

Huber

EASEMENT

Indenture made the 10th day of December, 1960 between Harold C. Jorgensen and Emma C. Jorgensen, husband and wife, each in their own right and as the spouse of the other, parties of the first part, and Ralph W. Mencke, party of the second part:

Whereas, the parties of the first part own in fee simple Tax Lot 24 in Section Twenty-nine (29) and Tax Lot 24 in Section Thirty-two (32) in Township Nineteen (19) North, Range Twelve (12) East of the 6th P. M. in Washington County, Nebraska across which was constructed a river levee after the 1952 river flood which levee intersects the south boundary line of these lands along such south boundary and about 1920 feet east of the southwest corner of these lands and extends northerly and thence westerly to the west line of these lands at a point about 400 feet from the northwest corner of the above described Tax Lot 24 in Section Twenty-nine (29) which point is also about 400 feet from the northwest corner of former Tax Lot 20 of the above described Section Twenty-nine (29).

And Whereas, the party of the second part owns in fee simple Tax Lot 25 in the above described Section Thirty-two (32).

And whereas, the parties of the first part have agreed, in consideration of the sum of \$1.00 and other valuable consideration to be paid to them by the party of the second part, to grant to the party of the second part, his heirs and assigns, for himself, his employees, tenants and members of his family and those of his tenants the right to travel upon the top of the above described river levee together with the right to repair the described levee,

when necessary, to permit vehicular traffic thereon and the right to borrow dirt from the river side of the levee with which to make such repairs with the further provision that if the present described outlet to the west from the lands of the parties of the first part is changed then party of the second part, his heirs and assigns for the benefit of the same persons included in the easement, shall have adequate access from the levee, upon first parties' lands to the new road; with the privilege of parties of the first part, their heirs or assigns installing at their cost a suitable gate on the traveled portion of the west end of the described easement, on the west property line but same to remain open during the farm season beginning March 1 and ending December 15 of each year; subject to the second party, his heirs or assigns placing and maintaining a suitable gate at the south end of the described easement and subject further to the provision that the easement shall lapse and terminate if it be not used for any period of five consecutive years.

Now, this indenture witnesseth that, in pursuance of the described agreement and in consideration of the sum of \$1.00 and other valuable consideration paid by the party of the second part to the parties of the first part, receipt of which is acknowledged, the parties of the first part hereby grant to the party of the second part, his heirs and assigns, for himself, his employees, tenants and members of his family and those of his tenants, in common with all others having the like right, at all times hereafter, with or without animals or vehicles of any description, for all purposes connected with the use and enjoyment of the described land of the party of the second part for whatever purpose this land may be from time to time

lawfully used, to pass and repass along the top of the described levee for the purpose of going from this land across the lands of the parties of the first part in accordance with the described agreement.

To have and to hold the easement hereby granted, unto the party of the second part, his heirs and assigns, as appurtenant to the described land of the party of the second part and every part thereof.

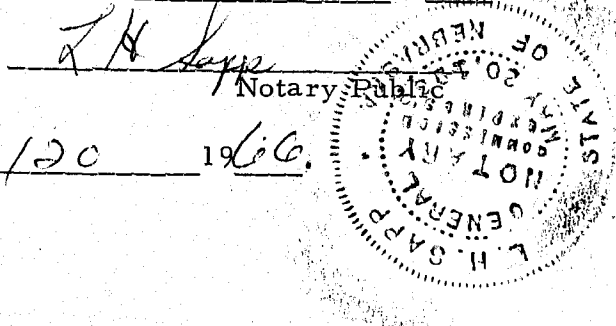
Harold C. Jorgensen
Harold C. Jorgensen

Emma M. Jorgensen
Emma M. Jorgensen

STATE OF NEBRASKA,)
) ss.
COUNTY OF SAUNDERS)

Before me, a Notary Public, qualified for this county, personally came Harold C. Jorgensen and Emma M. Jorgensen, husband and wife, known to me to be the identical persons who signed the foregoing instrument and acknowledged the execution thereof to be their voluntary act and deed.

Witness my hand and notarial seal on 2/25 19 61.



My commission expires 5/20 1966.

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State of Nebraska
County of Washington } ss
Entered in Numerical Index and filed for
record this 1 day of March
A.D. 1961 at 4:35 o'clock P. M. and
recorded in book 7 at page 200-204
Walter G. Huber
County Clerk
..... Deputy

Notary Public
Numerical Index
Compared *[Signature]*