ENV.

Mike Beck
PO Box 98
Cascade, IA 52033

Book 2014 Page 2251

Document 2014 2251 Type 03 006 Pages 7
Date 9/10/2014 Time 2:09:14PM
Rec Amt $37.00

DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Prepared by & Return To: Delaware County SWCD, 200 S. 12th Street, Manchester, IA 52057
Randall Rattenborg/Burrington Group Inc. 563-927-2434

Easement for Allowing Temporary Water Above Permanent Storage Level of a Dike

Agreement made of and between Jerome A. Krogmann, Rose Ann Krogmann, Gary R. Nieman, Zeta F. Nieman, Warren G. Harbaugh and Garnet I. Harbaugh, **(Grantors)** and Michael J. Beck, Ruth F. Schulte Inter Vivos Revocable Trust and Raymond P. Schulte Family Trust, **(Grantees)**, concerning an easement for possible temporary flooding on Grantor's property due to construction of a water retention basin on Grantee's properties.

1st Party: Michael J. Beck, owner of: Lot 5D of the Subdivision of Lot 5B of Subdivision of Lot 4 & 5 of Auditor's Plat No. 5 – Tool's First Addition of the Sub. of the SE ¼ of the SE ¼ of Section 20, and of the SW ¼ of the SW ¼ of Section 21, all of T89N, R5W of the 5th Principal Meridian, City of Manchester, Delaware County, Iowa according to the plat recorded in Book 2001 Page 1574.

2nd Party: Ruth F. Schulte Revocable Inter Vivo Trust, ½ owner of: NW ¼ of the SW ¼ of Section 21, T89N, R5W of the 5th Principal Meridian, Delaware County, Iowa.

Douglas R. Schulte, Dave L. Schulte & Daniel A. Schulte, co-trustees of the Raymond P. Schulte Family Trust, ½ owner of: NW ¼ of SW ¼ of Section 21, T89N, R5W of the 5th Principal Meridian, Delaware County, Iowa.

3rd Party: Jerome A. Krogmann and Rose Ann Krogmann, owner of; NW ¼ of the SE ¼ of the SW ¼ of Section 21, T89N, R5W of the 5th Principal Meridian, Delaware County, Iowa.

4th Party: Warren G. Harbaugh & Garnet I. Harbaugh, owners; Gary R. Nieman & Zeta F. Nieman, contract purchasers of; SW ¼ of the NE ¼ of the SW ¼ of Section 21, T89N, R5W of the 5th Principal Meridian, Delaware County, Iowa.

It is the desire of the 1st and 2nd parties to install a water retention area by constructing a dike on the properties of the 1st and 2nd parties. The purpose of the water storage area is to alleviate flooding in the Dry Run watershed area of Manchester by holding back water for slow release after large rain events and/or snow melt occurrences. All permanent water storage will be on the properties of the 1st and 2nd parties. However, during heavy rain events, water may reach levels above the elevation of the emergency spillway of the dike when inflow to the water storage area exceeds outflow because of the extent of the rainfall and/or snowmelt. After these precipitation events, the water level will be drawn back down to the designed permanent water elevation.

Therefore, **Grantors (the 3rd and 4th parties)** convey to **Grantees (1st and 2nd parties)** a perpetual, non-exclusive easement allowing for the possibility of temporary flooding on the Grantor's properties.

Grantors retain ownership of the land subject to the easement granted herein, and may continue to use same for any and all purposes which do not interfere with Grantee's easement rights.

Grantees will be solely responsible for the maintenance and repair of the dike and water storage area and improvements made on the grantee's property.

This agreement shall be binding upon the heirs, assigns, and successors-in-interest and/or titles to the agreed parties. Dated this 8 day of Sept, 2014.

Michael J. Beck

JILL A. ROBERG
Commission Number 731835
My Commission Expires
12/7/2016

State of Iowa)
)
County of Delaware) ss:

This instrument was acknowledged before me on the 8 day of September, 2014

Jill A Roberg
Notary Public in and for said State

This agreement shall be binding upon the heirs, assigns, and successors-in-interest and/or titles to the agreed parties. Dated this 4 day of Sept., 2014.

