

RETURN TO:  
OMAHA PUBLIC POWER DISTRICT  
% Real Estate Division  
444 South 16th Street Mall  
Omaha, NE 68102-2247



BRUC  
December 16, 1994

Doc.# 284

RIGHT-OF-WAY EASEMENT

Rogers Brothers, Inc a Nebraska corporation  
Owner(s) of the real estate described as follows, and hereafter referred to as "Grantor",

Lots 64,65,66 and 68,69 and 71 through 77, Somerset, a  
Subdivision, 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, a public corporation, its successors and assigns, hereafter referred to as "District", an 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:

A strip of land for the District's Underground facilities as constructed, being Five feet (5') in width and abutting the Thirty-five foot (35') permanent gas pipeline easement. (See exhibit on reverse side).

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 grant such right and that their 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 right. Grantee shall exercise good judgement in the installation or modification of said Underground services, and shall be responsible for its own negligence.

IN WITNESS WHEREOF, the Owner(s) have executed this instrument this 20<sup>th</sup> day of December, 1994.

OWNERS SIGNATURE(S)

*Michael F. Rogers*  
PRESIDENT

CORPORATE ACKNOWLEDGEMENT

STATE OF NEBRASKA  
COUNTY OF DOUGLAS

On this 20<sup>th</sup> day of December, 1994 before me the undersigned, a Notary Public in and for said County, personally came

MICHAEL F. ROGERS  
President of  
ROGERS BROTHERS, 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.

*Cesar Rosales*  
NOTARY PUBLIC

INDIVIDUAL ACKNOWLEDGEMENT

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



1007# 00-36390  
FEE 16.00  
DEL 00  
LEGAL FEE 00  
SEARCH IN 00

GEORGE J. BERNARD  
REGISTERED CLERK  
DOUGLAS COUNTY, NE

JAN 30 10 48 AM '95

RECEIVED

Distribution Engineer \_\_\_\_\_ Date \_\_\_\_\_ Property Management \_\_\_\_\_ Date \_\_\_\_\_

Section SW/4 26 Township 16 North, Range 12 East

Salesman Rosales Engineer Rosales Est. # 930155101 W.O.# \_\_\_\_\_

