

WASHINGTON COUNTY NEBRASKA
Filed for record on November 07, 2023 at 01:29 PM
Instrument No. 2023-02829
(19 Pages)

Carolyn M Stodola
Carolyn M Stodola, Register of Deeds

Recorded _____
General _____
Numerical _____
Photostat _____
Proofed _____
Scanned _____

AFTER RECORDING, RETURN TO:

Curt Hofer
16820 Frances Street, Suite 206
Omaha, NE 68130

SPACE ABOVE FOR RECORDER'S USE ONLY

ROADWAY EASEMENT AND COVENANTS AGREEMENT

This Roadway Easement and Covenants Agreement (the "Agreement") is made and entered into this 7th day of November, 2023 by and between Paul J. Baessler and Kelly A. Baessler, husband and wife (herein, the "Baesslers"), and Hidden Acres Farms, L.L.C., a Nebraska limited liability company (herein "Hidden Acres").

The Baesslers are the present owner of certain real estate located in Washington County, Nebraska, described as the "Baessler Parcel" and identified as Tax Lot 54 on **Exhibit "A"** attached hereto;

Hidden Acres is the present owner of Tax Lot 63, Washington County, Nebraska and the real estate located in Washington County, Nebraska, described on **Exhibit "B"** attached hereto (collectively, the "Other Hidden Acres Parcels");

Hidden Acres, the Hidden Acres Parcels (as defined in the Existing Agreement), the Baesslers and the Baessler Parcel are subject to that certain Amended and Restated Roadway Easements and Covenants Agreement recorded with the Washington County Register of Deeds on October 21, 2021, as Instrument No. 2021-04882 (the "Existing Agreement") pertaining to certain roadway easements rights set forth therein (the "Existing Roadway Easement Area");

Hidden Acres desires for the Other Hidden Acres Parcels to have access over the Existing Roadway Easement Area located on the Baessler Parcel (the "Baessler Road Area") which Baessler Road Area is identified on **Exhibit "C"** attached hereto.

On the terms and conditions set forth herein, Baesslers are desirous of granting to Hidden Acres, as the owner of the Other Hidden Acres Parcels, and to their respective successors, transferees, assigns, employees, agents and invitees, a permanent easement and right of ingress and egress for vehicular and pedestrian access to and from their respective parcels over the Baessler Road Area and the other rights granted herein,

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NOW THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Baesslers and Hidden Acres agree as follows:

1. **Grant of Roadway Easement by the Baesslers:** The Baesslers hereby grant to Hidden Acres for the benefit of Hidden Acres and Hidden Acres' successors, transferees, assigns, employees, agents, and invitees (collectively herein "Authorized Users") and for the benefit of the Other Hidden Acres Parcels 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 Baessler Road Area, including the right to widen the existing roadway located in the Baessler Road Area if deemed necessary by Hidden Acres. Neither the Baesslers nor any future owner of the Baessler Parcel shall do or permit any act or acts that will unreasonably prevent or hinder the exercise by Hidden Acres or the Authorized Users of the rights granted herein and the access to and ingress or egress of Hidden Acres or the Authorized Users over and across the Baessler Road Area.

2. **Repair and Maintenance:** If Hidden Acres determines it is necessary to widen or expand the existing roadway located in the Baessler Road Area, the responsibility for and all costs and expenses for the widening or expansion of the existing roadway located in the Baessler Road Area shall be borne by Hidden Acres. If the Other Hidden Acres Parcels begin using the Baessler Road Area, for purposes of the repair and maintenance obligations of the Existing Roadway Easement Area and the Baessler Road Area, the record owner(s) of the Other Hidden Acres Parcels shall have the same repair and maintenance obligations as the other parties under the Existing Agreement.

3. **Parties Bound Hereunder: Release of Liability:** This Agreement and the easements, covenants, conditions and restrictions set forth herein granted and the rights and obligations pertaining thereto shall each perpetually run with the land, inure to the benefit of and be binding among the Baesslers and Hidden Acres, the subsequent owners of the Baessler Parcel and Other Hidden Acres Parcels and each of their respective invitees, licensees, employees, servants, agents, customers, visitors, heirs, personal representatives, successors, transferees and assigns, the same as if they were in every case named and expressed herein and shall perpetually continue in full force and effect. In the event any present or future owner of the Baessler Parcel and/or Other Hidden Acres Parcels shall convey their interests therein, such owner so conveying such property shall be automatically freed and relieved, from and after the date of the recording of the conveyance of such property of all liabilities for future performance of any agreements, duties and obligations on the part of such owner which is required by this Agreement to thereafter be performed with respect to such property so conveyed; it being intended hereby that all the agreements, duties, obligations and liabilities contained in this Agreement shall be binding on the Baesslers, Hidden Acres, and any subsequent owners of the Baessler Parcel and Other Hidden Acres Parcels only as to that owner's period of ownership, and that each such conveying owner shall remain liable after the date of recording of such conveyance only for any liabilities and obligations herein, if any, which have arisen or accrued prior to such date of conveyance.


4. **Injunctive Relief:** In the event of any violation or threatened violation by the Baesslers, Hidden Acres or any occupant of any portion of the Baessler Parcel and/or Other

Hidden Acres Parcels of any of the terms, covenants and conditions of this Agreement, any or all of the owners of the Baessler Parcel and Other Hidden Acres Parcels shall have the right to enjoin such violation or threatened violation in a court of competent jurisdiction. The right to injunction shall be in addition to all the remedies available by statute at law and/or in equity.

