Book 2020 Page 2591
Document 2020 2591 Type 03 006 Pages 4
Date 8/03/2020 Time 10:17:23AM
Rec Amt $22.00

Daneen Schindler, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Prepared by & Return to: George Davis, Locher & Davis, PLC, P.O. Box 304, Dyersville, Iowa 52040-0304
Phone: 563-875-9112

INGRESS/EGRESS EASEMENT AGREEMENT

2017-3373
2017-3375
2019-1187
2019-1189
2019-1192

WHEREAS, Timothy Benn owns Parcel 1, Parcel 2 and Parcel 3 as legally described on the attached Exhibit B;

WHEREAS, Timothy Benn wishes to establish a mutual access easement for ingress and egress over Parcel 1 and Parcel 2 for the benefit of Parcel 3 pursuant to the Plat of Ingress/Egress Easement described on the attached Exhibit A;

WHEREAS, the ingress/egress easement trail has been established and that the cost of maintaining the ingress/egress easement area shall be borne by the owner of Parcel 3 as it relates to moving from the flat area up the hill to the border of Parcel 3.

NOW AND THEREFORE, for the consideration of the mutual covenants made below and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the owner of Parcel 1, Parcel 2 and Parcel 3 agrees as follows:

1. Easement. The owner of Parcel 1 and Parcel 2 hereby grants to the owner of Parcel 3 a mutual easement for ingress and egress (the "Easement") for vehicular and pedestrian traffic over and across the 15 foot wide easement area described on the attached Exhibit A;

2. Shared Use. The owners of Parcel 1, Parcel 2 and Parcel 3 shall each have the right to use the easement area for the purposes set forth herein and for any other purposes not inconsistent with the rights of the other party to use said easement. Neither party shall make use of the easement which will materially interfere with the use of said easement by the other, and any other parties with access rights over the easement.

3. Barriers. Except as may be reasonably necessary on a temporary basis, no walls, fences, gates, barriers or other improvements of any sort or kind shall be constructed or maintained in or on the easement area or any part thereof, which shall prevent or impair

movement, including without limitation, pedestrian and vehicular traffic, over the easement area over Parcel 1 and Parcel 2.

4. Maintenance. The parties covenant and agree that the owner of Parcel 3 shall bear the cost of any maintenance, upkeep or repair to the inclined area of the easement area and that the owners of Parcel 1 and Parcel 2 shall bear 50% of the costs and the owner of Parcel 3 shall bear 50% of the cost of any maintenance, upkeep or repairs related to ordinary wear and tear or sudden damage to the level part of the easement area.

5. Covenants Running with the Land. This Ingress/Egress Easement shall be a permanent easement running with the land and shall be binding on and inure to the benefit of the successors, heirs and assigns of the owners of Parcel 1, Parcel 2 and Parcel 3.

6. The Ingress/Egress Easement area has already been graded and neither the owner of Parcel 1, Parcel 2 or Parcel 3 may make any material changes to the easement area unless by the consent of all of the owners of Parcel 1, Parcel 2 and Parcel 3.

Agreed to this 30th day of ~~August~~ July, 2020.

Timothy Benn

Timothy Benn

STATE OF IOWA, COUNTY OF DUBUQUE

This record was acknowledged before me this 30th day of ~~August,~~ July, 2020, by Timothy Benn.

Notary Public in and for the State of Iowa

GEORGE A. DAVIS
Commission Number 800975
My Commission Expires
December 28, 2022

EXHIBIT "A"

Plat of Ingress/Egress Easement across:

Part of Lot M IN THE NW1/4, SECTION 30, T88N, R4W & Lot N IN THE NW1/4, SECTION 30, T88N, R4W

in Delaware County, Iowa

INDEX LEGEND

Location: Part of Lot M in the NW¼ of Section 30, T88N, R4W and Lot N in the NW¼ of Section 30, T88N, R4W Delaware County, Iowa
Requestor: Timothy M. Benn
Proprietor: Timothy M. Benn
25798 225th Ave Delhi, IA 52223
Surveyor: Terry L. Koelker
Company: Buesing & Associates, Inc.
1212 Locust St., Dubuque, IA 52001
Return To: tlkoelker@buesing.com (563) 556-4389

