Recorded: 5/27/2016 at 1:10:40.0 PM
Fee Amount: $12.00
Revenue Tax:
Delaware County, Iowa
Daneen Schindler RECORDER
BK: 2016 PG: 1369

Prepared by & return to: Carr & Carr Attorneys, 117 S. Franklin St., Box 333, Manchester, IA 52057 (563) 927-4164
Grantors: City of Earlville Grantee: Brian Miller

ENCROACHMENT EASEMENT

WHEREAS the City of Earlville (hereinafter "First Party") is owner of a platted alley in block 40 adjoining to the north of the property described below.

WHEREAS Brian Miller, a single person, (hereinafter "Second Party") is the owner of the following described real estate:

Lot Five (5), Block Forty (40), Earlville, formerly Nottingham, Iowa, according to plat recorded in Book I L.D., Page 346 and Retracement Plat recorded in Book 2012, Page 3253.

WHEREAS a residence located on the property of the second party encroaches over onto property of the first party.

It is therefore agreed between the parties in consideration of the promises and performances herein as follows:

1. First Party grants to Second Party an Easement on and over that part of their property where the encroachment exists including reasonable access for repairs.

2. This Easement shall remain effective for so long as the encroachment remains in place including any reasonable repairs thereto.

3. Second Party agrees that no further encroachment of any type will be constructed.

4. Second Party agrees to hold harmless First Party and save them in full from any and all liability whatsoever arising from usage of any part of the encroachment.

5. Upon the complete destruction or removal of the encroachment this Easement shall terminate.

6. This Easement will run with the land and be binding upon the heirs, successors and assigns of both parties hereto.

Dated this 20th day of May, 2016.

City of Earlville
By: Dan Wheeler, Mayor

Brian Miller

STATE OF IOWA)
) SS
DELAWARE COUNTY)

This instrument was acknowledged before me on this 20th day of May, 2016 by Dan Wheeler.

Notary Public in and for State of Iowa

ELAINE MARY DIESBURG
Commission Number 177512
My Commission Expires
1-19-2019

STATE OF IOWA)
) SS
DELAWARE COUNTY)

This instrument was acknowledged before me on this 20th day of May, 2016 by Brian Miller

Notary Public in and for State of Iowa

ELAINE MARY DIESBURG
Commission Number 177512
My Commission Expires
1-19-2019