Recorded: 12/4/2013 at 12:22:15.0 PM
Fee Amount: $32.00
Revenue Tax:
Delaware County, Iowa
DEBORAH PEYTON, RECORDER
BK: 2013 PG: 3757

PREPARED BY/RETURN TO: WILLIAM P. PROWELL, SHUTTLEWORTH & INGERSOLL, P.L.C., P.O. Box 2107, Cedar Rapids, IA 52406-2107, (319) 365-9461

ELECTRIC LINE EASEMENT AGREEMENT

This Agreement is made and entered into December 2, 2013, by and between David K. Fry, a single person, ("DKF" or "Grantee"), Larry A. Sloan and M. Lois Sloan, husband and wife, and Vicki Jo Shadle and Craig A. Shadle, wife and husband, ("Sloan and Shadle" or "Grantor").

A. DKF is the owner of the following described real estate situated in Delaware County, Iowa:

See Exhibit A, Page 4, attached hereto.

("DKF Parcel").

127 - 330 & 331
2001 - 4354 & 4355
2013 - 3149 & 2200

B. Sloan and Shadle are the owners of the real estate situated immediately adjacent to and to the north of the DKF Parcel and legally described as:

See Exhibit B, Page 5, attached hereto.

("Sloan and Shadle Parcel").

C. The DKF Parcel and the Sloan and Shadle Parcel were originally owned in common. When the parcels were split, certain utilities and other features of the parcels and the improvements on them were not or could not be split such that the electrical line, for example, for the DKF Parcel runs across the Sloan and Shadle Parcel. There are other aspects of the DKF Parcel and the Sloan and Shadle Parcel which connect them. DKF and Sloan and Shadle now wish to document certain features of their parcels to make it clear how the two parcels connect and what rights each needs to have in and to the property of the other and for such purpose are entering into certain agreements of which this is one.

D. The electric service for the DKF Parcel extends from a utility pole located on the northerly boundary line of the Sloan and Shadle Parcel. From that point, an electrical line runs from the utility pole under the Sloan and Shadle Parcel in the approximate location depicted on Exhibit C, Page 6, and provides electrical service to the improvements located on the DKF Parcel. In order to define the rights between the parties with respect to such electrical service and electrical line, the parties execute this Agreement.

In consideration of the mutual undertakings set forth herein and other good and valuable consideration the receipt and sufficiency of which are acknowledged by the parties, the parties agree as follows:

1. By execution hereof, Grantor hereby grants to Grantee, for the benefit of the DKF Parcel, a perpetual easement and right of way over and across the Sloan and Shadle Parcel at the location depicted on Exhibit C, Page 6, and for 10 feet on either side of the electrical line as located on the Sloan and Shadle Parcel ("Easement Area").

2. Grantor also grants to Grantee the right of ingress and egress to said Easement Area, over/under lands for the purpose of reconstructing, maintaining, operating, repairing and removing the electrical line, and Grantee agrees to be responsible for repairs and pay to repair damages done to the Sloan and Shadle Parcel by or during such repairs.

3. Grantee further agrees to pay for the relocating of the Easement Area should it be necessitated by construction (including septic repair and maintenance) on the Sloan and Shadle Parcel.

4. This instrument shall be governed by and interpreted in accordance with the laws of the state of Iowa. Invalidity or unenforceability of any provision of this instrument shall not affect the validity or enforceability of any other provision. This instrument shall be governed by and interpreted in accordance with the laws of the state of Iowa. Invalidity or unenforceability of any provision of this instrument shall not affect the validity or enforceability of any other provision. This instrument shall be binding upon and inure to the benefit of Grantor and Grantee, their successors, personal representatives and assigns. This instrument may be executed in one or more counterparts and all of such counterparts taken together shall constitute one and the same instrument.

David K. Fry

STATE OF IOWA)
) SS:
COUNTY OF Linn)

This instrument was acknowledged before me this 2nd day of December, 2013 by David K. Fry, a single person.

PEGGY MINZENMEYER
Commission Number 771954
My Commission Expires
March 2, 2015

Notary Public – State of Iowa

Larry A. Sloan

M. Lois Sloan

STATE OF IOWA)
) SS:
COUNTY OF Linn)

This instrument was acknowledged before me this 26 day of November, 2013 by Larry A. Sloan and M. Lois Sloan, husband and wife.

