Recorded: 2/18/2025 at 8:16:12.0 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: 2025 PG: 422

PERMANENT EASEMENT AGREEMENT
Recorder's Cover Sheet

Preparer Information: Richard R. Morris, 620 Lafayette Street, Waterloo, IA 50701; (319) 234-1766

Return Document To: Robert N. Downer, 327 2nd St. Ste. 300, Coralville, IA 52241; (319) 365-9461

Prepared by: Richard R. Morris, 620 Lafayette Street, Waterloo, IA 50704 (319) 234-1766

PERMANENT EASEMENT AGREEMENT

This Permanent Easement Agreement is entered into by and between Ralph Cooey and Donna Cooey, husband and wife and Deborah Penn Knake and Tracy A. Knake, wife and husband, collectively ("Cooey") and Curtis A. Delagardelle and Eileen K. Delagardelle, husband and wife, collectively ("Delagardelle").

WHEREAS, Delagardelle is the owner of Lot Three (3), of Hartwick Lake Club North, Third Subdivision of Part of the Fractional SW ¼ of the SW ¼ of Section 19, Township 88 North, Range 4 West of the 5th P.M., Delaware County, Iowa, according to plat recorded in Book 6 of Plats page 15 in the office of the Delaware County Recorder, and subject to Protective Covenants and Restrictions recorded in Misc. Book 2, Page 215 in said office; and

Parcel B of Plat of Survey of Parcel A, Part of Lot 3 & Parcel B, Part of Lot 4 of Hartwick Lake Club North Third Subdivision, Part of the SW ¼ - SW ¼, Sec. 19, T88N, R4W of the 5th P.M., Delaware County, Iowa, according to Plat recorded in Book 1999 of Plats, Page 2788 in the office of the Delaware County, Iowa Recorder, and subject to protective covenants and restrictions recorded at Misc. Book 2, Page 215 in said office. ("Delagardelle property")

WHEREAS, Cooey are the owners of real estate legally described as Easement area for docks and water access for Lot Three (3), Hartwick Lake Club North Third Subdivision:

BEGINNING at the common corner of Lot 2 and Lot 3 of Hartwick Lake Club North Third Subdivision, as recorded in Plat Book 6, Page 15, also being common with Parcel A, as recorded in Book 1999, Page 2788;

THENCE along the southerly boundary of said Lot 3, South 47° 02' 11" East, 75.00 feet, to the common corner of said Lot 3 and the corner of Parcel B, as recorded in Book 1999, Page 2788;

THENCE at a right angle from previous line, South 42° 57' 49" East, 65.00 feet;

THENCE North 47° 02' 11" West, 75.00 feet;

THENCE North 42° 57' 49" East, 65.00 feet to the **POINT OF BEGINNING**, containing 4875 square feet.

WHEREAS, the "Cooey property" abuts the "Delagardelle property" and extends into the water and lakeshore area of Lake Delhi in Delaware County, Iowa;

WHEREAS, the parties wish to establish a permanent easement on the "Cooey property" for use by Delagardelle with respect to the shore area and water area of Lake Delhi immediately adjoining the "Delagardelle property".

NOW THEREFORE, it is hereby agreed by and between the parties as follows:

1. **Right of Easement**. Cooey hereby grants Delagardelle a Permanent easement for access by Delagardelle to the "Cooey property" as set forth above which is an Easement area for docks and water access for Lot Three (3) owned by and referred to as the "Delagardelle property". This "Permanent Easement Area" is the description of the "Cooey property" set forth above.

2. **Use of Easement Area.** Exclusive use of those easement areas above the surface of Lake Delhi is hereby granted to Delagardelle provided, however, that no structures or appurtenances shall be placed on the easement area except for boat lifts and docks approved by the Iowa Department of Natural Resources. Use of the remainder of the easement area by Delagardelle shall be non-exclusive.

3. **Maintenance**. Delagardelle shall maintain the easement area, including any and all matters necessary at the shoreline, including rocking the shoreline to prevent any erosion of the shoreline area contained within the "Cooey property"/Permanent Easement Area. This responsibility shall be Delagardelles and any respective heirs, successors, administrators, representatives, and assigns.

4. **Running of Benefit and Burdens.** All the provisions of this agreement, including the benefits and burdens, run with the land and are binding on and adhere to the benefit of the heirs, assigns, and successors of the parties.

5. **Miscellaneous.**
   A. This Agreement shall be constructed, construed, and enforced in accordance with the laws of the State of Iowa.
   B. This Agreement sets forth the entire understanding of the parties and no terms, conditions, or warranties other than those contained herein and no amendments thereto shall be valid unless made in writing and signed by the parties hereto.
   C. This Agreement is for a binding easement in favor of Delagardelle as granted by Cooey and shall be binding upon and shall inure to the benefit of the heirs, executors, administrators and assigns of the parties.
   D. The prevailing party in any legal action brought to enforce this Agreement shall be entitled to reasonable attorney fees and costs.

WITNESS WHEREOF, we have hereunto set our hands this 30th day of December, 2024.

DELAGARDELLE

By: Curtis Delagardelle
Curtis A. Delagardelle

By: Eileen K. Delagardelle
Eileen K. Delagardelle

COOEY

By: Ralph Cooey
Ralph Cooey

By: Donna K. Cooey
Donna Cooey

By: D Knake
Deborah Penn Knake

By: T K
Tracy A. Knake

STATE OF IOWA, COUNTY OF BLACK HAWK

This record was acknowledged before me on December 30, 2024, by Curtis A. Delagardelle and Eileen K. Delagardelle, husband and wife.

RICHARD R. MORRIS
COMMISSION # 106916
MY COMMISSION EXPIRES
2/19/2025

Notary Public in and for the State of Iowa

STATE OF Colorado, COUNTY OF Boulder

This record was acknowledged before me on 1-21-2025, 2024, by Ralph Cooey and Donna Cooey, husband and wife.

BREANNA CASTILLO
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20224014734
MY COMMISSION EXPIRES 04/13/2026

Notary Public in and for the State of Colorado

STATE OF Iowa, COUNTY OF Delaware

This record was acknowledged before me on Jan. 31, 2025, by Deborah Penn Knake and Tracy A. Knake, wife and husband.

LINDA J. JAY
Commission Number 129134
MY COMMISSION EXPIRES
February 18, 2026

Notary Public in and for the State of Iowa