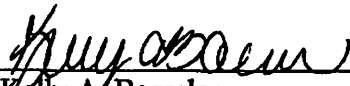
5. **No Public Dedication:** Nothing contained in this Agreement shall or shall be deemed to constitute a gift or dedication of any portion of the property within the Baessler Road Area to the general public or for the benefit of the general public, or for any public purpose whatsoever, it being the intention of the parties that this Agreement shall be strictly limited to and for the private purposes expressed herein. Further, it is specifically acknowledged and agreed that no portion of the Existing Roadway Easement Area nor any extensions thereof will be maintained or repaired in any manner whatsoever by Washington County, Nebraska and that all maintenance and repairs of said Existing Roadway Easement Area and any extensions thereof will be a private expense as set forth in this Agreement.

[PAGE INTENTIONALLY LEFT BLANK; SIGNATURES TO FOLLOW]

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



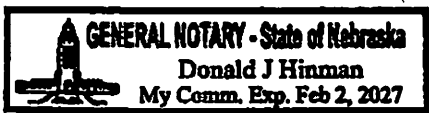
Paul J. Baessler

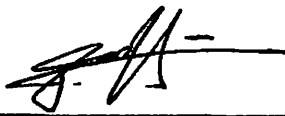


Kelly A. Baessler

STATE OF NEBRASKA)
) ss.
COUNTY OF Douglas)

On this 7 day of November, 2023, before me appeared Paul J. Baessler and Kelly A. Baessler, husband and wife, to me personally known, who, being by me duly sworn did say that said instrument was signed and acknowledged to me and that they executed the same as their free act and deed.





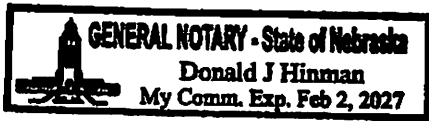
Notary Public

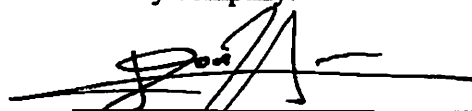
HIDDEN ACRES FARMS, L.L.C.,
A Nebraska limited liability company

By: 
Curt Hofer, Manager

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On this 7 day of November, 2023, before me appeared Curt Hofer, to me personally known, who, being by me duly sworn did say that he is a Manager of Hidden Acres Farms, L.L.C., a Nebraska limited liability company and that said instrument was signed and sealed on behalf of said limited liability company and acknowledged to me that he executed the same as the free act and deed of said limited liability company.

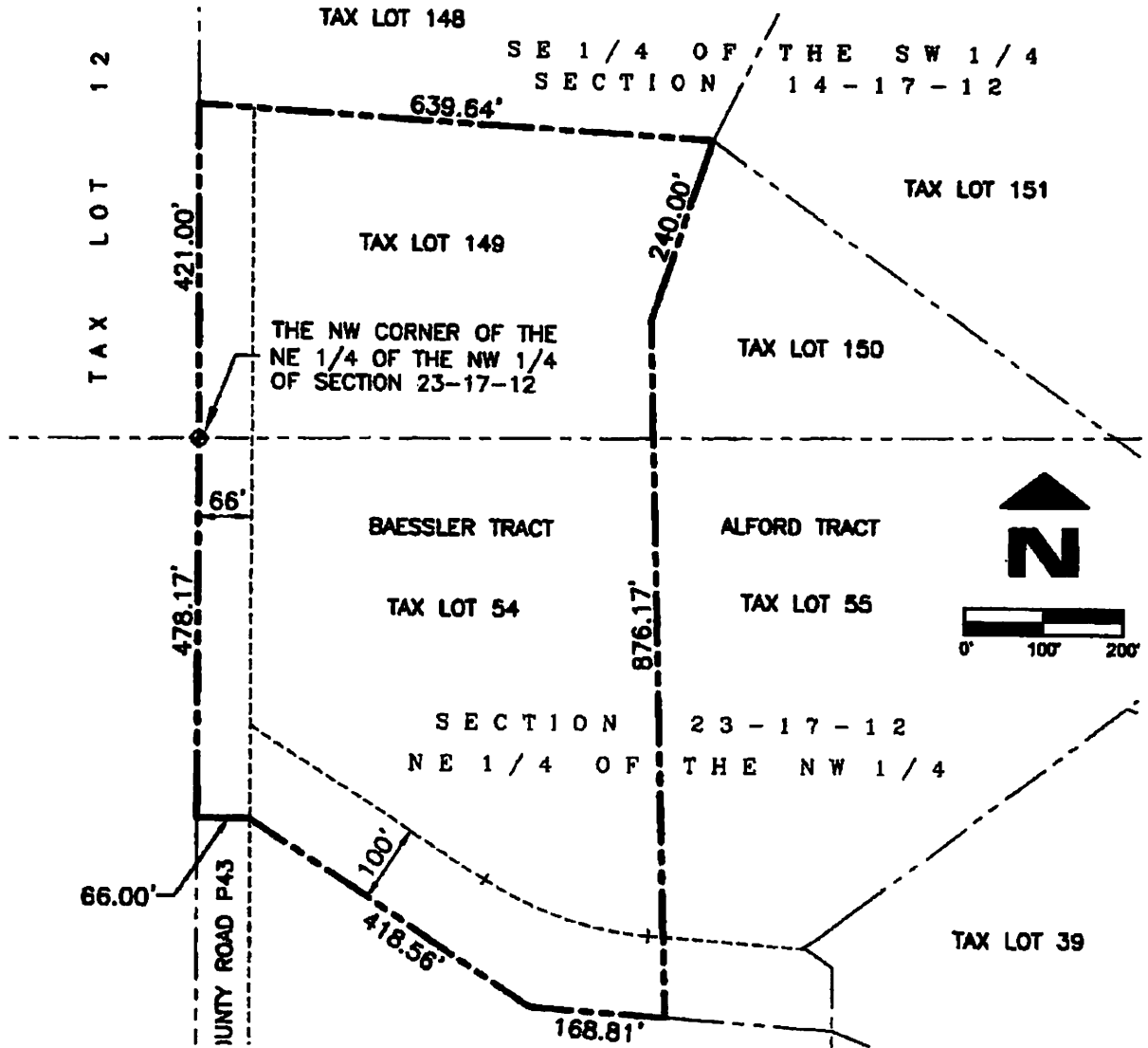



Notary Public

2023 -0 28 29

EXHIBIT "A"

