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Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
11/22/2005 14:41:59 10
2005148144

November 10, 2005

Doc.#

JOINT UTILITY EASEMENT

Cottonwood Creek Inc.
Owner(s) of the real estate described as follows, and hereafter referred to as "Grantor",

Lots 4 thru 19, Lots 38 & 39, Lot 65, Lots 67 thru 74, Lots 78 thru 92 and Out Lot "B", all located in Cottonwood Creek Replat One, as surveyed, platted and recorded in Douglas County, Nebraska.

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, Qwest Communications, and any other company which has been granted a franchise to provide a cable television system in the area to be subdivided, their successors and assigns, subject to matters of record, a permanent utility easement to erect, operate, maintain, repair, and renew poles, wires, cables, conduits and other related facilities, and to extend thereon wires or cables for the carrying and transmission of electrical current for light, heat and power and for the transmission of signals and sounds of all kinds including signals provided by a cable television system, and the reception on, over through, under and across the following described real estate, to wit:

(See attached Exhibits "A", "B", "C", & "D" for sketches of easement areas.)

The Grantor hereby grants to said Utilities, their successors and assigns, the right, privilege and authority to clear all trees, roots, brush, and other obstructions from the surface and subsurface of said strip and to temporarily open any fences crossing said strip.

Grantor agrees that grade shall not be reduced more than One foot (1') in elevation without the prior approval of the District.

No permanent buildings or retaining walls shall be placed in the easement area, but the same may be used for gardens, shrubs, landscaping and other purposes that do not then or later interfere with the aforesaid uses or rights granted herein.

The Grantor covenants that he/they has/have lawful possession of said real estate, good, right and lawful authority to make such conveyance and that his/her/their heirs, executors, administrators, successors and assigns shall warrant and defend the same and will indemnify and hold harmless the Utilities 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 Owners(s) have executed this instrument this 21st day of November, 2005.

OWNERS SIGNATURE(S)

COTTONWOOD CREEK, INC

Melvin Suberek, President

RETURN TO:
OMAHA PUBLIC POWER DISTRICT
% Land Rights 5E/EP2
444 South 16th Street Mall
Omaha, NE 68102-2247

OPPD1

CORPORATE ACKNOWLEDGMENT

STATE OF Nebraska

COUNTY OF Douglas

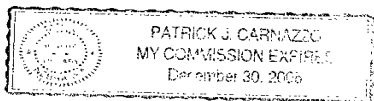
On this 21 day of November, 2005, before me the undersigned, a Notary Public in and for said County, personally came

Melvin Subbeck

President of Cottonwood CREEK Inc.
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 ITS voluntary act and deed for the purpose therein expressed.

Witness my hand and Notarial Seal the date above written.

Patrick J. Carnazzo
NOTARY PUBLIC



INDIVIDUAL ACKNOWLEDGMENT

STATE OF _____

COUNTY OF _____

On this _____ day of _____, 2005, 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

NW ¼, Section 8, T 14 N, R 11 E, County Douglas ROW RJD Date November 10, 2005
Customer Rep. Carnazzo Engineer Carnazzo Srvc Req. # 18519 W.O.# 00167077

EXHIBIT "A"

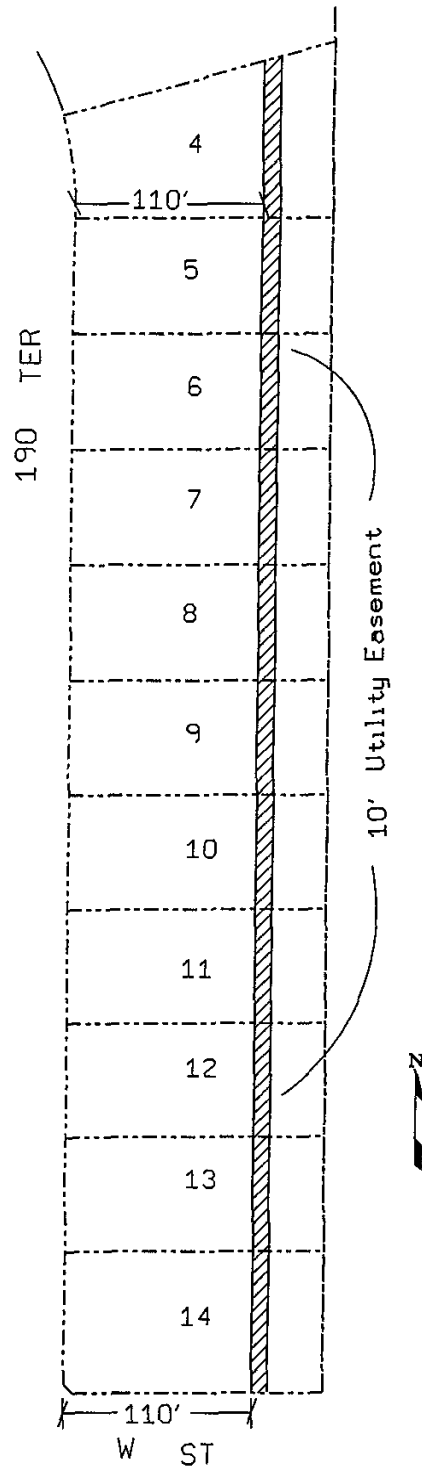


EXHIBIT "B"

