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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.~~ Ave., Earlville, IA 52041, Craig Wulfekuhle

1. Re: Grantor's property at 1429 310th Ave., New Vienna, IA 52065
   SE ¼ of the NE ¼ Sec 28, T90N R3W, Colony Township, Delaware County
2. And concerning the Grantee's property and the site of the Swine Facility at 1408 310th Ave., New Vienna, IA 52065
   NW ¼ of NW ¼ Sec 27, T90N R3W, Colony Township, Delaware County

Grantees: Craig and Karen Wulfekuhle

Grantors: Pat Mensen

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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 Wulfekuhle are titleholders to the above-described property, property #2 Craig + Karen Wulfekuhle 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) (200__), 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

Pat Mensen

Pat Mensen, Grantor

[address]

_____, Grantor

[address]

County of Delaware State of Iowa ss.

On this 14th day of Feb, 2020 before me, a notary public in and for the State of Iowa, personally appeared Pat Mensen 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. 4-14-2021

Mark E. White

Notary Public in and for the State of Iowa