BAESSLER PARCEL



2023-02829

EXHIBIT "B"

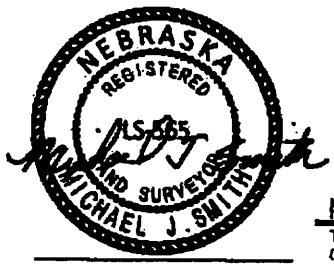
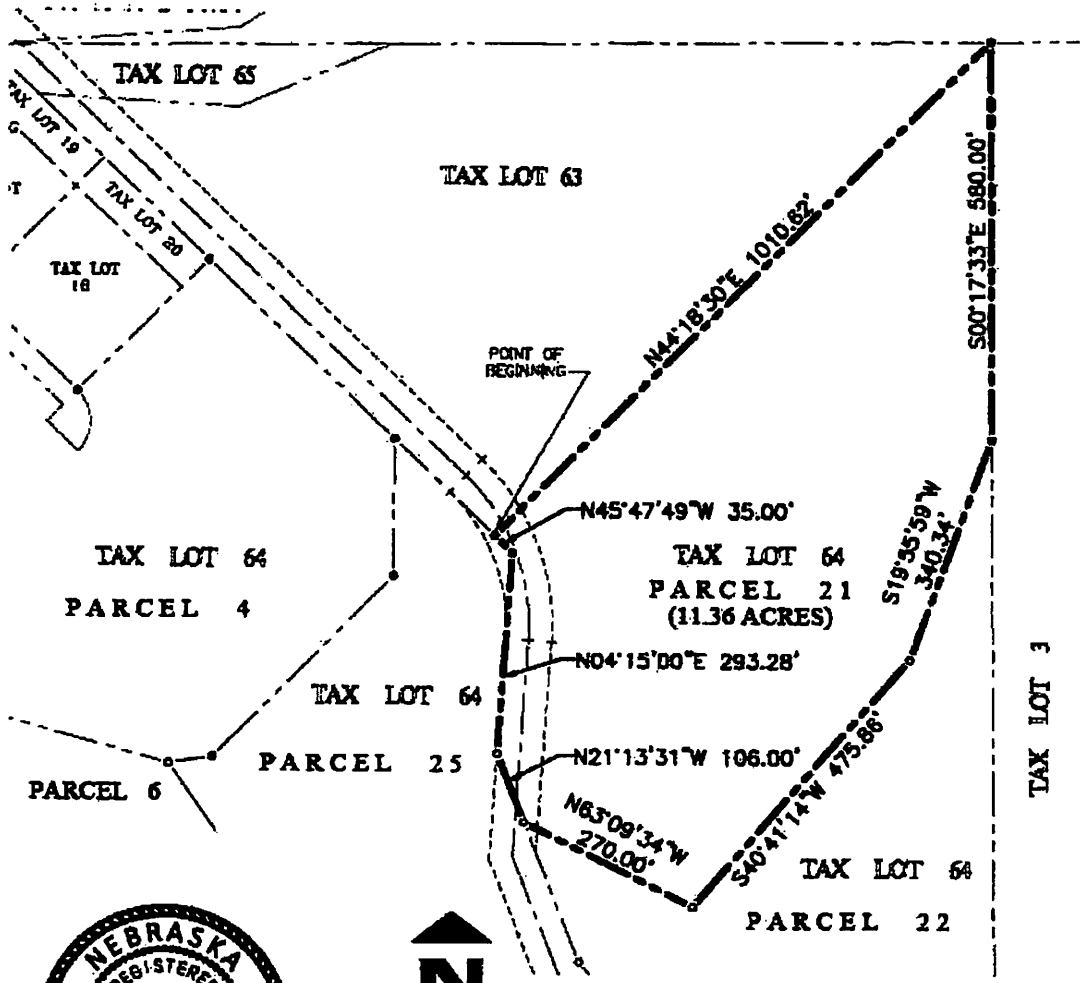
TAX LOT 63, WASHINGTON COUNTY, NEBRASKA

AND THE REAL ESTATE LOCATED IN WASHINGTON COUNTY, NEBRASKA
ATTACHED HERETO COLLECTIVELY KNOWN AS OTHER HIDDEN ACRES PARCELS

[See Attached]

2023 - 0 28 29

SEE SHEET 2 OF 2 FOR LEGAL DESCRIPTION



NOTE
 THIS DRAWING REPRESENTS A PORTION
 OF LARGER SURVEY PREPARED BY
 THOMPSON, DREESSEN & DORNER, INC.
 DATED JULY 31, 2023.

