Recorded: 12/4/2013 at 12:22:16.0 PM
Fee Amount: $32.00
Revenue Tax:
Delaware County, Iowa
DEBORAH PEYTON, RECORDER
BK: 2013 PG: 3758

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

DRAINAGE TILE 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").

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. As depicted on Exhibit C, Page 6, attached hereto, drainage tile which benefits both the DKF Parcel and the Sloan and Shadle Parcel, is located upon both the Sloan and Shadle Parcel and the DKF Parcel. In order to define the rights between the parties with respect to such drainage tile, 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, Grantee hereby grants to Grantor for the benefit of the the Sloan and Shadle Parcel and Grantor hereby grants to Grantee for the benefit of the DKF Parcel perpetual easements and rights of way over and across the DKF Parcel and the Sloan and Shadle Parcel at the drainage tile locations depicted on Exhibit C, Page 6, and for 5 feet on either side of such drainage title ("Easement Area").

2. Grantor also grants to Grantee and Grantee grants to Grantor the right of ingress and egress to said Easement Area over/under lands for the purpose of reconstructing, maintaining, operating, repairing and removing the drainage tile. Grantee agrees to pay for the repair of damage to such drainage tile not arising out of the acts or doings of Grantor and for any damage done to the Sloan and Shadle Parcel to repair drainage tile. Any costs of relocating the drainage tile not the result of damage shall be shared equally by Grantor and Grantee.

3. Neither Grantor nor Grantee will construct or place any permanent buildings, structures, or other obstructions in the Easement Area which would interfere with the use, operation, maintenance or repair of the drainage tile.

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 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

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.

Notary Public – State of Iowa

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

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.

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

DELAWARE COUNTY IOWA
FILED
2001 AUG 14 PM 1:25
BOOK 2001 PAGE 7910
RECORDED HEREON
DELAWARE COUNTY RECORDER
11.00

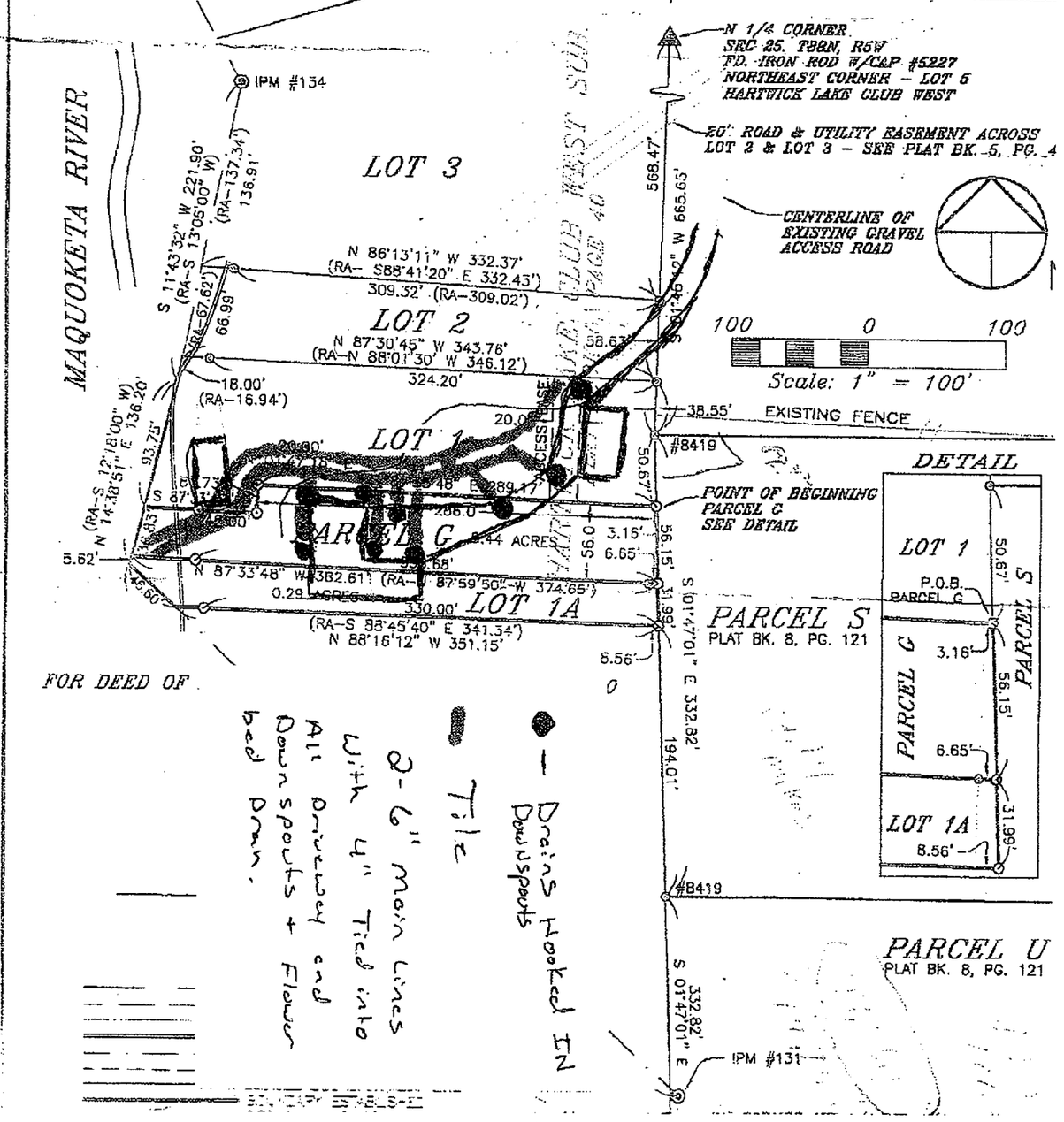
AUG 14 2001

FILED
Date 8-14-01
County Assessor

PREPARED BY: J DAVID GIBBS; 105 W. MAIN ST., MANCHESTER, IA 52057 563-927-2

PLAT OF SURVEY

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



● - Drains Hooked IN Downspouts

T - Tile

2-6" main lines with 4" Tied into All driveway end Downspouts + Flower bed Drn.

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