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DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Prepared by and Return to:
John C. Compton, 116½ W. Mission St., Strawberry Point, IA 52076 563-933-4334

EASEMENT

For one dollar ($1.00) and other valuable consideration received, Allen M. Kruse and Wendy Kruse, husband and wife (hereinafter referred to as Grantors) do hereby grant to James M. West, single (hereinafter refereed to as Grantee) a perpetual easement as described below, upon those parts of the following described land located in the NW¼ NE¼ Section 14, Township Ninety (90) North, Range Four (4) West of the 5th P.M., Delaware County, Iowa:

> The Easement covers the West bank on Elk Creek in said section and shall extend approximately 30 feet in width and 150 feet in length.

The Grantors covenant that they are the owners in fee simple of the above described land and that the lands are free and clear of all encumbrances and liens except the following:

The easement granted is perpetual, shall run with the land and shall be binding upon the successors or assigns of both the Grantors and Grantee. The easement includes the following terms:

1. The Grantee is granted the right to plan, survey, construct, improve, maintain and inspect a stream improvement project including depositing rock and filler material on portions of said stream bank on Grantors property, according to a conservation plan. The area is shown on the land rights map attached hereto. The parties understand that the land rights map is not a certified survey; that it is attached solely for the purpose of describing the intended project and not as an engineering or land surveying document, and that minor changes in the project may be made at the time of construction. For the purposes stated in this easement, Grantee or its authorized agents shall have the right of ingress and egress at any time and at locations as determined by the Grantee upon the described land.

2. The Grantee shall be responsible for maintaining the stream bank conservation project identified in paragraph 1 above, in a state of repair such that it is successfully performing the function for which it was originally constructed or installed. Grantee will also be responsible for

moving the portion of Grantors fence affected by said easement from its current location to a new location approximately 40 feet from the creek bank. Relocation of the fence shall not affect land title and shall not give Grantee or successor's color of title or rights other than the easement described herein.

3. The rights granted by this easement shall terminate at any time when mutually agreed upon by the Grantors and Grantee, provided, however, that such termination occurs no earlier than the expiration or cancellation of any maintenance or performance responsibilities between the Grantee and the Delaware County/Iowa SWCD. The parties shall be responsible for written notification to any present tenant or subsequent tenant of the existence of this easement and where a copy of the same may be located.

4. The grantee is authorized to employ private contractors who shall enjoy the same privileges and rights under this easement as the Grantee. In accordance with an agreement between the United Sates and the Grantee, the United States and the Delaware County/Iowa SWCD shall enjoy all of the rights and privileges of the Grantee under this easement.

Words used in this easement including the acknowledgment below shall be read as plural or singular and as masculine, feminine or neuter as required by the context.

Allen M. Kruse

James M. West

Wendy Kruse

Grantors

Grantee

STATE OF IOWA, COUNTY OF Delaware, ss:

On this 10th day of December, 2012, before me, the undersigned, a Notary Public in and for said State, personally appeared Allen M. Kruse and Wendy Kruse, husband and wife, to me known to be the identical persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Chris Bushaw April 19, 2013

Notary Public, State of Iowa

STATE OF IOWA, COUNTY OF Delaware, ss:

On this 10th day of December, 2012, before me, the undersigned, a Notary Public in and for said State, personally appeared James M. West, single, to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.

