

GRANT OF EASEMENT

1980 JAN - 7 AM 9:28
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This Grant of Easement is given by Mary M. Lehn, a single person, Douglas County, Nebraska ("Grantor") to Willard J. Smidt and Karen A. Smidt, husband and wife, as joint tenants (hereinafter called "Grantee").

WITNESSETH:

Whereas, Grantor is the owner of Parcel A and Parcel B described on the attached Exhibit "A"; and

Whereas, Grantor and Grantee have entered into a certain Land Contract wherein and whereby Grantor has agreed to sell and convey the said real estate to Grantee, and Grantee has agreed to purchase said real estate, under the terms, conditions and provisions therein set forth; and

Whereas, Grantor has agreed to grant an easement to Grantee over, across and upon the existing EastWest roadway (from North River Drive to the Missouri River) which transverses said real estate.

Now, therefore, in consideration of the premises and One (\$1.00) Dollar and other valuable consideration, the receipt and sufficiency whereof is hereby acknowledged:

1. Grantor hereby grants to Grantee, their successors and assigns, a perpetual easement for roadway purposes for ingress and egress from the North River Road, which is the westerly boundary line of Parcel B, to the Missouri River over, upon, through, and across a strip of land ten (10) feet on either side of a centerline, as more particularly shown on the attached survey which is attached Exhibit "B" and by this reference incorporated herein.

2. The easement grant shall be exclusive to the Grantee, so long as the rights of the Grantee under the aforementioned Land Contract have not been foreclosed by final judicial decree or the rights of the Grantee terminated with respect to the undeeded portion of Parcel A and Parcel B by a deed in lieu of foreclosure of said Land Contract.

3. In event that final decree of foreclosure is entered or the property described in Exhibit "A" is conveyed to Grantor in lieu of foreclosure, this easement grant shall become nonexclusive and shall be for the additional benefit of the Grantor and her heirs, successors and assigns or for the benefit of any purchaser at a foreclosure sale under said Land Contract in order to provide access to portions of the property described in Exhibit "A" not needed by Grantor, her successors and assigns, to Grantee; however, the nonexclusive easement shall be limited to access by automobiles, pedestrian traffic, recreational vehicles and such other noncommercial traffic as normally serves a recreational-residential subdivision.

4. All provisions of this instrument, including the benefits and burdens, run with the land and are binding upon and enure to the heirs, assigns, successors, tenants and personal representatives of the parties hereto.

5. This instrument shall be delivered by Grantor to First American Title Insurance Company, trustee, to be delivered to Grantee at such time as Grantee becomes entitled to the first conveyance of any portion of the real estate described on Exhibit "A" pursuant to provisions contained therein for partial deeds of conveyance.

Recorded _____
General _____
Numerical _____
Photostat _____

STATE OF NEBRASKA, COUNTY OF WASHINGTON SS 42
FILED FOR RECORD
TH 7th January A.D. 1980
AUG 29
BOOK 126 PAGE 435-436
COUNTY CLERK Charlotte Helmer
DEPUTY Beverly Warden

435

EXHIBIT "A"

TRACT "A"

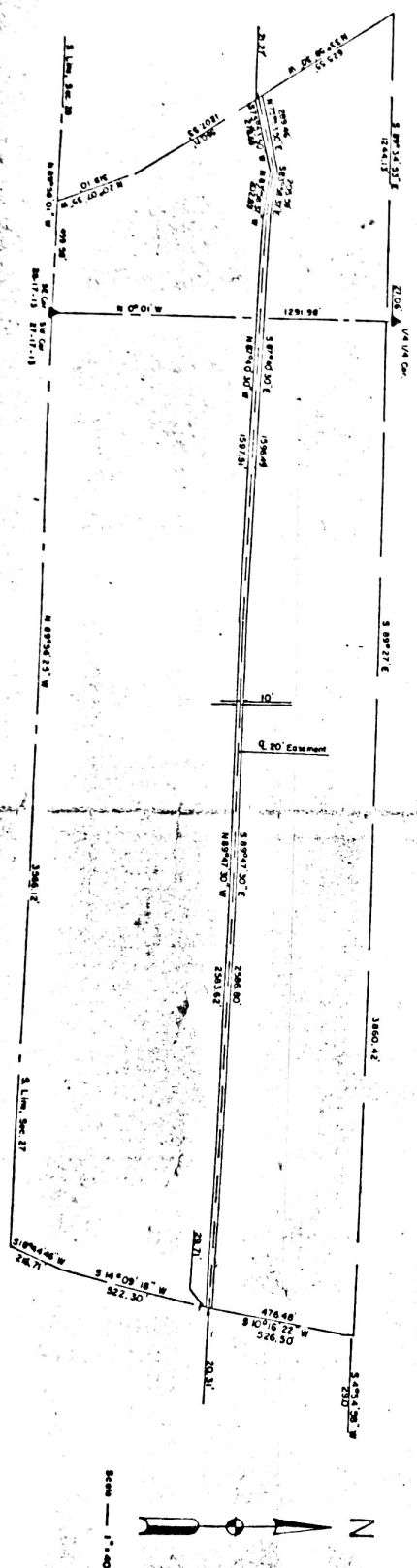
Beginning at the SW corner of Section 27, T 17 N, R 13 E, and assuming the West line of the SW 1/4 SW 1/4 of said section to bear N 0°01'W, thence S 89°56'30"E along the South line of said section a distance of 3566.12 feet to a point on the right bank of the design channel of the Missouri River; thence along said right bank as follows:

