

NEBRASKA

66-911

Easement; document that creates; contents.

Any deed, will, or other instrument that creates a solar skyspace easement or wind energy easement shall include, but the contents are not limited to:

(1) A description of the real property subject to the solar skyspace easement or wind energy easement and a description of the real property benefiting from the easement;

(2) A description of (a) the vertical and horizontal angles, expressed in degrees and measured from the site of the solar energy system, at which the solar skyspace easement extends over the real property subject to the solar skyspace easement, (b) the dimensions of the wind energy easement sufficient to determine the horizontal space across and the vertical space above the burdened property that must remain unobstructed, or (c) any other description which defines the three-dimensional space or the place and times of day in which an obstruction to solar energy or wind energy is prohibited or limited;

(3) Any terms or conditions under which the easement is granted or may be terminated;

(4) Any provisions for compensation of the owner of the real property benefiting from the easement in the event of interference with the enjoyment of the easement or compensation of the owner of the real property subject to the easement for maintaining the easement; and

(5) Any other provisions necessary or desirable to effect the purpose of the instrument.

66-911.01

Solar energy system; wind energy conversion system; wind measuring equipment; leases; requirements.

An instrument creating a lease or an option

to lease real property or the vertical space above real property for a solar energy system or for a wind energy conversion system shall be created in writing and shall be filed, duly recorded, and indexed in the office of the register of deeds of the county in which the real property subject to the easement is located. An instrument creating a lease or an option to lease real property or the vertical space above real property for wind measuring equipment may be created in writing and may be filed, duly recorded, and indexed in the office of the register of deeds of the county in which the real property subject to the easement is located. Such lease or lease option document shall include, but the contents are not limited to:

- (1) The names of the parties;
- (2) A legal description of the real property involved;
- (3) The nature of the interest created;
- (4) The consideration paid for the transfer; and
- (5) The terms or conditions, if any, under which the interest may be revised or terminated.

Source:

Laws 1997, LB 140, § 8.