LEGEND

- CORNERS FOUND (5/8" REBAR W/CAP #475 UNLESS NOTED)
- ◻ CORNER SET (5/8" REBAR W/CAP #475 UNLESS NOTED)
- R RECORDED DISTANCE
- M MEASURED DISTANCE
- OTF OPEN TOP PIPE

JULY 31, 2023
 MICHAEL J. SMITH
 NEBRASKA RLS-565

TD2
 Engineering & Surveying

Job Number: 182-177-P21
 Thompson, Dreesen & Dornier, Inc.
 10020 Old Mill Rd
 Omaha, NE 68134
 (402) 333-8800 FAX (402) 333-5888
 MJD:msj
 (NE) 1033 Engineering & Surveying
 NE CA-078

Date: JULY 31, 2023
 Drawn By: R/JR
 Reviewed By: MJS
 Revision Code:

SURVEYOR'S CERTIFICATE

SHEET 1 OF 2

Block
Page

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HIDDEN ACRES PARCEL 21

PART OF TAX LOT 64 IN SECTION 23, T17N, R12E OF THE 6th P.M., WASHINGTON COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: BEGINNING AT THE MOST SOUTHERLY CORNER OF TAX LOT 63 IN SAID SECTION 23;

THENCE N44°18'30"E (ASSUMED BEARING) 1,010.62 FEET ON THE SOUTHEASTERLY LINE OF SAID TAX LOT 63 TO THE NORTHEAST CORNER THEREOF;

THENCE S00°17'33"E 580.00 FEET ON THE WEST LINE OF TAX LOT 3 IN SAID SECTION 23;

THENCE S19°55'59"W 340.34 FEET;

THENCE S40°41'14"W 475.86 FEET;


THENCE N63°09'34"W 270.00 FEET;

THENCE N21°13'31"W 106.00 FEET;

THENCE N04°15'00"E 293.28 FEET;

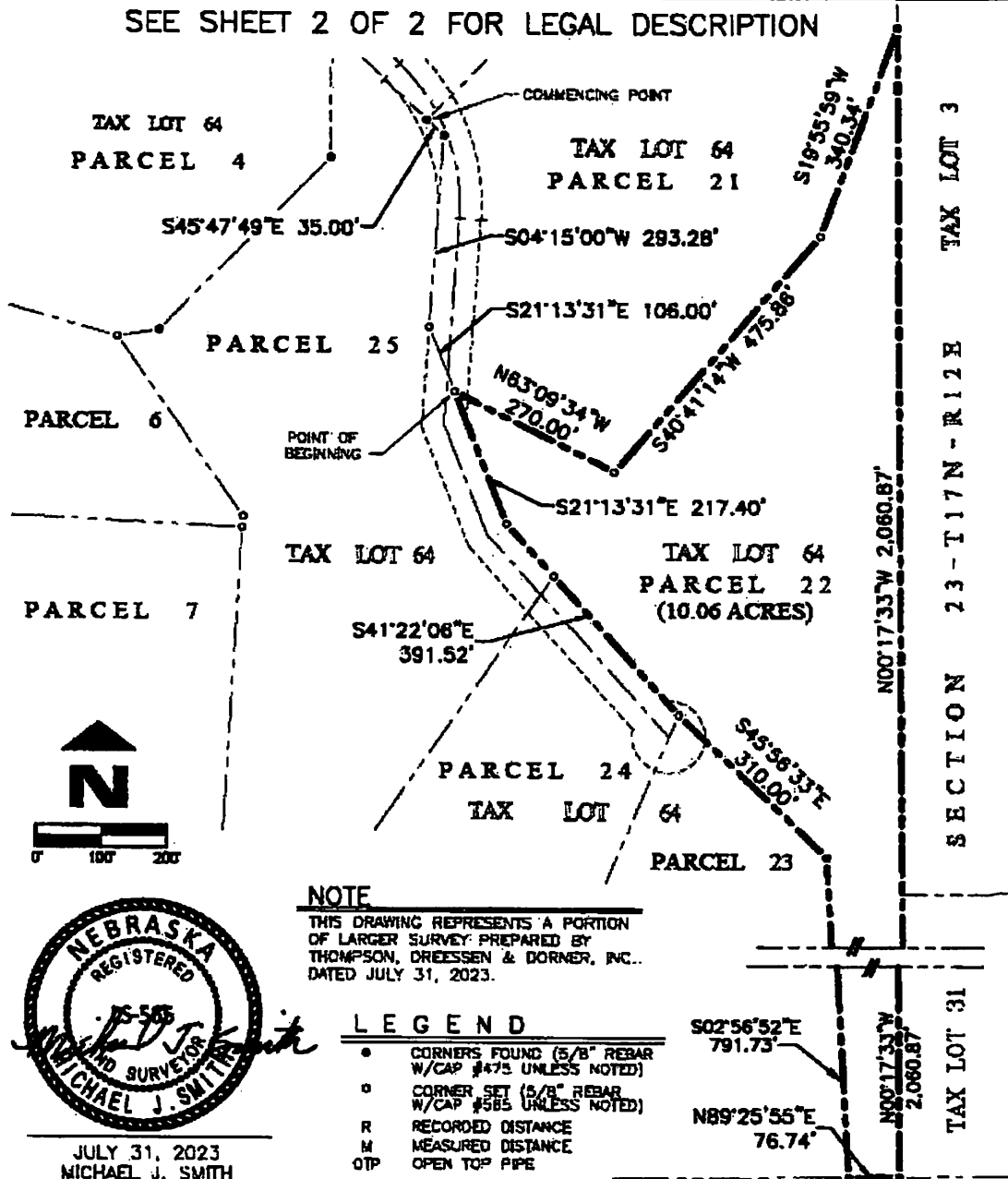
THENCE N45°47'49"W 35.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 11.36 ACRES MORE OR LESS

