

17971
8.22 Lincoln: 49th and Huntington, Telephone Service, Tabitha New Community

TELEPHONE AND TELEVISION EASEMENT DEED

In consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, and for the purpose of effecting the installation underground of all telephone and television distribution lines in the premises below described for the beautification of the premises and benefit of each property owner therein, TABITHA DEVELOPMENT CORPORATION (hereinafter sometimes called "Owner"), owner and developer of the following subdivision or addition: TABITHA NEW COMMUNITY ADDITION AND TABITHA NEW COMMUNITY FIRST ADDITION, Section 1, Township-10-North, Range-6-East, Lancaster County (such subdivision or addition hereinafter sometimes called the "premises"), does hereby grant and convey to THE LINCOLN TELEPHONE AND TELEGRAPH COMPANY and T-V TRANSMISSION INC. (hereinafter sometimes called "Telephone and TV Companies") easements and rights of access on, across and below the premises, described and conditioned as follows:

1. A nonexclusive permanent easement for the purpose of installing, repairing, maintaining, replacing and removing underground main telephone distribution feeder cable and an underground main television distribution system, together with above ground service pedestals and other appurtenant underground and above ground facilities and equipment, to be located in the utility easement space shown on the plat of the premises recorded in the office of the Register of Deeds of Lancaster County, Nebraska, together with rights of reasonable access to and across the premises to carry out the purposes of the easement herein granted.

In the event it becomes necessary to repair, replace or remove all or any portion of said underground main telephone distribution feeder cable or main television distribution system or appurtenant facilities and equipment, any damage to fences, walls or other improvements, trees, shrubs, or other planting in the easement space caused by such replacement or removal shall not be the responsibility of Telephone and TV Companies and shall be borne by Owner, or his assigns.

2. It is understood and agreed by the parties and is a condition of the acceptance by Telephone and TV Companies of the easement described in Paragraph 1 above as follows:

(a) That Telephone and TV Companies shall provide all necessary trenching and subsequent (wheel pack) backfill in connection with the installation of below grade main line telephone distribution feeder cable and main television distribution system; provided however, that the Developer shall thereafter assume at developer's sole expense, the responsibility for any labor or materials necessary or resulting from settling of the backfill once the work has been completed by the Telephone and TV Companies.

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(b) That prior to and as a prerequisite of Telephone and TV Companies' excavation for and installation of such main telephone distribution feeder cable and main television distribution system, Owner shall establish all final grades, plus or minus one (1) foot, along the route of said main feeder cable and distribution system, as designated by Telephone and TV Companies, shall have all lot corners adjacent to said route clearly staked, and shall notify Telephone and TV Companies in writing the date for paving or other hard surfacing in the premises that will extend over said route as far as reasonably possible in advance of the construction of the paving or other hard surfacing, but in no event less than one (1) week prior thereto. In the event such notification is not given as above provided Owner shall pay to Telephone and TV Companies the expense of installing conduit for any portion of said main feeder cable and distribution system lying under any such paving or other hard surfacing.

3. It is contemplated that underground telephone and television service facilities to residence or other buildings constructed on the premises will be installed in a common trench with electrical service facilities, and in such case, the service facility trench will be excavated at such width and depth as will permit the installation of the telephone, television and electrical service facilities in such trench to comply with the National Electrical Safety Code and applicable ordinances and laws; if for any reason a common trench is not or cannot be excavated, the trench for the telephone and television service facilities shall be at least two (2) inches wide and at least twenty-four (24) inches deep as measured from final grades.

4. All final grades, plus or minus one (1) foot, shall be established by Owner along the route of the underground service facilities trench prior to the installation of the telephone and television service facilities; Owner shall give Telephone and TV Companies at least twenty-four (24) hours notice of the time and place of any service trench required.

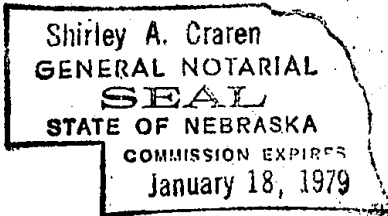
5. It is further understood and agreed that this Easement Deed is not to be interpreted or construed to prevent or restrict the use of the easements herein granted for above ground distribution facilities and equipment where, in the opinion of Telephone and TV Companies above ground facilities and equipment are the most practicable way of providing telephone and television service to the premises or any part thereof.

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6. The rights and easements granted herein shall inure to the benefit of and be binding upon the respective successors and assigns of the parties hereto and the rights and easements granted herein shall be perpetual and shall run with the land constituting the premises and the lots into which the premises are divided. The rights and obligations of Owner shall inure to the benefit of and be binding upon any owner of any lot or larger part of the premises, including the Owner herein, only while he or it owns such lot or larger part of the premises and only to the extent such lot or larger part of the premises is affected by any right and easement granted herein.

