

35-16-11
36-16-11
2-15-11

PROJECT: Papillion Creek and Tributaries Lakes, Nebraska

CONTRACT NO.: DACW-45-73-C-0044

SUBORDINATION OF EASEMENT

This Indenture, made this 26 day of November, 1974, by and between the Omaha Public Power District, hereinafter called the Grantor, a corporation organized and existing under the laws of the State of Nebraska, with its principal place of business in Omaha, Nebraska, and the United States of America, hereinafter called the Government;

Whereas, the Government has, under authority of Public Law 90-483, 90th Congress, approved 13 August 1968, undertaken the development of a flood control project known as Papillion Creek and Tributaries Lakes Project, hereinafter called the Project; and

Whereas, the Grantor is the owner of a certain grant of easement by deed for a 345 KV Transmission Line across the North Half of the North Half of Northeast Quarter (N1/2, NE1/4) of Section 35, Township 16 North, Range 11, and has certain statutory easements of rights-of-way within the project area to erect poles and string wires thereon and/or bury cables therein, over, and along the public highway right-of-way within the North 100 feet of the Northeast Quarter of the Northwest Quarter of the Northeast Quarter (NE1/4, NW1/4) and the Northwest Quarter of the Northeast Quarter of the Northeast Quarter (NW1/4, NE1/4) of Section 35, Township 16 North, Range 11, and within the West 100 feet of the Southwest Quarter of the Northwest Quarter of the Northwest Quarter of the Southwest Quarter (SW1/4, NW1/4, SW1/4) and the Northwest Quarter of the Southwest Quarter of the Southwest Quarter (SW1/4, SW1/4) and the Northwest Quarter of the Southwest Quarter of the Southwest Quarter (SW1/4, SW1/4) of Section 36, Township 16 North, Range 11 and the North 100 feet of the North Half of the North Half of the Northwest Quarter of the Northeast Quarter of the Northeast Quarter (N1/2, NW1/4, NE1/4) of Section 3, Township 15 North, Range 11, all East of the Sixth Principal Meridian, Douglas County, Nebraska.

Whereas, it is necessary in the construction, completion and enjoyment of the Government of said Project, that flowage rights be acquired by the Government over the land in, on and across which Grantor has said right to erect poles and string wires and/or bury cables;

Now, Therefore, in consideration of the sum of One Dollar (\$1.00), in hand paid, and other further valuable consideration as set forth in Contract No. DACW-45-73-C-0044, the Grantor does hereby subordinate its rights in said land herein described and set forth to the perpetual and permanent right of the Government and its assigns to intermittently and occasionally flood said land to an elevation of 1121.0 feet mean sea level.

The easement holder shall not be responsible or liable for injuries to persons or damage to property when such injuries or damage are caused by or result from the Government's use of the easement premises under the terms of this agreement and are not due to the act or negligence of the easement holder.

To have and to hold the rights and easements herein granted to the Government and its assigns forever, for the purposes aforesaid.

In Witness Whereof, the said corporation has caused these presents to be executed in its name and on its behalf and its corporate seal to be affixed on the day and year last above written.

OMAHA PUBLIC POWER DISTRICT

By Ralph Shaw
General Manager

Attest: [Signature]
Secretary



C. & B. ENGR. [Signature]
DATE 11-11-74
TRANS. ENGR. [Signature]
DATE 11-11-74

Seal

ENGR. DEPT. [Signature] LEGAL DEPT. [Signature] ACCT. DEPT. [Signature]
DATE 11-11-74 DATE 11-11-74 DATE 11-11-74

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Whereas, it is necessary in the construction, completion and enjoyment of the Government of said Project, that flowage rights be acquired by the Government over the land in, on and across which Grantor has said right to erect poles and string wires and/or bury cables;

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In Witness Whereof, the said corporation has caused these presents to be executed in its name and on its behalf and its corporate seal to be affixed on the day and year last above written.

OMAHA PUBLIC POWER DISTRICT
By Ralph Skau
General Manager

C. & A. ENGR. [Signature]
DATE 11-11-74
YEARS ENGR. [Signature]
DATE 11-11-74

Attest: [Signature]
Secretary

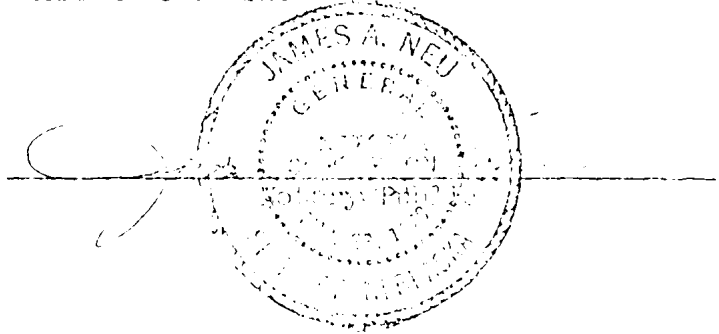
Seal.

MAN. DEPT. [Signature] DATE 11-11-74
LEGAL DEPT. [Signature] DATE 11-18-74
AGRY. DEPT. [Signature] DATE 11-11-74

STATE OF NEBRASKA)
)
COUNTY OF DOUGLAS) SS

On this 26 day of November, 19 74, before me, the undersigned Notary Public, personally appeared Ralph W. Shaw, known to me to be the General Manager ~~XXXXXXXXXX~~, and C. C. Draney, known to me to be the Ass't. Secretary of the corporation executing the above and foregoing instrument, and they, and each of them, acknowledged to me that they executed the same, for and on behalf of, and as the free act and deed of said corporation, and they and each of them being duly authorized so to do.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal at Omaha, in the County of Douglas, State of Nebraska, the day and year last hereinabove written.



My Commission Expires:

August 28, 1978

29. ENTERED IN NUMERICAL INDEX AND RECORDED IN THE REGISTER OF DEEDS OFFICE IN DOUGLAS COUNTY, NEBRASKA
27 DAY OF Nov. 19 74 AT 4:11 P. M. C. HAROLD OSTLER, REGISTER OF DEEDS 6.75