

EXHIBIT B-3

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT made and entered into this 27th day of April, 1974, by and among GORDON P. BAKKEN and MARILYN J. BAKKEN, husband and wife, hereinafter collectively referred to as the "Bakkens"; PAMIDA, INC., a Nebraska corporation, hereinafter referred to as "Pamida"; DONALD H. LARSON, single, hereinafter referred to as "Larson".

WITNESS:

WHEREAS, the Bakkens are the owners in fee simple of the real estate described in Exhibit "A" attached hereto (the "Bakken land"); and

WHEREAS, Pamida is the tenant of the Bakkens under a Lease dated June 1, 1973; and

WHEREAS, Larson is the owner in fee simple of the real estate described in Exhibit "B" attached hereto (the "Larson land"); and

WHEREAS Larson desires to construct a private sewer from his property to the sewer main line located on the Bakken land.

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter contained, the parties hereto do hereby agree as follows:

1. Bakkens and Pamida hereby grant unto Larson and all present and future tenants, licensees and occupants of the Larson land or any portion thereof, a permanent easement for the consideration of One Dollar (\$1.00), to construct and maintain a six (6) inch sanitary sewer located on the following described property:

A ten (10) foot strip of ground along and immediately adjacent to Nebraska Department of Roads right of way, said 10 foot wide strip of land being at a point on the N.D.R. right of way and located 247.0 feet North and 50.0 feet West of the East corner of Section Seventeen (17), Township Eight (8) North, Range Fourteen (14) East of the 6th P.M., in Otoe County, Nebraska, and running southerly along and adjacent to the said N.D.R. right of way to the South line of the Southeast Quarter of the Northeast Quarter of said Section Seventeen (17).

2. Larson hereby delivers to Bakken and Pamida the consideration of One Dollar (\$1.00), receipt of which is hereby acknowledged, and Larson agrees to proceed with the construction of said sewer as expediently as possible and to bury, cover and return the property to its present condition as soon as possible after construction is completed.

3. The easement hereby granted and the agreements herein contained shall be an easement and covenant running with the land and shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns, including but not limited to all subsequent owners of the Bakken land and the Larson land and all persons claiming by, through or under them.

4. It is agreed by and between the parties hereto that all rights and obligations afforded the City of Nebraska

City, Otoe County, Nebraska, under its ordinances by virtue of the fact that the sewage transported in said line will be placed in the City's sewer system shall be honored and in no way inhibited by the parties hereto.

IN WITNESS WHEREOF, the parties have hereunto executed this Easement Agreement the day and year first above written.

Gordon P. Bakken  
Gordon P. Bakken

Marilyn J. Bakken  
Marilyn J. Bakken

Attest:

PAMIDA, INC., a Nebraska corporation

T. E. Ciermak  
Assistant Secretary

BY L. E. Wickert  
President

Donald H. Larson  
Donald H. Larson

STATE OF Nebraska

COUNTY OF Lincoln, ss:

Now on this 17<sup>th</sup> day of May, 1974, before me, the undersigned, a notary public duly commissioned and qualified for the State of Nebraska, personally appeared Gordon P. Bakken and Marilyn J. Bakken, husband and wife, to me known to be the identical persons who executed the foregoing Easement Agreement, and they acknowledged the same to be their voluntary act and deed.

Witness my hand and seal the day and year last above written.

( Mary K. Leighton )  
( General Notary )  
( State of Nebraska ) Mary K. Leighton  
( My Commission Expires ) Notary Public  
( January 11, 1978 )

STATE OF Nebraska

COUNTY OF Douglas, ss:

Now on this 27<sup>th</sup> day of April, 1974, before me, the undersigned, a notary public duly commissioned and qualified for the State of Nebraska, personally appeared L. E. Wickert and T. E. Ciermak, to me known to be the President and Assistant Secretary, respectively, of Pamida, Inc., a Nebraska corporation, and the identical persons who executed the foregoing Easement Agreement on behalf of said corporation; and they acknowledged the same to be their voluntary act and deed and the voluntary act and deed of said corporation.

Witness my hand and seal the day and year last above written.

