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DEBORAH L. PEYTON, RECORDER/REGISTRA
DELAWARE COUNTY IOWA

PREPARED BY & RETURN TO:

Wayne Westhoff, 1769 310th Street, Dyersville, IA 52040 (563) 875-2372

EASEMENT FOR IMPOUNDMENT OF SURFACE RUNOFF

KNOW ALL MEN BY THESE PRESENTS:

That Delaware County (Grantor), in consideration of the sum of One and no/100ths ($1.00) Dollars and other good and valuable considerations in hand paid by Wayne Westhoff, do hereby grant, bargain, sell, convey, and release unto the said Wayne Westoff, the Grantee, a permanent and perpetual impoundment easement in, over and upon the following described premises: Impoundment located in the NE ¼ of the SE ¼ of Section 9, Township 89 North Range 3 West (Bremen Township), Delaware County, Iowa. Impoundment dam located approximately 200 feet North of Delaware County Road 177th Street and temporary storage of 1 foot of water in road ditch.

For the purpose of construction, operation, maintenance, and inspection of the above described works of improvement to be located on the above described land; for the flowage of any water in, over, upon or through such works of improvement; and for the permanent storage and temporary detention, either or both, of any waters that are impounded, stored, or detained by said works of improvement:

1. The rights and easements hereby granted shall cease and terminate at any time in the future when mutually agreed upon by the parties hereto or the above-described lands cease to be used for the purpose stated in this easement.
2. This easement includes the right of ingress and egress to the Grantee or its authorized agents at any time over and upon the above-described land of the Grantor(s) and any other land of the Grantor(s) adjoining land.
3. The Grantor(s) reserved the right to use said land or any part thereof, provided such use does not interfere with the full enjoyment by the Grantee of the easement herein conveyed.
4. The Grantor(s) shall be responsible for written notice to any present tenant or subsequent tenants, not now on the land or party to this easement, of the existence of this easement, and where a copy of the same may be located. (Recorded in the Delaware County Recorders Office.)
5. The Grantor(s) shall protect all conservation improvements in accordance with acceptable conservation methods.
6. The Grantee is authorized to employ private contractors, the same to act as its agents and representatives enjoy its privileges hereunder, to construct or install the improvements covered by this easement, and to remove trees, fences culverts or any other installation as necessary for construction operations.

And we herby covenant with said Wayne Westhoff that we are lawfully sized of said premises: that they are free from encumbrance that we have good and lawful authority to sell and convey the same, and we do hereby covenant to warrant and defend the said premises against the lawful claims of all person whosoever and the said hereby relinquishes their right of down in and to said premises herein before conveyed.

Signed this 14th day of May, 2007.

Steven L. Koeneke
Steven Koeneke, Chair

Attest:

Carla Becker
Carla Becker, Delaware County Auditor

STATE OF IOWA, Delaware County, ss.

On this 14th day of May, 2007, before me Mark J. Nahra a notary public in and for the State of Iowa appeared Steven Koeneke and Carla Becker, to me personally known, and who, being by me duly sworn, did say that they are the Chairperson of the County 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 1, as passed by the Board of Supervisors on the 14th day of May, 2007 and Steve Koeneke and Carla Becker acknowledged the execution of said instrument to be their voluntary act and deed and the voluntary act and deed of the county, by it voluntarily executed.

Mark J. Nahra
Notary Public
My Commission Expires: 7-2-2007

Seal:

Mark J. Nahra
COMMISSION NUMBER 165627
MY COMMISSION EXPIRES
7-2-2007