	Job Number: 1023-127-P21	Date: JULY 31, 2023	SURVEYOR'S CERTIFICATE
	Company: Johnson & Sonner, Inc. 10230 Omaha Rd Omaha, NE 68154 P-402.330.8860 F-402.330.0966 td2.com d/b/a: TD2 Engineering & Surveying NEB CA-0118	Drawn By: RJR Reviewed By: MJD Revision Date:	

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SEE SHEET 2 OF 2 FOR LEGAL DESCRIPTION



<p>TDS Engineering & Surveying</p>	Job Number: 1623-127-P22 Thompson, Driessen & Dorner, Inc. 10010 CHASE PKW OMAHA, NE 68154 402.331.8800 402.331.8800 tds.com THE TDS Engineering & Surveying NECA-018	Date: JULY 31, 2023 Drawn By: PLR Reviewed By: MJS Revised Date:	<p>SURVEYOR'S CERTIFICATE</p> <p>SHEET 1 OF 2</p> <p>Book Page</p>
	<p>2023-02829</p>		

HIDDEN ACRES PARCEL 22

PART OF TAX LOT 64 IN SECTION 23, T17N, R12E OF THE 6TH P.M., WASHINGTON COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: COMMENCING AT THE MOST SOUTHERLY CORNER OF TAX LOT 63 IN SAID SECTION 23;

THENCE S45°47'49"E (ASSUMED BEARING) 35.00 FEET;

THENCE S04°15'00"W 293.28 FEET;

THENCE S21°13'31"E 106.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING S21°13'31"E 217.40 FEET;

THENCE S41°22'06"E 391.52 FEET;

THENCE S45°56'33"E 310.00 FEET;

THENCE S02°56'52"E 791.73 FEET TO THE SOUTH LINE OF SAID TAX LOT 64;

THENCE N89°25'55"E 76.74 FEET ON THE SOUTH LINE OF SAID TAX LOT 64 TO THE SOUTHWEST CORNER OF TAX LOT 32 SAID LINE BEING THE SOUTH LINE OF THE NE 1/4 OF SAID SECTION 23;


THENCE N00°17'33"W 2,060.87 FEET ON THE WEST LINES OF TAX LOTS 32, 31 AND 3 IN SAID SECTION 23;

THENCE S19°55'59"W 340.34 FEET;

THENCE S40°41'14"W 475.86 FEET;

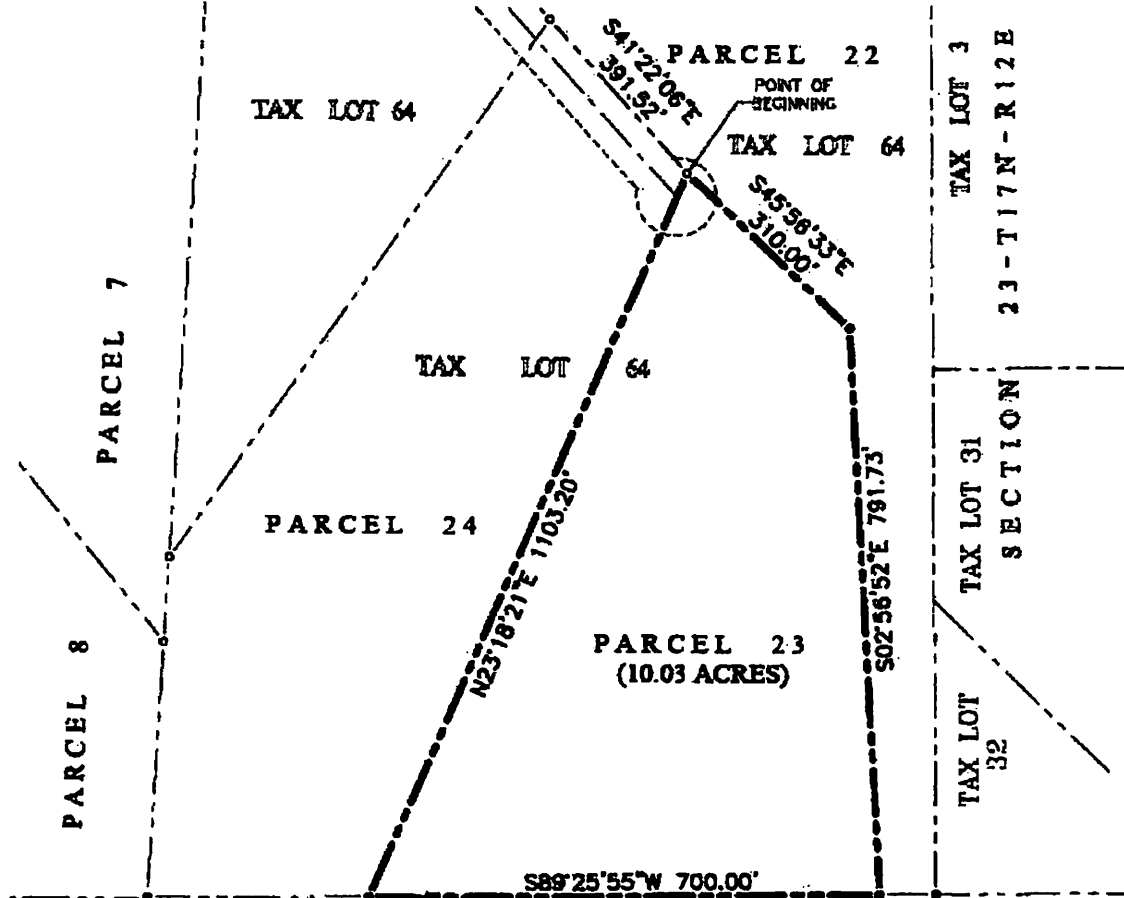
THENCE N63°09'34"W 270.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 10.06 ACRES MORE OR LESS

