Recorded: 5/15/2024 at 8:54:34.0 AM
County Recording Fee: $22.00
Iowa E-Filing Fee: $3.00
Combined Fee: $25.00
Revenue Tax: $0.00
Delaware County, Iowa
Daneen Schindler RECORDER
BK: 2024 PG: 1038

Prepared by and return to: Brian J. Kane, Kane, Norby & Reddick, PC, 2100 Asbury Road, Suite 2, Dubuque, IA 52001 563/582-7980

CORRECTED

SEPTIC SYSTEM AND DRAIN FIELD EASEMENT AGREEMENT

This Septic System and Drain Field Easement Agreement ("Agreement") is made and entered into this 15 day of May, 2024, by and between Kevin Goedken and Lisa Goedken, husband and wife, and James Steger and Gwen Link, husband and wife (collectively, "Grantor" or "Parcel A Owner"), and 2372 180TH AVENUE, LLC, an Iowa limited liability company ("Grantee" or "Parcel B Owner").

RECITALS

A. Parcel A Owner is the owner of the real estate referred to herein as "Parcel A" and legally described as Parcel No. ~~180206010030~~0. 180260100300.

B. Parcel B Owner is the owner of the real estate referred to herein as "Parcel B" and legally described as:

> Parcel Q Part Of The Northwest Quarter (NW1/4) Of The Northeast Quarter (NE1/4), Section Twenty-Six (26), Township Eighty-Nine North (T89N), Range Three West (R3W) Of The Fifth Principal Meridian, Delaware County, Iowa, according to plat recorded in Book 2005, Page 2465;

C. Located on Parcel A is a portion of a septic drainage field and septic system for the benefit of Parcel B, and Parcel A Owner and Parcel B Owner agree herein to a perpetual, nonexclusive easement for the benefit of Parcel B onto, over and under Parcel A for such septic drainage field and septic system easement on Parcel A; and,

D. The parties desire to set forth their agreement in writing.

THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree upon the following mutual terms and conditions:

1. Costs Regarding Maintenance, Repair and Replacement. All costs of maintenance, repair and replacement of the septic drainage field or septic system on, over and under Parcel A shall be borne solely by Parcel B Owner/Grantee. Parcel B Owner/Grantee agrees to comply with

all applicable laws with regard to the septic system and septic drainage field covered by this Agreement.

2. Grant of Easement. Parcel A Owner, as Grantor, hereby grants to Parcel B Owner, as Grantee, a perpetual, nonexclusive easement onto, over and under Parcel A (the crosshatched area depicted on Exhibit "A" attached hereto and by this reference made a part hereof) to the extent of the current location of the septic system and septic drainage field ("Easement Area") on Parcel A for the benefit of Parcel B. Parcel B Owner shall have reasonable access to the Easement Area for determinations regarding repair, maintenance or replacement thereof. This Agreement is for purposes related to the septic system and septic drainage field on Parcel A and the maintenance, repair and replacement of such septic system and septic drainage field only with respect to the Easement Area.

3. Miscellaneous. This Agreement shall run with the land and be binding on the parties hereto and their respective successors in interest and assigns. This Agreement shall be governed by and construed in accordance with the laws of the State of Iowa.

IN WITNESS WHEREOF, this Agreement was signed as of the date and year first above written.

Kevin Goedken

Lisa Goedken

STATE OF IOWA)
COUNTY OF Dubuque) ss:

This instrument was acknowledged before me on the 8th day of May, 2024, by Kevin Goedken and Lisa Goedken, as husband and wife.

NOTARIAL SEAL IOWA
TRACEY L. SCHINDLER
Commission Number 764413
My Commission Expires
10-11-2025

Tracey L. Schindler
Notary Public in and for the State of Iowa

James Steger

Gwen Link

STATE OF IOWA)
COUNTY OF Dubuque) ss:

This instrument was acknowledged before me on the 8th day of May, 2024, by James Steger and Gwen Link, as husband and wife.

