedestals, junction boxes, and other equipment (collectively, the "**Facilities**") as Cox may from time-to-time require, and (b) offering, providing, and marketing (on an exclusive or non-exclusive basis) video, entertainment, high-speed data, voice, home security and home automation, and other services (collectively, the "**Services**") to the Property. Cox owns and/or Grantor has granted to Cox the exclusive right to use all or a portion of the Facilities. Any Facilities owned by Cox shall not be deemed a fixture of the Property.

Grantor may grant other easements, servitudes, or rights of access to the Property and use the Property for any purpose that does not restrict or interfere with this Easement or Cox's use of the Facilities, does not damage the Facilities, and is consistent with Cox's rights under either this Easement or the Agreement (as such term is defined below).

PLEASE TAKE NOTICE that, contemporaneously with this Easement, Grantor and Cox have also entered into that certain Service Agreement, dated 2/1/2017, as such may be amended, extended, renewed or replaced (collectively, the "**Agreement**") which may contain additional information regarding the Facilities and the Services. A copy of relevant provisions of the Agreement will be provided to any properly interested person upon written request.

Grantor shall provide notice to Cox of any pending trustee or foreclosure sale or receivership, bankruptcy or other proceeding affecting the Property, sent to the address above

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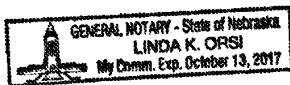
GRANTOR:

Elk Ridge Independent Living, LLC

By: [Signature]Name: Doug IvesterTitle: Director of Property ManagementGRANTOR ACKNOWLEDGMENTSTATE OF NebraskaCOUNTY OF Douglas

On 2/7/17 (date) before me, Linda K. Orsi (Notary), personally appeared Doug Ivester (name of signer), who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of _____ that the foregoing paragraph is true and correct.
WITNESS my hand and official seal.

[NOTARY SEAL]



Linda K. Orsi
Notary Public
Name: Linda K. Orsi
My Commission Expires: Oct 13, 2017

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EXHIBIT A

LEGAL DESCRIPTION

ELK RIDGE REPLAT 6 (Lots 1 through 4)

DOUGLAS COUNTY, NEBRASKA