

43-10

AGREEMENT

This Agreement by and between GLADYS MARIE FORNOFF and WALTER E. FORNOFF, wife and husband, hereinafter sometimes referred to as owners, and OMAHA PUBLIC POWER DISTRICT, a public corporation, hereinafter sometimes referred to as District,

WITNESSETH:

WHEREAS, Gladys Marie Fornoff and Walter E. Fornoff, wife and husband, are the owners of real property described as follows:

The North one-half (N½) of the Southeast Quarter (SE¼) of Section 8, Township 13 North, Range 13, East of the 6th P.M. in Sarpy County, Nebraska;

WHEREAS, in proceedings in the County Court of Sarpy County, Nebraska, the District by right of eminent domain acquired an easement upon and across owners' said property, which easement is legally described as follows:

A strip of land 300 feet in width, 225 feet East of and parallel to and 75 feet West of and parallel to the following described reference line - Beginning at a point on the South line of said North one-half of the Southeast Quarter, 1,958 feet West of the Southeast Corner thereof, thence in a Northwesterly direction to a point of leaving located on the North line thereof, 2,043 feet West of the Northeast Corner thereof.

WHEREAS, these parties have appealed said condemnation proceedings to the District Court of Sarpy County, Nebraska, and now desire to compromise and settle their controversy, part consideration for which they intend to be the licenses and undertakings herein granted and agreed to.

NOW THEREFORE, in consideration of these premises, it is agreed by and between the parties hereto as follows:

1. That the District does hereby grant and remise to Gladys Marie Fornoff and Walter E. Fornoff, wife and husband, their heirs, devisees and assigns, permanent licenses to construct roadways and to construct and maintain utilities within two strips of land, each of which strip shall be perpendicular to the above described easement, shall cross said easement, shall be 60 feet in width, and shall be located and described in accordance with the plat, which is marked Exhibit "A", attached hereto, and hereby made a part hereof. Said strips or roadways are respectively described as follows:

- (a) A strip or roadway 60 feet in width across the above described easement, the south boundary of which strip shall be 60 feet south of the north property line of the owners' property described above, which strip shall be parallel to said north property line of said owners' property, above described.

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(b) A strip or roadway 60 feet in width across the above described easement, and perpendicular to the east and west boundaries of said easement, the north boundary of which strip or roadway shall be 605 feet south of the north property line of the owners' described property.

2. That the District shall retain all of the rights in owners' property in said easement acquired in said condemnation proceedings except the rights granted to the owners herein, and it is agreed that the above described 60-foot strips or roadways may be excavated to depths necessary for access across said easement to the owners' property on either side of said easement, and that no structures, other than roadways and utilities shall be erected, installed or maintained in said 60-foot strip, and that no blasting, excavating or structures shall be permitted within the balance of the District's easement.

3. District hereby agrees to pay the owners or lessees, as their interest may appear, for any damage to real and/or personal property, fences, livestock, and to growing crops by reason of the survey, construction, reconstruction, relocation, inspection, repair, replacement, addition to, maintenance, operation, and removal of said electric lines.

4. That this Agreement shall be binding upon the heirs, devisees, successors and assigns of the parties hereto.

IN WITNESS WHEREOF we have hereunto set our hands

this 29 day of December, 1969.

Gladys Marie Fornoff
Gladys Marie Fornoff, Owner

Walter E. Fornoff
Walter E. Fornoff, Owner

OMAHA PUBLIC POWER DISTRICT,
A public Corporation,

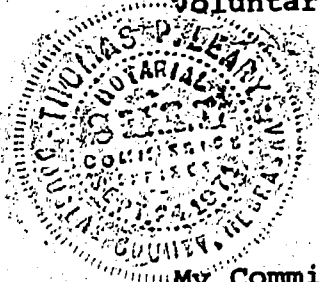
By Ralph W. Shaw
Assistant General Manager

FILED FOR RECORD IN SARPY COUNTY NEB. 12/29/69 AT 10:00 O'CLOCK P.M.
AND RECORDED IN BOOK 43 OF Miss. Recor. PAGE 10
Alice Blankenship REGISTER OF DEEDS 12/25

10-B

STATE OF NEBRASKA)
COUNTY OF Douglas) SS

On this 29 day of December, 1969, before me a Notary Public in and for said county and state personally appeared Gladys Marie Fornoff and Walter E. Fornoff, wife and husband, to me known to be the identical persons who executed the foregoing instrument as owners, and acknowledged that the execution of same was their voluntary act and deed.



