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Daneen Schindler, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Prepared By and Return to: George A. Davis, Locher & Davis, PLC, 225 1st Ave E, PO Box 304, Dyersville, IA 52040 (563) 875-9112

UTILITY EASEMENT

1

WHEREAS, Allan Leo Ertl and Susan L. Steffen-Ertl own Parcel C, Part of Lot 8 of Joe Ertl Farm in Section Twenty Five (25), Township Eighty-Nine North (T89N), Range Three West (R3W) of the Fifth Principal Meridian, Delaware County, Iowa, now referred to herein as Parcel A;

WHEREAS, Allan Leo Ertl and Susan L. Steffen-Ertl own Lot Seven (7), Block One (1) of Sunset Heights No. 1 in the City of Dyersville, Delaware County, Iowa, according to plat recorded in Book 7 Plats, Page 90, subject to easements of record, now referred to herein as Parcel B;

WHEREAS, Allan Leo Ertl owns Lot Four (4) of Sunset Heights No. 2 in the City of Dyersville, Delaware County, Iowa, according to plat recorded in Book 7, Page 112, subject to easements of record, now referred to herein as Parcel C;

WHEREAS, Allan Leo Ertl and Susan L. Steffen-Ertl are desirous of granting a 15' wide underground utility easement across Parcel A and Parcel B, the center line of which shall be the border line of Parcel A and Parcel B for the benefit of Parcel C.

NOW AND THEREFORE, Allan Leo Ertl and Susan L. Steffen-Ertl, being the Grantors and the Grantees, declare as follows:

1. The Grantors agree to grant a 15' wide utility easement across Parcel A and Parcel B along the border of Parcel A and Parcel B, the center line of which shall be the border line of Parcel A and Parcel B. Such utility easement shall be for the benefit of Parcel C.

2. The easement shall run with the land in perpetuity and be binding on successor heirs and assigns of Parcel A and Parcel B.

3. Cost of maintaining said easement shall be borne by the owner of Parcel C.

4. The owners of Parcel A and Parcel B agree not to make any permanent improvements to the easement area that would interfere with the use of and repair of utilities in the easement area and that if such improvements are made they are subject to removal or destruction with no reimbursement to the owners of Parcel A or Parcel B in the event the improvements are disturbed, damaged, or removed in order to use or repair the utility services in the easement area.

5. All utilities in the easement area shall be buried below ground.

Dated this 31st day of August, 2016.

Allan Leo Ertl
Allan Leo Ertl, Grantor

Allan Leo Ertl
Allan Leo Ertl, Grantee

Susan L Steffen-Ertl
Susan L. Steffen-Ertl, Grantor

Susan L Steffen-Ertl
Susan L. Steffen-Ertl, Grantee

State of Iowa)
) SS
County of Dubuque)

On this 31st day of August, 2016, before me, a Notary Public in and for said County, personally appeared Allan Leo Ertl and Susan L. Steffen-Ertl, husband and wife, to me known to be the persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Signature of Notary Public

NOTARIAL SEAL IOWA
BRIAN M. DALY
Commission Number 731489
My Comm. Exp. 11-15-16