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DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Prepared by and Return to: Glen Recker 3346 Vaske Road, Dyersville, IA 52040 563-875-7123

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

An agreement made between the **Grantor**, Ted D. Recker, and the **Grantee**, Glen J. Recker, concerning possible temporary flooding on the Grantor's property due to the construction of a water storage basin on the **Grantee's** property.

1st Party: Glen J. Recker, owner of SE ¼ of NW ¼ of Section 13, T89N, R3W, Bremen Township, Delaware County, State of Iowa

2nd Party: Ted D. Recker, owner of SW ¼ of NW ¼ of Section 13, T89N, R3W, Bremen Township, Delaware County, State of Iowa

It is the desire of the 1st Party to build a water retention basin on his property by building a dike on his property. All designed permanent water storage will be solely on his own property. However, during heavy rainfall events and for a temporary period after these events until the basin draws down to its permanent elevation of 1046.3, the water may back onto the property of the 2nd Party to an elevation of 1051.4, the elevation of the emergency spillway. The 2nd Party also acknowledges that the top of the dam will have an elevation of 1053.4.

Therefore, the 2nd Party grants to the 1st Party a perpetual, non-exclusive easement allowing for temporary flooding on the **Grantor's** property.

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

Grantee will be solely responsible for the maintenance and dike and water storage area, and improvements made on the **Grantee's** property.

This agreement will be binding upon the heirs, assigns, and successors-in-interest and/or titles to the agreed parties. Dated this 2 day of April, 2015.

Glen J. Recker

Ted D. Recker

State of Iowa, ~~Delaware~~ Dubuque County ss:

(FOR GLEN J. RECKER AND TED D. RECKER)

This instrument was acknowledged before me on the 2nd day of April, 2015.

Karen K Kluesner

Notary Public In and For Said State

NOTARIAL SEAL IOWA

KAREN K. KLUESNER
Commission Number 169562
My Commission Expires
5-17-17