DELAWARE COUNTY IOWA
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DEBORAH L. PEYTON
DELAWARE CO. RECORDER
$10.00

Prepared by Gregory B. Jones, Iowa Department of Natural Resources, Wallace State Office Bldg., Des Moines, Iowa 50319-0034, 515-281-5806.

FENCING AGREEMENT
IOWA DEPARTMENT OF NATURAL RESOURCES

Introduction.
This agreement is made by the Iowa Department of Natural Resources (DNR) acting for the State of Iowa, and Larry Lincoln, John Lincoln and Gerald Lincoln, Lincoln Brothers Farms, a partnership, (Adjacent Property Owner). The DNR and the Adjacent Property Owner agree to cooperate in the maintenance of a partition fence between state owned real estate described herein and adjoining real estate owned by the Adjacent Property Owner, in accordance with the following provisions and specifications:

1. State Property Description.
Name of Area: Backbone State Park
Location: Sections 10 and 15, Township 90 North, Range 6 West of the 5th P.M., Delaware County, Iowa.

2. **Period of Agreement.**
This agreement is perpetual, runs with the land and shall bind the parties' heirs, successors and assigns.

3. Fence Construction by the DNR.
The Department agrees to construct the following described property division fence in accordance with the provisions and specifications set forth herein:

Commencing at the Southeast corner of said Section 15; thence West along the South line of said Section 15, 1,275.4 feet; thence N 44°12' E, 450.2; thence N 34°43' W, 2,010 feet to the point of beginning; thence continuing N 34°43' W, to the East line of the Northwest Quarter (NW¼) of said Section 15; thence North along said line, 1,048.2 feet; thence S 88°39' W to the East line of the West Half of the Northwest Quarter (W½ NW¼) of said Section 15; thence North along said East line of the West Half of the Northwest Quarter (W½ NW¼) to a point 2,010 feet South of the Northeast corner of the Southwest Quarter of the Southwest Quarter (SW¼ SW¼) of said Section 10.

4. Fence Maintenance by the DNR.
The DNR agrees to maintain the following described partition fence in accordance with the provisions and specifications set forth herein:

Same description as set forth under numbered paragraph 3.

5. Fence Construction by the Adjacent Property Owner.
The Adjacent Property Owner agrees to construct the following described partition fence in accordance with the provisions and specifications set forth herein:

Commencing at the Southeast corner of said Section 15; thence West along the South line of said Section 15, 1,275.4 feet; thence N 44°12' E, 450.2 feet to the point of beginning; thence N 34°43' W, 2,010 feet.

Also, commencing at the Northeast corner of the Southwest Quarter of the Southwest Quarter (SW¼ SW¼) of said Section 10; thence South, 2,010 feet along the East line of said Southwest Quarter of the Southwest Quarter (SW¼ SW¼) and the East line of the West Half of the Northwest Quarter (W½ NW¼) of said Section 15.

6. Fence Maintenance by the Adjacent Property Owner.
The Adjacent Property Owner agree to maintain the following described partition fence in accordance with the provisions and specifications set forth herein:

Same description as set forth under numbered paragraph 5.

7. Fence Specifications.
The parties hereby acknowledge that if construction of a new partition fence becomes necessary, the Adjacent Property Owner may choose the type of fence to reconstruct and maintain. However, the fence must be appropriate and reasonable for its intended purpose and for the physical conditions of the fencing site. The DNR will construct and maintain a fence equivalent to the fence constructed and maintained by the Adjacent Property Owners. If the fence is constructed of barbed wire it shall be no less than three strands.

ADJACENT PROPERTY OWNER:

Larry Lincoln

Larry Lincoln

John Lincoln

John Lincoln

Gerald Lincoln

Gerald Lincoln

DEPARTMENT OF NATURAL RESORCES:

Steve Pennington

Steve Pennington, Administrator
Parks, Recreation and
Preserves Division (interim)

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ACKNOWLEDGEMENT

STATE OF IOWA }
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COUNTY OF Clayton }

On this 8th day of February, 2001, before me, a Notary Public in and for the State of Iowa, personally appeared Larry Lincoln, John Lincoln and Gerald Lincoln, to me known to be the persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Sue Meyer
Notary Public in the state of Iowa

SUE MEYER
MY COMMISSION EXPIRES
3-27-02

ACKNOWLEDGEMENT

STATE OF IOWA }
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COUNTY OF POLK }

On this 18th day of April, 2001, before me, a Notary Public in and for the State of Iowa, personally appeared Steve Pennington, who stated that he is the duly appointed and actively serving Administrator of the Parks, Recreation and Preserves Division of the Iowa Department of Natural Resources, and that he executed the foregoing instrument as his voluntary act and deed as the voluntary act and deed of the Iowa Department of Natural Resources.

GREGORY B. JONES
MY COMMISSION EXPIRES
AUGUST 2, 2003

Gregory B Jones
Notary Public in the state of Iowa