DELAWARE COUNTY IOWA
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DEBORAH L. BEYTON
DELAWARE CO. RECORDER
$21.00

Prepared by: Attorney Tom Jenk, P.O. Box 304, Dyersville, Iowa 52040-0304 (563) 875-9112

PERMANENT PRIVATE EASEMENT
FOR VEHICULAR ACCESS WAY TO AGRICULTURAL LAND

That the following are Owners and Grantors of the following described property:

1. Dorrance P. Hogan and Jayne M. Hogan, husband and wife, of:

The South One-half (S½) of the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼) of Section Thirteen (13), Township Eighty-eight (88) North, Range Five (5), West of the Fifth P.M., Delaware County, Iowa, and

2. James Freiburger and Cindy Freiburger, husband and wife, of :

Parcels 'U' & 'V' of Lot 1 and that part of Lot 2 lying Easterly of the Centerline of County Road D5X (210th Avenue), all in the Northeast Quarter of the Northeast Quarter of Section 14, Township 88 North, Range 5 West of the 5th P.M., Delaware County, Iowa, subject to easements of record per plat recorded in Book 2001, Page 3953, along with access easement along the Easterly Twenty (20) feet thereof for the benefit of the grantors and owners of the North One-half (N½) of the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼) of Section Thirteen (13), Township Eighty-eight (88) North, Range Five (5), West of the Fifth P.M., Delaware County, Iowa

And

3. Scott Harbach, single, owner of:

The South One-half (S½) of the Southwest Quarter (SW¼) of Section Twelve (12), and the North One-half (N½) of the Northwest Quarter (NW¼) of Section Thirteen (13), all in Township Eighty-eight (88) North, Range Five (5), West of the Fifth P.M., except the South One-half (S½) of the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼) of said Section Thirteen, Delaware County, Iowa, and that the above named, their successors and assigns, hereinafter called the Grantors, in consideration of the provisions of the road action enacted by the Delaware County Board of Supervisors and of the terms of this agreement, hereby grant to each other and to each others successors, hereinafter called the Grantees, a permanent and perpetual easement upon Grantor's real estate, hereinafter called the "premises," for access to Grantors/Grantees and to provide an access for agricultural purposes to land being purchased by the Grantee (Kroemer Five Star Farm, Inc.) from Scott Harbach, said property lying East of Section 14, Township 88 North, Range 5 West of the Fifth P.M., Delaware County, Iowa

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That the Grantors and the Grantees are one and the same parties. That said easement shall be for the East Half of the vacated County Road known as Hartwick and Spring Branch Road from County Road D5X, n/k/a 210th Avenue, Delaware County.

That the County Road was closed but never vacated.

That said easement starts from the South platted corner of Parcel "V" of Lot 1 and that part of Lot 2 lying Easterly of the centerline of County Road D5X (210th Avenue), all in the Northeast Quarter of the Northeast Quarter of Section 14, Township 88 North, Range 5 West of the 5th P.M., Delaware County, Iowa, and proceeds North to the centerline of 240th Street, being also the Northeast corner of said Section 14. Said easement being located on the West 30 feet of the East ½ of said closed Hartwick and Spring Branch Road.

Reservation of Rights to Grantors: Grantors and their successors reserve the right to enter upon the premises and to jointly use the premises for private agricultural access from County Road D5X (210th Avenue) to land owned by the Grantors located adjacent to the premises.

Termination of Easement: This easement shall terminate when it is no longer used by the Grantees as an agricultural access way to and from County Road D5X (210th Avenue). Unless this easement is earlier released in writing by the Grantees, this easement shall terminate two crop years after the easement is no longer used by the Grantees.

Upon termination of this easement, Grantors may remove and dispose of any fence or gate as they see fit without any liability to the Grantees therefore.

Covenant of Title: Grantors and Grantees and each of them hereby covenant that they hold title to said real estate described in the easement; that they have good and lawful authority to grant this easement; and they covenant to warrant and defend the said premises against the lawful claims of all persons whomsoever.

Each of the undersigned hereby relinquishes all rights of dower, homestead and distributive share, if any, in and to the interests conveyed by this easement.

Easement Runs with the Land: This easement shall run with the land and shall be binding on all Grantors and Grantees and on Grantors' and Grantees' successors and assigns.

Modification of Easement: This easement may be modified in whole or in part only with the written consent of all Grantors.

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Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

Dorrance P. Hogan

Jayne M. Hogan

James Freiburger

Cindy Freiburger

Scott Harbach, a/k/a Scott A. Harbach

STATE OF IOWA)
) ss:
COUNTY OF Delaware)

On this 5th day of March, 2002, before me, a Notary Public in and for said County and State, personally appeared Dorrance P. Hogan and Jayne M. Hogan, husband and wife, 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.

DONNA GIBBS
Commission Number 181486
My Commission Expires 1/4/04

Donna Gibbs
Notary Public in and for the State of Iowa

STATE OF IOWA)
) ss:
COUNTY OF Dubuque)

On this 5th day of March, 2002, before me, a Notary Public in and for said County and State, personally appeared James Freiburger and Cindy Freiburger, husband and wife, 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.

Joanne Oberbroeckling
Notary Public in and for the State of Iowa

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STATE OF IOWA)
) ss:
COUNTY OF Dubuque)

On this 7th day of March, 2002, before me, a Notary Public in and for said County and State, personally appeared Scott Harbach, a/k/a Scott A. Harbach, single, 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.

DONNA GIBBS
Commission Number 181486
My Commission Expires 10/4/04

Donna Gibbs
Notary Public in and for the State of Iowa

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