

MISC 2010022986



MAR 17 2010 13:28 P 5

FEE 25.50 FU 7-4-37590  
BKP C/O CO. *A*  
DEL SCAN FV

*MISC A*  
*5*

Received - DIANE L. BATTIATO  
Register of Deeds, Douglas County, NE  
3/17/2010 13:28:36.05



2010022986

Doc.#  
3,002 6A(010)

Revised February 10, 2010

### JOINT UTILITY EASEMENT

GERALDINE W. DERVIN, JAMES M. DERVIN and PATRICK J. DERVIN, Trustees of the Jerry and Geraldine Dervin Marital Trust dated July 7, 2002.

Owner(s) of the real estate described as follows, and hereafter referred to as "Grantor",

Lot Five (5), except the West 60.50 feet thereof, Sunridge, an Addition to the City of Omaha, 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, Qwest Communications, and any other company which has been granted a franchise to provide a cable television system in the area to be subdivided, their successors and assigns, subject to matters of record, a permanent utility easement to erect, operate, maintain, repair, and renew poles, wires, cables, conduits and other related facilities, and to extend thereon wires or cables for the carrying and transmission of electrical current for light, heat and power and for the transmission of signals and sounds of all kinds including signals provided by a cable television system, and the reception on, over through, under and across the following described real estate, to wit:

The West 3 feet of the East 8 feet of the above described property, containing 310.4 square feet, more or less. *(See attached Exhibit "A" for sketch of approximate easement area.)*

The Grantor hereby grants to said Utilities, their 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.

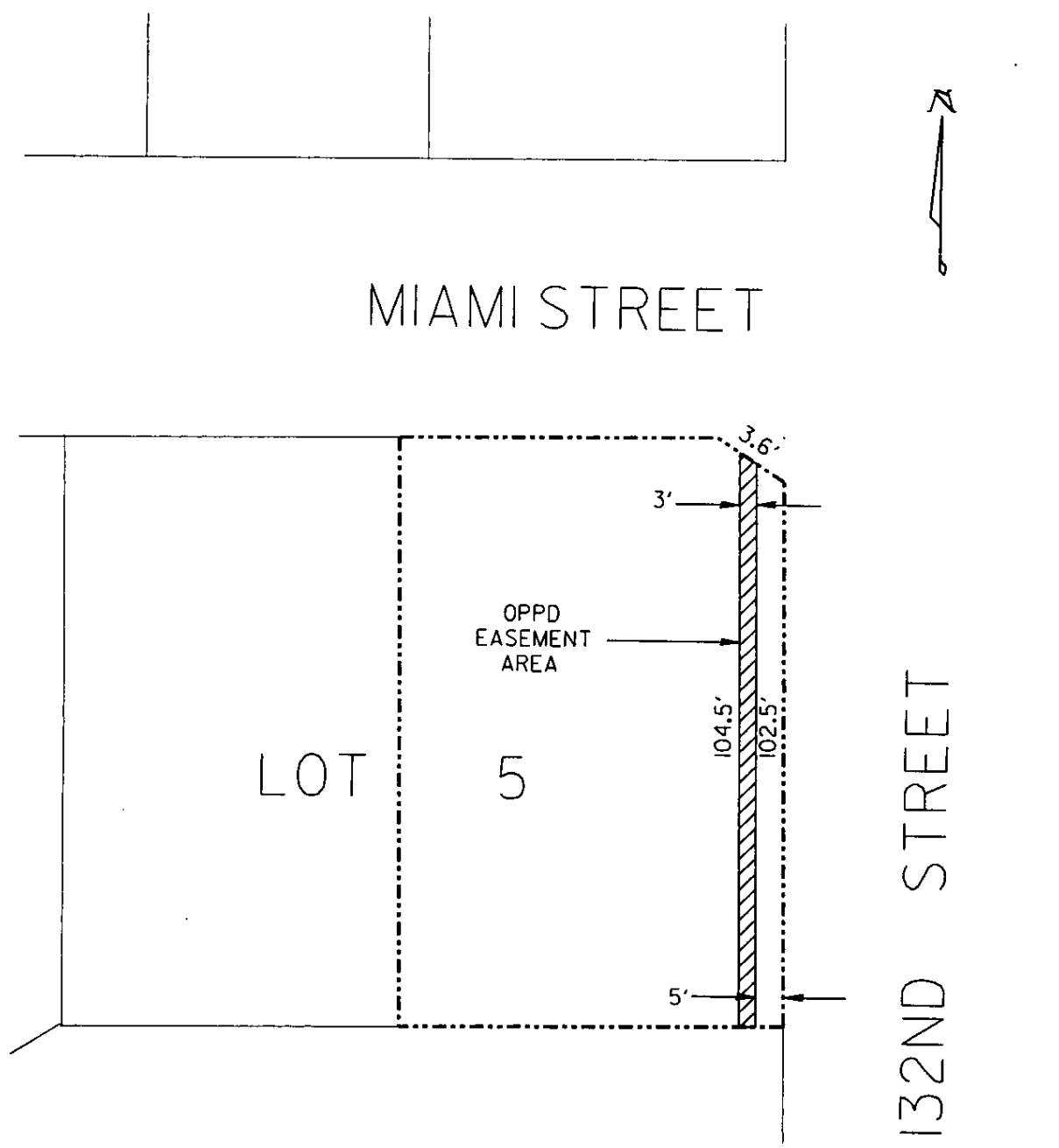
Grantor agrees that grade shall not be reduced more than One foot (1') in elevation without the prior approval of the District.

