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STATE OF NEBRASKA COUNTY OF WASHINGTON) 88  
ENTERED IN NUMERICAL INDEX AND FILED FOR RECORD  
THIS 3rd DAY OF November A.D. 2004  
AT 10:18 O'CLOCK P. M. AND RECORDED IN BOOK  
450 AT PAGE 474-478  
COUNTY CLERK Charlotte L. Petersen  
DEPUTY James Madson

SEARCHED \_\_\_\_\_  
SERIALIZED \_\_\_\_\_  
INDEXED \_\_\_\_\_  
FILED \_\_\_\_\_

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04 NOV -3 AM 10:18

CHARLOTTE L. PETERSEN  
WASHINGTON COUNTY, CLERK  
BLAIR, NEBR.

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT is entered into this 1st day of November 2004 by and between BRUCE G. SCHMIDT and BRENDA L. SCHMIDT, whose mailing address is 25421 County Road 30, Arlington, Nebraska 68002, hereinafter referred to as "Grantors", and River Wander, LLC, hereinafter referred to as "Grantee".

RECITALS:

- A. Grantee is the owner of tracts of real estate which are more particularly described on Exhibits "A" and "B" attached hereto;
- B. In order to enable Grantee, its heirs, successors, assigns, guests and invitees to have access to the property described on Exhibits "A" and "B", Grantors have agreed to provide an easement across property owned by Grantors, which easement is more particularly described on Exhibit "C" attached hereto; and

NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING and the mutual covenants of the parties contained herein, and for \$1.00 and other good and valuable consideration, the receipt and sufficiency of which is acknowledged by Grantees, it is agreed:

- 1. The foregoing Recitals are incorporated into this Easement Agreement by reference.
- 2. Grantors do hereby grant a permanent and perpetual non-exclusive easement to Grantee and Grantee's heirs, successors, assigns and lawful visitors, over, upon, and through the property described on Exhibit "C" for purposes of ingress, egress and regress purposes for the benefit of the property described on Exhibits "A" and "B". This Easement includes, but is not necessarily limited to, the use by Grantees, their heirs, successors, assigns and lawful visitors to utilize the easement property with any form of vehicles, machinery or other modes of transportation and for any other purposes for which the easement property may be used and enjoyed from time in a manner consistent with this Agreement.
- 3. This Easement creates absolutely no right in favor of the Grantee to erect any form of improvement on the Grantors' property nor to utilize the Grantors' property for any purpose other than to obtain access to the property described on Exhibits "A" and "B". However, Grantee shall be allowed to construct an easement road at the sole cost of Grantee which shall be maintained exclusively by Grantee and, further, subject to the same use by Grantor and Grantor's heirs, successors, assigns and lawful visitors. Any such road shall be

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constructed in a manner so as to maintain the integrity of the ditch which runs along the road and to allow drainage in a manner equal to or greater than the current drainage capacity of the ditch. Grantee agrees to indemnify and hold Grantors, and Grantors' heirs, successors and assigns, harmless from any and all liability or claims which may arise of any nature in connection with the Grantees' use of Grantors' property, including Grantees' heirs, successors, assigns and visitors.

4. The terms of this Easement Agreement shall be binding upon and run in favor of the successors, assigns and heirs of all parties to this Agreement.

Bruce G. Schmidt  
BRUCE G. SCHMIDT, Grantor

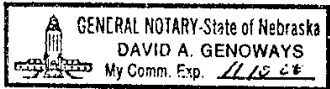
Brenda L. Schmidt  
BRENDA L. SCHMIDT, Grantor

RIVER WANDER, LLC, Grantee

By Mertin Opfer, Pres.  
Mertin Opfer, President

STATE OF NEBRASKA )  
 ) ss  
COUNTY OF DODGE )  
 Washington

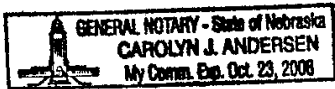
The foregoing was acknowledged before me this 1st day of November, 2004 by BRUCE G. SCHMIDT and BRENDA L. SCHMIDT.



David A. Genoways  
Notary Public

STATE OF NEBRASKA )  
 ) ss  
COUNTY OF DODGE )

The foregoing instrument was acknowledged before me this 26th day of October, 2004, by Mertin Opfer, President of River Wander, LLC, on behalf of the LLC.



Carolyn J. Andersen  
Notary Public

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**BRUCE SCHMIDT RIVER SURVEY**

Legal Description of Parcel from Bruce Schmidt

Meridian Development Services, Inc.

