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Daneen Schindler, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Easement and Waiver of Separation Distance

Prepared by: Craig Wulfekuhle, 1416 300th Ave, Earlville IA 52041

Return to: Craig Wulfekuhle, 1416 300th Ave, Earlville, IA 52041

Tax address: 1416 300th St., Earlville, IA 52041, Craig Wulfekuhle

1. Re: Grantor's property at 1336 300th Ave., Earlville, IA 52041
   NW ¼ Sec 21, T90N R3W, Colony Township, Delaware County
2. And concerning the Grantee's property and the site of the Swine Facility at 1323 300th Ave., Earlville, IA 52041
   NE ¼ of NE ¼ Sec 20, T90N R3W, Colony Township, Delaware County

Grantees: Craig and Karen Wulfekuhle

Grantors: Philip Goedken

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Easement and Wavier of Separation Distance

Grantor consents and acquiesces to the activities conducted on Grantee's property, the construction and operation of a Swine Facility and therefore covenants for themselves, and for Grantor's successors, heirs and assigns (as a restrictive covenant running with the land) to not make any claim or assert any cause of action against the Grantee or Grantee's successors, heirs and assigns for construction of a Swine Facility or its operation, including, without limitation, causes of action or claims for nuisance, trespass, easement or any other legal or equitable theory. Grantor further waives the enforcement of any county, state or federal regulation or law regarding the emission of any odors, gases, vapors or other airborne pollutions from the Swine Facility

In addition and without limitation of the foregoing, Grantor grants to Grantee and Grantee's successors, heirs and assigns a perpetual easement (as an easement appurtenant running with the land) for the Swine Facility (as currently proposed as provided herein), on and over the Grantor's real estate for use by the Swine Facility to emit odors or other gases or vapors produced by the Swine Facility.

The undersigned are titleholders to the above-described property ("benefited property"), property #1 Craig + Karen Goedken are titleholders to the above-described property, property #2 Craig + Karen Goedken plan to construct a Swine Facility with 1 confinement buildings and concrete manure storage pits located beneath each building (covered formed manure storage structures) on property #2. The Swine Facility is planned to have an animal unit capacity of 960 animal units. Pursuant to Iowa Code 459.202(1) (20__), a separation distance of 1100 feet is required between the covered formed manure storage structures and the undersigned's residence

Pursuant to Iowa Code 459.205(2) (2020), the undersigned as titleholders to the land where the residence is located hereby waive the enforcement of this separation distance requirement between the Grantors' residence and the covered formed manure storage structures. This waiver shall apply only to the facilities described in this agreement, shall be perpetual and shall run with the land.

Granted this 13 day of Feb 2020

Philip J. Goedken

Philip J. Goedken, Grantor

[address]

_____, Grantor

[address]

County of Delaware State of Iowa ss.

On this 13th day of Feb. 2020 before me, a notary public in and for the State of Iowa, personally appeared Philip Goedken and _____, 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

NOTARIAL SEAL IOWA
MARK E. WHITE
COMMISSION NUMBER 740211
My Comm. Exp. 4-14-21

Mark E. White

Notary Public in and for the State of Iowa