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DODGE COUNTY BOARD OF SUPERVISORS
STATE OF NEBRASKA

ROBERT A. JOHNSON and)
SHARON G. JOHNSON,) AFFIDAVIT OF
Husband and Wife.) ROBERT A. JOHNSON
)

STATE OF NEBRASKA)
COUNTY OF DODGE) ss.

Robert A. Johnson, being first duly sworn upon oath, deposes and states as follows:

1. I am of legal age and competent to make this Affidavit and the statements contained herein are based upon Affiant's own personal knowledge.

2. My wife, Sharon G. Johnson ("Sharon"), and I are residents of 1247 County Road 12, Scribner, Dodge County, Nebraska 68057.

3. On July 7, 1992, my wife and I purchased property from her parents Everett Schultz and Vivian Shultz. This property had been owned by Sharon's family since 1968 and is primarily used for recreational activities, hunting, picnicking, and camping.

4. Specifically, we are the owners of property that is legally described as:

Tax Lot 22, the West 30 acres of the Northwest Quarter of the Southeast Quarter, all in Section 32, Township 20 North, Range 7 East of the 6th P.M., Dodge County, Nebraska, consisting of 70 acres more or less. ("Johnson Property")

5. An overview of the Johnson Property from the County Assessor's website along with the Deed is attached as Exhibit "1".

6. We had permitted access to ingress and egress to the Johnson Property from our neighbors at the time we purchased the Johnson Property by an established road less than 2 rods in width which went through our neighbors' properties. Exhibit "2" illustrates the established access road we used to cross the Widhalm, Mayberry, and Sawyer properties identified further herein.

7. Upon information and belief, Don Clarke, JoAnn Clarke, Kirby Clarke, Terry Clarke, Nicole Dyer, Brett Clarke, and Anthony Clarke (collectively "Clarke") continue to use this established access road to access their properties identified further herein. Kirby Clarke posted Exhibit "3" on Facebook in 2020 which further illustrates the established access roads across the properties.

8. On or about August 2, 1999, Don Clarke, JoAnn Clarke, Terry Clarke, and Kirby Clarke purchased property from Tom Sawyer and Marka Sawyer ("Sawyer Property"). Don Clarke and JoAnn Clarke further deeded the property to Nicole Dyer, Brett Clarke, and Anthony Clarke

expressly reserving a life estate. An overview of the Sawyer Property from the County Assessor's website along with the Deeds is attached as Exhibit "4" and identified as Tax Parcel 270117803.

9. On or about August 2, 1999, Don Clarke, JoAnn Clarke, Terry Clarke, and Kirby Clarke purchased property from Elza J. Appleby and Elaine Appleby ("Appleby Property"). Don Clarke and JoAnn Clarke further deeded the property to Nicole Dyer, Brett Clarke, and Anthony Clarke expressly reserving a life estate. An overview of the Appleby Property from the County Assessor's website along with the Deeds is attached as Exhibit "5" and identified as Tax Parcel 270135591.

10. On or about March 16, 2000, Don Clarke, JoAnn Clarke, and Kirby Clarke purchased property from C. R. Johnson and Betty J. Johnson. An overview of C. R. Johnson and Betty J. Johnson's property from the County Assessor's website along with the Deed is attached as Exhibit "6" and identified as Tax Parcel 270117810.

11. On or about April 19, 2000, Don Clarke, JoAnn Clarke, Terry Clarke, and Kirby Clarke purchased property from Robert W. Mayberry and Kimberly A. Mayberry ("Mayberry Property"). Don Clarke and JoAnn Clarke further deeded the property to Nicole Dyer, Brett Clarke, and Anthony Clarke expressly reserving a life estate. An overview of the Mayberry properties from the County Assessor's website along with the Deeds is attached as Exhibit "7" and identified as Tax Parcels 270135901 and 270137083.

12. At this time, the Johnson Property became isolated from all public access, other than the Elkhorn River, by being surrounded on all sides by properties purchased by the Clarkes. Further, the permitted access to the Johnson Property that we previously enjoyed from Mayberry and Sawyer was denied to us by the Clarkes. The Clarkes are unwilling to grant an ingress/egress easement to us on the portion of the established road that goes through their properties.

13. Mark A. Widhalm and Steven Widhalm are the owners of the property identified as Tax Parcel 270137082 (collectively "Widhalm"). An overview of the Widhalm property from the County Assessor's website is attached as Exhibit "8". We have been unable to secure an ingress/egress easement from Widhalm to use the portion of the established road that goes through their property. ("Widhalm Property").

14. Village of Scribner, Nebraska is the owner of and maintains the flood control dike located generally west of the Widhalm Property ("Scribner"). We have been unable to secure an ingress/egress easement from Scribner over the dike. However, Scribner has granted an ingress/egress easement over the dike to the Appleby, Mayberry, Sawyer, and Clarke Properties. These recorded easements are attached as Exhibit "9".

15. Donald J. Dostal is the owner of the property identified as Tax Parcel 270140046. An overview of the Dostal property from the County Assessor's website is attached as Exhibit

"10". We have been unable to secure an ingress/egress easement from Dostal to use the portion of the established road that goes through his property. ("Dostal Property").

16. BK Farms, LLC is the owner of property identified as Tax Parcel 270117796. An overview of the BK Farms property from the County Assessor's website is attached as Exhibit "11". We have been unable to secure an ingress/egress easement from BK Farms to use the portion of the established road that goes through its property. ("BK Farms").

17. An overview of the entire area from the County Assessor's website is attached as Exhibit "12". The Johnson Property is outlined in blue. The Clarke Properties are outlined in red. The Widhalm Property is outlined in orange. The Dostal Property is outlined in yellow. BK Farms, LLC's property is outlined in purple. The Scribner dike is not outlined in color but is located between the Dostal and Widhalm properties.

18. As a result of the foregoing, our access has been limited to crossing or navigating the Elkhorn River to access the Johnson Property. My wife and I filed a verified petition for an access road because it is necessary for the utilization of the Johnson Property that an access road be granted. We did not cause the Johnson Property to become landlocked and isolated.

19. We pray that the Dodge County Board of Supervisors grant us an access road across the established road as platted and surveyed by Apex Land Surveying, LLC depicted on Exhibits "13" and "14" over the Dostal, BK Farms, Scribner, and Widhalm properties; and grant us an access road across the established road depicted in Exhibits "2" and "3" over the Clarke properties.

AFFIANT SAYETH NOT.



Robert A. Johnson

Subscribed and sworn to before me this 21 day of March, 2022.



Notary Public

