Mary Althoff
3303 193rd Ave
Manchester IA
52057

DELAWARE COUNTY IOWA
FILED
2004 SEP -1 AM 11:2
BOOK 2004 PAGE 3407
DEBORAH L FIELTON
DELAWARE CO RECORDER
21.00

Preparer Information Mary Lou Tracey 105 N. Franklin St. Manchester, IA 563/927-4925

4-80 Plat

EASEMENT AND AGREEMENT

WHEREAS, the undersigned are the owners of Lots 2, 4, 5, 6, 7, 18, 19, 20 and 21 of Hickory Hills Subdivision, a subdivision of part of the NW¼ of Section 10 and part of the SE¼ of the SW¼ of Section 3, T88N, R5W of the 5th P.M., Delaware County, Iowa;

WHEREAS, abutting Lots 5, 6, 7, 18 and 19 on the East, and abutting Lots 2, 4, 20 and 21 on the West, is a North-South road known as 193rd Avenue, which provides access from the county road known as Jefferson Road to the various lots in Hickory Hills Subdivision;

WHEREAS, there has been recently surveyed and platted a new subdivision entitled Chief's Reservation, a Subdivision of Part of the N½-NW¼ of Sec. 10, T88N, R5W of the Fifth P.M., Delaware County, Iowa, which plat has been placed of record in Book 2004, Page 2838;

WHEREAS, Chief's Reservation consists of three lots, numbered 1, 2 and 3, the North line of which lots run East and West abutting the South line of Lots 9, 11, 13, 15, 17, 19, 21 and 23 of Hickory Hills Subdivision;

WHEREAS, all lots in Chief's Reservation are presently owned by Marjorie L. Althoff, who wishes to have a written record of an easement for access for herself, her successors, heirs and assigns, from Jefferson Road, thence South along 193rd Avenue to the East 15 feet of Lot 2 and the West 15 feet of Lot 3 of said Chief's Reservation;

WHEREAS, the aforesaid owners of Lots in Hickory Hills Subdivision have no objection to the same;

NOW, THEREFORE, in consideration of $1.00 and other valuable consideration, the aforesaid owners of said lots in Hickory Hills Subdivision hereby grant to Marjorie L. Althoff, her successors, heirs and assigns, a permanent easement for ingress and egress, on foot or by vehicle, to include guests, invitees and agents, along 193rd Avenue, and Marjorie L. Althoff agrees to abide by the road maintenance requirements set out in that agreement of date June 10, 1992, and of record July 9, 1992, in Book 3, Misc., Page 116, in the office of the Recorder of Delaware County, Iowa.

This easement and agreement is binding on all the parties hereto, their successors, heirs and assigns.

Dated this 13th day of August, 2004.

OWNERS OF LOT 2

Lawrence J. Richmond

Debra L. Richmond

OWNERS OF LOT 4

Barry J. Funke

Angela M. Funke

OWNERS OF LOT 5

Paul J. Glaza

Janet Glaza

OWNERS OF LOT 6

Royce J. Bandy

Donna M. Bandy

OWNERS OF LOTS 7 & 18

Freeman Smith Jr.

Jean Smith

OWNERS OF LOT 19

Marjorie L. Althoff

OWNERS OF LOTS 20 & 21

James A. Sellner

Carolyn A. Sellner

STATE OF IOWA, DELAWARE COUNTY, ss:

This instrument was acknowledged before me on this 17 day of August, 2004, by Lawrence J. Richmond.

JAMES V GRAYBILL
Notarial Seal - Iowa
Commission # 147348
My Commission Expires 7-7-06

Notary Public in and for the State of Iowa.

STATE OF IOWA, DELAWARE COUNTY, ss:

This instrument was acknowledged before me on this 17 day of August, 2004, by Debra L. Richmond.

JAMES V GRAYBILL
Notarial Seal - Iowa
Commission # 147348
My Commission Expires 7-7-06

Notary Public in and for the State of Iowa.

STATE OF IOWA, DELAWARE COUNTY, ss:

This instrument was acknowledged before me on this 17 day of August, 2004, by Barry J. Funke.

JAMES V GRAYBILL
Notarial Seal - Iowa
Commission # 147348
My Commission Expires 7-7-06

James V Graybill
Notary Public in and for
the State of Iowa.

