Locher, Locher, Mather & Stritmatter
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Monticello, IA 52310

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DELAWARE COUNTY, IOWA

97-1193

PREPARER: Douglas D. Herman 123 E 1st St. Monticello (319)465-3531

EASEMENT

WHEREAS, the undersigned Charles Bacon and Joy Bacon are purchasers of certain property purchased at tax sale in Delaware County identified as a portion of "Henry Street" located within Leroy Jackson's Second Addition to the City of Hopkinton, Iowa, the same being located outside of the corporate city limits of the City of Hopkinton, and therefore, being within the County of Delaware County, Iowa, said property being more particularly described as follows:

Section 18, Township 087, described as that part of Henry Street, Leroy Jackson's Second Addition to Hopkinton, Iowa, lying South of Lot 16, and

Section 18, Township 087, described as that part of Henry Street, Leroy Jackson's Second Addition to Hopkinton, Iowa, lying South of Lots 14 and 15 and lying South of the North Street extension.

WHEREAS, the undersigned also own the East 105 feet of Lot 19 in Jackson's Addition to the City of Hopkinton, Iowa, which abuts the above referred to "Henry Street" on the South, but which is, however, fully located within the corporate limits of Hopkinton, Iowa.

AND WHEREAS, Lot 20 and the West 60 feet of Lot 19, Jackson's Addition to Hopkinton, Iowa, abuts the above referred to "Henry Street" on the South, and Lot 16, Jackson's Second Addition to Hopkinton, Iowa, abuts Henry Street on the North, the same presently being owned by Anthony A. and Alice H. Russ.

AND WHEREAS, Lot 21 Jackson's Addition to Hopkinton, Iowa, also abuts the above referred to "Henry Street" on the South, the same being owned by Robert J. and Sophia Wilcox.

AND WHEREAS, all that part of Lot 14 Leroy Jackson's Second Addition to Hopkinton, Iowa except that portion of Lot 14 lying within the Southeast Quarter of the Northeast Quarter of Section 13, Township 87 North, Range 4, West of the 5th P.M. and including an undivided one-half interest appurtenant thereto in a 20' roadway is owned by the Doran P. Flannagan Estate.

AND WHEREAS, all that part of Lot 14, Leroy Jackson's Second Addition to Hopkinton, lying in the Southeast Quarter of the Northeast Quarter of Section 13, Township 87 North, Range 4, West of the 5th P.M. and an undivided one-half interest appurtenant to the above described real estate in a 20 foot roadway is owned by Michael A. Wilcox.

AND WHEREAS, in return for good and valuable consideration, the undersigned grantors, hereby wish to grant an easement to the owners of Lot 20, and the West 60 feet of Lot 19, and Lot 21 of Jackson's Addition to Hopkinton, Iowa, and the various owners of Lots 14, 15, and 16, of Jackson's Second Addition to Hopkinton, Iowa, solely for the purpose of ingress and egress to said Lots by way of the above described portions of Henry Street purchased by the undersigned grantors by way of tax sale.

AND WHEREAS, the undersigned grantors do not intend and/or warrant that said easement will be maintained in a condition suitable for vehicular traffic and/or use.

AND WHEREAS, any use of said easement by and/or on behalf of the property owners abutting said easement and entitled to the use of the same shall be at their peril and said grantors assume no responsibility and/or liability for injuries to person and/or property within said easement area.

AND WHEREAS, the abutting property owners to said easement area shall not be allowed to construct any structure nor maintain said easement area in any manner which would restrict free access to the entire easement area by any abutting property owner.

AND WHEREAS, said Easement so granted shall run with the land described above and be binding upon the heirs and assigns of all current owners of the lots referred to herein.

AND WHEREAS, the Easement described above for purposes of ingress and egress shall effect all of the "Henry Street" property being purchased by the undersigned at tax sale **BUT FOR THE EASTERN 105 FEET "HENRY STREET" AREA WHICH DIRECTLY ABUTS THE 105 FEET OF LOT 19, JACKSON'S SECOND ADDITION TO THE CITY OF HOPKINTON, IOWA, ON THE NORTH THEREOF.** This excepted portion of the "Henry Street" tax sale purchase shall not be within the easement granted herein.

Signed and dated this 14 day of August, 1997.

Charles F. Bacon
Charles Bacon

Joy Bacon
Joy Bacon

Subscribed and sworn to before me by the said Charles Bacon and Joy Bacon, known to me to be the identical persons named herein who executed the foregoing as an expression of their voluntary act and deed on this 14th day of August, 1997.

Wilma L Parsons
Notary Public in and for the State of Iowa
My Commission Expires 12-10-98

WILMA L. PARSONS
MY COMMISSION EXPIRES
12-10-98