DELAWARE COUNTY IOWA
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DEBORAH L. BRYON
DELAWARE CO. RECORDER
21.00

Phone: 319-465-3531
A.N. Strittmatter P.O. Box 229, 123 East First Street Monticello, IA 52310

# WATER LINE EASEMENT AND AGREEMENT

This Agreement is made between Marilyn J. Kirkwood, a single person, Marilyn J. Kirkwood as Executor of the Maurice G. Kirkwood Estate, Robert M. Kirkwood and Linda M. Kirkwood, husband and wife, Kevin Sternhagen and Kathy Sternhagen, husband and wife, the owners of the following described real estate located in Southfork Township, Delaware County, Iowa:

Robert M. Kirkwood and Linda M. Kirkwood, husband and wife, are the owners of the real estate designated as Parcel #1.

## PARCEL #1

**The West 280 feet of the North 200 feet of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of Section Seventeen (17), Township Eighty Seven (87) North, Range Three (3), West of the Fifth P.M., subject to all easements of record, containing 1.29 acres.**

Kevin Sternhagen and Kathy Sternhagen, husband and wife, own the real estate designated as Parcel #2:

## PARCEL #2

**The East two hundred eight (208) feet of the West seven hundred fifty (750) feet of the North two hundred eight (208) feet of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of Section Seventeen (17), Township Eighty Seven (87) North, Range Three (3), West of the Fifth P.M.**

Marilyn J. Kirkwood, a single person, owns the real estate designated as Parcel #3:

## PARCEL #3

**The West 375 feet of the North 190 feet of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of Section Seventeen (17), Township Eighty Seven (87) North, Range Three (3), West of the Fifth P.M., subject to all easements of record, containing 1.63 acres.**

Marilyn J. Kirkwood, single, individually and as Executor of the Maurice G. Kirkwood Estate, owns the real estate designated as Parcel #4.

**PARCEL #4**

**The Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of Section Seventeen (17), Township Eighty Seven (87) North, Range Three (3), West of the Fifth P.M.**

Marilyn J. Kirkwood, single, individually and as Executor of the Maurice G. Kirkwood Estate, owns the real estate designated as Parcel #5.

**PARCEL #5**

**The South One-Half (S 1/2) of the Northeast Quarter (NE 1/4) of Section Seventeen (17), Township Eighty Seven (87) North, Range Three (3), West of the Fifth P.M., EXCEPT the real estate described in Parcels #1 and #2, aforesaid.**

Whereas, there is a well located in Parcel #1 that serves houses located in Parcels #1, #2, #3 and #4, it is the intent of all parties to this Agreement that the well in Parcel #1 shall continue to supply water to Parcels #1, #2, #3 and #4 under the following conditions:

In consideration of the setting off of individual houses in separate parcels, aforesaid, and in consideration that the houses located on these parcels are served by a common well located on Parcel #1, the parties to this Agreement do hereby agree and covenant with each other that all parties shall be served by this common well and shall be burdened with the expense of the well's maintenance and usage. All parties shall have the right to hook on to this well and use the water therefrom and all parties grant to each other party the easement through their land, described aforesaid, to maintain the existing well and water lines connecting their homes to the well site. The maintenance of the connecting water lines to the well site shall be the responsibility and expense of each individual property owner.

In the event the owner of any parcel shall discontinue the use of the well, that parcel shall be relieved of the expense of maintenance or replacement of the well but the easements granted through that parcel for connecting water lines shall remain in full force and effect.

The easements granted herein and the covenants entered into run with the land and are binding on all of their grantees, heirs, successors and assigns.

Dated this 25th day of October, 2001.

Marilyn J. Kirkwood
MARILYN J. KIRKWOOD

Marilyn J. Kirkwood, exec.
MARILYN J. KIRKWOOD, EXECUTOR
OF THE MAURICE G. KIRKWOOD ESTATE

Robert M Kirkwood
ROBERT M. KIRKWOOD

Linda M Kirkwood
LINDA M. KIRKWOOD

Kevin Sternhagen
KEVIN STERNHAGEN

Kathy L. Sternhagen
KATHY STERNHAGEN

STATE OF IOWA )
) SS
COUNTY OF Delaware )

On the 28 day of October, 2001, before me, the undersigned Notary Public, in an for said State, personally appeared ROBERT M. KIRKWOOD and LINDA M. KIRKWOOD, to me known to be the identical persons named in and who executed the foregoing instrument, and acknowledged that such persons executed the same as the voluntary act and deed of such persons.

Crystal K Sternhagen
NOTARY PUBLIC IN AND FOR SAID STATE

CRYSTAL K. STERNHAGEN
MY COMMISSION EXPIRES
5-24-03

STATE OF IOWA )
) SS
COUNTY OF Delaware )

On the 28 day of October, 2001, before me, the undersigned Notary Public, in an for said State, personally appeared KEVIN STERNHAGEN and KATHY STERNHAGEN, to me known to be the identical persons named in and who executed the foregoing instrument, and acknowledged that such persons executed the same as the voluntary act and deed of such persons.

Crystal K Sternhagen
NOTARY PUBLIC IN AND FOR SAID STATE

MY COMMISSION EXPIRES 5-24-03

STATE OF IOWA )
) SS
COUNTY OF Jones )

On the 25th day of October, 2001, before me, the undersigned Notary Public, in an for said State, personally appeared MARILYN J. KIRKWOOD, to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that such person executed the same as the voluntary act and deed of such person.

A N Strittmatter
NOTARY PUBLIC IN AND FOR SAID STATE

NOTARIAL SEAL IOWA
A. N. STRITTMATTER
COMMISSION NO. 403318
MY COMMISSION EXPIRES
4-5-03

STATE OF IOWA )
) SS
COUNTY OF Jones )

On the 25th day of October, 2001, before me, the undersigned Notary Public, in an for said State, personally appeared MARILYN J. KIRKWOOD, Executor of the Maurice G. Kirkwood Estate, to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that such person, as such fiduciary, executed the same as the voluntary act and deed of such person and of such fiduciary.

NOTARIAL SEAL IOWA
A. N. STRITTMATTER
COMMISSION NO. 403318
MY COMMISSION EXPIRES
4-5-03

A N Strittmatter
NOTARY PUBLIC IN AND FOR SAID STATE