Book 2012 Page 763

Document 2012 763 Type 03 006 Pages 2
Date 3/08/2012 Time 8:25:47AM
Rec Amt $12.00

DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Easement

Preparer information: Richard J. Ludwig and M. Brenda Ludwig
2988 164th St
Dyersville IA 52040
Phone: 563-875-2851

Taxpayer information: N / A

Return Document to: Richard J. & M. Brenda Ludwig
2988 164th St
Dyersville IA 52040

Grantors: Norman Fensterman
Carol Fensterman

Grantees: Richard J. Ludwig
M. Brenda Ludwig

Legal Description is located on page: 2

Document or instrument number of previously recorded documents:

Richard J. Ludwig & M. Brenda Ludwig 2988 164th St, Dyersville, IA 52040 563-875-2851

EASEMENT FOR IMPOUNDMENT OF SURFACE RUNOFF

KNOW ALL MEN BY THESE PRESENTS: That Norman & Carol Fensterman, (Grantor), do hereby grant, and release unto the said Richard & M. Brenda Ludwig; the Grantee, a permanent and perpetual impoundment easement in, over and upon the following described premises: Temporary impoundment located in the NW ¼ of the SE ¼ of Section 10, Township 90, North Range 3 West (Colony, Township), Delaware County, Iowa. Impoundment dam located approximately 210' South of property fence line between Grantor and Grantee Maximum temporary water impoundment on Grantor property will be 5' with approximate surface area of 0.1 acre.

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 Recorder's 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 hereby covenant with said Richard & M. Brenda Ludwig, 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 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 13 day of February, 2012. Richard J Ludwig Richard Ludwig

M. Brenda Ludwig M. Brenda Ludwig

ALICE M. ROLING
Commission Number 733797
My Comm. Exp. 4-5-14

STATE OF IOWA

COUNTY OF Dubuque

Alice M. Roling
Notary Public in and for the State of Iowa

This instrument was acknowledged before me on the 13th day of February, 2012.

Norman Fensterman Norman Fensterman

Carol Fensterman Carol Fensterman

MORGAN T. FRAZER
Commission Number 737925
My Comm. Exp. 12/02/14

STATE OF IOWA

COUNTY OF Dubuque

Morgan T. Frazer
Notary Public in and for the State of Iowa

This instrument was acknowledged before me on the 17th day of February, 2012.