IN WITNESS WHEREOF we have executed these presents on this 10th day of July, 1975.



Allen J. Beermann
Owner Tabitha Development Corp.
By: President
Title

THE LINCOLN TELEPHONE AND TELEGRAPH COMPANY

Attest:
By: Robert A. Helversen
Assistant Secretary

By: Houghton Fern
Title: For Vice President Operations

T-V TRANSMISSION INC.

Attest:
By: Robert A. Helversen
Assistant Secretary

By: Houghton Fern
Title: Vice President, TTI

CABLEVISION INVESTORS, INC.

Attest:
By: Mary Origer

By: Ray A. Cone
Title: Manager

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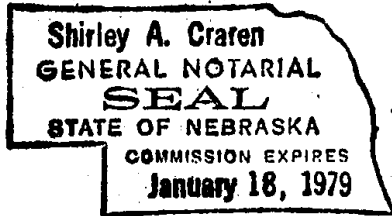
STATE OF NEBRASKA)
COUNTY OF Lancaster) SS

On this 10th day of July, 1975, before me the under-
signed, a Notary Public in and for said County, personally came _____

Allen J. Beermann
President, of Tabitha Development Corporation

_____, a corporation to me personally known to be such
officer and the identical person whose name is affixed to the above easement
deed and acknowledged the execution thereof to be his voluntary act and deed
as such officer and the voluntary act and deed of said corporation and that
the Corporate Seal of said corporation was thereto affixed by its authority.

Witness my hand and Notarial Seal at Lincoln, Nebraska
on the day and year next above written.



Shirley A. Craten
Notary Public

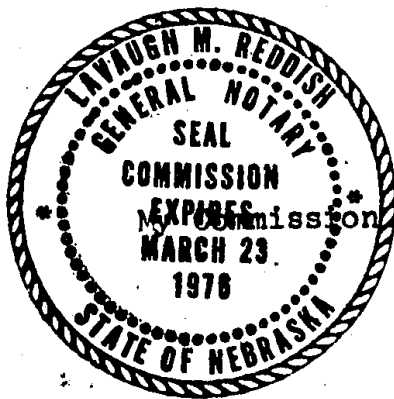
My Commission expires:

STATE OF NEBRASKA)
COUNTY OF LANCASTER) SS

On this 22nd day of April, 1975, before me the under-
signed, a Notary Public in and for said County, personally came _____
Houghton Furr

of THE LINCOLN TELEPHONE AND TELEGRAPH COMPANY, a corporation, to me personally
known to be such officer and the identical person whose name is affixed to the
above easement deed and acknowledged the execution thereof to be his voluntary
act and deed as such officer and the voluntary act and deed of said corporation
and that the Corporate Seal of said corporation was thereto affixed by its
authority.

Witness my hand and Notarial Seal at Lincoln, Nebraska
on the day and year next above written.



Lavagn M. Reddish
Notary Public

Commission expires: March 23, 1976.

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STATE OF NEBRASKA)
COUNTY OF LANCASTER) SS

On this 22nd day of April, 1975, before me the undersigned, a Notary Public in and for said County, personally came Houghton Furr, Vice President of T-V TRANSMISSION INC., a corporation, to me personally known to be such officer and the identical person whose name is affixed to the above easement deed and acknowledged the execution thereof to be his voluntary act and deed of such officer and the voluntary act and deed of said corporation and that the Corporate Seal of said corporation was thereto affixed by its authority.

Witness my hand and Notarial Seal at Lincoln, Nebraska on the day and year above written.

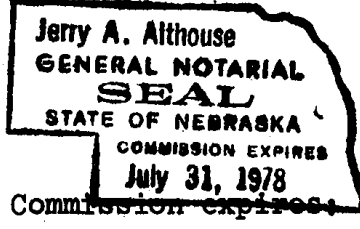


L. Vaughn M. Reddish
Notary Public

STATE OF NEBRASKA)
COUNTY OF LANCASTER) SS

On this 7th day of August, 1975, before me the undersigned, a Notary Public in and for said County, personally came Mr. Tom Stone, General Manager of CABLEVISION INVESTORS, INC., a corporation, to me personally known to be such officer and the identical person whose name is affixed to the above easement deed and acknowledged the execution thereof to be his voluntary act and deed as such officer and the voluntary act and deed of said corporation and that the Corporate Seal of said corporation was thereto affixed by its authority.

Witness my hand and Notarial Seal at Lincoln, Nebraska on the day and year next above written.



Jerry A. Althouse
Notary Public

My Commission expires July 31, 1978

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LANCASTER COUNTY NEBR
REGISTER OF DEEDS
1975 AUG 28 PM 1:27
ENTERED ON
NUMERICAL INDEX
FILED FOR RECORD AS:
INST. NO. 75-13971

#20-25

L. J. Z
Chief Engineer
1440 "M" 68508