

FILED SARPY CO. NE.
INSTRUMENT NUMBER
99-004266
99 FEB 12 AM 8:16

Glenn J. Harding
REGISTER OF DEEDS

99-004266

Counter kkk
Verify D
D.E. S
Proof _____
Fee \$ 12.50
Chk Cash Chg

OPPD

STUG-2
January 14, 1999

Doc.# _____

RIGHT-OF-WAY EASEMENT

1 Fox Ridge L.L.C., a Nebraska limited liability company Owner(s)
of the real estate described as follows, and hereafter referred to as "Grantor",

Lots One (1), Two (2), Three (3), Seven (7), and Eight (8), Heartland Hills, as surveyed, platted, and recorded in Sarpy 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, a public corporation, its successors and assigns, hereafter referred to as "District", a permanent right of way easement with rights of ingress and egress thereto, to construct, operate, maintain, replace and remove its underground electric facilities, consisting of cables, wires, conduits, manholes, drains, splicing boxes and other appurtenances, upon, over, along and under the following described real estate, to wit:

See Exhibit on the reverse side of this document.

CONDITIONS:

The Grantor hereby grants to the District, its 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. The Grantor understands that a single pole and appurtenances may be used to provide service to this property.

In granting this easement, it is understood that said cables shall be buried below plow depth in order to not interfere with the ordinary cultivation of the strip. Damages to fences and growing crops arising from the construction and maintenance of the aforesaid system shall be paid for by the District.

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 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 4th day of February, 1999

OWNERS SIGNATURE(S)

1 Fox Ridge L.L.C., a Nebraska limited liability company
by the Ventador Limited Liability Company
Paul J. Kelly member

< COMPLETE ACKNOWLEDGMENT ON REVERSE SIDE HEREOF >

R&P

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

004266

CORPORATE ACKNOWLEDGMENT

STATE OF

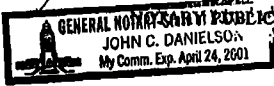
COUNTY OF

On this 1st day of February, 1999, before me the undersigned, a Notary Public in and for said County, personally came FRANK H. KULIG, President of FOX RIDGE LLC

in his 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 _____ voluntary act and deed for the purpose therein expressed.

Witness my hand and Notarial Seal the date above written.

[Signature]



INDIVIDUAL ACKNOWLEDGMENT

STATE OF

COUNTY OF

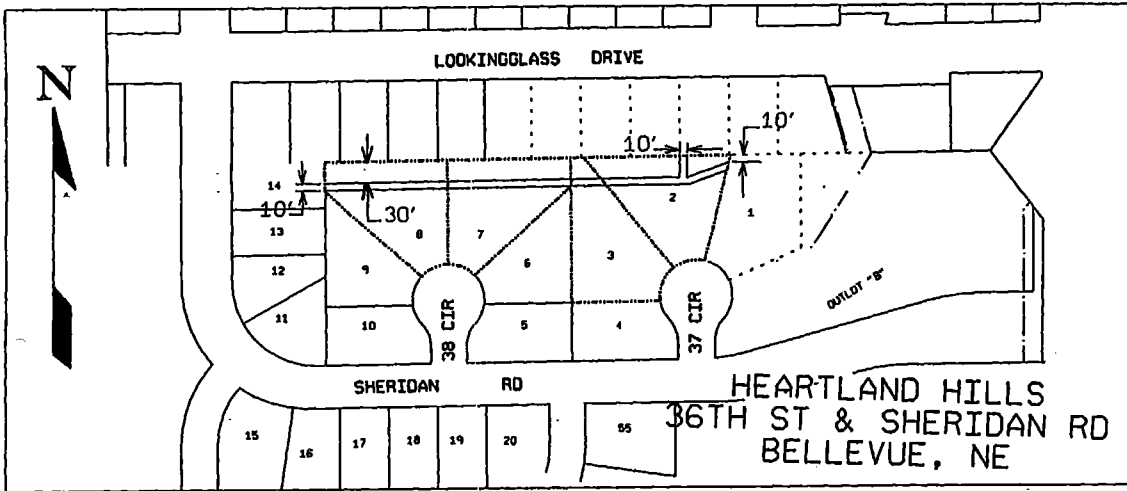
On this _____ day of _____, 19____, before me the undersigned, a Notary Public in and for said County and State, personally appeared _____

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

99-004266A



Distribution Engineer _____ Date _____ Property Management _____ Date _____
Section SW 1/4 29 Township 15 North, Range 11 East
Salesman Gabriel Engineer Rosales Est 14344-01 WO# M1