540-00-01-001-60
March 31, 2008
D. Willman

Book 2008 Page 917

Document 2008 917 Type 03 006 Pages 2
Date 3/28/2008 Time 12:42:35PM
Rec Amt $22.00

DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Prepared by Vicki Woodyard
Aquila, Inc.
1015 Cedar Cross Rd.
Dubuque, IA 52003
563-583-0415

Twp. 88N Easement
Rge. 3W Delaware County
Sec. 02 IA

RIGHT-OF-WAY EASEMENT

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, "GRANTOR", in consideration of the sum of One Dollar ($ 1.00) and other valuable consideration, the receipt of which is hereby acknowledged, hereby grants, bargains, sells and conveys to Aquila, Inc., a Delaware corporation, its lessees, licensees, successors and assigns, hereinafter referred to as "GRANTEE", the right, privilege and perpetual easement to enter upon the lands of Grantor to survey, construct, operate, patrol, inspect, maintain, alter, add pipes, repair, rebuild and remove, on, under and over said lands and in and upon all streets, roadways or highways abutting said lands, now or at any future time, lines for the transmission and distribution of gas and all appurtenances and appliances necessary in connection therewith, together with the right of ingress and egress to and from the said lines of Grantee over the lands of Grantor so that Grantee may go to and from said lines from the public roads adjacent to Grantor's lands, which said lands of Grantor, situated in the County of Delaware in the State of Iowa, are described as follows:

A 30 foot wide strip of land beginning 156.5 feet South of U. S. Highway 20 right-of-way on the Easterly right of way line 320th Avenue; 15 feet on each side, to the point of beginning; thence continuing East for a distance of 300 feet and there ending, located in the NW¼ of the NW¼ of Section 2, Township 88 North, Range 3 West. Said easement to be used for the location of a 6 inch coated wrapped steel natural gas main operating at a pressure of 250 p.s.i.g.

Grantee may erect and use gates in all fences which cross or which shall hereinafter cross the route of said lines. Grantee is given the right to trim, cut and clear away any trees, limbs and brush on or adjacent to the above described easement whenever, in its judgment, such will interface with or endanger the construction, operation or maintenance of said lines. In exercising its rights of ingress and egress Grantee shall, whenever practicable, use existing roads or lanes and shall repair any damage caused thereby.

It is the intention of the parties hereto that Grantor is hereby conveying the uses herein specified without divesting himself, his heirs or assigns, of the right to cultivate, use and enjoy the above described premises: PROVIDED, however, such use shall not, in the judgment of said Grantee, interfere with or endanger the construction, operation or maintenance of said lines, and provided further that no building shall be constructed on the easement without written permission from Grantee.

Grantee, its successors and assigns, agrees to pay for any damage caused to land, growing crops, fences, livestock or other personal property of Grantor from the construction, operation or maintenance of said lines.

Title to said lines shall be and remain in said Grantee.

TO HAVE AND TO HOLD said easement and rights aforesaid with all and singular, the rights, privileges, appurtenances, and immunities thereto belonging or in anyway appertaining unto Grantee its lessees, licensees, successors or assigns forever. This easement shall run with the land and shall be binding upon Grantor and Grantor's heirs, personal representatives, successors and assigns. Grantor hereby covenants that Grantor is the owner(s) of the above-described land, subject to existing liens and right-of-way easement of record.

The consideration herein stated shall be and is the full consideration due to Grantor from Grantee for the execution and delivery hereof. No verbal representations or agreements not expressed herein shall be imposed upon Grantee, its successors or assigns.

Executed this 24th day of March, 2008

WITNESS:

Dyersville Industries, Inc.
David J. Schroeder, Pres
Print Name here
David J. Schroeder Pres

Return recorded document to: Aquila, Inc.
Attn: Sandy Hough
1815 Capitol Avenue, Omaha, NE 68102

ACKNOWLEDGMENT - INDIVIDUAL

STATE OF _____)
) ss.
COUNTY OF_____)

On this _____ day of _____, 2008, before me, a Notary Public, personally appeared __ _____, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he/she executed the same as his/her free act and deed. And the said _____ further declared himself/herself to be single and unmarried.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in _ _____ the day and year last above written.

(SEAL)

_____
Notary Public in and for said County and State

My commission expires _____

ACKNOWLEDGMENT - MULTIPLE

STATE OF _____)
) ss.
COUNTY OF_____)

On this _____ day of _____, 2008 before me, a Notary Public, personally appeared __ _____ and_____, husband and wife, to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in _ _____ the day and year last above written.

(SEAL)

_____
Notary Public in and for said County and State

My commission expires _____

ACKNOWLEDGMENT - CORPORATION

STATE OF IOWA)
) ss.
COUNTY OF DUBUQUEU)

On this 24th day of March, 2008, before me, a Notary Public, appeared _____ David J. Schroeder, to me personally known, who, being by me duly sworn, did say that he/~~she~~ is the _____ President of Dyersville Industries, Inc, a corporation, and that ~~the seal affixed to the foregoing instrument is the corporate seal of said corporation~~, and that said instrument was signed ~~and sealed~~ in behalf of said corporation by authority of its Board of Directors, and said _ David J. Schroeder acknowledged said instrument to be the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in Dyersville, Iowa the day and year last above written.

(SEAL)

MARC W. CASEY
Iowa Notarial Seal
Commission Number: 11508
My commis My Commission Expires: 05/07/08

_____
Notary Public in and for said County and State

_____