DELAWARE COUNTY IOWA
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DEBORAH L. PEYTON
DELAWARE CO. RECORDER
Rec. 00

Daniel Schulte
1831 Honey Creek Rd
Manchester IA
52057

Prepared by: Garlyn Glanz, Delaware County Conservation Department, 2379 Jefferson Rd, Manchester IA 52057 (563) 927-3410

TILE EASEMENT AND AGREEMENT

This agreement dated this 7 day of July 2003 by and between the Delaware County Conservation Board, and Delaware County Board of Supervisors, hereinafter referred to as First Party, and Daniel A. and Ann L. Schulte and Harold A. Overmann and Frederick J. Overmann and Richard J. Overmann, hereinafter referred to as Second Party, witnesseth:

WHEREAS, First Party is the owner of the following described property:
South 29 rods of the North 58 rods of the NW ¼ of the SW ¼ of Section 17, Township 89 North, Range 5, West of the 5th P.M., except for East 14 rods 9 feet thereof, known as the Gaffney Wildlife Area;

AND, WHEREAS, Second Party Daniel A. and Ann L. Schulte are the owners of the following described property:
Parcel C, part of the NW ¼ of the SW ¼ all in Section 17, Township 89 North, Range 5 West of 5th P.M. as recorded in book 2002, page 1633;

AND, WHEREAS, Second Party Harold A. Overmann and Frederick J. Overmann and Richard J. Overmann are the owners of the following described property:
W ½ of the NW ¼, except Parcel A, as recorded in plat book 7, page 118, and amended in book 7, page 119; also except that part deeded to State of Iowa for roadway purposes being in Section 17, Township 89 North, Range 5, West of the 5th P.M.

AND, WHEREAS, Second Party is in the process of constructing and/or maintaining a drainage tile line running North and South across their properties, which line will drain into the pond located on the property of First Party;

NOW, THEREFORE, in consideration of ONE DOLLAR ($1.00), receipt of which is hereby acknowledged by First Party, and the covenants herein contained, it is agreed between the parties as follows:

1. First Party grants unto Second Party a perpetual easement, over, under and across its land, said easement to be 30 feet in width, the centerline of which is described as follows:

> Commencing at a point on the South line of the North half of the NW ¼ of the SW ¼ of Section 17, Township 89 North, Range 5, West of the 5th P.M., which point is 491.0 feet, more or less, West from the West right of way line of Primary Highway No. 13, thence South 280.5 feet, more or less, to the North border of the pond on First Party's land.

2. Said easement shall be used for the purpose of constructing, repairing, maintaining and replacing a drainage tile line only, and First Party hereby grants to Second Party all rights of ingress and egress along said easement for said purpose.

3. Said tile easement shall not interfere or prohibit public use of the land or facilities owned by the First Party, at any time.

4. Second Party will construct and maintain said drainage tile line at its own expense and shall hold First Party harmless from any liability or responsibility therefore.

5. Prior to any construction, repair or maintenance or replacement of the drainage tile line, Second Party will notify the First Party of the intended work, and upon completion shall return any land disturbed to as nearly its original condition as possible.

6. This tile easement and agreement shall run with the land and shall be binding on all the parties hereto, their heirs, successors and assigns.

Executed at Manchester, Iowa, the day and date first above written.

FIRST PARTY

DELAWARE COUNTY CONSERVATION BOARD

Richard Sampson
Richard Sampson, Chairman

Garlyn R Glanz
Garlyn R. Glanz, Director

SECOND PARTY

Daniel A. Schulte
Daniel A. Schulte

Ann L. Schulte
Ann L. Schulte

Harold A. Overmann
Harold A. Overmann

Frederick J Overmann
Frederick J. Overmann

Richard J. Overmann
Richard J. Overmann

DELAWARE COUNTY BOARD OF SUPERVISORS AND AUDITOR

Bill Sheiner
Board of Supervisors – Chairman

Sharon McCabe
Auditor

SEAL OF THE COUNTY OF DELAWARE, IOWA

STATE OF IOWA)
) ss:
DELAWARE COUNTY)