NOTARIAL SEAL IOWA
TRACEY L. SCHINDLER
Commission Number 764413
My Commission Expires
10-11-2025

Notary Public in and for the State of Iowa

2372 180TH AVENUE, LLC
Parcel B Owner/Grantee
By Darlene Kluesner
Darlene Kluesner, Member

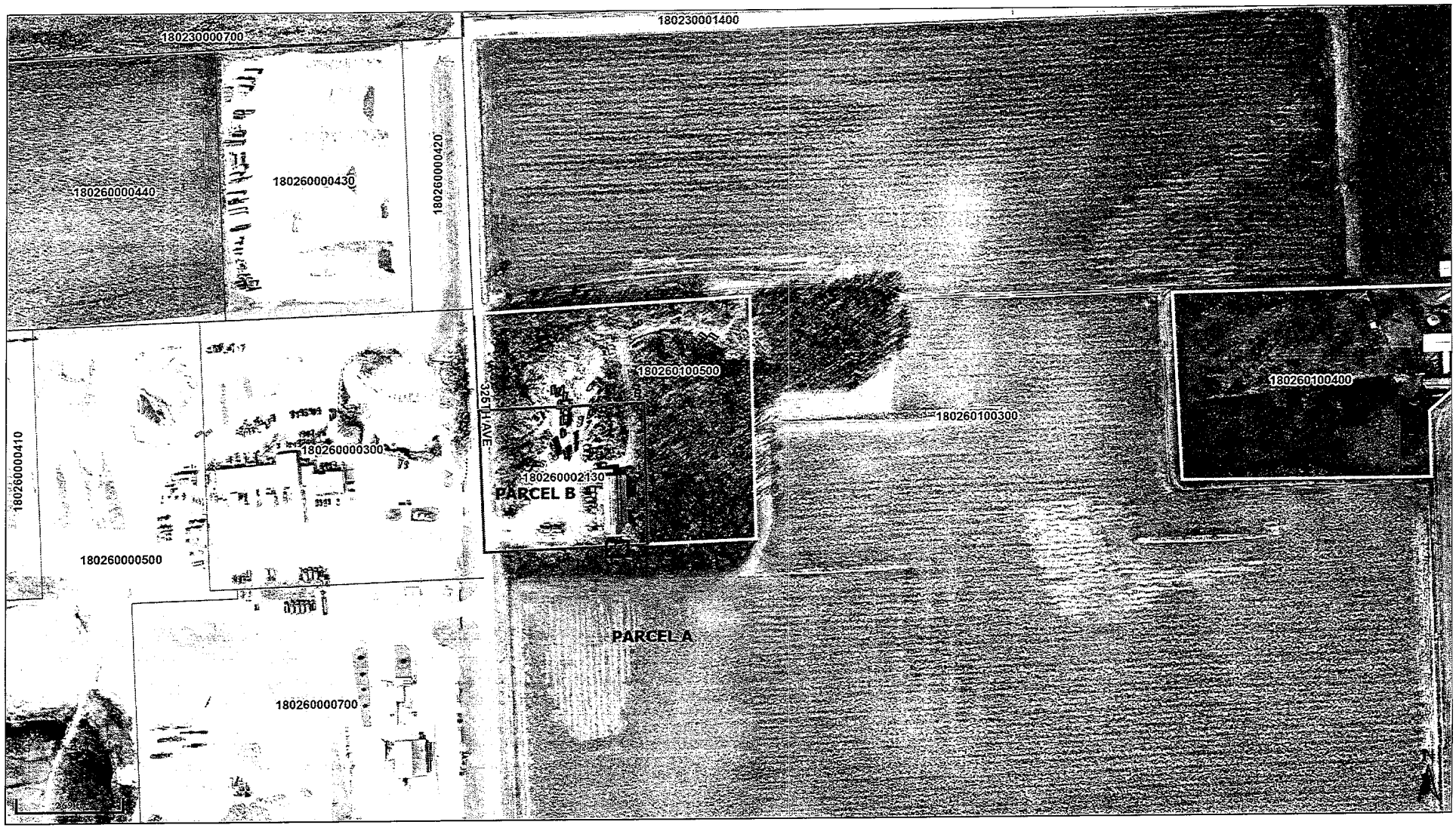
STATE OF IOWA)
COUNTY OF DUBUQUE) ss:

This instrument was acknowledged before me on the 8th day of May, 2024, by Darlene Kluesner, as Member of 2372 180th Avenue, LLC, an Iowa limited liability company.

NOTARIAL SEAL IOWA
TRACEY L. SCHINDLER
Commission Number 764413
My Commission Expires
10-11-2025

Notary Public in and for the State of Iowa

EXHIBIT "A"



*Not to scale. Cross-hatched Easement Area for septic system and drain field approximately 10' over the southerly border of Parcel B.