

FILED
CASS COUNTY, NE.

2018 JUL 30 AM 10: 10

BK 143 OF 66 PG 996

David Jordan
REGISTER OF DEEDS
#3474 \$46²

7pg

After recording, return to:

Andrew M. Collins
Erickson | Sederstrom, P.C.
10330 Regency Parkway Drive, Suite 100
Omaha, NE 68114

ACCESS EASEMENT AGREEMENT

THIS ACCESS EASEMENT AGREEMENT (this "Agreement") is entered into effective as of June 28, 2018, by and between **MICHAEL J. BENKER AND DANELLE BENKER**, husband and wife (collectively, "Grantor"), and **HOLCO, LLC**, a Nebraska limited liability company ("Grantee").

WHEREAS, Grantor owns the parcel of real property located in Cass County, Nebraska and legally described on Exhibit "A," attached hereto and incorporated herein by this reference (the "Grantor Parcel");

WHEREAS, Grantee owns the parcel of real property located in Cass County, Nebraska and legally described on Exhibit "B," attached hereto and incorporated herein by reference (the "Grantee Parcel"); and

WHEREAS, Grantor and Grantee desire to provide for Grantee a right of access over and across a portion of the Grantor Parcel legally described on Exhibit "C," attached hereto and incorporated herein by this reference (the "Easement Area"), for purposes of ingress and egress to and from the Grantee Parcel.

NOW THEREFORE, in consideration of the sum of One Dollar (\$1.00), the mutual covenants and agreements set forth below together with the foregoing recitals, which are made a contractual part hereof, the parties hereby agree as follows:

1. **Grant of Easement.** Grantor hereby grants to Grantee, for the benefit of Grantee and Grantee's successors, transferees, assigns, employees, agents and invitees and for the benefit of the Grantee Parcel, a permanent non-exclusive appurtenant easement for the purposes of access to and ingress and egress by vehicular and pedestrian traffic over and across the Easement Area (the "Easement").

2. **Maintenance.** Grantor shall be solely responsible for performing all maintenance and repairs necessary to keep the Easement Area in good condition and repair at all times and to keep the same in a neat and safe condition free of accumulated paper, debris, and other refuse. Grantor shall perform all necessary repairs and maintenance in such a way as to minimize disruption to the Grantee Parcel and Easement Area and Grantee's operations thereon. Grantor shall ensure any improvements in or near the Easement Area do not impede ingress or egress to the Grantee Parcel by farming implements, including a combine with a 25' head.

3. **Run with the Land.** The Easement hereby reserved and granted and the covenants and agreements contained in this Agreement shall be perpetual and shall be deemed appurtenant to and running with the land, inuring to the benefit of, and binding upon, the parties hereto and their respective heirs, successors and assigns, including, without limitation, all such current and future owners of the Grantor Parcel and Grantee Parcel. Nothing contained herein shall be deemed to have granted or dedicated a public right-of-way for any general or specific use of the Easement by the public at large.

4. **Counterparts.** This Agreement may be executed in any number of counterparts and all such counterparts shall, for all purposes, constitute one agreement binding on all the parties hereto notwithstanding that all parties are not signatories to the same counterpart, provided that each party has signed at least one counterpart.

5. **Entire Agreement.** This Agreement contains the entire understanding of the parties hereto with respect to the subject matter hereof. This Agreement shall not be modified except by a written instrument signed by the party against whom enforcement is sought.

[SEPARATE SIGNATURE PAGE(S) TO FOLLOW]

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date and year first above written.

GRANTOR:

MICHAEL J. BENKER AND DANELLE BENKER,
husband and wife,

Michael J. Benker

Michael J. Benker

Danelle Benker

Danelle Benker

GRANTEE:

HOLCO, LLC, a Nebraska limited liability
company,

Ronald R. Hollins

By: Ronald R. Hollins, MD, Member

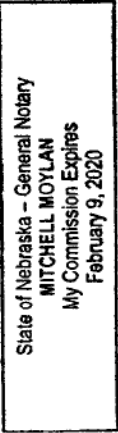
Susan C. Hollins

By: Susan C. Hollins, Member

STATE OF NEBRASKA)
)ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 22 day of June, 2018, by Michael J. Benker and Danelle Benker, husband and wife.

WITNESS my hand and Notarial Seal this 22 day of June, 2018.