	Job Number: 1823-127-P22	Date: JULY 31, 2023	SURVEYOR'S CERTIFICATE
	Shannon, Gresham & Gandy, Inc. 10026 Old Hwy Rd Omaha, NE 68154 5402.330.8883 7402.330.9888 info@td2.com www.td2-engineering.com NE CA-0158	Drawn By: RJR Reviewed By: MJS Revision Code:	

2023 - 02829

SEE SHEET 2 OF 2 FOR LEGAL DESCRIPTION



LEGEND

- CORNERS FOUND (5/8" REBAR W/CAP #475 UNLESS NOTED)
- CORNER SET (5/8" REBAR W/CAP #585 UNLESS NOTED)
- R RECORDED DISTANCE
- M MEASURED DISTANCE
- OTP OPEN TOP PIPE

NOTE
 THIS DRAWING REPRESENTS A PORTION OF LARGER SURVEY PREPARED BY THOMPSON, DREESSEN & DORNER, INC. DATED JULY 31, 2023.

JULY 31, 2023
 MICHAEL J. SMITH
 NEBRASKA RLS 565

<p>TDS engineering & surveying</p>	Job Number: 1023-127-023 Thompson, Dreeszen & Dorner, Inc. 10838 Old Mill Rd Omaha, NE 68154 P:402.333.5940 F:402.333.0066 www.tds.com Lic: 7003 Engineering & Surveying NE-CA-0125	Date: JULY 31, 2023 Drawn By: PLR Reviewed By: MJS Revision Code:	<p>SURVEYOR'S CERTIFICATE</p> <p>SHEET 1 OF 2</p> <p>Book Page</p>
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HIDDEN ACRES PARCEL 23

PART OF TAX LOT 64 IN SECTION 23, T17N, R12E OF THE 6th P.M., WASHINGTON COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: COMMENCING AT THE MOST SOUTHERLY CORNER OF TAX LOT 63 IN SAID SECTION 23;

THENCE S45°47'49"E (ASSUMED BEARING) 35.00 FEET;

THENCE S04°15'00"W 293.28 FEET;

THENCE S21°13'31"E 323.40 FEET;

THENCE S41°22'06"E 391.52 FEET TO THE POINT OF BEGINNING;


THENCE S45°56'33"E 310.00 FEET;

THENCE S02°56'52"E 791.73 FEET TO THE SOUTH LINE OF SAID TAX LOT 64;

THENCE S89°25'55"W 700.00 FEET ON THE SOUTH LINE OF SAID TAX LOT 64, SAID LINE BEING THE SOUTH LINE OF THE NE 1/4 OF SAID SECTION 23;

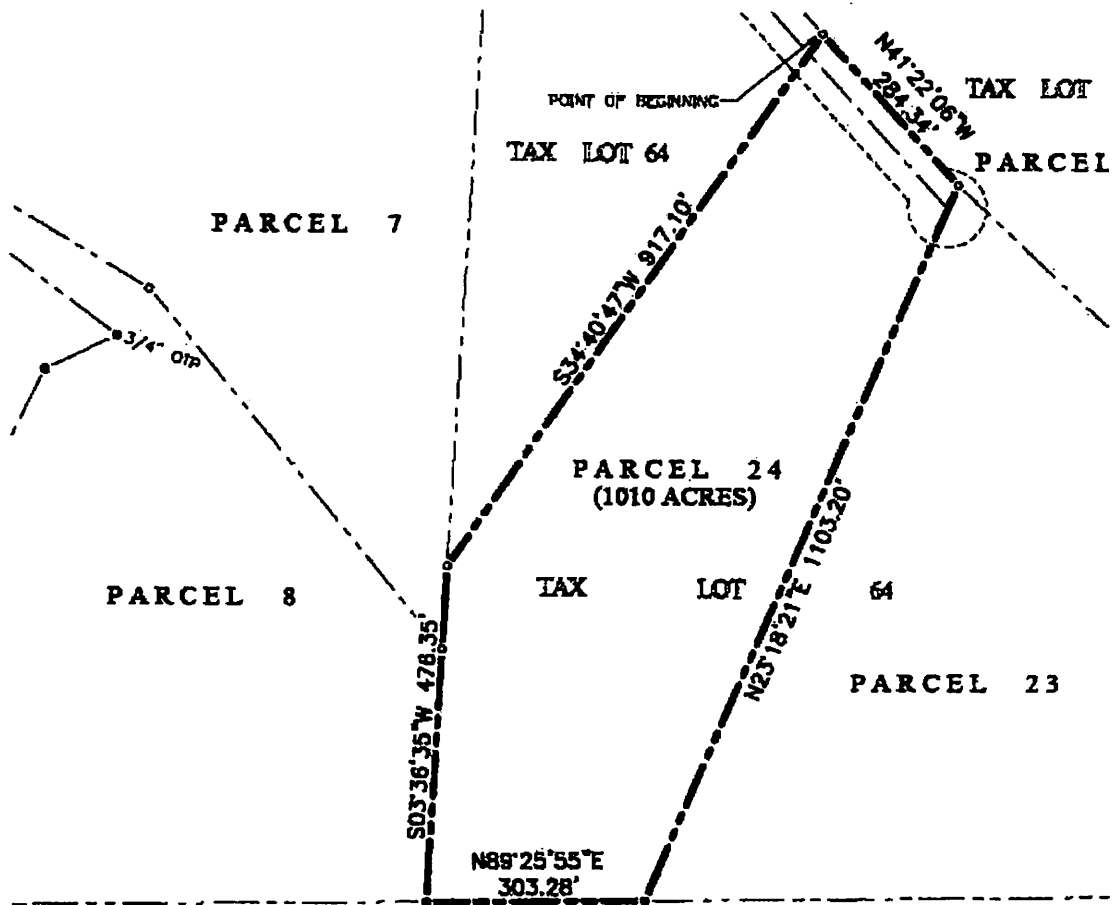
THENCE N23°18'21"E 1,103.20 FEET TO THE POINT OF BEGINNING.

