

Recorded 5-10-04 at 1:16 P. M. in Misc Book 47 Page 555-557 Burt Co NE

2005 MAY 10 PM 1:16
ILA DAVIS
BURT COUNTY CLERK

FILED

037499

EASEMENT

THIS AGREEMENT AND EASEMENT executed for the mutual benefits which will be derived therefrom;

WHERE AS Carl L. Schroeder and Norma Jean Schroeder, husband and wife, are the owners of all that part of the Northwest Quarter and the North Half of the Southwest Quarter of Section 6, Township 21 North, Range 12, and all that part of South Half of the Southwest Quarter of Section 31, Township 22 North, Range 12, East of the 6th P.M., which lies west of the center of the channel of the Missouri River, Burt County, Nebraska; and

WHERE AS First National Bank Northeast is a Trustee and Beneficiary under certain Deeds of Trust executed by the aforementioned owners on the aforementioned real estate; and

WHERE AS L. Bret Brodersen and Sarah J. Brodersen, husband and wife, are the owners of the South Half of the Southwest Quarter of Section 6, and the Northeast Quarter of the Northwest Quarter of Section 7, in Township 21 North, Range 12 East of the 6th P.M., Burt County, Nebraska; and

WHERE AS both Schroeder and Brodersen would benefit from the construction of an access channel leading from the present location of the Missouri River to the ox-bow lakes which remains following canalization of said Missouri River; and

WHERE AS Brodersen has agreed to obtain all necessary permits from United States Department of Army, as may be necessary, and further to excavate and construct such access channel so as to provide access to the Missouri River.

NOW THEREFORE is hereby agreed and understood as follows:

That Carl L. Schroeder and Norma Jean Schroeder, husband and wife, and the First National Bank Northeast, Grantors, to hereby grant and convey to L. Bret Brodersen and Sarah J. Brodersen, husband and wife, and to their successors and assigns, a permanent easement for the purpose of the construction and excavation of a river access channel; and

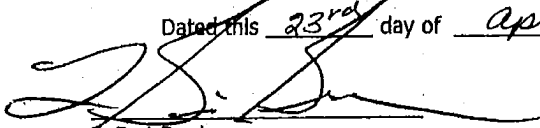
Agree with said Brodersen that there shall be no construction on their portion of the real estate lying south of the centerline of the access channel and that there shall be no construction within two hundred feet north of the centerline of said access channel so that said area can be accessible for improvement, repair and upkeep of said channel that may be necessary.

Shall grant to said Brodersen the right of ingress and egress from the county road to connect the said Schroeder property and across the said Schroeder property to the north side of said channel for maintenance, repair and upkeep; and

In exchanged therefore said Brodersen grants unto Carl L. Schroeder and Norma Jean Schroeder, husband and wife, their successors and assigns, the right to connect to said access channel and extend the same north into their property as may be permitted by the Department of Army.

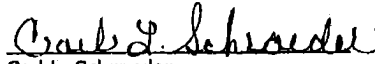
This easement is perpetual and shall run with the land for the benefit of said Brodersens and Schroeders, their successors and assigns, and all provision hereof shall be binding on the Grantors, their heirs, Personal Representative, successors or assigns.

Dated this 23rd day of April, 2004

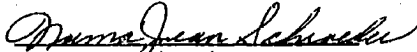


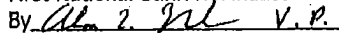
L. Bret Brodersen


Sarah J. Brodersen



Carl L. Schroeder

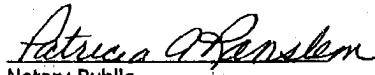

Norma Jean Schroeder

First National Bank Northeast
By  V. P.

STATE OF NEBRASKA :
:SS
COUNTY OF BURT :

The foregoing was signed and acknowledged before me this 23rd day of April, 2004 by Carl L. Schroeder and Norma Jean Schroeder.





Notary Public

STATE OF NEBRASKA :
:SS
COUNTY OF BURT :

The foregoing was signed and acknowledged before me this 7th day of May, 2004 by L. Brett Brodersen and Sarah J. Brodersen.




Notary Public

STATE OF NEBRASKA :
 :SS
COUNTY OF BURT :

The foregoing was signed and acknowledged before me this 26th day of April, 2004 by First National Bank Northeast by Alan L. Nelson Vice Pres



Richard M. Nelsen
Notary Public

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37