



MISC 2006030164



MAR 17 2006 10:14 P 7

September 27, 2005

Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
3/17/2006 10:14:57.96

JOINT UTILITY EASEMENT



2006030164

ELKHORN HIGHLANDS, INC. & MELVIN SUDBECK HOMES, INC.

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

Lots 1 thru 20, Lots 37, 41 & 42, Lots 45 thru 58, Lots 221, 223, 224, 225, 227 thru 235, and Lots 237 thru 248, all in Elkhorn Highland Ridge, an Addition 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 thru E for sketch 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 11th day of January, 2006.

OWNERS SIGNATURE(S)

ELKHORN HIGHLANDS, INC.
& MELVIN SUDBECK HOMES, INC.

Melvin Sudbeck

President

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

B *misc*
FEE 66.00 FB OC-11010
BKP _____ C/O _____ COMP BW
DEL _____ SCAN _____ FV _____

CORPORATE ACKNOWLEDGMENT

STATE OF NEBRASKA

COUNTY OF DOUGLAS

6

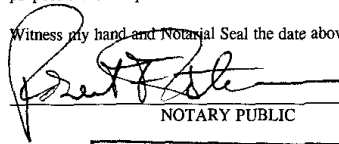
On this 11 day of January, 2005, before me the undersigned, a Notary Public in and for said County, personally came

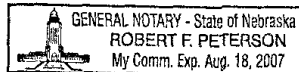
Melvin Sudbeck

President of Melvin Sudbeck Homes, Inc. &

President of Elkhorn Highlands, 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 his 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

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

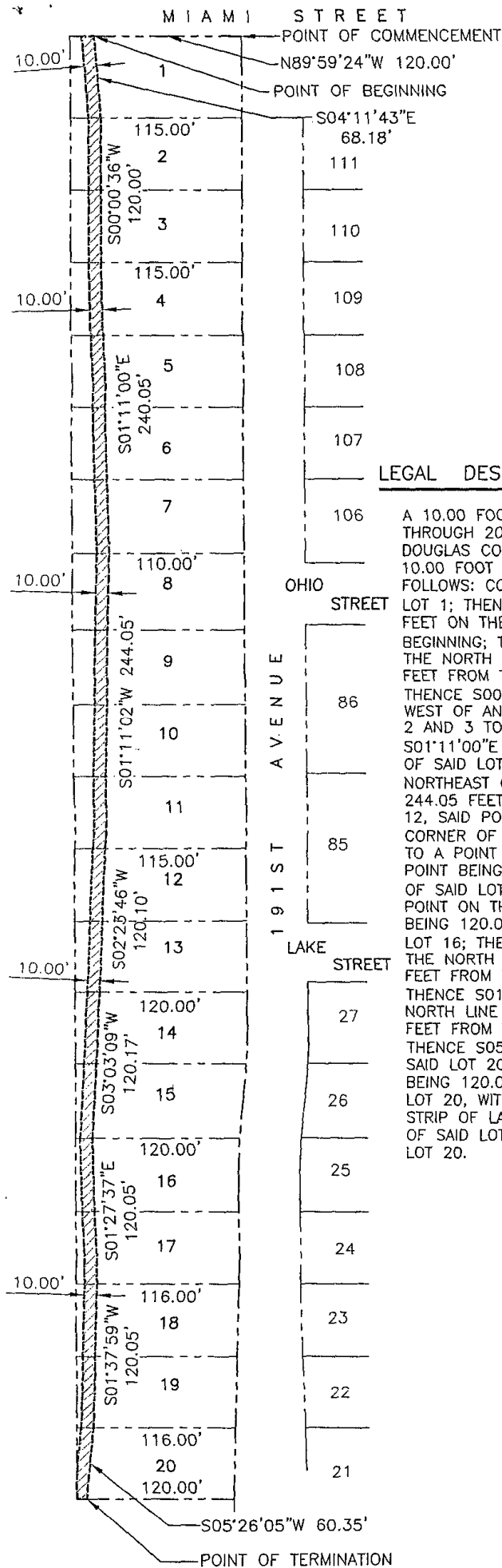


EXHIBIT "A"