CONTAINING 10.03 ACRES MORE OR LESS

	Job Number: 1623-127-P23	Date: JULY 31, 2023	SURVEYOR'S CERTIFICATE
	Surveyor: Thompson, Griesbach & Geyer, Inc. 15336 Old Mill Rd Omaha, NE 68134 402.333.8900 402.333.8904 td2.com Inc: TD2 Engineering & Surveying NE CA-028	Drawn By: RLJR Reviewed By: MJS Revision Code:	

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SEE SHEET 2 OF 2 FOR LEGAL DESCRIPTION



JULY 31, 2023
 MICHAEL J. SMITH
 NEBRASKA RLS 565




NOTE

THIS DRAWING REPRESENTS A PORTION OF LARGER SURVEY PREPARED BY THOMPSON, DREESSEN & DORNER, INC. DATED JULY 31, 2023.

LEGEND

- CORNERS FOUND (5/8" REBAR W/CAP #475 UNLESS NOTED)
- CORNER SET (5/8" REBAR W/CAP #585 UNLESS NOTED)
- R RECORDED DISTANCE
- M MEASURED DISTANCE
- OTP OPEN TOP PIPE

 <p>Job Number: 1523-127-P24 Thompson, Dreesen & Dornier, Inc. 15230 Oak Hill Rd Omaha, NE 68194 P:402.321.8883 F:402.330.8868 tds.com dtd: TDS Engineering & Surveying NECA/CSW</p>	<p>Date: JULY 31, 2023 Drawn by: PLR Reviewed by: MJJ Revision Code:</p>	<p>SURVEYOR'S CERTIFICATE</p> <hr/> <p>SHEET 1 OF 2</p>
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2023-02829

HIDDEN ACRES PARCEL 24.

PART OF TAX LOTS 48 AND 54 IN SECTION 23, T17N, R12E OF THE 6th P.M., WASHINGTON COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: COMMENCING AT THE MOST SOUTHERLY CORNER OF TAX LOT 63 IN SAID SECTION 23:

THENCE S45°47'49"E (ASSUMED BEARING) 35.00 FEET;

THENCE S04°15'00"W 293.28 FEET;

THENCE S21°13'31"E 323.40 FEET;

THENCE S41°22'06"E 107.18 FEET TO THE POINT OF BEGINNING;

THENCE S34°40'47"W 917.10 FEET;


THENCE S03°36'35"W 476.35 FEET TO THE SOUTH LINE OF TAX LOT 48;

THENCE N89°25'55"E 303.28 FEET ON THE SOUTH LINES OF SAID TAX LOTS 48 AND 64, SAID LINE BEING THE SOUTH LINE OF THE NE 1/4 OF SAID SECTION 23;

THENCE N23°18'21"E 1,103.20 FEET;

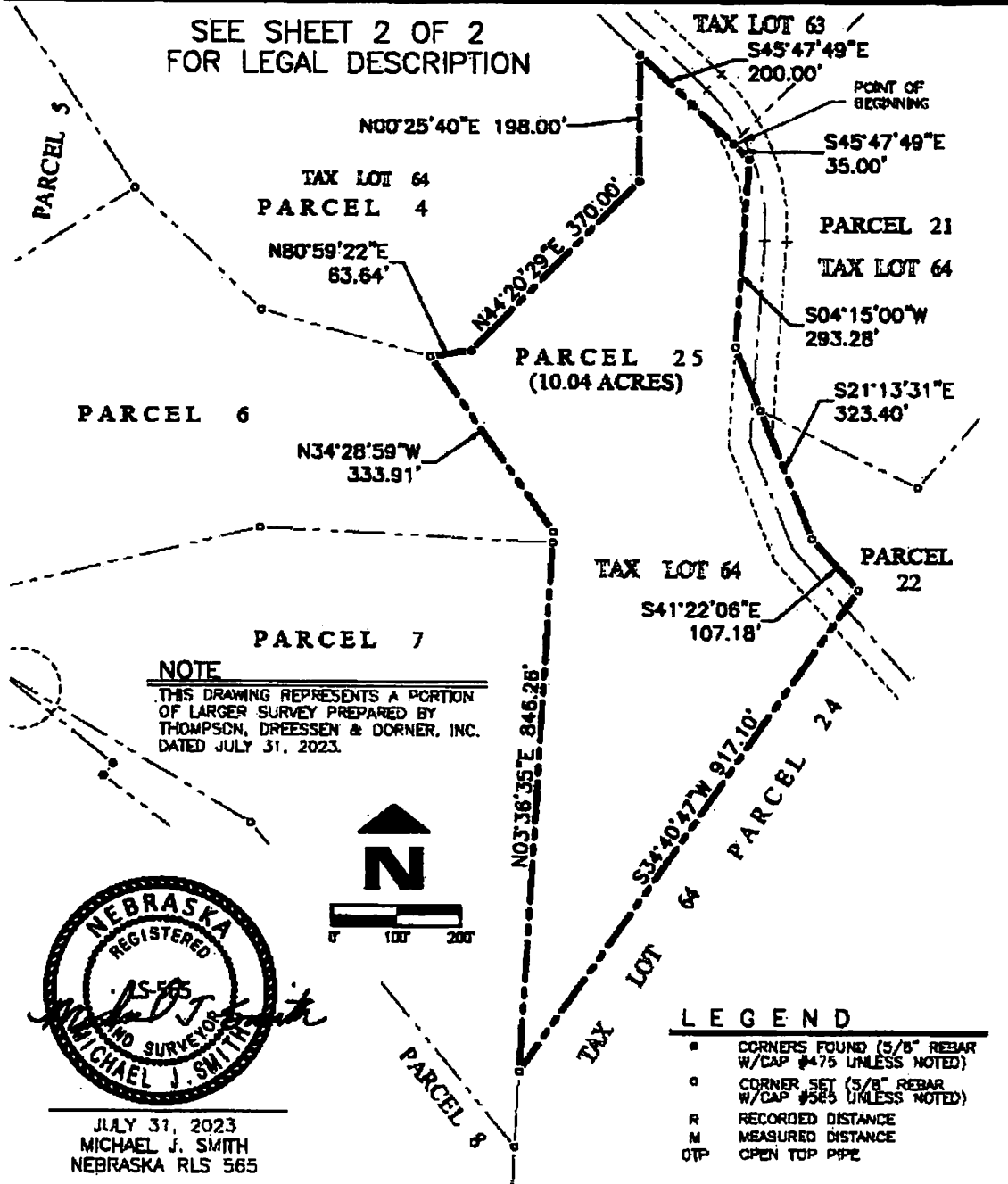
THENCE N41°22'06"W 284.34 FEET TO THE POINT OF BEGINNING.

