



MISC 2004138543



OCT 22 2004 10:00 P 2

Received - RICHARD TAKECHI
Register of Deeds, Douglas County, NE
10/22/2004 10:00:14.16



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DIST
Revised July 15, 2004

Doc.# _____

RIGHT-OF-WAY EASEMENT

Mrs. Lynn P. DeMarco and Arvin DeMarco, Trustees of the Lynn DeMarco Testamentary Trust
Owner(s)
of the real estate described as follows, and hereafter referred to as "Grantor",

The East Half (E 1/2) of the Northwest Quarter (NW 1/4) of Section 26, Township 15 North, Range 11 East of the 6th P.M., Douglas County, Nebraska, except that part deeded for Pacific Street right-of-way more particularly described as follows;

Beginning at the North Quarter Corner of said Section 26; thence South along the North/South 1/4 Section line a distance of 50.0; thence West along a line 50.0 feet south of the parallel to the north line of said Section 26 a distance of 761.91 feet thence Southwesterly for a distance of 60.28 feet to a point being 56.0 feet south of the north line of said Section 26; thence West along a line 56.0 feet south of and parallel to the North line of said Section 26 a distance of 59.9 feet; thence Northwesterly a distance of 60.28 feet to a point located 50.0 feet south of the North line of said Section 26; thence West along a line 50.0 feet south of and parallel to the North line of said Section 26 a distance of 381.33 feet to a point on the West line of the East of the NW 1/4; thence North along the west line of the East 1/2 of the NW 1/4 a distance of 50.0 feet to the Northwest corner of the East 1/2 of the NW 1/4; thence East along the North line of the East 1/2 of the NW 1/4 a distance of 1323.18 feet to the North Quarter Corner of said Section 26 and the point of beginning.

Adrian mi. Danahy - Oct. 1 2004

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 area.)

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, wires, cables, fixtures, conduits and other instrumentalities within a strip of land as indicated above, and together with the right to remove any obstructions from the surface and subsurface of said strip for the placement of facilities. Damages to fences arising from the construction and maintenance of the aforesaid electric facilities shall be paid for by the District.

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. The Grantor shall not be responsible for the cost of relocation or grade change of said facilities except when the relocation or grade change is caused by the Grantor.

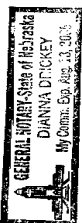
It is further agreed that Grantor has lawful possession of said real estate, good, right and lawful authority to make such conveyance and that his/her/its/their heirs, executors, administrators, successors and assigns shall warrant and defend the same and will indemnify and hold harmless the District 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 1 day of Oct, 2004.

OWNERS SIGNATURE(S)

Lynn P. DeMarco
Trustee

Arvin DeMarco
Trustee



<COMPLETE ACKNOWLEDGMENT ON THE REVERSE SIDE HEREOF>

RETURN TO:
OMAHA PUBLIC POWER DISTRICT
% Right of Way/GW/EPI
444 South 16th Street Mall
Omaha NE 68102-2247

CORPORATE 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 came _____, President of _____, 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

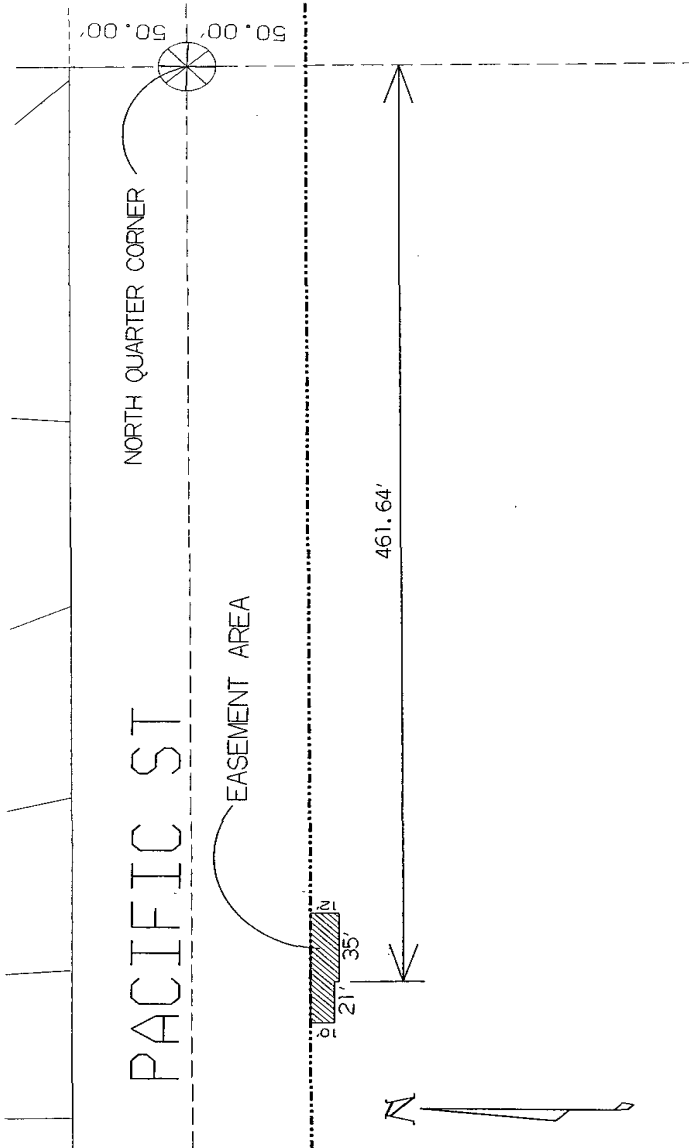
INDIVIDUAL ACKNOWLEDGMENT

STATE OF NEBRASKA
 COUNTY OF DOUGLAS
 On this 1st day of October, 2004, before me the undersigned, a Notary Public in and for said County and State, personally appeared Mrs Lynn P. Demarco & Arvin DeMarco Trustees of The Lynn Demarco Testamentary Trust personally to me known to be the identical person(s) and who acknowledged the execution thereof to be their voluntary act and deed for the purpose therein expressed.

Witness my hand and notarial seal the date above written.
(see signature & seal on front)

 NOTARY PUBLIC

EXHIBIT "A"



NW 1/4, Section 26, T 15 N, R 11 E, County Douglas ROW RAM
 Customer Rep. Marshall Engineer Oropeza Srvc Req. # W.0.# 170211