LEGAL DESCRIPTION

A 10.00 FOOT WIDE STRIP OF LAND LYING WITHIN LOTS 1 THROUGH 20, ELKHORN HIGHLAND RIDGE, A SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA, THE EAST EDGE OF SAID 10.00 FOOT WIDE STRIP OF LAND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE N89°59'24"W (ASSUMED BEARING) 120.00 FEET ON THE NORTH LINE OF SAID LOT 1 TO THE POINT OF BEGINNING; THENCE S04°11'43"E 68.18 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 2, SAID POINT BEING 115.00 FEET FROM THE NORTHEAST CORNER OF SAID LOT 2; THENCE S00°00'36"W 120.00 FEET ON A LINE 115.00 FEET WEST OF AND PARALLEL WITH THE EAST LINES OF SAID LOTS 2 AND 3 TO THE NORTH LINE OF SAID LOT 4; THENCE S01°11'00"E 240.05 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 8, SAID POINT BEING 110.00 FEET FROM THE NORTHEAST CORNER OF SAID LOT 8; THENCE S01°11'02"W 244.05 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 12, SAID POINT BEING 115.00 FEET FROM THE NORTHEAST CORNER OF SAID LOT 12; THENCE S02°23'46"W 120.10 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 14, SAID POINT BEING 120.00 FEET FROM THE NORTHEAST CORNER OF SAID LOT 14; THENCE S03°03'09"W 120.17 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 16, SAID POINT BEING 120.0 FEET FROM THE NORTHEAST CORNER OF SAID LOT 16; THENCE S01°27'37"E 120.05 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 18, SAID POINT BEING 116.00 FEET FROM THE NORTHEAST CORNER OF SAID LOT 18; THENCE S01°37'59"W 120.05 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 20, SAID POINT BEING 116.00 FEET FROM THE NORTHEAST CORNER OF SAID LOT 20; THENCE S05°26'05"W 60.35 FEET TO THE SOUTH LINE OF SAID LOT 20 AND THE POINT OF TERMINATION, SAID POINT BEING 120.00 FEET FROM THE SOUTHEAST CORNER OF SAID LOT 20, WITH THE OUTER LIMITS OF SAID 10.00 FOOT WIDE STRIP OF LAND BEING EXTENDED TO MEET THE NORTH LINE OF SAID LOT 1 AND THE SOUTH AND WEST LINES OF SAID LOT 20.



SCALE: 1"=100'

EXHIBIT "B"