N 18°44'46"E	216.71 feet;
N 14°09'18"E	522.30 feet;
N 10°16'22"E	526.50 feet;
N 04°54'58"E	29.00 feet; thence N89°27'00"W

a distance of 3860.42 feet to a point on the West line of the SW 1/4 SW 1/4 of Section 27, 27.06 feet South of the NW corner of said 1/4 - 1/4; thence S 0°01'E on said West line a distance of 1291.98 feet to the point of beginning; lying in the S 1/2 SW 1/4 and the SW 1/4 SE 1/4 of Section 27, Township 17 North, Range 13 East of the 6th P.M., Washington County, Nebraska, and containing 109.35 acres, more or less.

TRACT "B"

Beginning at the SE corner of Section 28, T 17 N, R 13 E, and assuming the East line of the SE 1/4 SE 1/4 of Section 28 to bear N 0°01'W, thence N 0°01'W on said East line a distance of 1291.98 feet to a point 27.06 feet South of the 1/4 - 1/4 corner North of said SE corner; thence N 89°34'53"W a distance of 1244.13 feet to a point on the centerline of a county road; thence S 33°59'30"E on said centerline a distance of 1207.53 feet; thence continuing on said centerline S 20°07'35"E a distance of 319.10 feet to a point on the South line of Section 28; thence S 89°58'01"E on said South line a distance of 459.58 feet to the point of beginning; lying in the SE 1/4 SE 1/4 of Section 28, Township 17 North, Range 13 East of the 6th P.M., Washington County, Nebraska, and containing 24.25 acres, more or less, including 1.16 acres lying within the county road R.O.W.



LEGAL DESCRIPTION:

FROM THE SOUTHEAST CORNER OF SECTION 28, T 17 N, R 13 E, AND ASCENDING THE SOUTH LINE OF THE S½ OF SECTION 28 TO BEAR N 89°58'01"W, THENCE N 89°58'01"W OR SAID SOUTH LINE A DISTANCE OF 459.58 FEET TO A POINT ON THE CENTERLINE OF A COUNTY ROAD; THENCE N 20°07'35"W ON SAID CENTERLINE A DISTANCE OF 319.10 FEET; THENCE CONTINUING ON SAID CENTERLINE N 33°59'30"W A DISTANCE OF 560.71 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N 33°59'30"W ON SAID CENTERLINE A DISTANCE OF 21.27 FEET; THENCE N 75°53'50"E A DISTANCE OF 289.46 FEET; THENCE S 83°58'37"E A DISTANCE OF 205.59 FEET; THENCE S 87°40'30"E A DISTANCE OF 1596.49 FEET; THENCE S 89°47'30"E A DISTANCE OF 2586.80 FEET; THENCE S 10°16'22"W A DISTANCE OF 20.31 FEET; THENCE N 89°47'30"W A DISTANCE OF 2583.62 FEET; THENCE N 87°40'30"W A DISTANCE OF 1597.51 FEET; THENCE N 83°58'37"W A DISTANCE OF 202.69 FEET; THENCE S 75°53'50"W A DISTANCE OF 278.68 FEET TO THE POINT OF BEGINNING; LYING IN THE S½ S½ OF SECTION 28 AND IN THE S½ S½ OF SECTION 27, ALL IN TOWNSHIP 17 NORTH, RANGE 13 EAST OF THE 6th P.M., WASHINGTON COUNTY, NEBRASKA.

436A

EXHIBIT "A"

TRACT "A"

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a distance of 3860.42 feet to a point on the West line of the SW 1/4 SW 1/4 of Section 27, 27.06 feet South of the NW corner of said 1/4 - 1/4; thence S 0°01'E on said West line a distance of 1291.98 feet to the point of beginning; lying in the S 1/2 SW 1/4 and the SW 1/4 SE 1/4 of Section 27, Township 17 North, Range 13 East of the 6th P.M., Washington County, Nebraska, and containing 109.35 acres, more or less.

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