City of Dundee
Attn: Michele Bandy
125 S. Main St.
Dundee, IA 52038

DELAWARE COUNTY IOWA
FILED
2001 APR 27 PM 2:08
BOOK 201 PAGE 135
DEBORAH L. HERRON
DELAWARE CO. RECORDER
16.00

CARR & CARR LAWYERS P.O. BOX 333
MANCHESTER, IA 52057 319-927-4164

EASEMENT

This agreement made this 28 day of October, ~~2000~~ 2001 by and between Alan E. Philbrook and Kimberly E. Philbrook hereinafter Philbrooks and the City of Dundee, IA hereinafter City,

WITNESSETH:

Philbrooks in consideration of the sum of One Dollar ($1.00) and the benefits to be derived by this agreement do hereby grant to City the perpetual right and easement to enter upon, construct and form and thereafter use, inspect and maintain a water drainage raceway (an open earthen channel) across the Northeasterly portion of the property of Philbrooks described on Exhibit "A" attached hereto.

The raceway will extend Southeasterly from the Northeasterly portion of the Philbrook property.

City shall have the right of necessary ingress and egress to and from the area to construct, maintain, inspect, rebuild, repair or replace the raceway.

Philbrooks agree to erect no buildings, obstructions or other improvements upon or under the property covered by this easement which would interfere with the purposes herein declared, which easement is to carry surface water in a controlled manner.

City shall use all necessary care in constructing and maintaining the raceway and shall restore Philbrook land not a part of the raceway to as near to its present condition upon completion as possible.

This easements and the rights herein described shall be binding upon the Philbrooks, their heirs, successors and assigns. This easement shall be perpetual and shall run with the land.

Alan E. Philbrook

Kimberly E. Philbrook

CITY OF DUNDEE, IOWA

BY: Edward D. Gibbs
Mayor

BY: Michele Bandy
Clerk

SEAL CITY DUNDEE IOWA

STATE OF WISCONSIN)
) SS
Dane COUNTY)

On this 28 day of October, 2000 before me, the undersigned, a Notary Public in and for said State personally appeared Alan E. Philbrook and Kimberly E. Philbrook to me known to be the identical persons named in and who executed the foregoing instrument and acknowledged to me that they executed the same as their voluntary act and deed.

Michelle K. Vlasak
Notary Public in and for State of Wisconsin

NOTARY PUBLIC STATE OF WISCONSIN

STATE OF IOWA)
) SS
DELAWARE COUNTY)

On this 19 day of April, ~~2000~~ 2001 before me a Notary Public in and for the State of Iowa personally appeared Edward D. Gibbs and Michele Bandy, to me personally known and, who, being by me duly sworn, did say that they are the Mayor and the City Clerk, respectively, of the City of Dundee, Iowa; and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council and that the said Mayor and City Clerk as such officers, acknowledged the execution of this instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.

Carol A. Cooper
Notary Public in and for State of Iowa

CAROL A. COOPER Iowa NOTARIAL SEAL

EXHIBIT "A"

Parcel H Of Plat Of Survey Recorded In Book 8 Page 15 Of The Delaware County Recorder's Office Being Part Of The Southeast Quarter Of The Northwest Quarter (SEl/4-NW1/4) Of Section 27, Township 90 North, Range 6 West Of The Fifth Principal Meridian, Delaware County, Iowa. Except W 20'.