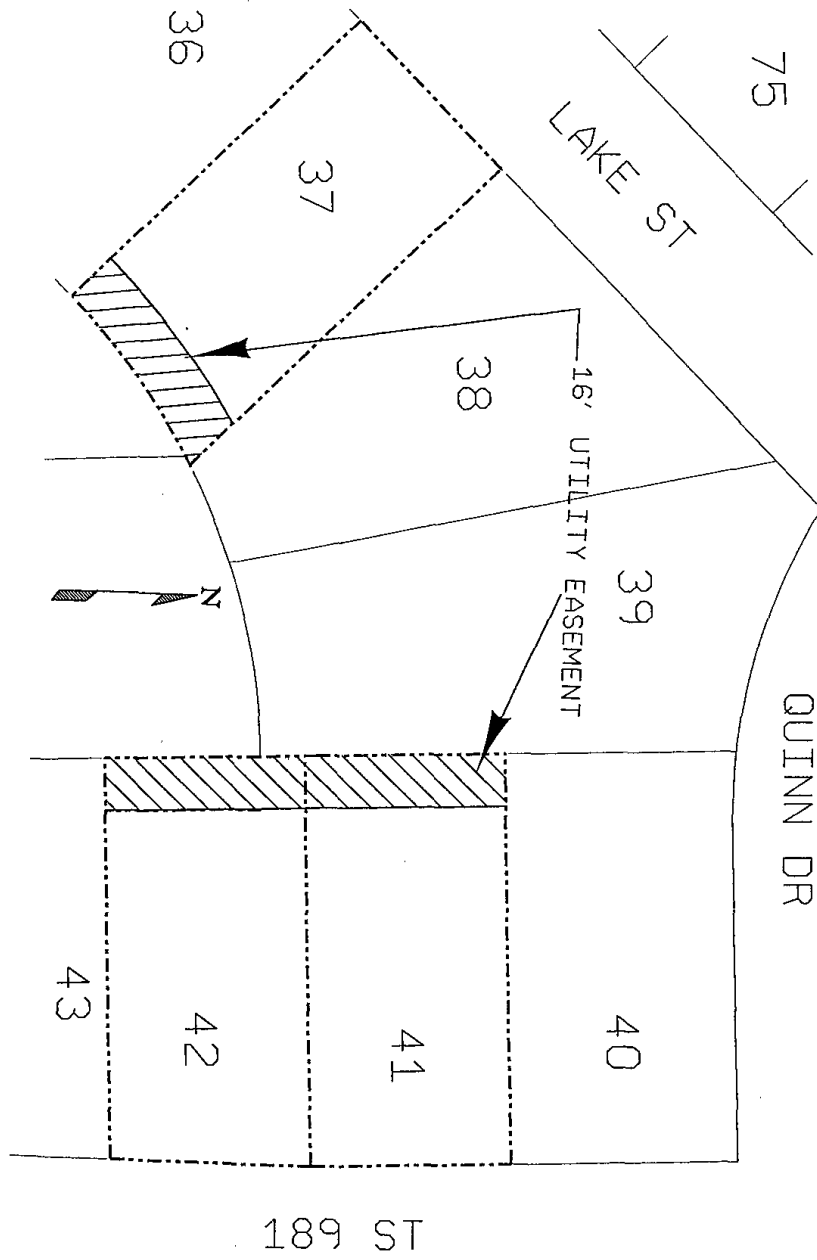
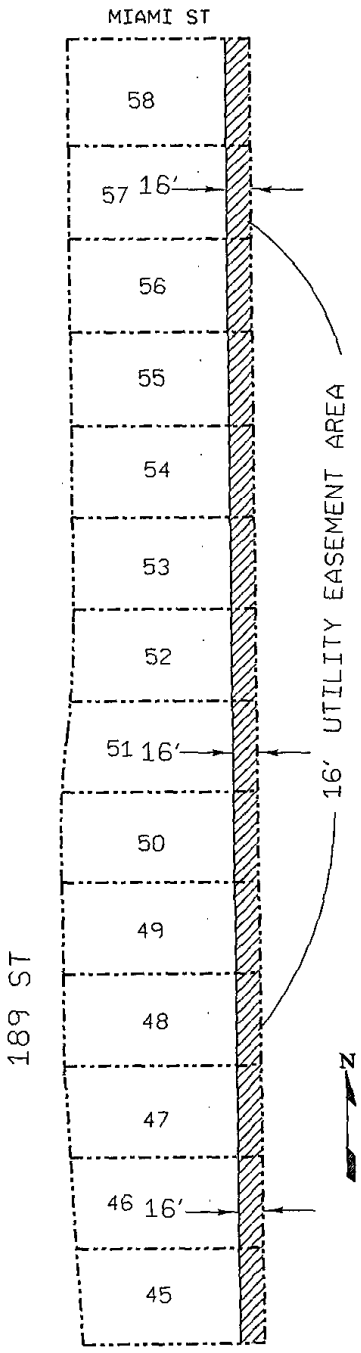


EXHIBIT "C"



