

In consideration of the sum of One Dollar (\$1.00) and other valuable considerations, the receipt of which is hereby acknowledged, the undersigned owner(s) of the real estate hereinafter described, his/her its/their heirs, executors, administrators, successors and assigns, hereinafter called "Grantor", hereby grant and convey to UPWAHA PUBLIC POWER DISTRICT, a public corporation, its successors and assigns, hereinafter called "District", a permanent right-of-way easement to survey, construct, reconstruct, relocate, alter, inspect, repair, replace, add to, maintain and operate thereon, electric transmission lines consisting of poles, pole foundations, towers, tower foundations, down guys, anchors, insulators, wires, underground cables, supports and other necessary fixtures and equipment over, upon, above, along, under, in and across the following described real estate, to wit:

Lots Thirty-four (34), Thirty-nine (39) and Forty (40), Empire Park, an addition to Douglas County, Nebraska, and that part of the East One-half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$) lying East of Interstate Highway right-of-way of Section Five (5), Township Fourteen (14) North, Range Twelve (12), East of the 6th P.M., Douglas County, Nebraska.

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the area of the above described real estate to be covered by this easement shall be as follows:

A strip of land Fifty feet (50') in width, being Twenty-five feet (25') on each side of and parallel to the following described reference line: Beginning at a point on the East line of the Southwest Quarter (SW $\frac{1}{4}$), said point being One Hundred feet (100') North of the Southeast corner thereof; thence in a Northerly direction to a point of turning "A", said point being Forty-eight feet (48'), more or less, West of and Seven Hundred Thirty-four feet (734'), more or less, North of the aforesaid Southeast corner; thence continuing in a Northerly direction to a point of turning "B", said point being Forty-eight (48'), more or less, West of and One Thousand Three Hundred Twenty-four feet (1,324'), more or less, North of the aforesaid Southeast corner; also a strip of land Seventy feet (70') in width, being Thirty-five feet (35') on each side of and parallel to the following described reference line: Beginning at turning point "B"; Thence West to a point on the Easterly right of way (Continued on reverse side)

CONDITIONS:

- (a) The District shall have the right of ingress and egress across the Grantor's property for any purpose hereinbefore granted. Such ingress and egress shall be exercised in a reasonable manner.
- (b) The District shall also have the right to trim or remove all trees and brush on said right-of-way as may be necessary to efficiently exercise any of the hereinbefore granted rights, together with the express provision that any and all trees which, in falling would come within 15 feet of the nearest electric line conductor, may be topped or removed. All refuse from such tree cutting or trimming shall be disposed of by the District, and the District shall have the further right to control and impose the growth of all weeds, trees, and brush along the described right-of-way if said right-of-way is not being utilized for cultivated crops.
- (c) The District shall pay the Grantor or Lessee, as their interests may appear, for all damages to growing crops, fences and buildings on said land which may be caused by the exercise of the hereinbefore granted rights.
- (d) Grantor may cultivate, use and enjoy the land within the right-of-way provided that such use shall not, in the judgement of the District, endanger or be a hazard to or interfere with the hereinbefore granted rights and provided further that the Grantor shall not allow any buildings, structures, hay or straw stacks or other property to remain or be placed upon the above described easement area, or change or alter the grade of the right-of-way herein described without the prior written approval from the District.
- (e) 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 parties hereto have signed their names and caused the execution of this instrument this 27 day of February, 1976

FIDELITY TITLE INSURANCE COMPANY, TRUSTEE

Robert M. ...
Secretary

John M. Abboud
Vice President



JoAnn M. Abboud
JoAnn M. Abboud, a Widow, individually,
and as Executrix of the Estate of
STATE OF Ronald J. Abboud

STATE OF
COUNTY OF

COUNTY OF

On this 27 day of February, 1976, before me the undersigned, a Notary Public in and for said County, personally came *JoAnn M. Abboud, Executrix* President of *Fidelity Title Insurance Co.* 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.

On this 27 day of February, 1976, before me the undersigned, a Notary Public in and for said County and State, personally appeared *JoAnn M. Abboud* personally to me known to be the identical person(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 at *Omaha* in said County the day and date above written.
LINDA K. SEXTON
GENERAL NOTARY
State of Nebraska
My Commission Expires **AUGUST 19, 1978**

Witness my hand and Notarial Seal the date above written.
John M. Gibbons
GENERAL NOTARY - State of Nebr.
My Commission Expires **JUNE 16, 1978**

Transmission Engineer _____ Date _____ & Land Rights and Services _____ Date _____
Recorded in Misc. Book No. _____ at Page No. _____ on the _____ day of _____, 19__

Description of Easement (continued)

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line of Interstate Highway, said point being One Thousand Three Hundred Twenty-four feet (1,324'), more or less, North of the aforesaid Southeast corner; also a strip of land Fifty feet (50') in width, being Twenty-five feet (25') on each side of and parallel to the following two reference lines: Beginning at aforesaid turning point "B", thence North and East for a distance of Eighty-five feet (85'); also a strip of land Ten feet (10') in width, being Five feet (5') on each side of and parallel to the following described reference line: Beginning at turning point "A", thence West for a distance of One Hundred Fifteen feet (115').