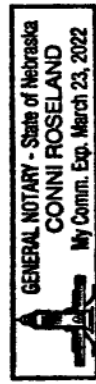


[Signature]
Notary Public

STATE OF NEBRASKA)
)ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 28 day of June 2018, by Ronald R. Hollins and Susan C. Hollins, Members of Holco, LLC, a Nebraska limited liability company, on behalf of the company.

WITNESS my hand and Notarial Seal this 28 day of June, 2018.



[Signature]
Notary Public

EXHIBIT "A"

GRANTOR PARCEL

A parcel of Land located in the West Half of Section 6, Township 11 North, Range 9 East of the Sixth P.M., Cass County, Nebraska, being described as follows: Commencing at the Southeast Corner of the Northwest Quarter of said Section 6; thence N89°35;13:W (assumed bearing) on the South Line of said Northwest Quarter, a distance of 426.31 feet to the true point of beginning; thence S06°31'44"W, a distance of 155.26 feet; thence S62°08'44"W, a distance of 42.19 feet to a point on the East Line of a tract of land previously described and recorded in Deed Book 177, page 774 of the Cass County Register of Deed's records; thence S09°40'08"E on said East Line, a distance of 66.32 feet to the Southeast Corner of said tract, said corner also being on the Northwesterly Right-of-Way Line of the BNSF Railroad; thence southwesterly on the South line of said tract, and said Northwesterly Right-of-Way Line, on a 7564.45 foot radius curve to the right an arc distance of 87.21 feet to the Southwest Corner of said tract, the chord of said curve bears S57°03'04"W 87.21 feet; thence N01°23'31"E on the West Line of said tract, a distance of 81.09 feet; thence S62°08'44"W, a distance of 168.34 feet; thence N04°23'47"W, a distance of 456.78 feet; thence N89°55'57"E, a distance of 318.50 feet; thence S06°31'44"W, a distance of 172.57 feet to the true point of beginning, containing 2.64 acres, more or less.

EXHIBIT "B"

GRANTEE PARCEL

A parcel of land being part of the Southwest Quarter of the Northeast Quarter, and part of the Southeast Quarter of the Northwest Quarter, and part of the Northeast Quarter of the Southwest Quarter, all in Section 6, Township 11 North, Range 9 East of the Sixth P.M., Cass County, Nebraska, being described as follows:

Commencing at the North Quarter Corner of said Section 6; thence $S00^{\circ}40'01''W$ (assumed bearing) on the East Line of the Northeast Quarter of the Northwest Quarter of said Section 6, a distance of 1314.71 feet to the Northeast Corner of the Southeast Quarter of the Northwest Quarter of said Section 6, this being the true point of beginning; thence $N89^{\circ}35'05''W$ on the North Line of said Southeast Quarter Northwest Quarter; thence $S01^{\circ}14'50''W$ on the West Line of the Northeast Quarter of the Southwest Quarter of said Section 6, distance of 716.25 feet to a point on the Northwesterly Right-of-Way Line of the BNSF Railroad; thence $N62^{\circ}23'21''E$ on said Northwesterly Right-of-Way Line, a distance of 859.08 feet to a point of curvature; thence northeasterly continuing on said Northwesterly Right-of-Way Line on a 7564.45 foot radius curve to the left an arc distance of 45.96 feet to the Southwest Corner of a parcel of land previously described and recorded in Deed Book 177, page 774 of the Cass County Register of Deed's records, the chord of said curve bears $N57^{\circ}33'20''E$ 45.96 feet; thence on the perimeter of said parcel as follows; $N01^{\circ}23'31''E$ 179.95 feet, $N87^{\circ}24'59''W$ 143.22 feet, $N04^{\circ}49'46''W$ 265.35 feet, $S87^{\circ}18'25''E$ 294.98 feet, $S11^{\circ}40'34''W$ 167.25 feet, $S21^{\circ}54'52''W$ 85.84 feet, $S06^{\circ}04'19''W$ 70.59 feet, $S09^{\circ}40'08''E$ 76.94 feet to the Southeast Corner of said parcel, said corner also being on the Northwesterly Right-of-Way Line of the BNSF Railroad; thence northeasterly continuing on said Northwesterly Right-of-Way Line on a 7564.45 foot radius curve to the left an arc distance of 578.81 feet to a point on the West Line of the Southwest Quarter of the Northeast Quarter of said Section 6, the chord distance of said curve bears $N54^{\circ}31'44''E$ 578.67 feet; thence $N00^{\circ}40'01''E$ on said West Line, a distance of 31.90 feet; thence northeasterly continuing on said Northwesterly Right-of-Way Line on a 7539.45 foot radius curve to the left an arc distance of 1695.86 feet to a point on the North Line of said Southwest Quarter Northeast Quarter, the chord of said curve bears $N45^{\circ}44'33''E$ 1692.29 feet; thence $N89^{\circ}34'49''W$ on said North Line, a distance of 1198.22 feet to the true point of beginning, containing 66.30 acres, more or less.