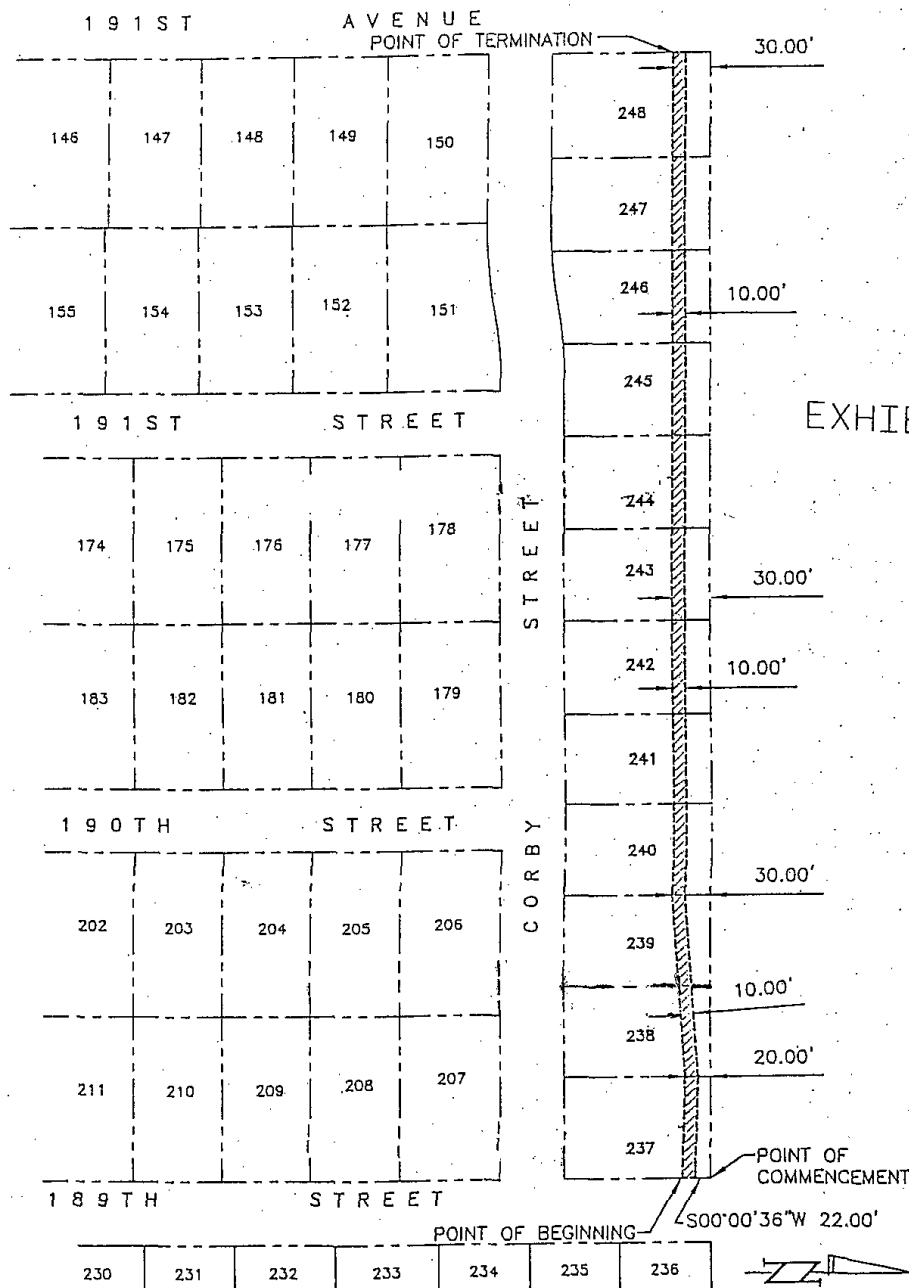


EXHIBIT "E"

LEGAL DESCRIPTION

A 10.00 FOOT WIDE STRIP OF LAND LYING WITHIN LOTS 237 THROUGH 248, ELKHORN HIGHLAND RIDGE, A SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA, THE SOUTH EDGE OF SAID 10.00 FOOT WIDE STRIP BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NE CORNER OF SAID LOT 237; THENCE S00°00'36"W (ASSUMED BEARING) 22.00 FEET ON THE EAST LINE OF SAID LOT 237 TO THE POINT OF BEGINNING; THENCE N88°33'06"W 80.03 FEET TO A POINT ON THE WEST LINE OF SAID LOT 237, SAID POINT BEING 20.00 FEET FROM THE NW CORNER THEREOF; THENCE S86°02'37"W 144.35 FEET TO A POINT ON THE WEST LINE OF SAID LOT 239, SAID POINT BEING 30.00 FEET FROM THE NW CORNER THEREOF; THENCE N89°59'02"W 656.00 FEET ON A LINE 30.00 FEET SOUTH OF AND PARALLEL TO THE NORTH LINES OF SAID LOTS 239 THROUGH 248 TO THE WEST LINE OF SAID 248 AND THE POINT OF TERMINATION, WITH THE OUTER LIMITS OF SAID 10.00 FOOT WIDE STRIP OF LAND BEING EXTENDED TO MEET THE EAST LINE OF SAID LOT 237 AND THE WEST LINE OF SAID LOT 248.

SID 502 DOUGLAS COUNTY TD2 FILE NO.: 1309-103-EASE DATE: MAY 10, 2005
 THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860