env
(X) Jean Domeyer 1832 277th Ave Earlville

Book 2021 Page 1849

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Daneen Schindler, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Waiver of Separation Distance

Prepared by and Return To: Patrick B. Dillon, 209 E 1st Street, Sumner, IA 50674

Tax Address:

Re:

Grantors: Richard J. Offerman
Kathryn A. Offerman

Parcel 'B' in Part of the Southwest Quarter of the Northeast Quarter of Section 13, Township 89 North, Range 4 West of the 5th P.M., Delaware County, Iowa, according to plat recorded in Book 2012, Page 1295 (property 1)

Grantee: Gary L. Domeyer
Jean M. Domeyer

Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section Thirteen (13), Township Eighty-Nine (89), Range Four (4), all West of the Fifth (5th) P.M. (property 2)

Waiver of Separation Distance
Easement and Waiver of Separation Distance and Operation

The undersigned are titleholders to the below-described property

Gary L and Jean M Domeyer, Husband and Wife, (Grantees) are the titleholders to the below-described property:

Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section Thirteen (13), Township Eighty-Nine (89), Range Four (4), all West of the Fifth (5th) P.M. Delaware County, Iowa

Richard J. and Kathryn A Offerman (Grantors) are the titleholders to the below-described property:

Parcel 'B' in Part of the Southwest Quarter of the Northeast Quarter of Section 13, Township 89 North, Range 4 West of the 5th P.M., Delaware County, Iowa, according to plat recorded in Book 2012, Page 1295

Grantees, operate a Swine Facility with confinement buildings served by concrete manure storage deep pits. The original barn was built prior to 1999. The Swine Facility is planned to have an animal unit capacity of 672 animal units (1480 finishing swine and 800 nursery pigs). Pursuant to Iowa Code 459.202(1) (2005), a separation distance of 750 feet is required between the confinement and covered formed manure storage structures and the grantor's land where the residence is located. Pursuant to Iowa Code 459.205 (2) (2005), the grantor' as titleholders to the land where the residence is located hereby waive the enforcement of this separation distance requirement between the Grantor's residence and 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.

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 pollutants from the Swine Facility.

In addition and without limitation of 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.

Granted this 18 day of May, 2021.

Richard J. Offerman
Richard J. Offerman

Gary L Domeyer
Gary L. Domeyer

Kathryn A Offerman
Kathryn A. Offerman

Jean M. Domeyer
Jean M. Domeyer

County of Delaware, State of Iowa ss.

On this 18 day of May 2021, before me, a Notary Public in and for the State of Iowa, personally appeared Richard J. Offerman and Kathryn A. Offerman, husband and wife, to me known to be the person named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Elaine Mary Diesburg
Notary Public in and for the State of Iowa

County of Delaware, State of Iowa ss.

On this 18 day of May 2021, before me, a Notary Public in and for the State of Iowa, personally appeared Gary L and Jean M Domeyer, husband and wife, to me known to be the person named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Elaine Mary Diesburg
Notary Public in and for the State of Iowa

NOTARIAL SEAL IOWA
ELAINE MARY DIESBURG
Commission Number 177512
My Commission Expires
1-19-2022

Easement and Waiver of Separation Distance

1. Grantor's Property Address: 1847 277th Ave, Earlville, Iowa 52041
2. Grantee's Swine Facilities Legal Description:

   Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section Thirteen (13), Township Eighty-Nine (89), Range Four (4), all West of the Fifth (5th) P.M. Delaware County, Iowa