NOTARIAL SEAL IOWA GREGORY J. EPPING Commission No. 144839 My comm. exp. Oct. 1, 2014

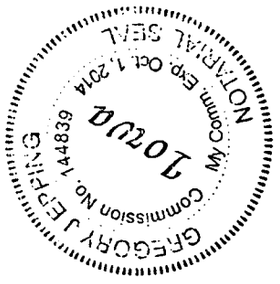
Notary Public – State of Iowa

Vicki Jo Shadle

Craig A. Shadle

STATE OF IOWA)
) SS:
COUNTY OF LINN)

This instrument was acknowledged before me this 25 day of November, 2013 by Vicki Jo Shadle and Craig A. Shadle, wife and husband.



Notary Public – State of Iowa

Exhibit A

Lot 1A; Parcel G, Part of Lot 1Hartwick Lake Club West Subdivision Sec. 25, T88N, R5W of the Fifth P.M., Delaware County, Iowa, according to plat recorded in Book 2001, Page 2940

AND

All lake frontage, running to the water front and then at right angles to the middle of Delhi Lake, also called Hartwick Lake, in respect to and adjoining premises known as Lot One-A (1A) and the South 36 feet of Lot One (1) of Plat of Hartwick Lake Club West Subdivision of Part of the South One-Half (S1/2) of Section Twenty-Four (24) and of Part of the North One-Half (N1/2) of Section Twenty-Five (25), all in Township Eighty-Eight North (T88N), Range Five West (R5W) of the Fifth P.M., Delaware County, Iowa, according to plat recorded in Book 5 Plats, Page 40, and also known as Lot1 A; Parcel G, Part of Lot 1 Hartwick Lake Club West Subdivision, Sec. 25, T88N, R5W of the Fifth P.M., Delaware County, Iowa, according to plat of survey recorded in Book 2001, Page 2940

Exhibit B

Lot One (1) of the Plat of Hartwick Lake Club West Subdivision of Part of the South One-half (S½) of Section Twenty-four (24) and Part of the North One-half (N½) of Section Twenty-five (25), all in Township Eighty-eight North (T88N), Range Five West (R5W) of the Fifth P.M., Delaware County, Iowa, according to plat recorded in Book 5 Plats, Page 40, except Parcel G per plat recorded in Book 2001 Page 2940.

AND

All lake frontage, running to the water front and then at right angles to the middle of Delhi Lake, also called Hartwick Lake, in respect to and adjoining premises known as Lot One (1) of the Plat of Hartwick Lake Club West Subdivision of Part of the South One-half (S½) of Section Twenty-four (24) and Part of the North One-half (N½) of Section Twenty-five (25), all in Township Eighty-eight North (T88N), Range Five West (R5W) of the Fifth P.M., Delaware County, Iowa, according to plat recorded in Book 5 Plats, Page 40, except Parcel G per plat recorded in Book 2001 Page 2940.