October 20, 2002

PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, AND PART OF TAX LOT 22, LOCATED IN THE WEST HALF OF THE SOUTHEAST QUARTER AND IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, ALL LOCATED IN SECTION 3, TOWNSHIP 17 NORTH, RANGE 9 EAST OF THE SIXTH P.M., WASHINGTON COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 3, THIS ALSO BEING THE NORTHEAST CORNER OF SAID TAX LOT 22, AND ASSUMING THE NORTH LINE OF SAID WEST HALF SOUTHEAST QUARTER TO BEAR S89°44'48"W; THENCE S00°38'00"E ON THE EAST LINE OF SAID WEST HALF SOUTHEAST QUARTER, A DISTANCE OF 2576.02 FEET TO A POINT 115.84 FEET NORTH OF THE SOUTHEAST CORNER OF SAID WEST HALF SOUTHEAST QUARTER, THIS BEING THE TRUE POINT OF BEGINNING; THENCE S89°22'00"W PERPENDICULAR TO SAID WEST LINE, A DISTANCE OF 72.70 FEET; THENCE N61°51'15"W, A DISTANCE OF 861.56 FEET; THENCE N39°07'50"W, A DISTANCE OF 625.88 FEET; THENCE N13°45'32"W, A DISTANCE OF 430.53 FEET TO A POINT ON THE EAST LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 3, SAID POINT BEING 74.07 FEET NORTH OF THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER SOUTHWEST QUARTER; THENCE CONTINUING N13°45'32"W, A DISTANCE OF 428.71 FEET; THENCE N51°47'04"W, A DISTANCE OF 174.03 FEET; THENCE N75°32'44"W, A DISTANCE OF 193.98 FEET; THENCE S85°21'41"W, A DISTANCE OF 909.96 FEET TO A POINT ON THE WEST LINE OF SAID NORTHEAST QUARTER SOUTHWEST QUARTER, SAID POINT BEING 756.03 FEET SOUTH OF THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER SOUTHWEST QUARTER; THENCE S00°36'23"E ON SAID WEST LINE, A DISTANCE OF 567.71 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER SOUTHWEST QUARTER; THENCE CONTINUING S00°36'23"E ON THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 3, A DISTANCE OF 37.68 FEET TO THE CENTERLINE OF THE ELKHORN RIVER AS IT EXISTED ON MAY 22, 1985, AS DESCRIBED AND RECORDED IN DEED RECORD 152, PAGE 158 OF THE WASHINGTON COUNTY RECORDS; THENCE ON SAID CENTERLINE AS FOLLOWS; S72°52'10"E 571.25 FEET, S68°25'06"E 219.14 FEET, S55°21'40"E 399.62 FEET, S50°57'13"E 141.04 FEET, S36°20'24"E 251.07 FEET TO A POINT ON THE WEST LINE OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 3; THENCE S00°38'04"E ON SAID WEST LINE, A DISTANCE OF 81.76 FEET TO THE NORTHWEST CORNER OF TAX LOT 24, THIS CORNER BEING 453.59 FEET NORTH OF THE SOUTHWEST CORNER OF SAID WEST HALF SOUTHEAST QUARTER; THENCE S62°37'13"E ON THE NORTH LINE OF SAID TAX LOT 24, A DISTANCE OF 1010.19 FEET TO A POINT ON THE SOUTH LINE OF SAID WEST HALF SOUTHEAST QUARTER, SAID POINT ALSO BEING THE EASTERLY CORNER OF SAID TAX LOT 24; THENCE S89°17'34"E ON SAID SOUTH LINE, A DISTANCE OF 423.46 FEET TO THE SOUTHEAST CORNER OF SAID WEST HALF SOUTHEAST QUARTER, THIS ALSO BEING THE SOUTHEAST CORNER OF SAID TAX LOT 22; THENCE N00°38'00"W ON THE EAST LINE OF SAID WEST HALF SOUTHEAST QUARTER, A DISTANCE OF 115.84 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 37.35 ACRES, MORE OR LESS.

Exhibit "A"

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CURTIS SCHMIDT RIVER SURVEY

Legal Description of Parcel from Curtis Schmidt

Meridian Development Services, Inc.