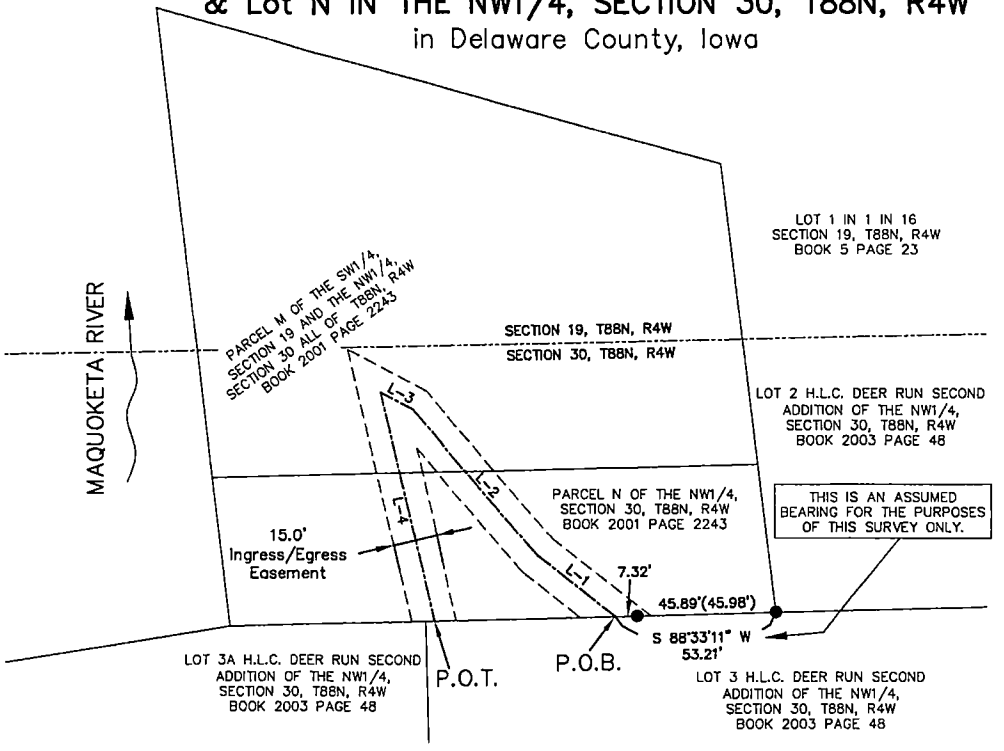
LINE	BEARING	DISTANCE
L-1	N 51°36'22" W	33.23'
L-2	N 41°00'04" W	64.54'
L-3	N 62°25'54" W	11.99'
L-4	S 13°09'10" E	78.50'

0' 25' 50' 100'

SCALE: 1" = 50'

LEGEND

- FOUND 1/2" ROD W/ORANGE CAP #8419 (UNLESS OTHERWISE NOTED)
- SURVEYED EASEMENT CENTERLINE
- EASEMENT LINE BORDER
- PROPERTY LINE
- SECTION LINE
- ( ) RECORD DIMENSION
- P.O.B. POINT OF BEGINNING
- P.O.T. POINT OF TERMINUS



Legal Description:

Ingress/Egress Easement, a 15 foot wide easement across part of Lot M in the NW¼, Section 30, T88N, R4W & Lot N in the NW¼, Section 30, T88N, R4W, in Delaware County, Iowa being 7.5 feet on each side of the following described centerline:

Commencing at the Southeast corner of said Lot N as recorded in Book 2001 Page 2243;

Thence S 88° 33' 11" W along the southerly line of said Lot N a distance of 53.21 feet to the POINT OF BEGINNING;

Thence N 51° 36' 22" W a distance of 33.23 feet;

Thence N 41° 00' 04" W a distance of 64.54 feet;

Thence N 62° 25' 54" W a distance of 11.99 feet;

Thence S 13° 09' 10" E to the South line of Lot N in said NW¼ of Section 30 a distance of 78.50 feet to the POINT OF TERMINUS.

LICENSED LAND SURVEYOR TERRY L. KOELKER 15487 I OWA

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

TERRY L. KOELKER 7/23/2020 (DATE)

LICENSE NUMBER 15487

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2021

SHEETS COVERED BY THIS SEAL : SHEET 1

BUESING & ASSOCIATES INC.
ENGINEERS AND SURVEYORS
1212 LOCUST ST, DUBUQUE, IA
(563) 556-4389

DRAWN BY: TLK	CHECKED BY: TLK
SURVEY DATE: 07/16/2020	PLOT DATE: 07/23/2020
DWG. NO. 19057-02	SCALE: 1" = 50'

SHEET 1 OF 1

PREPARED BY: BUESING & ASSOCIATES ADDRESS: 1212 LOCUST STREET, DUBUQUE, IOWA PHONE: (563) 556-4389

Exhibit B

Legal Descriptions:

Parcel 1 Parcel M, per survey of Lot 4 in 1 in 16, and part of lot 3 in 1 in 16 of the subdivision of lot 1 of lot 16, H.L.C. 1st subdivision, Section 19 and part of the NE ¼ of the NW1/4 of Section 30, Township 88 North, Range 4 West of the Fifth P.M. Delaware County, Iowa

Parcel 2 Parcel N, part of the NE1/4 of the NW1/4 of Section 30, in Township 88 North, Range 4 West of the Fifth P.M. Delaware County, Iowa

Parcel 3 Lots Two (2) and Three (3) and Three A (3A) of H.L.C Deer Run Second Addition being Part of the E ½ of the NW ¼ & The NW ¼ of the NE ¼, all in Section 30, Township 88 North, Range 4 West of the Fifth P.M., Delaware County Iowa according to the plat recorded Book 2003, Page 48