Ruth F. Schulte, Trustee
Ruth F. Schulte
Trustee of the Ruth F. Schulte Revocable Inter Vivos Trust

State of Iowa)
)
County of Delaware) ss:

This instrument was acknowledged before me on the 4 day of September, 2014

Tammy Eibey Iowa
Notary Public in and for said State

TAMMY M. EIBEY
Commission Number 779193
My Comm. Exp. 7-2-2016

Douglas R. Schulte, Co-Trustee
Douglas R. Schulte
Co-Trustee of the Raymond P. Schulte Family Trust

State of Iowa)
)
County of Delaware) ss:

This instrument was acknowledged before me on the 4 day of September, 2014

Tammy Eibey Iowa
Notary Public in and for said State

TAMMY M. EIBEY
Commission Number 779193
My Comm. Exp. 7-2-2016

David L Schulte, Co. trustee
David L. Schulte
Co-Trustee of the Raymond P. Schulte Family Trust

State of Iowa)
)
County of Delaware) ss:

This instrument was acknowledged before me on the 4 day of September, 2014

Tammy Eibey Iowa
Notary Public in and for said State

TAMMY M. EIBEY
Commission Number 779193
My Comm. Exp. 7-2-2016

Daniel A Schulte Co Trus
Daniel A. Schulte
Co-Trustee of the Raymond P. Schulte Family Trust

State of Iowa)
)
County of Delaware) ss:

This instrument was acknowledged before me on the 4 day of September, 2014

Tammy Eibey Iowa
Notary Public in and for said State

TAMMY M. EIBEY
Commission Number 779193
My Comm. Exp. 7-2-2016

This agreement shall be binding upon the heirs, assigns, and successors-in-interest and/or titles to the agreed parties. Dated this 31st day of August, 2014.

Jerome A. Krogmann

State of Iowa)
)
County of Delaware) ss:

This instrument was acknowledged before me on the 31st day of August, 2014

Barbara K. Sailer
Notary Public in and for said State

BARBARA K. SAILER
Commission Number 194508
My Commission Expires
1-21-16

Rose Ann Krogmann

State of Iowa)
)
County of Delaware) ss:

This instrument was acknowledged before me on the 31st day of August, 2014

Barbara K. Sailer
Notary Public in and for said State

BARBARA K. SAILER
Commission Number 194508
My Commission Expires
1-21-16

This agreement shall be binding upon the heirs, assigns, and successors-in-interest and/or titles to the agreed parties. Dated this 2ND day of September, 2014.

Warren G. Harbaugh

State of Iowa)
)
County of DELAWARE) ss:

This instrument was acknowledged before me on the 2nd day of SEPTEMBER, 2014

Notary Public in and for said State

RANDY RATTENBORG
Commission Number 224055
My Commission Expires
8-17-2017

Garnet I. Harbaugh

State of Iowa)
)
County of Delaware) ss:

This instrument was acknowledged before me on the 2nd day of SEPTEMBER, 2014

Notary Public in and for said State

RANDY RATTENBORG
Commission Number 224055
My Commission Expires
8-17-2017

This agreement shall be binding upon the heirs, assigns, and successors-in-interest and/or titles to the agreed parties. Dated this 9th day of September, 2014.

Gary R. Nieman

Gary R. Nieman

State of Iowa)
)
County of Delaware) ss:

This instrument was acknowledged before me on the 9th day of September, 2014

Cathy Greif

Notary Public in and for said State

CATHY L. GREIF
Commission Number 175833
My Comm. Exp. 8-31-2015

Zeta F. Nieman

Zeta F. Nieman

State of Iowa)
)
County of Delaware) ss:

This instrument was acknowledged before me on the 9th day of September, 2014

Cathy Greif

Notary Public in and for said State

CATHY L. GREIF
Commission Number 175833
My Comm. Exp. 8-31-2015

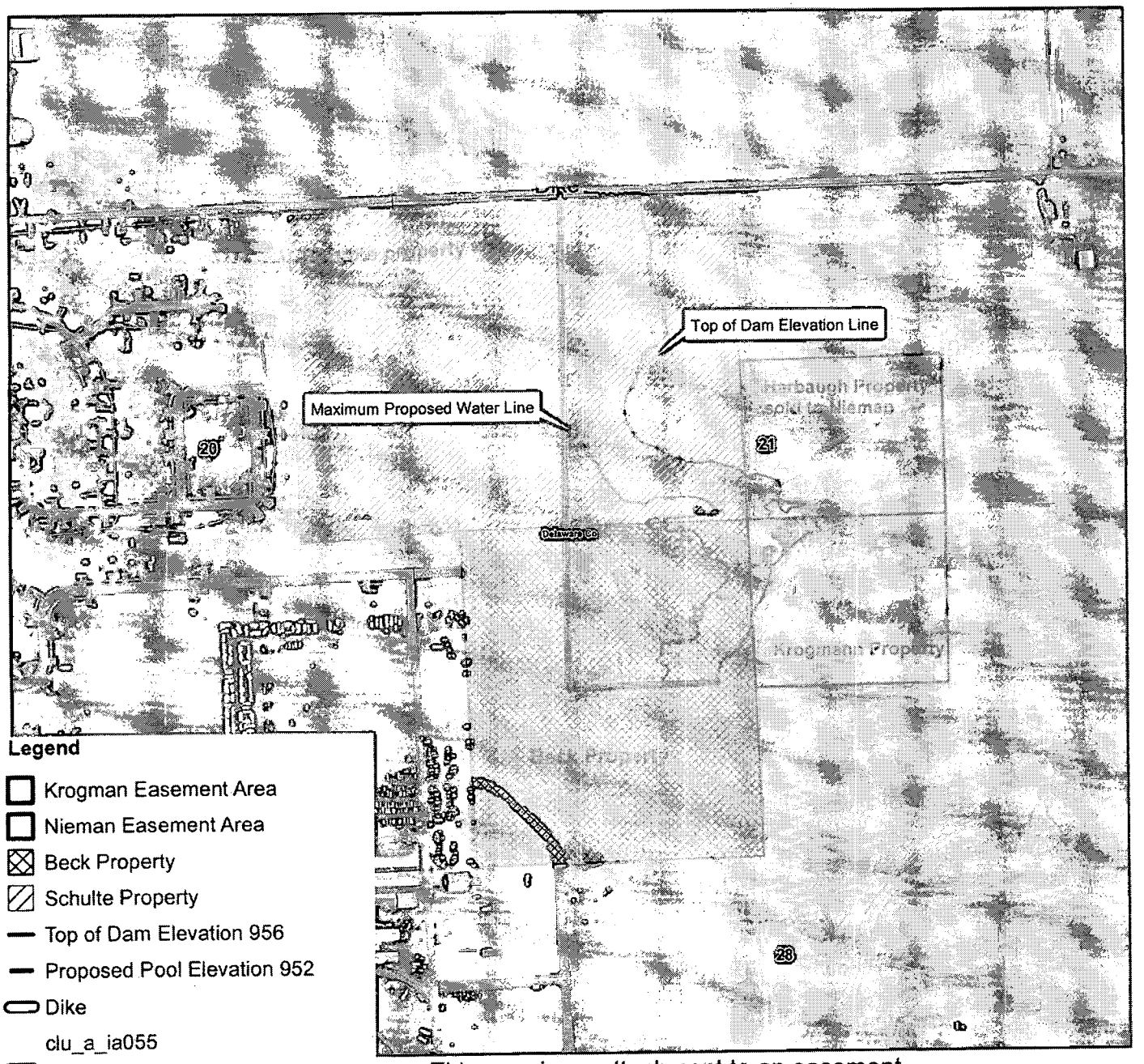
Easement Map

Date: 9/3/2014

Field Office: MANCHESTER SERVICE CENTER
Agency: USDA-NRCS
Assisted By: Wayne Brunsman

District: DELAWARE SOIL & WATER CONSERVATION DISTRICT

Legal Description: Delaware Twnshp Sec. 21
T89N, R5W



Legend

- Krogman Easement Area
- Nieman Easement Area
- Beck Property
- Schulte Property
- Top of Dam Elevation 956
- Proposed Pool Elevation 952
- Dike
- clu_a_ia055
- Iowa - Counties
- Delaware Co - Roads
- Delaware Co - Section Lines

ortho_1-1_1n_s_ia055_2013_1.sid

RGB

- Red: Band_1
- Green: Band_2
- Blue: Band_3

This map is an attachment to an easement allowing temporary water on the Nieman & Krogmann properties, granted to Mike Beck & the Schulte Family, who are constructing water storage for the purpose of flood control.

1 inch = 600 feet

300 0 300 600 900 1,200 Feet

N