December 18, 2002

PART OF TAX LOT 10, LOCATED IN THE WEST HALF OF THE SOUTHWEST QUARTER, OF SECTION 3, TOWNSHIP 17 NORTH, RANGE 9 EAST OF THE SIXTH P.M., WASHINGTON COUNTY, NEBRASKA. AND PART OF TAX LOT 29 AND ALL OF TAX LOT 31, LOCATED IN THE EAST HALF OF SECTION 4, TOWNSHIP 17 NORTH, RANGE 9 EAST OF THE SIXTH P.M., DODGE COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 3, AND ASSUMING THE NORTH LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 3, TO BEAR S89°44'48"W; THENCE S89°44'48"W ON THE NORTH LINE OF THE EAST HALF OF SAID SOUTHWEST QUARTER, A DISTANCE OF 1327.57 FEET TO THE NORTHEAST CORNER OF THE WEST HALF OF SAID SOUTHWEST QUARTER; THENCE S00°36'23"E ON THE EAST LINE OF SAID WEST HALF SOUTHWEST QUARTER, A DISTANCE OF 756.03 FEET TO THE TRUE POINT OF BEGINNING; THENCE S85°21'41"W, A DISTANCE OF 185.82 FEET; THENCE N35°02'51"W, A DISTANCE OF 229.90 FEET; THENCE N55°45'21"W, A DISTANCE OF 640.34 FEET; THENCE N78°21'57"W, A DISTANCE OF 324.96 FEET; THENCE S86°21'28"W, A DISTANCE OF 169.39 FEET TO A POINT ON THE WEST LINE OF SAID WEST HALF SOUTHWEST QUARTER; THENCE N00°34'32"W ON SAID WEST LINE, A DISTANCE OF 161.95 FEET TO THE NORTHWEST CORNER OF SAID WEST HALF SOUTHWEST QUARTER; THENCE N00°34'18"W ON THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 4, A DISTANCE OF 429.00 FEET; THENCE N89°44'49"W, A DISTANCE OF 660.09 FEET TO A POINT ON THE WEST LINE OF SAID TAX LOT 29; THENCE S10°08'55"E ON SAID WEST LINE, A DISTANCE OF 436.12 FEET TO THE SOUTHWEST CORNER OF SAID TAX LOT 29; THENCE S10°08'55"E ON THE WEST LINE SAID TAX LOT 31, A DISTANCE OF 564.34 FEET TO THE SOUTHWEST CORNER OF SAID TAX LOT 31, SAID CORNER BEING ON THE CENTERLINE OF THE ELKHORN RIVER CUT-OFF AS ESTABLISHED BY THE ELKHORN RIVER DRAINAGE DISTRICT; THENCE ON SAID CENTERLINE ON A 2821.84 FOOT RADIUS CURVE TO THE LEFT AN ARC DISTANCE OF 231.05 FEET, THE CHORD OF SAID CURVE BEARS S60°16'07"E 230.98 FEET; THENCE S62°33'33"E ON SAID CENTERLINE, A DISTANCE OF 333.24 FEET TO THE SOUTHWEST CORNER OF SAID TAX LOT 31, SAID CORNER BEING ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3; THENCE S00°34'32"E ON SAID WEST LINE, A DISTANCE OF 479.74 FEET TO THE SOUTHWEST CORNER OF SAID TAX LOT 10, SAID CORNER BEING 11.88 FEET NORTH OF THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 3; THENCE S82°51'27"E ON THE SOUTH LINE OF SAID TAX LOT 10, A DISTANCE OF 350.00 FEET; THENCE N81°38'33"E ON SAID SOUTH LINE, A DISTANCE OF 300.00 FEET; THENCE N65°49'59"E ON SAID SOUTH LINE, A DISTANCE OF 746.37 FEET TO THE SOUTHWEST CORNER OF SAID TAX LOT 10, SAID CORNER BEING ON THE EAST LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 3; THENCE N00°36'23"W ON SAID EAST LINE, A DISTANCE OF 244.89 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 40.19 ACRES, MORE OR LESS.

Exhibit "B"

**BRUCE SCHMIDT EASEMENT**

Legal Description of Easement to Opfer  
Meridian Development Services, Inc.  
August 20, 2004

Part of the Southeast Quarter of Section 3, Township 17 North, Range 9 East of the Sixth P.M., Washington County, Nebraska, being described as follows: Beginning at the Northwest Corner of the East Half of said Southeast Quarter, and assuming the West Line of said East Half to bear S00°38'00"E; thence S00°04'44"W, a distance of 2480.43 feet; thence S23°00'00"W, a distance of 104.34 feet; thence N89°22'00"E, a distance of 74.14 feet; thence N00°04'44"E, a distance of 2306.10 feet to the Southwest Corner of Tax Lot 43; thence N00°36'54"W on the West Line of said Tax Lot 43, a distance of 269.94 feet to the Northwest Corner of said Tax Lot 43; thence S89°39'36"W on the North Line of said East Half, a distance of 30.19 feet to the point of beginning.

Exhibit "C"