

RICHARD N. TAKECHI
REGISTER OF DEEDS
DOUGLAS COUNTY, NE

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DIST
February 7, 2003

RIGHT-OF-WAY EASEMENT

FOX CREEK PROPERTIES, LLC. Owner(s) of the real estate described as follows, and hereafter referred to as "Grantor",

That part of the Southwest Quarter (SW¼) and the Southeast Quarter (SE¼) of Section 27, and part of the Northeast Quarter (NE¼) and the Northwest Quarter (NW¼) of Section 34, all in Township 16 North, Range 12 East of the 6th P.M., in Douglas County, Nebraska, described as follows:

Commencing at the Southeast corner of the Southwest Quarter of Section 27; thence South 87°09'35" West (bearings referenced to the Nebraska State Plane System, NAD 83), for 127.79 feet, along the South line of the Southwest Quarter of Section 27, to the North right-of-way line of Ida Street and the true Point of Beginning; thence along a curve to the left (having a radius of 1,017.26 feet and a long chord bearing North 85°43'18" West, for 162.69 feet), for an arc length of 162.86 feet along said North right-of-way line; thence North 01°00'28" West for 131.10 feet; thence South 89°02'32" West for 188.18 feet to the East line of Evergreen Place, a Subdivision, as surveyed, platted and recorded, in Douglas County, Nebraska; thence North 37°47'50" West, for 1,108.80 feet, along the East line of Lots 1 through 10, extended, to the North right-of-way line of Pearl Street; thence South S44°56'6" West for 7.40 feet along said North right-of-way line, to the East corner of Lot 11, Evergreen Place; thence North 02°43'18" West for 257.28 feet to the Northeast corner of Lot 11, Evergreen Place and the North line of the Southeast Quarter of the Southwest Quarter of Section 27; thence North 87°09'25" East for 1,121.88 feet to the Northeast corner of the Southeast Quarter of the Southwest Quarter of Section 27; thence South 02°31'35" East for 514.14 feet along the East line of the said Southwest Quarter of the Southwest Quarter of Section 27; thence North 87°15'11" East for 1,397.28 feet; thence South 02°43'26" East for 806.15 feet parallel with and 66.00 feet East of the West line of the Southeast Quarter of the Southeast Quarter of Section 27, to the South line thereof; thence South 02°47'15" East for 71.82 feet, parallel with and 66.00 feet East of the West line of the Northeast Quarter of the Northeast Quarter of Section 34, to the North right-of-way line of the Northwest Connector; thence along a curve to the left (having a radius of 1,362.34 feet and a long chord bearing South 71°38'19" West for 642.83 feet), for an arc length of 649.00 feet, along said North right-of-way line; thence North 32°00'32" West for 10.00 feet along said North right-of-way line; thence along a curve to the left (having a radius of 1372.34 feet and a long chord bearing South 52°28'44" West, for 263.65 feet), for an arc length of 264.06 feet, along said North right-of-way line; thence North 89°12'50" West for 71.72 feet, to the North right-of-way line of Ida Street; thence North 46°26'46" West for 123.10 feet along said North right-of-way line; thence along a curve to the left (having a radius of 1,017.26 feet and a long chord bearing North 60°03'41" West, for 478.93 feet), for an arc length of 483.47 feet along said North right-of-way line, to the West line of the Northeast Quarter of Section 34; thence along a curve to the left (having a radius of 1,017.26 feet and a long chord bearing North 77°24'22" West for 132.33 feet), for an arc length of 132.42 feet, along said North right-of-way line, to the North line of the Northwest Quarter of Section 34 and the Point of Beginning.

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 poles, wires, cables, fixtures, guys and anchors and other instrumentalities within a strip of land as indicated above, and together with the right to trim or remove any trees along said line so as to provide a minimum clearance from the overhead facilities of at least Twelve feet (12').

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.

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.

Where the District's facilities are placed adjacent to Grantor's property line, Grantor hereby grants the owner of said adjacent property, or his agent, reasonable access to the District's facilities.

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 12 day of February, 2003.

Fox Creek Properties, LLC.

By David M. Fuciaro
Its member

RETURN TO:
OMAHA PUBLIC POWER DISTRICT
% Right of Way 6W/EP1
444 South 16th Street Mall
Omaha, NE 68102-2247

opp ★

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On this 12th day of February, 2003, before me the undersigned, a Notary Public in and for said County, personally came David M. Fulwider
Member of Fox Creek Properties, LLC, 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.

[Signature]
NOTARY PUBLIC

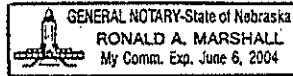
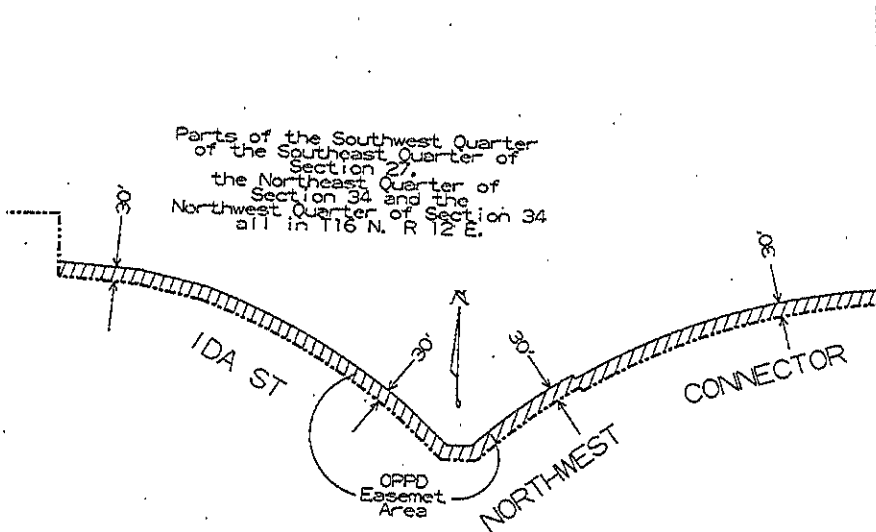


EXHIBIT "A"



SE ¼, Section 27, T 16 N, R 12 E, NE ¼, Section 34, T 16 N, R 12 E, & NW ¼,
Section 34, T 16 N, R 12 E, County Douglas ROW RAM
Customer Rep. RAM Engineer Webster Svc Req. # W.O.#91897-01