( Mary K. Leighton )  
( General Notary )  
( State of Nebraska ) Mary K. Leighton  
( My Commission Expires ) Notary Public  
( January 11, 1978 )

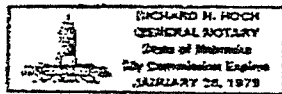
COUNTY OF OTOE, ss:

Now on this 7<sup>th</sup> day of May, 1974, before me, the undersigned, a notary public duly commissioned and qualified

(3)

for the State of Nebraska, personally appeared Donald H. Larson, single, to me known to be the identical person who executed the foregoing Easement Agreement; and he acknowledged the same to be his voluntary act and deed.

Witness my hand and seal the day and year last above written.



*Richard H. Hoch*  
Notary Public

EXHIBIT "A"

That part of the Southeast Quarter of the Northeast Quarter of Section Seventeen (17), Township Eight (8), North, Range Fourteen (14), East of the 6th Principal Meridian, in Otoe County, Nebraska, being located in the South side annexation to the City of Nebraska City and described as follows: Beginning at a point 2,635.8 feet North of the Southeast corner of said Section Seventeen (17), said point being 8.3 feet North of the East quarter corner of said Section Seventeen (17); thence North along the section line between Sections Sixteen (15) and Seventeen (17) a distance of 449.5 feet; thence North  $88^{\circ}37'$  West a distance of 448.0 feet; thence South a distance of 60.0 feet; thence North  $88^{\circ}37'$  West a distance of 214.0 feet; thence South a distance of 389.5 feet; thence South  $28^{\circ}37'$  East a distance of 662.0 feet to the point of beginning; EXCEPT those portions thereof constituting highway right-of-way and EXCEPT that portion thereof described as follows: Beginning at a point 457.8 feet North and 50.0 feet West of the East quarter corner of Section Seventeen (17), Township Eight (8) North, Range Fourteen (14), East of the 6th Principal Meridian, in Otoe County, Nebraska; thence North  $88^{\circ}37'$  West a distance of 398.0 feet; thence South a distance of 60.0 feet; thence North  $88^{\circ}37'$  West a distance of 214.0 feet; thence South a distance of 164.5 feet; thence South  $89^{\circ}55'$  East a distance of 75.0 feet to the Northwest corner of the existing Gibson's Discount Center store building; thence South  $89^{\circ}55'$  East along the North wall of said Gibson's Discount Center store building a distance of 180.0 feet to the Northeast corner of said Gibson's Discount Center store building; thence South  $89^{\circ}56'$  East a distance of 357.0 feet; more or less, to the west right-of-way line of U. S. Highway 75; thence North along said right-of-way line a distance of 210.8 feet, more or less, to the point of beginning.

EXHIBIT "B"

Beginning at a point 457.8 feet North and 50.0 feet West of the East quarter corner of Section 17, Township 8 North, Range 14, East of the 6th P.M., in Otoe County, Nebraska; thence N. 88°37'W. a distance of 398.0 feet; thence South a distance of 60.0 feet; thence N. 88°37'W. a distance of 214.0 feet; thence South a distance of 164.5 feet; thence S. 89°56'E. a distance of 75.0 feet to the Northwest corner of the existing Gibson's Discount Center store building; thence S. 89°56'E. along the North wall of said Gibson's Discount Center store building a distance of 180.0 feet to the Northeast corner of said Gibson's Discount Center store building; thence S. 89°56'E. a distance of 357.0 feet, more or less, to the west right-of-way line of U. S. Highway 75; thence North along said right-of-way line a distance of 210.8 feet, more or less, to the point of beginning, all now a part of South Side Annexation to the City of Nebraska City, Otoe County, Nebraska.

No. 713.  
THE STATE OF NEBRASKA } ss.  
OTOE COUNTY }  
Entered in Numerical Index and filed  
for record in the Register of Deeds  
Office, of said County, this 20th  
day of May 19 74  
at 2 o'clock and 0 minutes  
P.M., and recorded in book 37  
of Miscellaneous  
page 277  
1/20/74 B. J. G. E. J.  
Register of Deeds  
Fee: \$15.25

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INDEXED  
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