Thomas P. Leary
Notary Public

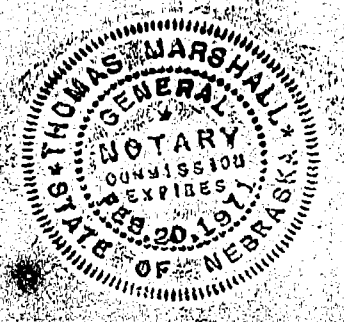
My Commission Expires:
Sept 24 1971

STATE OF NEBRASKA)
COUNTY OF DOUGLAS) SS

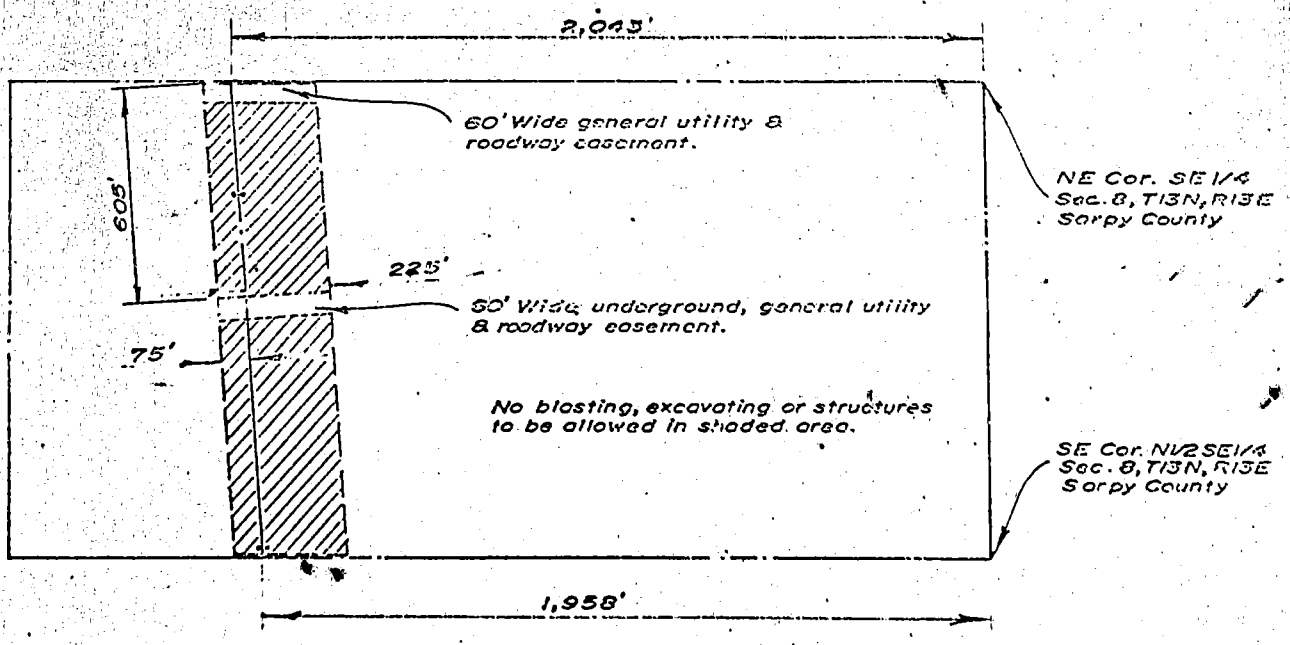
On this 31st day of December, 1969, before me a Notary Public in and for said county and state personally appeared Ralph W. Shaw, to me known to be Assistant General Manager of Omaha Public Power District, a public corporation, and the identical person who executed the foregoing instrument on behalf of said corporation, and acknowledged that his execution of the same was his voluntary act and deed and the voluntary act and deed of said public corporation.

Thomas Marshall
Notary Public

My Commission expires:
Feb 20, 1971



NORTH



1 - Description of land -

The N 1/2 of the SE 1/4 of Sec. 8, T13N, R13, E of the 6th PM., Sarpy County, Nebraska.

2 - Description of Easement -

A strip of land 300' in width, 225' East of and parallel to and 75' West of and parallel to the following described reference line - Beginning at a point on the South line of said N 1/2 of the SE 1/4, 1,958' West of the SE Corner thereof, thence in a Northwesterly direction to a point of leaving located on the North line thereof, 2,043' West of the NE Corner thereof.

3 - Owner -

Glady's Marie Fornoff & Walter E. Fornoff, wife & husband

LEGEND

- Property Line
- Reference Line
- Limits of Easement

EXHIBIT "A"

Scale: 1" = 500'

Ref. No. 104-2-242