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*Carol Givens*  
Carol Givens

Filed:

November 15, 2018 10:17:00 AM

Register of Deeds  
DODGE COUNTY, NE

Fee \$34.00

**ACCESS EASEMENT**

THIS ACCESS EASEMENT is entered into effective as of the 8 day of November, 2018 by and between Joseph C. Costa and Jane Marie Costa, Husband and Wife (collectively, "Grantor") and Vernon F. Vodvarka, Trustee of the Frank E. Vodvarka, Jr. Testamentary Trust ("Grantee"), according to the following terms and conditions.

**RECITALS:**

A. Grantor is the owner of the Northwest Quarter of the Northwest Quarter of Section 16, Township 20, Range 5 East of the 6<sup>th</sup> P.M., Dodge County, Nebraska (the "Grantor's Property").

B. Grantee is the owner of an approximate 30.15 acre tract located immediately east of Grantor's Property and legally described as:

That part of the NE ¼ NW ¼ of Section 16, Township 20 North, Range 5 East, Dodge County, Nebraska, lying North and East of the center line of the abandoned C. and N. W. Railroad, and containing 30.15 acres, more or less, also known as Tax Lot 8.

C. Grantor has agreed to convey a non-exclusive access easement to Grantee according to the terms and conditions set forth herein.

**AGREEMENT:**

NOW, THEREFORE, in consideration of the mutual covenants herein, together with other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Recitals: The foregoing Recitals are incorporated into this Agreement by reference.

2. Grant of Easement: Grantor does hereby grant a permanent and perpetual non-exclusive easement to Grantee and Grantee's respective heirs, successors, assigns, licensees, invitees, guests and lawful visitors over, upon and through the property described on Exhibit A attached hereto (the "Access Easement Area") for purposes of ingress and egress to and from Grantee's Property.

3. Term of Easement - Perpetual: The easement to the Access Easement Area shall be perpetual and shall run with the land.

4. Coordination with Grantor and Grantor's Successors in Interest: Grantee and Grantee's successors in interest shall be responsible for a reasonable and proportionate amount of any reasonable costs incurred by Grantor and Grantor's successors in interest for any maintenance and repair of the Access Easement Area (such as cost, for example, any application of gravel or crushed rock) and shall further indemnify and hold Grantor and Grantor's successors in interest harmless from and against any and all claims or causes of action of any nature whatsoever arising out of the use of the Grantor's Property.

5. Binding Effect: The terms of this Access Easement Agreement shall be binding upon the heirs, successors and assigns of all parties to this Agreement.

Joseph C Costa  
JOSEPH C. COSTA, Grantor

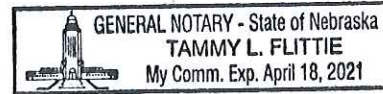
Vernon F. Vodvarka  
VERNON F. VODVARKA, Trustee of the Frank E. Vodvarka, Jr. Testamentary Trust, Grantee

Jane Marie Costa  
JANE MARIE COSTA, Grantor

STATE OF NEBRASKA     )  
  ) ss  
COUNTY OF DODGE     )

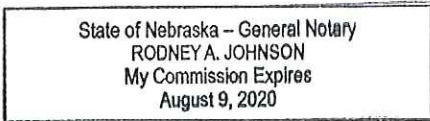
The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of November, 2018 by Joseph C. Costa and Jane Marie Costa, Husband and Wife, Grantor.

T. L. Flittie  
Notary Public



STATE OF NEBRASKA     )  
  ) ss  
COUNTY OF DODGE     )

The foregoing instrument was acknowledged before me this 6 day of November, 2018 by Vernon F. Vodvarka, Trustee of the Frank E. Vodvarka, Jr. Testamentary Trust, Grantee.



[Signature]  
Notary Public

**Costa - Tract 3 Easement Description**

Section 16, Township 20 North, Range 5 East of the Sixth P.M.  
Dodge County, Nebraska

