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Carla Kbecker Auditor
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DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Return to: Jeanne Archie - ITC Midwest, LLC – 201 3rd Street, SE, Suite 300, Cedar Rapids, Iowa 52401 (319) 364-6600
Tax Statement to:
Prepared By: – Brandy Stark – CG Land Services – 1715 South G Avenue, Nevada, Iowa 50201 (515) 382-1698

# ELECTRIC LINE EASEMENT

For and in consideration of the sum of One Dollar ($1.00) and other valuable consideration, the receipt of which is hereby acknowledged, **Joan Kelley a/k/a Joan A. Kelley a/k/a Joan Kelley-Schmidt and Leroy Schmidt, Wife and Husband** ("Grantor(s)"), **ADDRESS** 1549 165th Street, Manchester, IA 52057 do(es) hereby warrant and convey unto ITC Midwest, LLC, a Michigan limited liability company, 27175 Energy Way, Novi, MI 48377, its successor and assigns, ("Grantee"), a perpetual easement with the right, privilege and authority to construct, reconstruct, maintain, operate, repair, patrol and remove an electric and telecommunications line or lines, consisting of poles, towers, crossarms, insulators, wires, guy wires, anchors and other necessary fixtures, equipment and construction for transmitting electricity, communications and all Corporate purposes together with the power to extend to any other party the right to use, jointly with the Grantee, pursuant to the provisions hereof, upon, under, over and across the following described lands located in the County of Delaware and the State of Iowa:

The West Half (W½) of the Northwest Fractional Quarter (NW Frl. ¼) of the Northeast Quarter (NE¼) of Section One (1), Township Eighty-nine (89) North, Range Six (6) West of the 5th P.M., Delaware County, Iowa, **AND** The Southeast Quarter (SE¼) of the Northeast Quarter (NE¼) of the Northwest Quarter (NW¼) of Section One (1), Township Eighty-nine (89) North, Range Six (6) West of the 5th P.M., Delaware County, Iowa, **EXCEPT** beginning at a point 78 rods North and 2 rods West of the center of Sec. 1-T89N-R6W of the 5th P.M., Delaware County, Iowa, thence West 260 feet, thence North 260 feet, thence East 175 feet, thence South 170 feet, thence East 85 feet, thence South 90 feet to point of beginning together with an access easement over the following described property: A strip of land running North and South 30 feet wide East and West directly adjacent and to the East of the most Easterly portion of the above described property and commencing at the North line extended East of said most Easterly property and running directly South approximately 1,377 feet to the center of Sec. 1-T89N-R6W of the 5th P.M., where same joins the present East-West county road, **AND** beginning at a point 78 rods North and 2 rods West of the center of Sec. 1-T89N-R6W of the 5th P.M., Delaware County, Iowa, thence West 260 feet, thence North 260 feet, thence East 175 feet, thence South 170 feet, thence East 85 feet, thence South 90 feet to point of beginning together with an access easement over the following described property: A strip of land running North and South 30 feet wide East and West directly adjacent and to the East of the most Easterly portion of the above described property and commencing at the North line extended East of said most Easterly property and running directly South approximately 1,377 feet to the center of Sec. 1-T89N-R6W of the 5th P.M., where same joins the present East-West county road, subject to easements;

**The rights herein granted shall be limited to an Easement strip 150 feet in width, being 75 feet each side of the centerline, or extensions thereof, of an electric transmission line as located and so constructed on or adjacent to the above-described property;**

Together with all the rights and privileges for the full enjoyment or use thereof for the aforesaid purpose.

Grantor(s) agrees that it will not construct or place any buildings, structures, plants, or other obstructions on the property described above which would result in a violation of the minimum clearance requirements of the National Electric Safety Code or would interfere with the operation and maintenance of the line.

Grantor(s) also conveys the right and privilege to trim, cut down or control the growth of any trees or other vegetation on said described land and such other trees and vegetation adjacent thereto as in the judgment of the Grantee may interfere with construction, reconstruction, maintenance, operation, repair, use of, or which in falling might touch the said line or lines.

Grantee, its contractor or agent, may enter said premises for the purpose of making surveys and preliminary estimates immediately upon the execution of this easement.

The Grantor(s) also grants to the Grantee the right of ingress and egress to said line or lines, over/under lands now owned by the Grantor(s), for the purpose of constructing, reconstructing, maintaining, operating, patrolling, repairing and removing said line or lines, and the Grantee agrees to pay to the Grantor(s) or its tenants all damages done to the lands (except the cutting and trimming of trees or other vegetation), fences, livestock or crops of the Grantor(s) or its tenants, by the Grantee or its employees while constructing, reconstructing, patrolling or repairing said line or lines.

Signed this 4th day of August, 2009.

**GRANTOR(S)**

By: Joan Kelley-Schmidt
Joan Kelley-Schmidt

By: LeRoy Schmidt
Leroy Schmidt

**ALL PURPOSE ACKNOWLEDGMENT**

STATE OF Iowa )

COUNTY OF Delware ) ss:

On this 4th day of August, AD. 2009, before me, the undersigned, a Notary Public in and for said State, personally appeared

Joan Kelley - Schmidt

LeRoy Schmidt

_____ to me personally known

or + provided to me on the basis of satisfactory evidence

to be the persons(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

NOTARY SEAL

MARK G. POMERENING
Commission Number 757336
My Commission Expires
3/9/10

Mark G Pomerening
(Sign in Ink)

Mark G. Pomerening
(Print/type name)

Notary Public in and for the State of Iowa

**CAPACITY CLAIMED BY SIGNER**

__X__ INDIVIDUAL
_____ CORPORATE
Title(s) of Corporate Officers(s):

_____

_____

_____ N/A
_____ Corporate Seal is affixed
_____ No Corporate Seal procured

_____ PARTNER(s)
_____ Limited Partnership
_____ General Partnership

_____ ATTORNEY-IN-FACT
_____ EXECUTOR(s),
_____ ADMINISTRATOR(s),
_____ or TRUSTEE(s):
_____ GUARDIAN(s)
_____ or CONSERVATOR(s)
_____ OTHER

_____

_____

**SIGNER IS REPRESENTING:**
List name(s) of persons(s) or entity(ies):

Self

_____