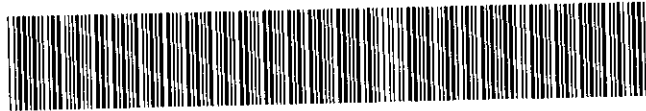




MISC 2004113544



AUG 26 2004 09:18 P 2

Received - RICHARD TAKECHI
Register of Deeds, Douglas County, NE
8/26/2004 09:18:55.94



2004113544

Joint
August 3, 2004

F *Misc*
Doc.# 1100 OC 43941
2 FEE 11 FB 01-60000
2 BKP 6.14.11 C/O _____ COMP _____
DEL _____ SCAN _____
Owner(s) _____

JOINT UTILITY EASEMENT

Whitehawk Development LLC
of the real estate described as follows, and hereafter referred to as "Grantor",

Lots 555, 556, 557, 558, 559, and 560 of Whitehawk, 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, 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:

A strip of land of Twenty-three (23) feet in width in the location as shown on Exhibit "A" on the reverse side hereof.

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.

IN WITNESS WHEREOF, the Owner(s) have executed this instrument this 18th day of August, 2004.

OWNERS SIGNATURE(S)

RETURN TO:
OMAHA PUBLIC POWER DISTRICT
% Right of Way 6W/EP1
444 South 16th Street Mall
Omaha, NE 68102-2247

COMPANY ACKNOWLEDGMENT

INDIVIDUAL ACKNOWLEDGMENT

STATE OF Nebraska

STATE OF _____

COUNTY OF Douglas

COUNTY OF _____

On this 18th day of August, 2004, before me the undersigned, a Notary Public in and for said County, personally came John C. Allen, Manager of Whitehawk Development LLC

On this _____ day of _____, 2004, 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) 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.

_____ 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.

Witness my hand and Notarial Seal the date above written.


NOTARY PUBLIC

NOTARY PUBLIC



Exhibit "A"

**NOTARIAL SEAL
REGISTER OF DEEDS**