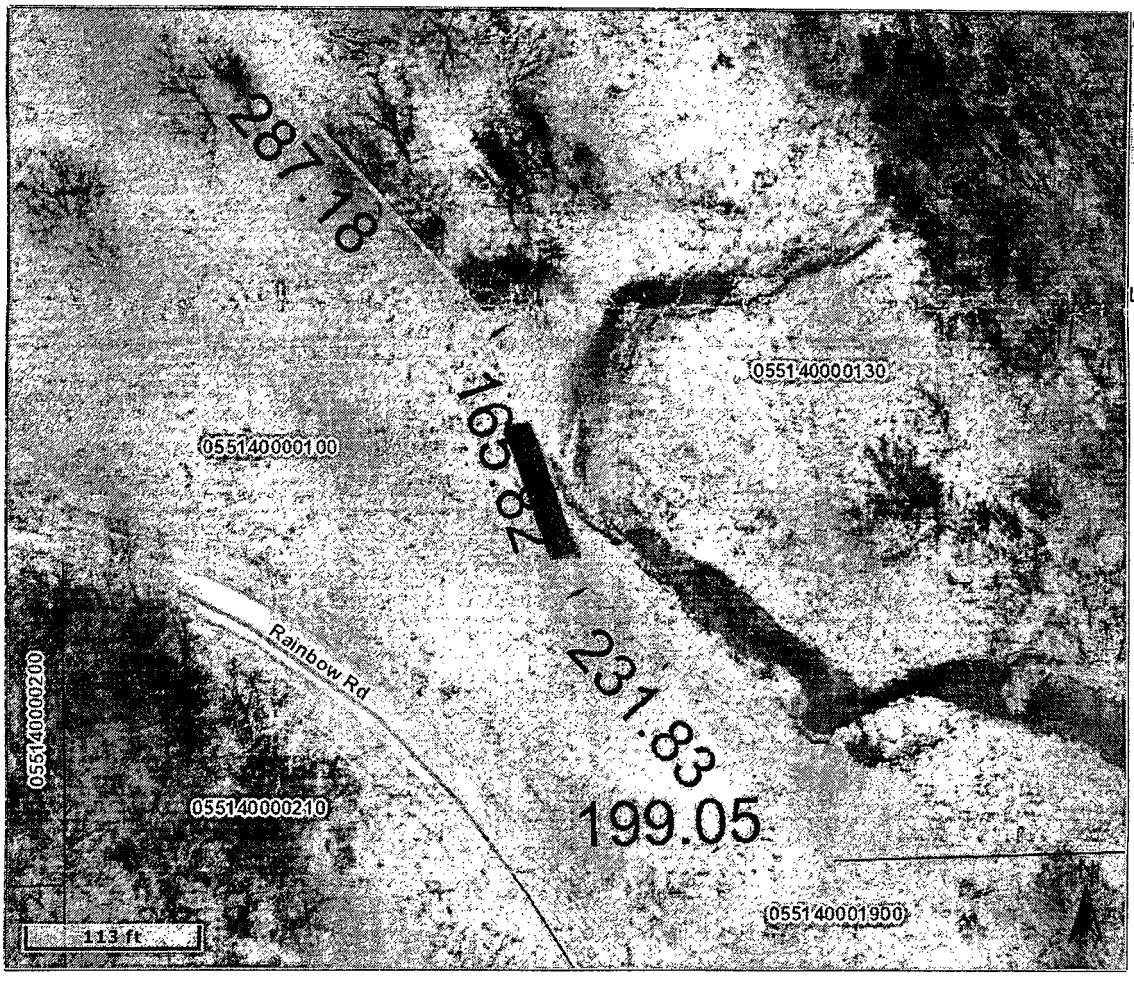
Chris Bushaw April 19, 2013

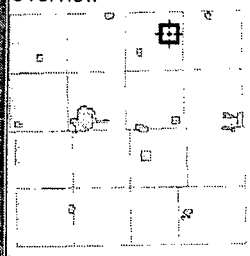
Notary Public, State of Iowa

Delaware County, IA

beacon™

Date Created: 12/3/2012





Legend

- Corporate Limits
- Political Townships
- Parcels
- Roads

proposed Easement Area.

Parcel ID	055140000100	**Alternate ID**	n/a	**Owner Address**	Kruse, Allen M
Sec/Twp/Rng	14-90-4	**Class**	A		2641 Rainbow Rd
Property Address	2641 RAINBOW RD GREELEY	**Acreage**	7.02		Greeley, IA 52050-

District ELK

Brief Tax Description PARCEL B PT NE NW & NW NE

(Note: Not to be used on legal documents)

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