Del. Co. AB.

DELAWARE COUNTY IOWA
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BOOK 2004 PAGE 43216
DEBORAH L. PEYTON
DELAWARE CO. RECORDER
22.00

Preparer Information: Leonard, Street and Deinard c/o David G. Baratti,
150 S. Fifth Street, Suite 2300, Minneapolis, Minnesota 55402; phone (612) 335-1888

Space above this line for recorder

Site No. 12-046 – Manchester (Easement A & C)

GRANT OF EASEMENT

FOR VALUABLE CONSIDERATION, receipt of which is acknowledged, Laurence J. Scherrman and Irene M. Scherrman, husband and wife, hereinafter referred to as "Scherrmans", do hereby grant and convey to IOWA RSA #12, LLC, a Wisconsin limited liability company, hereinafter referred to as "Cellcom" whose address is 450 Security Boulevard, Green Bay, Wisconsin, 54313, the easement described in **Exhibit A** attached hereto, hereinafter referred to as "Easement". Scherrmans hereby covenant with Cellcom, and its successors in interest, that:

1. Scherrmans have good and lawful authority to convey the Easement.

2. The Easement shall be for Cellcom's non-exclusive use to access its property described as Parcel E in the NW ¼ of the SW ¼, Section 6, T 88 N, R5W of the

5th P.M, Delaware County, Iowa, according to the plat recorded in Book 8 Plats, Page 90 ("**Benefited Property**").

3. Scherrmans have not, to their knowledge, made, done, executed or suffered any act or thing whereby the above-described Easement or any part thereof, now or at any time hereafter, shall or may be imperiled, charged or encumbered in any manner.

4. This Easement shall inure to the benefit of Cellcom and the successive owners of Cellcom's Benefited Property described above as Parcel E, and shall be binding upon the Scherrmans and the successive owners of the Easement property described in Exhibit A.

Laurence J. Scherrman

Irene M. Scherrman

STATE OF IOWA)
) ss:
COUNTY OF JOHNSON)

This instrument was acknowledged before me on 10-18, 2004, by Laurence J. Scherrman and Irene M. Scherrman, husband and wife.

Barbara A Nauman
Notary Public in and for the State of Iowa

BARBARA A. NAUMAN
Commission Number 727604
My Commission Expires
March 2[illegible]007

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EXHIBIT A
LEGAL DESCRIPTION OF EASEMENT

Manchester #12-046 – Delaware County, Iowa.

A nonexclusive easement appurtenant to the Benefited Property for pedestrian and vehicular access, ingress and egress and installation and maintenance of driveway and utility improvements ("***Easement***") over, upon, and across the following described real property:

Parcel 1 (Easement Area A)

A strip of land 30 feet in width lying northerly and parallel to the following described line:

> Commencing at the Southwest corner of Section 6, Township 88 North, Range 5 West of the Fifth Principal Meridian; thence along the Westerly line of said Section 6, North 00°00'00" East 1423.09 feet; thence South 89°37'35" East to the Easterly Right of Way Line of State Highway 13 and the Northwesterly Corner of Parcel B as recorded in Book 7 of Plats, Page 96 in the Office of the Delaware County Recorder, 106.32 feet; (said point being the POINT OF BEGINNING of said 30 foot wide easement); thence continuing along the Northerly Line of said Parcel B, South 89°37'35" East, 221.30 feet to the West line of Parcel E in the NW 1/4 of the SW 1/4 Section 6, T88N, R5W of the Fifth P.M., Delaware County, Iowa, according to plat recorded in Book 8 Plats, Page 90; (said point being the POINT OF TERMINATION of said 30 foot wide easement).

Parcel 2 (Easement Area C)

Commencing at the Northwest corner of the Southwest Fractional Quarter of Section 6, Township 88 North, Range 5 West of the Fifth Principal Meridian, thence South 88 degrees 54 minutes East 780.4 feet along the North line of the Northwest Quarter of the Southwest Fractional Quarter of said Section 6; thence South 46 degrees 35 minutes West 418.6 feet; thence Southwesterly 266.5 feet along a 663.0 feet radius curve, concave Southeasterly and tangent to the preceding course; thence South 61 degrees 14 minutes West 103.1 feet; thence South 24 degrees 30 minutes West 106.9 feet; thence South 00 degrees 23 minutes East 550.00 feet; thence South 8 degrees 08 minutes West 105.0 feet to the POINT OF BEGINNING OF THE EASEMENT TO BE DESCRIBED *(Said Point of Beginning being the intersection of the East line of Highway No. 13 and the South boundary line of the tract of land described in Warranty Deed recorded in Book 112, L.D., Page 174. Said Point of Beginning also being the Northwest corner of Parcel B in the Southwest Quarter of Section 6, T88N, R5W, according to the plat recorded in book 7 of Plats, Page 96)*; thence North on the East line of said Highway No. 13 a distance of forty five (45) feet; thence Southeasterly a distance of seventy five (75) feet to the northerly boundary of Parcel B per plat recorded in book 7 of Plats, Page 96 (*said northerly boundary of Parcel B also being the South line of the tract described in*

Warranty Deed recorded in Book 112, L.D., Page 174); thence Southwesterly seventy five (75) feet to a point on the East line of said Highway No. 13 which is forty five (45) feet South of the point of beginning; thence North along the East boundary line of said Highway No. 13 to the point of beginning.

The Easement over Parcel 2 above includes, to the extent necessary, a nonexclusive assignment of Grantor's rights in the easement as granted and reserved in the Warranty Deed recorded in Book 112, L.D., Page 174.

Parcel 3 (Existing Utlity lines)

An easement for maintenance, repair and replacement of existing utility lines, if any, servicing the Benefited Property and located on that that portion of Scherrmans' property bounded (i) on the East by the West line of Parcel E in the NW 1/4 of the SW 1/4 Section 6, T88N, R5W of the Fifth P.M ("**Parcel E**"), (ii) on the West by the Easterly Right of Way Line of State Highway 13, (iii) on the North by the Westerly extension of the North line of Parcel E to the Easterly Right of Way Line of State Highway 13, and (iv) on the South by the Westerly extension of the South line of Parcel E to the Easterly Right of Way Line of State Highway 13.