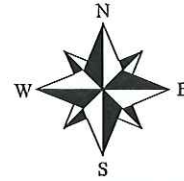
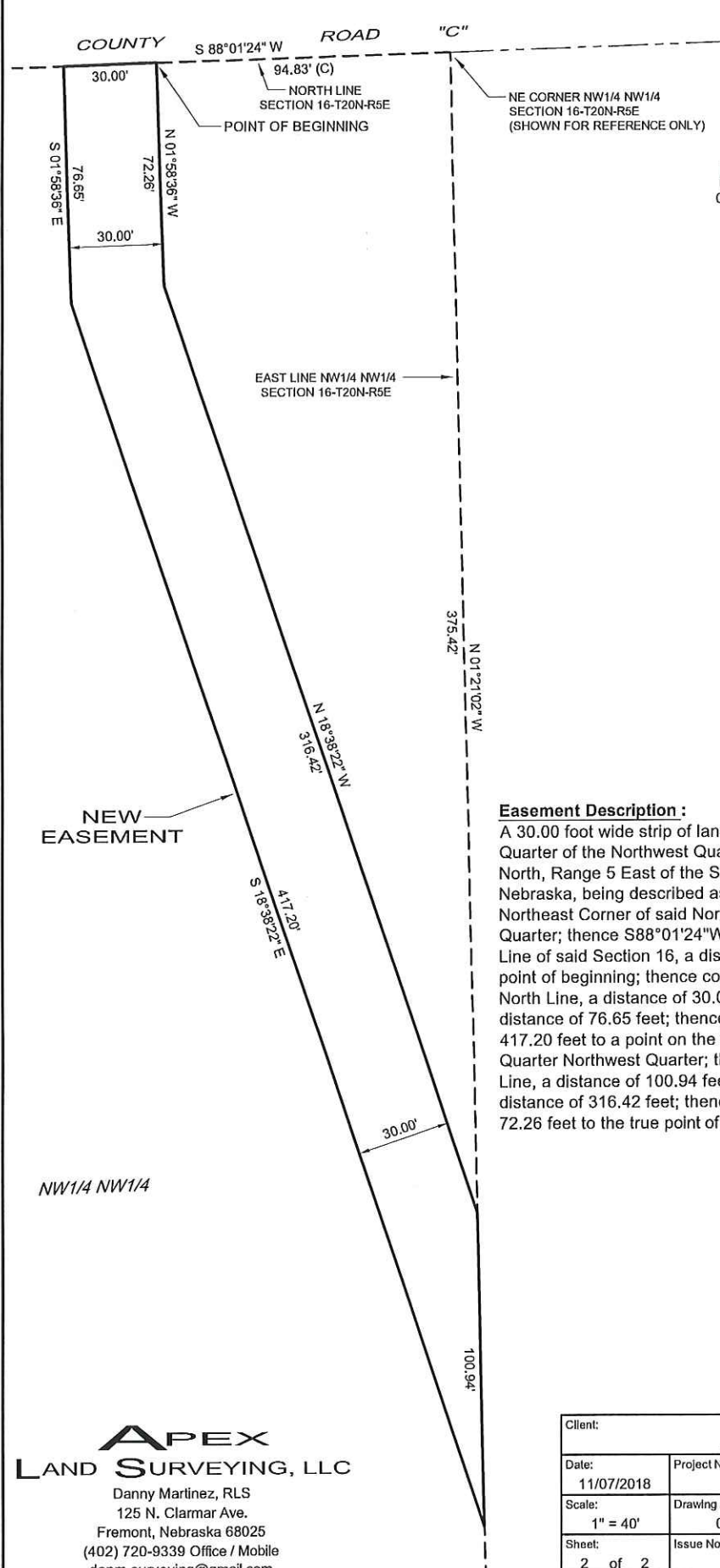
**Easement Description:**

A 30.00 foot wide strip of land located in the Northwest Quarter of the Northwest Quarter of Section 16, Township 20 North, Range 5 East of the Sixth P.M., Dodge County, Nebraska, being described as follows: Commencing at the Northeast Corner of said Northwest Quarter Northwest Quarter; thence S88°01'24"W (Assumed Bearing) on the North Line of said Section 16, a distance of 94.83 feet to the true point of beginning; thence continuing S88°01'24"W on said North Line, a distance of 30.00 feet; thence S01°58'36"E, a distance of 76.65 feet; thence S18°38'22"E, a distance of 417.20 feet to a point on the East Line of said Northwest Quarter Northwest Quarter; thence N01°21'02"W on said East Line, a distance of 100.94 feet; thence N18°38'22"W, a distance of 316.42 feet; thence N01°58'36"W, a distance of 72.26 feet to the true point of beginning.



# EASEMENT DETAIL

PART OF THE NW1/4 OF THE NW1/4, OF SECTION 16, T20N, R5E  
OF THE 6TH P.M., DODGE COUNTY, NEBRASKA



SCALE: 1" = 40'

**Easement Description :**

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**LEGEND:**

- (C) COMPUTED DISTANCE
- (M) MEASURED DISTANCE
- (R) RECORD DISTANCE

1. ALL BEARINGS ARE ASSUMED.

**APEX**  
LAND SURVEYING, LLC

Danny Martinez, RLS  
125 N. Clarmar Ave.  
Fremont, Nebraska 68025  
(402) 720-9339 Office / Mobile  
danm.surveying@gmail.com

Client:		Joseph Costa	
Date:	11/07/2018	Project No.:	136-2018
Scale:	1" = 40'	Drawing File:	05-162005-Costa-EasementDetail
Sheet:	2 of 2	Issue No.:	1