On this 30th day of June, 2003, before me, Linda R. Ash a Notary Public, in and for the State of Iowa, personally appeared Richard Sampson (Richard Sampson) and Garlyn Glanz (Garlyn Glanz) to me personally known, and who, being by me duly sworn, did say that they are the Chairperson and Director of the Delaware County Conservation Board, respectively, of the County of Delaware, Iowa; that the seal affixed to the foregoing instrument is the county seal of the county, and that the instrument was signed and sealed on behalf of the county, by authority of its Conservation Board, as contained in the Conservation Board book of minutes as passed by the Delaware County Conservation Board on the 30th day of June, 2003, and Richard Sampson (Richard Sampson) and Garlyn Glanz (Garlyn Glanz) acknowledge the execution of the instrument to be their voluntary act and deed and the voluntarily act and deed of the county, by it voluntarily executed.

NOTARIAL SEAL IOWA
LINDA R. ASH
COMMISSION NUMBER 156629
My Comm. Exp. 6-28-05

Linda R. Ash
Notary Public
My commission expires 6-28-05

STATE OF IOWA)
) ss:
DELAWARE COUNTY)

On this 7 day of July, 2003, before me, Mark J. Nahra a Notary Public, in and for the State of Iowa, personally appeared Bill Skinner (Board of Supervisors - Chairman) and Sharon McCrabb (Auditor) to me personally known, and who, being by me duly sworn, did say that they are the Chairperson of the Board of Supervisors and County Auditor, respectively, of the County of Delaware, Iowa; that the seal affixed to the foregoing instrument is the county seal of the county, and that the instrument was signed and sealed on behalf of the county, by authority of its Board of Supervisors, as contained in the Supervisors Minute Book X as passed by the Board of Supervisors on the 7 day of July, 2003, and Bill Skinner (Board of Supervisors – Chairman) and Sharon McCrabb (Auditor) acknowledge the execution of the instrument to be their voluntary act and deed and the voluntarily act and deed of the county, by it voluntarily executed.

Mark J. Nahra
COMMISSION NUMBER 165627
MY COMMISSION EXPIRES
7-2-2004

Mark J. Nahra
Notary Public
My commission expires 7-2-2004

STATE OF IOWA)
) ss:
DELAWARE COUNTY)

On this 4th day of April, 2003, before me, Sharon McCrabb a Notary Public, in and for the State of Iowa, the undersigned, Daniel A. Schulte (Daniel A. Schulte) and and Ann L. Schulte (Ann L. Schulte) personally appeared to me and known to be the identical persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

NOTARIAL SEAL IOWA
...CRABB
Commission Number 002573
My Comm. Exp. 6-14-05

Sharon McCrabb
Notary Public
My commission expires 6-14-05

STATE OF IOWA)
) ss:
DELAWARE COUNTY)

On this 29th day of May, 2003, before me, Angela Peterson a Notary Public, in and for the State of Iowa, the undersigned, Harold A. Overmann (Harold A. Overmann) personally appeared to me and known to be the identical person named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

NOTARIAL SEAL IOWA
ANGELA R. PETERSON
Commission Number 197712
MY COMMISSION EXPIRES
8-3-04

Angela R. Peterson
Notary Public
My commission expires 8-3-04

STATE OF IOWA)
) ss:
DELAWARE COUNTY)

On this 8th day of April, 2003, before me, Sharon McCrabb a Notary Public, in and for the State of Iowa, the undersigned Fredrick J. Overmann
Fredrick J. Overmann
personally appeared to me and known to be the identical person named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

SHARON McCRABB
Commission Number 002573
My Comm. Exp. 6-14-05

Sharon McCrabb
Notary Public
My commission expires 6-14-05

STATE OF IOWA)
) ss:
DELAWARE COUNTY)

On this 8th day of April, 2003, before me, Sharon McCrabb a Notary Public, in and for the State of Iowa, the undersigned Richard J. Overmann
Richard J. Overmann
personally appeared to me and known to be the identical person named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

SHARON McCRABB
Commission Number 002573
My Comm. Exp. 6-14-05

Sharon McCrabb
Notary Public
My commission expires 6-14-05