

Filed for Record this 17 day of Dec  
at 9 o'clock 30 minutes AM.

*Ray Gentry*

Cir. Clk. & Ex-officio  
Recorder of Texas Co., Mo.

#66617  
Filed for Record this 20 day of Dec, A. D., 1968  
at 9 o'clock 55 minutes AM.  
#15431  
*Michael Hagan*  
Deputy

Ozark National Scenic Riverways

Tract No. OZAR 105, 138, 156

SCENIC EASEMENT DEED

THIS INDENTURE, made this 13 day of December 1968, by and between  
Sears Lehmann, Jr., and Margaret H. Lehmann, his wife, Virginia L. Way a/k/a Virginia  
Way, a single person, and Margie K. Seddon, a single person

, of the County of  
St. Louis, State of Missouri, parties of the first part, and the United  
States of America, Washington, D. C., party of the second part.

WITNESSETH: WHEREAS, Public Law 88-492, passed August 27, 1964, provided for  
the establishment of the Ozark National Scenic Riverways in the State of Missouri  
for the purpose of conserving and interpreting unique scenic and other natural  
values of objects of historical interest and authorized the Secretary of the  
Interior to acquire lands and interests therein, including scenic easements; and

WHEREAS, the parties of the first part are the owners in fee simple of the  
real property hereinafter described, lying, being and situate in Texas County, Shannon  
State of Missouri, over which the Secretary of the Interior has determined it to be  
necessary to acquire a scenic easement for the preservation of the scenic values of  
the area described in said Act;

NOW, THEREFORE, in consideration of the premises and the sum of Twelve  
thousand five hundred and no/100 dollars (\$12,500.00) - - to them paid by said  
party of the second part, the receipt of which is hereby acknowledged, the  
parties of the first part do by these presents GRANT, BARGAIN AND SELL, CONVEY  
AND CONFIRM, in perpetuity, subject to the consideration hereinafter set forth, unto  
the party of the second part and its assigns, an estate, interest and scenic ease-  
ment in said hereinafter described real property of the nature and to the extent  
hereinafter described and do covenant on behalf of themselves, their heirs,  
successors and assigns (said covenant to run with said land) with the party of the  
second part and its assigns to do and refrain from doing severally and collectively  
upon the said hereinafter described lands; the various acts hereinafter mentioned;  
it being hereby agreed and expressed that the doing of and the refraining from  
doing said acts, and each thereof, upon the said lands are and will be for the  
benefit of the party of the second part through the preservation of the scenic and  
other natural values of objects of historic interest to the Ozark National Scenic  
Riverways in accordance with Public Law 88-492 of August 27, 1964.

The scenic easement restrictions hereby imposed upon the use of said lands  
and the acts which the parties of the first part so covenant to refrain from doing  
upon the hereinafter described lands are and shall be as follows:

1. Prohibiting ingress and egress over and across and use by the general public of any or all of the herein-described lands lying within 300 feet of the ordinary low water mark of the river for such uses and purposes as are not inconsistent with the restrictions and purposes of said scenic easement.

2. Using the said lands for mining or industrial activity or for any purpose whatsoever except for noncommercial residential purposes or for such additional purposes as may be authorized in writing on such terms and conditions deemed appropriate by the Secretary of the Interior or his authorized representative. But the of the first part shall not be precluded hereby from farming the land nor from grazing livestock thereon provided the same be done in conformity with good husbandry practice. The permitted use for farming and grazing shall not include the harvesting of timber, but firewood for personal use may be gathered from selected areas upon approval of the Park Superintendent.

3. Erecting or building any structures on said lands, including major alterations to existing buildings, except as may be authorized in writing by the Secretary of the Interior or his duly authorized representative. There is specifically retained by the parties of the first part, their heirs, successors and assigns the right to perform ordinary maintenance on all existing structures and buildings, together with the right to replace, rebuild or substitute any building or structure now existing with similar buildings or structures in substantially the same location, if all or any of such existing buildings are destroyed or damaged by fire, storm or other casualty.

4. Permitting any change in the character of the topography of said lands other than that caused by the forces of nature, except as may be authorized in writing by the Secretary of the Interior or his duly authorized representative.