EXHIBIT "C"

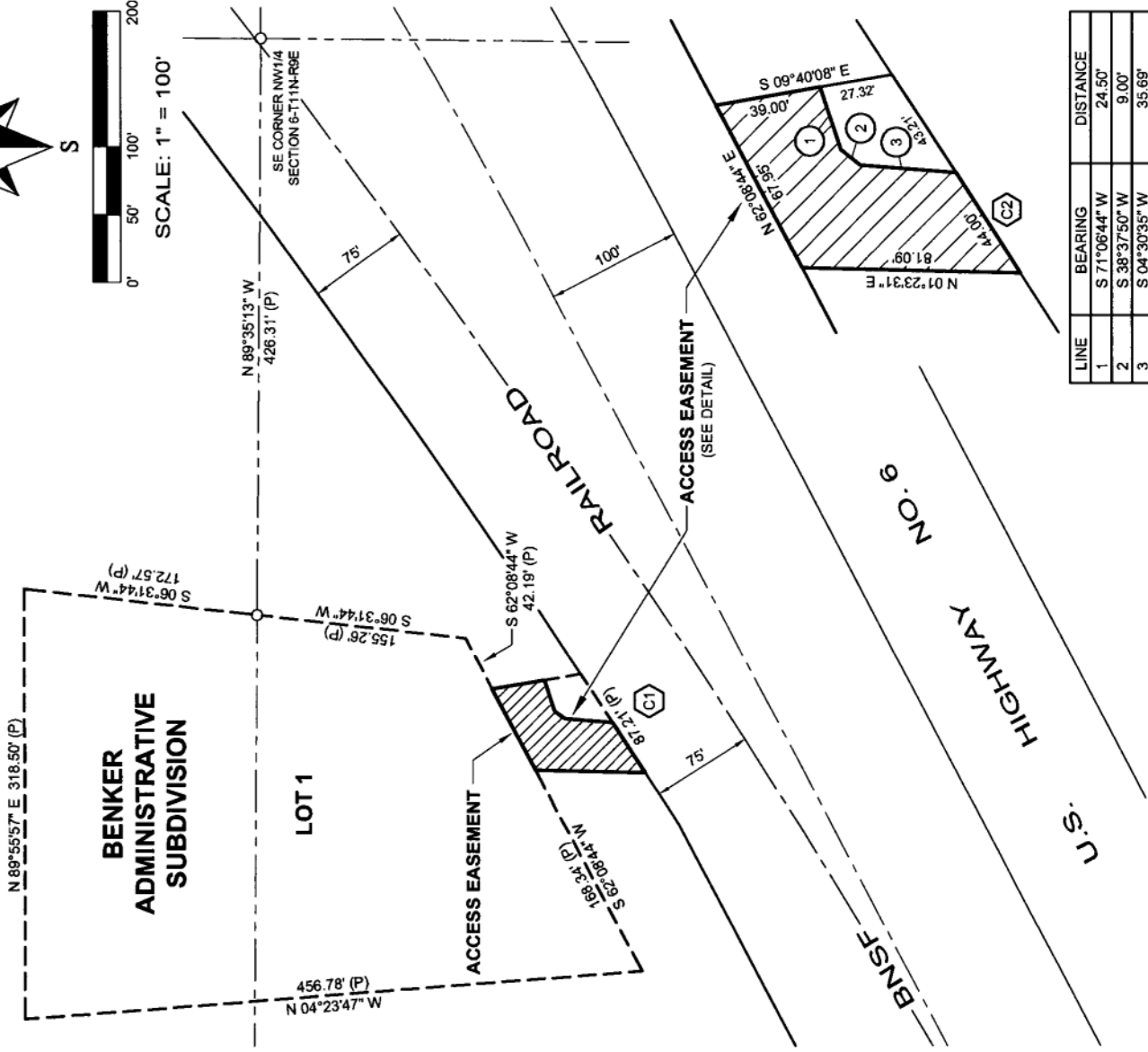
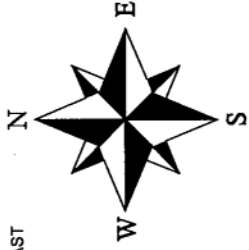
EASEMENT AREA