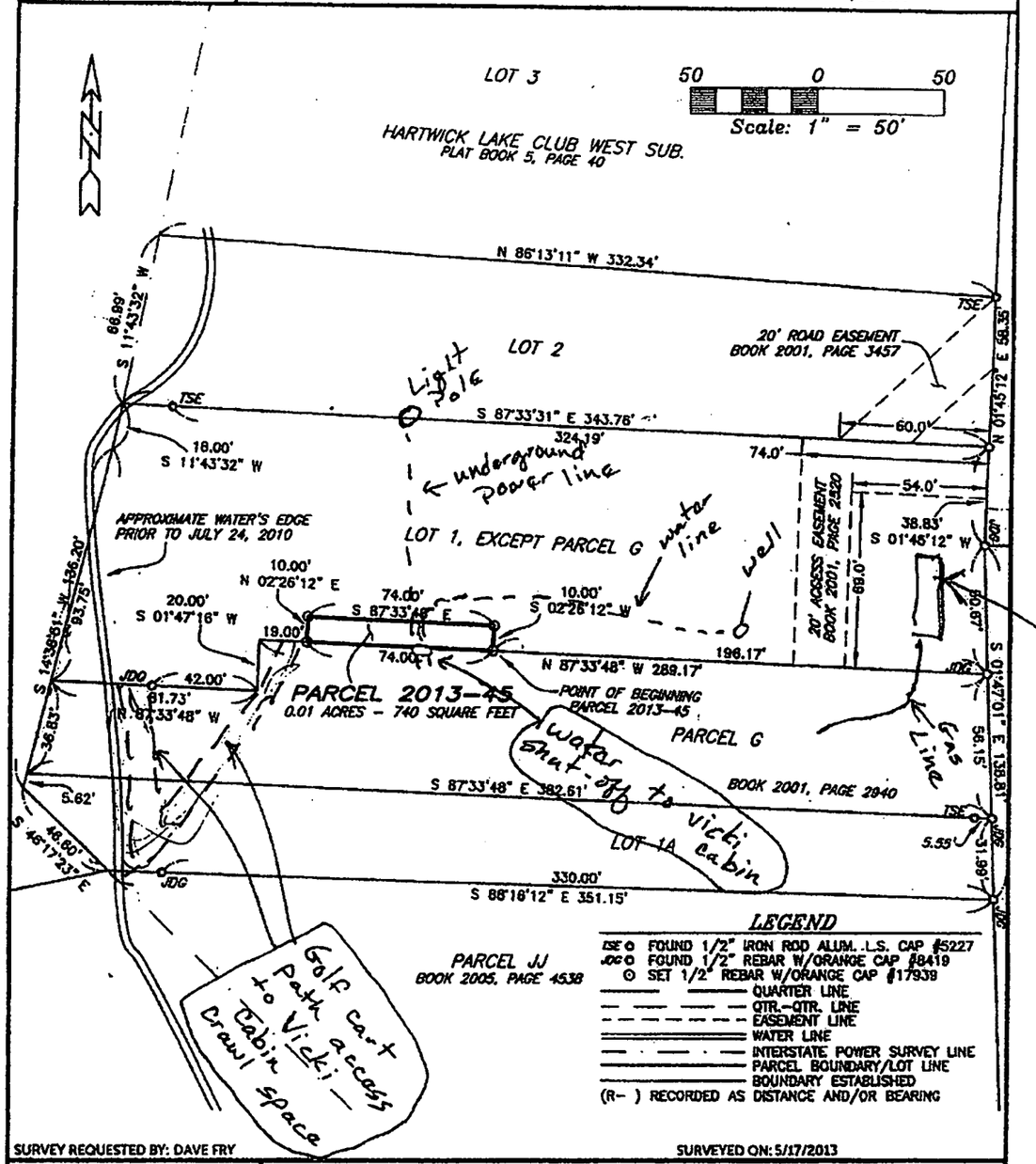
Exhibit C

PREPARED BY/RETURN TO: RANDALL L. RATTENBORG 105 W. MAIN ST., MANCHESTER, IA 52057 563-927-2434

PLAT OF SURVEY

PARCEL 2013-45

PART OF LOT 1 HARTWICK LAKE CLUB WEST SUBDIVISION
SEC. 25, T88N, R5W OF THE FIFTH P.M., DELAWARE COUNTY, IOWA



LEGEND

- TSE ⊙ FOUND 1/2" IRON ROD ALUM. L.S. CAP #5227
- JDG ⊙ FOUND 1/2" REBAR W/ORANGE CAP #8419
- ⊙ SET 1/2" REBAR W/ORANGE CAP #17939
- QUARTER LINE
- QTR.-QTR. LINE
- EASEMENT LINE
- WATER LINE
- INTERSTATE POWER SURVEY LINE
- PARCEL BOUNDARY/LOT LINE
- BOUNDARY ESTABLISHED

(R-) RECORDED AS DISTANCE AND/OR BEARING

SURVEY REQUESTED BY: DAVE FRY

SURVEYED ON: 5/17/2013

PROPRIETORS: VICKI JO SHADLE & CRAIG A. SHADLE

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

RANDALL L. RATTENBORG P.L.S. LIC. #17939 DATE

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2013

DRAFT

SHEETS COVERED BY THIS SEAL: 1-2

BURRINGTON GROUP, INC.
Civil Engineering | Land Surveying
105 W. Main Street Manchester, Iowa 52057 burringtongroup.com

PROJECT NO. 13-40 SLOAN 02-54	
SCALE: 1"=50'	
DATE: 5/20/2013	
DRAWN BY: RLR	
CHECKED BY: DDK/JAW	
GPS BOX: LAKE DELHI	
SHEET 1 OF 2	