City of Delaware
401 7th St
Delaware, IA 52057

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DEBORAH L. PEYTON, RECORDER/REGISTRA
DELAWARE COUNTY IOWA

William D. Werger 401 East Main Manchester (319) 927-5920
Preparer Information

LAND USE EASEMENT

In consideration of No Dollars and without monetary consideration, **Steven C. McAreavy and Beverly J. McAreavy, married persons,** hereinafter referred to as **Grantors,** do hereby grant, bargain, sell, transfer, and convey unto the **City of Delaware** as **Grantee**, its successor and assigns, a land use easement to protect the area in and around the new well that is being constructed by the city of Delaware on adjacent property, with regards to the following described property, to wit:

Part of Lots 4, 5 and 6 of Westsider's Subdivision and any vacated alley or streets between such lots, City of Delaware, Delaware County records.

The exact boundary of the easement is to be a circle drawn with the center being the new city well and the radius being 200 feet. Any part of said circle that covers the above described lots describes the easement area to be covered.

The land use restriction which shall be applicable shall include any use of said property, including the storage of materials and products that could possibly contaminate the well, as are more fully set forth in the statutes and administrative rules set forth from time to time by the Iowa Department of Natural Resources. Said statutes and rules shall constitute a part of this grant of easement and **Grantors** agree not to use any of the subject property in any manner inconsistent with or in violation of such statutes and rules.

The grant and other provisions of this easement shall constitute a covenant running with the land for the benefit of the **Grantee**, its successors and assigns.

IN WITNESS WHEREOF, the **Grantors** have executed this instrument this 14TH day of OCTOBER 2006.

Steven C. McAreavy Bevery J. McAreavy

State of Iowa,

ss.

Delaware County,

On this 14TH day of OCTOBER 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared Steven C. McAreavy and Beverly J. McAreavy, married persons, to me 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.

Notary Public

DODD D. SCROGGIN
Commission Number 167888
My Commission Expires
01/05/2008