5. Permitting the accumulation of any trash or foreign material which is unsightly or offensive.

6. Cutting or permitting to be cut, destroying or removing any timber or brush, except as may be authorized in writing by the Secretary of the Interior or his duly authorized representative. Provided, however, that seedling trees or seedling shrubbery may be grubbed up or cut down in accordance with good farm practice on lands presently being cultivated or for residential maintenance purposes. Cultivated crops, including orchard fruit and nut trees, may be pruned, sprayed, harvested and otherwise maintained in accordance with good farm practice.

7. No trailer shall be placed, used or maintained on said lands as a substitute for a residential building or other structure, and no sign, billboard,

or advertisement shall be displayed or placed upon the land, except that one sign not greater than 24 inches by 36 inches, in size, advertising the sale of products raised thereon or sale or lease of the lands may be displayed on appropriate occasions.

The lands hereinabove referred to and to which the provisions of this instrument apply are situated in the County of <sup>ies Dent</sup> Texas, State of Missouri, and are more particularly described as follows:  
Shannon

See descriptions attached hereto and made a part hereof.

This conveyance is subject to existing easements for public roads and highways, public utilities, railroads and pipelines

By acceptance of this deed, the party of the second part specifically agrees for the purpose of the parties of the first part retaining their present means and rights of ingress and egress, that the parties of the first part, their heirs, successors and assigns, or invitees, shall not be required to pay, when proceeding directly to and from such lands, park entrance or road fees.

The parties of the first part, for the consideration hereinabove set out, further grant unto the party of the second part and its duly authorized representatives the right of ingress and egress upon and across said lands for the purpose of effecting emergency action with regard to the control and suppression of fires and for emergency action needed for visitor protection in relation to the operation of the Ozark National Scenic Riverways as established by the hereinabove mentioned Act.

TO HAVE AND TO HOLD the hereindescribed scenic easement and rights unto the party of the second part and its assigns forever.

The parties of the first part, for themselves, their heirs, successors and assigns do hereby covenant with the said party of the second part and its assigns that they are lawfully seized of an indefeasible estate in fee simple in the hereindescribed lands; that they have the right to sell and convey the estate, interest and scenic easement herein conveyed; and that they will warrant and defend unto the party of the second part and its assigns, forever, the quiet and peaceable use and enjoyment of the herein granted easement against the lawful claims and demands of all persons whomsoever.

Ozark National Scenic Riverways

Dent County, Missouri

Owner: Sears Lehmann, Jr.

Acres: 285.41

TRACT NO. OZAR 105

A tract of land situated in the County of Dent, State of Missouri, being the  $S\frac{1}{2}$  of Lot No. 2 of the Fractional NW $\frac{1}{4}$ , Lot No. 1 and Lot No. 2 of the Fractional SW $\frac{1}{4}$ , and the N $\frac{1}{2}$  of the SE $\frac{1}{4}$  of Fractional Section 31, Township 32 North, Range 6 West of the Fifth Principal Meridian and containing 285.41 acres, more or less.

Ozark National Scenic Riverways

Texas County, Missouri

Owner: J. A. Seddon

Acres: 40.04

TRACT NO. OZAR 138

A tract of land situated in the County of Texas, State of Missouri, being the E $\frac{1}{2}$  of Lot No. 2 of the Fractional NE $\frac{1}{4}$  of Fractional Section 1, Township 31 North, Range 7 West of the Fifth Principal Meridian and containing 40.04 acres, more or less.

Ozark National Scenic Riverways

Shannon County, Missouri

Owner: Virginia L. Way

Acres: 39.98

TRACT NO. OZAR 156

A tract of land situated in the County of Shannon, State of Missouri, being the W $\frac{1}{2}$  of Lot No. 2 of the Fractional NW $\frac{1}{4}$  of Fractional Section 6, Township 31 North, Range 6 West of the Fifth Principal Meridian and containing 39.98 acres, more or less.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Sears Lehmann, Jr. (SEAL)  
Sears Lehmann, Jr.

Margaret H. Lehmann (SEAL)  
Margaret H. Lehmann

Margie K. Seddon (SEAL)  
Margie K. Seddon

Virginia Way (SEAL)  
Virginia Way

STATE OF Missouri  
COUNTY OF St. Louis, Mo.

On this 13<sup>th</sup> day of December, A. D. 1968, before me personally appeared Sears Lehmann, Jr. and Margaret H. Lehmann, his wife, Margie K. Seddon, a single person, and Virginia Way, a single person

to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year first above written.

Marie J. [Signature]  
Notary Public

My term of office as a Notary Public will expire 19,  
My Commission Expires Aug. 17, 1971