No permanent buildings or retaining walls shall be placed in the easement area, but the same may be used for gardens, shrubs, landscaping and other purposes that do not then or later interfere with the aforesaid uses or rights granted herein.

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 Utilities forever against the claims of all persons whomsoever in any way asserting any right, title or interest prior to or contrary to this conveyance.

RETURN TO:  
OMAHA PUBLIC POWER DISTRICT  
% Land Rights 5E/EP2  
444 South 16th Street Mall  
Omaha, NE 68102-2247

EXHIBIT "A"



IN WITNESS WHEREOF, the Owner(s) have executed this instrument this 3<sup>rd</sup> day of MARCH, 2010.

Geraldine W. Dervin (Trustee)

Geraldine W. Dervin, Trustee

Of the Jerry and Geraldine Dervin Trust dated July 7, 2002

**INDIVIDUAL ACKNOWLEDGMENT**

STATE OF NEBRASKA

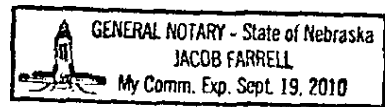
COUNTY OF Douglas

On this 3<sup>rd</sup> day of MARCH, 2010, before me the undersigned, a Notary Public in and for said County and State, personally appeared **Geraldine W. Dervin** personally to me known to be the identical person(s) and who acknowledged the execution thereof to be HER voluntary act and deed for the purpose therein expressed.

\*TRUSTEE

Witness my hand and Notarial Seal the date above written.

[Signature]  
NOTARY PUBLIC



IN WITNESS WHEREOF, the Owner(s) have executed this instrument this 22 day of FEBRUARY, 2010.

J. M. Dervin

James M. Dervin, Trustee  
of the Jerry and Geraldine Dervin Trust dated July 7, 2002

**INDIVIDUAL ACKNOWLEDGMENT**

STATE OF Minnesota

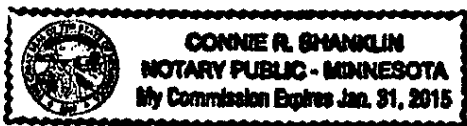
COUNTY OF Mower

On this 22 day of February, 2010, before me the undersigned, a Notary Public in and for said County and State, personally appeared **James M. Dervin** 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.

\*TRUSTEE

Witness my hand and Notarial Seal the date above written.

Connie R. Shanklin  
NOTARY PUBLIC



IN WITNESS WHEREOF, the Owner(s) have executed this instrument this 27 day of Feb, 2010.



Patrick J. Dervin, Trustee  
of the Jerry and Geraldine Dervin Trust dated July 7, 2002

**INDIVIDUAL ACKNOWLEDGMENT**

STATE OF Missouri  
COUNTY OF St. Louis

On this 27 day of February, 2010, before me the undersigned, a Notary Public in and for said County and State, personally appeared **Patrick J. Dervin** 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.

*\*TRUSTEE*

Witness my hand and Notarial Seal the date above written.



NOTARY PUBLIC