CONTAINING 10.10 ACRES MORE OR LESS

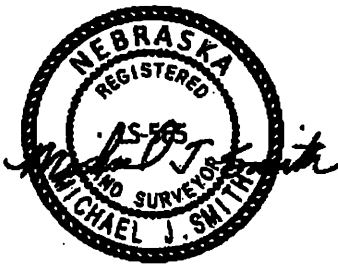
	Job Number: 1023-127-P24	Date: JULY 31, 2023	SURVEYOR'S CERTIFICATE
	Surveyors, Engineers & Surveyors, Inc. 10826 CHEVY RD Omaha, NE 68154 PHONE: 402.330.8800 FAX: 402.330.8899 www.td2.com © Inc. TD2 Engineering & Surveying SINCE 1978	Drawn By: RJR Reviewed By: MJS Revision Date:	

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SEE SHEET 2 OF 2
FOR LEGAL DESCRIPTION



NOTE
THIS DRAWING REPRESENTS A PORTION
OF LARGER SURVEY PREPARED BY
THOMPSON, DREESSEN & DORNER, INC.
DATED JULY 31, 2023.



JULY 31, 2023
MICHAEL J. SMITH
NEBRASKA RLS 565

LEGEND

- CORNERS FOUND (5/8" REBAR W/CAP #475 UNLESS NOTED)
- CORNER SET (5/8" REBAR W/CAP #565 UNLESS NOTED)
- R RECORDED DISTANCE
- M MEASURED DISTANCE
- OTP OPEN TOP PIPE

	Job Number: 1023-127-P28 Thompson, Dreesen & Dornier, Inc. 13230 Oak Hill Rd Omaha, NE 68134 P:402.332.8800 F:402.332.8800 www.tds.com Lic: 1322 Engineering & Surveying NEB. CA. 0187	Date: JULY 31, 2023 Drawn By: FLJR Reviewed By: ALJS Nextest Date:	<h2 style="margin: 0;">SURVEYOR'S CERTIFICATE</h2>
	SHEET 1 OF 2		Book Page

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HIDDEN ACRES PARCEL 25

PART OF TAX LOTS 37, 48, 49 AND 64 IN SECTION 23, T17N, R12E OF THE 6th P.M., WASHINGTON COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: BEGINNING AT THE MOST SOUTHERLY CORNER OF TAX LOT 63 IN SAID SECTION 23:

THENCE S45°47'49"E (ASSUMED BEARING) 35.00 FEET;

THENCE S04°15'00"W 293.28 FEET;

THENCE S21°13'31"E 323.40 FEET;

THENCE S41°22'06"E 107.18 FEET;

THENCE S34°40'47"W 917.10 FEET;

THENCE N03°36'35"E 846.26 FEET TO THE NORTHEAST CORNER OF SAID TAX LOT 49;

THENCE N34°28'59"W 333.91 FEET;


THENCE N80°59'22"E 83.64 FEET TO A POINT ON THE NORTHEASTERLY LINE OF SAID TAX LOT 37;

THENCE N44°20'29"E 370.00 FEET;

THENCE N00°25'40"E 198.00 FEET TO THE SOUTHWESTERLY LINE OF SAID TAX LOT 63;

THENCE S45°47'49"E 200.00 FEET ON THE SOUTHWESTERLY LINE OF SAID TAX LOT 63 TO THE POINT OF BEGINNING.

CONTAINING 10.04 ACRES MORE OR LESS

	Job Number: 1023-127-P25	Date: JULY 31, 2023	SURVEYOR'S CERTIFICATE
	Perimeter, Elevation & Interior, Inc. 10000 Old Mill Rd Omaha, NE 68134 402.338.9980 402.338.0864 td2s.com Site: T02 Engineering & Surveying NE 2A-023	Drawn By: FLR Reviewed By: MJS Revision Date:	

2023 - 02829

EXHIBIT C

BAESSLER ROAD AREA

[See Attached]

2023 -0 28 29

