250-14-00-026.10
250-14-00-019.00
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Parcel # 250-14.00.018.00 250-14-00-005-00
Carla Becker Auditor
Verified By: PHaugraten

Book 2009 Page 4052
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DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Prepared by & Return to: Carr & Carr Lawyers, 117 S. Franklin St., Box 333, Manchester, IA 52057, (563) 927-4164
Grantors: Ruth Harbach Revocable Trust dated November 30, 2004 Grantee: Lake Delhi Recreation Association, Inc.

EASEMENT

The undersigned as Trustee of the Ruth Harbach Revocable Trust dated November 30, 2004, (hereinafter "Harbach"), and Lake Delhi Recreation Association, Inc., (hereinafter "Association"), in of their mutual promises and performances herein agree as follows:

1. Harbach is the owner of the following described real estate:

That part of the Southeast Quarter (SE¼) of the Northwest Quarter (NW¼) of Section Fourteen (14) described as commencing at the Northwest corner of said Southeast Quarter (SE¼) of the Northwest Quarter (NW¼) and running thence East one hundred fifty three and four-tenths (153.4) feet to the point of beginning, thence South 32° 50' East three hundred one (301) feet, thence North 84° 07' East two hundred twelve and seven-tenths (212.7) feet, thence South 12° 13' West one hundred seventy six and one-tenth (176.1) feet, thence South 3° 00' East two hundred forty four and five-tenths (244.5) feet, thence North 82° 20' East one hundred sixty seven (167) feet, thence North 34° 40' East two hundred two and five-tenths (202.5) feet, thence North 22° 25' East two hundred ninety four and seven-tenths (294.7) feet, thence South 81° 55' East three hundred thirty five (335) feet, thence North 26° 15' East fifty eight (58) feet, more or less, to a point on the East line of said Southeast Quarter (SE¼) of the Northwest Quarter (NW¼) that is one thousand one hundred ten and one-tenth (1110.1) feet North of the Southeast corner of said Southeast Quarter (SE¼) of the Northwest Quarter (NW¼), thence North to the Northeast corner of said Southeast Quarter (SE¼) of the Northwest Quarter (NW¼), thence West to the point of beginning; and
The South one-half (S½) of the Northeast Quarter (NE¼) of Section Fourteen (14), except commencing at the Southwest corner of the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼) and running thence North five hundred ten (510) feet along the West line of the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼), thence South 71° 54' East two hundred fifty four and three-tenths (254.3) feet, thence

South 3° 00' East four hundred thirty one (431) feet to the South line of said Southwest Quarter (SW¼) of the Northeast Quarter (NE¼), thence West two hundred eighty (280) feet to the point of beginning; and also except Parcel 'AA' being part of the Northwest Quarter of the Northeast Quarter (NW¼-NE¼), part of the Southwest Quarter of the Northeast Quarter (SW¼-NE¼), part of the Southeast Quarter of the Northeast Quarter (SE¼-NE¼), part of the Northeast Quarter of the Southeast Quarter (NE¼-SE¼), and part of Lot Thirty (30) of The Cedars Sub-division in the Northwest Quarter of the Southeast Quarter (NW¼-SE¼); all in Section Fourteen (14), Township Eighty-eight (88) North, Range Five (5) West of the Fifth Principal Meridian, Delaware County, Iowa, containing a total of 49.76 acres, more or less

2. Association owns the following described real estate:

Parcel 'AA' being part of the Northwest Quarter of the Northeast Quarter (NW¼-NE¼), part of the Southwest Quarter of the Northeast Quarter (SW¼-NE¼), part of the Southeast Quarter of the Northeast Quarter (SE¼-NE¼), part of the Northeast Quarter of the Southeast Quarter (NE¼-SE¼), and part of Lot Thirty (30) of The Cedars Sub-division in the Northwest Quarter of the Southeast Quarter (NW¼-SE¼); all in Section Fourteen (14), Township Eighty-eight (88) North, Range Five (5) West of the Fifth Principal Meridian, Delaware County, Iowa, containing a total of 49.76 acres, more or less Plat recorded in Book 2009 Page 3149.

3. Harbach grants to Association a perpetual pipeline easement running with the land measuring a minimum width of 20' from the Maquoketa River across Harbach's property, described above, to Parcel AA, above, for unlimited transport and conveyance of sand, siltation and other such dredge material by buried pipeline to and from the property.

4. The precise location of the pipeline easement shall be identified and established by agreement of the parties prior to installation of the pipeline. Upon installation of the pipeline, the installed pipeline shall constitute the center-line of the pipeline easement.

5. The Association shall have the right of entry to the pipeline easement area through the Harbach property, at reasonable hours and with reasonable notice to Harbach as the circumstances permit and call for, to inspect and maintain the pipeline.

6. The Association shall have the responsibility to maintain the easement area for the purposes set forth in this Agreement. However, each party shall prevent encroachment upon or interference with the Association's usage of the easement area, including but not limited to the removal and clearing of vegetation, trees, other growth and any other impediments to the Association's continued and uninterrupted usage of the easement area for the purposes stated herein.

7. The duration of this agreement shall be perpetual, and its terms shall run with the land and be binding upon each party's successors, heirs and assigns.

Dated this 27th day of October, 2009.

Ruth Harbach Grantor

STATE OF IOWA, DELAWARE COUNTY, ss.

This instrument was acknowledged before me on this 27th day of October, 2009 by Ruth Harbach as Trustee of the Ruth Harbach Revocable Trust dated November 30, 2004.

Notary Public in and for the State of Iowa

STEVEN E. CARR
Commission Number 713328
My Commission Expires
October 30, 2010

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