STATE OF IOWA, DELAWARE COUNTY, ss:

This instrument was acknowledged before me on this 17 day of August, 2004, by Angela M. Funke.

JAMES V GRAYBILL
Notarial Seal - Iowa
Commission # 147348
My Commission Expires 7-7-06

James V Graybill
Notary Public in and for
the State of Iowa.

STATE OF IOWA, DELAWARE COUNTY, ss:

This instrument was acknowledged before me on this 17 day of August, 2004, by Paul J. Glaza.

JAMES V GRAYBILL
Notarial Seal - Iowa
Commission # 147348
My Commission Expires 7-7-06

James V Graybill
Notary Public in and for
the State of Iowa.

STATE OF IOWA, DELAWARE COUNTY, ss:

This instrument was acknowledged before me on this 17 day of August, 2004, by Janet Glaza.

JAMES V GRAYBILL
Notarial Seal - Iowa
Commission # 147348
My Commission Expires 7-7-06

James V Graybill
Notary Public in and for
the State of Iowa.

STATE OF IOWA, DELAWARE COUNTY, ss:

This instrument was acknowledged before me on this 17 day of August, 2004, by Royce J. Bandy.

JAMES V GRAYBILL
Notarial Seal - Iowa
Commission # 147348
My Commission Expires 7-7-06

James V Graybill
Notary Public in and for
the State of Iowa.

STATE OF IOWA, DELAWARE COUNTY, ss:

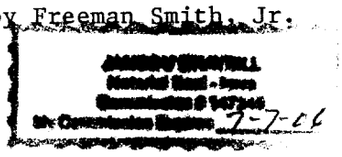
This instrument was acknowledged before me on this 17 day of August, 2004, by Donna M. Bandy.

JAMES V GRAYBILL
Notarial Seal - Iowa
Commission # 147348
My Commission Expires 7-7-06

James V Graybill
Notary Public in and for
the State of Iowa.

STATE OF IOWA, DELAWARE COUNTY, ss:

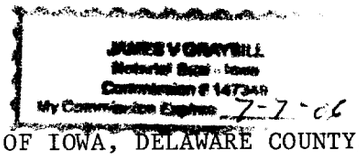
This instrument was acknowledged before me on this 17 day of August, 2004, by Freeman Smith, Jr.



Notary Public in and for
the State of Iowa.

STATE OF IOWA, DELAWARE COUNTY, ss:

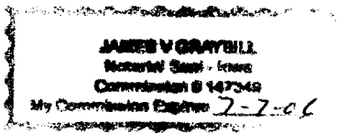
This instrument was acknowledged before me on this 17 day of August, 2004, by Jean Smith.



Notary Public in and for
the State of Iowa.

STATE OF IOWA, DELAWARE COUNTY, ss:

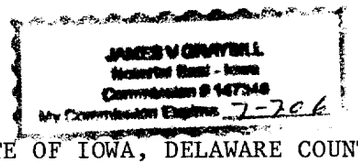
This instrument was acknowledged before me on this 17 day of August, 2004, by Marjorie L. Althoff.



Notary Public in and for
the State of Iowa.

STATE OF IOWA, DELAWARE COUNTY, ss:

This instrument was acknowledged before me on this 17 day of August, 2004, by James A. Sellner.

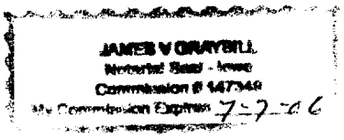


Notary Public in and for
the State of Iowa.

STATE OF IOWA, DELAWARE COUNTY, ss:

This instrument was acknowledged before me on this 17 day of August, 2004, by Carolyn A. Sellner.

Notary Public in and for
the State of Iowa.



CERTIFICATE OF SURVEY

I hereby certify that this plan, specifications, plat and/or report was prepared by me or under my direct supervision and that I am a duly registered Professional Engineer and Land Surveyor under the laws of the State of Ohio.

Signed _____ Date 12-19-72

Ohio Reg. No. 5131



SCALE: 1"=100'
● SET PIN
▲ SURVEY MONUMENTS

FILED
Date 1-6-73
Sharon McCrabb
Dep County Auditor

FILED
JAN 6 1973
Sharon McCrabb
Delaware County Auditor

er No. 8173