Part of Lot 1, Benker Administrative Subdivision, located in the West Half of Section 6, Township 11 North, Range 9 East of the Sixth P.M., Cass County, Nebraska, being described as follows: Commencing at the Southeast Corner of the Northwest Quarter of said Section 6; thence N89°35'13"W (assumed bearing) on the South Line of said Northwest Quarter, a distance of 426.31 feet to a point on the East Line of said Lot 1; thence S06°31'44"W on said East Line, a distance of 155.26 feet; thence S62°08'44"W continuing on said East Line, a distance of 42.19 feet to the true point of beginning; thence S09°40'08"E continuing on said East Line, a distance of 39.00 feet; thence S71°06'44"W, a distance of 24.50 feet; thence S38°37'50"W, a distance of 9.00 feet; thence S04°30'35"W, a distance of 35.69 feet to a point on the South Line of said Lot 1, said point also being on the Northwesterly Right-of-Way Line of the BNSF Railroad; thence southwesterly on the South Line of said Lot 1, and said Northwesterly Right-of-Way Line, on a 7564.45 foot radius curve to the right an arc distance of 44.00 feet to the Southwest Corner of said Lot 1, the chord of said curve bears S57°12'53"W 44.00 feet; thence N01°23'31"E on the West Line of said Lot 1, a distance of 81.09 feet; thence N62°08'44"E, a distance of 67.95 feet to the true point of beginning.

ACCESS EASEMENT PLAT

PART OF LOT 1, BENKER ADMINISTRATIVE SUBDIVISION
BEING PART OF THE W1/2 OF SECTION 6, TOWNSHIP 11 NORTH, RANGE 9 EAST
OF THE SIXTH P.M., CASS COUNTY, NEBRASKA

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	7564.45' (P)	87.21' (P)	87.21' (P)	S 57°03'04" W
C2	7564.45'	44.00'	44.00'	S 57°12'53" W



LINE	BEARING	DISTANCE
1	S 71°06'44" W	24.50'
2	S 38°37'50" W	9.00'
3	S 04°30'35" W	35.69'

ACCESS EASEMENT DESCRIPTION:

Part of Lot 1, Benker Administrative Subdivision, located in the West Half of Section 6, Township 11 North, Range 9 East of the Sixth P.M., Cass County, Nebraska, being described as follows: Commencing at the Southeast Corner of the Northwest Quarter of said Section 6; thence N89°35'13"W (assumed bearing) on the South Line of said Northwest Quarter, a distance of 426.31 feet to a point on the East Line of said Lot 1; thence S06°31'44"W on said East Line, a distance of 155.26 feet; thence S62°08'44"W continuing on said East Line, a distance of 42.19 feet to the true point of beginning; thence S09°40'08"E continuing on said East Line, a distance of 39.00 feet; thence S71°06'44"W, a distance of 24.50 feet; thence S38°37'50"W, a distance of 9.00 feet; thence S04°30'35"W, a distance of 35.69 feet to a point on the South Line of said Lot 1, said point also being on the Northwesterly Right-of-Way Line of the BNSF Railroad; thence southwesterly on the South Line of said Lot 1, and said Northwesterly Right-of-Way Line, on a 7564.45 foot radius curve to the right an arc distance of 44.00 feet to the Southwest Corner of said Lot 1, the chord of said curve bears S57°12'53"W 44.00 feet; thence N01°23'31"E on the West Line of said Lot 1, a distance of 81.09 feet; thence N62°08'44"E, a distance of 87.95 feet to the true point of beginning.

Client:		Michael & Danelle Benker	
Date:	03/05/2018	Project No.:	009-2018
Scale:	1" = 100'	Drawing File:	11-061109-Benker-Hollins-EasementPlat.dwg
Sheet:	1 of 1	Issue No.:	1

APEX
LAND SURVEYING, LLC

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