

BK: 2022 PG: 2950  
Recorded: 10/10/2022 at 9:22:38.0 AM  
Pages 10  
County Recording Fee: \$52.00  
Iowa E-Filing Fee: \$3.97  
Combined Fee: \$55.97  
Revenue Tax:  
LISA SMITH RECORDER  
Madison County, Iowa

Prepared By: Brett T. Osborn, 974 73<sup>rd</sup> Street, Suite 16, West Des Moines, Iowa 50265, 515-223-6000  
Return To: Scenic Ridge Homeowners Association, Inc., 974 73<sup>rd</sup> Street, Suite 16, West Des Moines, Iowa 50265

SPACE ABOVE THIS LINE FOR RECORDER

### UTILITY EASEMENT

KNOW ALL PERSONS BY THESE PRESENTS, that the undersigned, SCENIC RIDGE HOLDINGS LLC, (hereinafter collectively referred to as the "Grantor"), for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, do hereby convey its interests unto SCENIC RIDGE HOMEOWNERS ASSOCIATION INC. (hereinafter called the "Association"), a perpetual Utility Easement for the purpose of providing for the common benefit of the Lot Owner/Members of the Scenic Ridge Subdivision utility easements including but not limited to water facilities, electric facilities, gas facilities, communications facilities (internet, phone, or other communications or data services), drainage, surface water flowage, underground storm water flowage and drainage, surface and storm water detention and or other common interest utilities and facilities, under, over, through and across the real estate described as follows:

See Exhibit 'A':

(hereinafter collectively called the "Easement Area"), for the purpose of the Association and its Member Lot Owners access to and constructing, reconstructing, repairing, enlarging and maintaining free and unobstructed surface water flowage along the roadway; culverts to direct surface and storm water drainage appropriately through the subdivision; water facilities; electric facilities; gas facilities; communications facilities (internet, phone, or other communications or data services); and or other common interest utilities and facilities, together with necessary appurtenances thereto, under, over, through and across said Easement Area.

This Easement shall be subject to the following terms and conditions:

1. ERECTION AND PLACEMENT OF STRUCTURES, OBSTRUCTIONS, PLANTINGS OR MATERIALS PROHIBITED. Grantor, its grantees, assigns and transferees shall not erect any fence or other structure under, over, on, through, across or within the Easement Area without obtaining the prior written consent of

the Grantor and the Association, nor shall grantees cause or permit any obstruction, planting or material to be placed under, over, on, through across or within the Easement Area without obtaining the prior written consent of the Grantor and the Association.

2. **CHANGE OF GRADE PROHIBITED.** Grantor, its grantees, assigns and transferees shall not change the grade, elevation or contour of any part of the Easement Area without obtaining the prior written consent of the Association. The Association shall have the right to restore any changes in grade, elevation or contour without prior written consent of the Grantors, their grantees, assigns or transferees.
3. **RIGHT OF ACCESS.** For so long as Grantor owns a Lot within Scenic Ridge the Grantor and the Association shall have the right of access to the Easement Area and have all rights of ingress and egress reasonably necessary for the use and enjoyment of the Easement Area from property adjacent thereto as herein described, including but not limited to, the right to remove any unauthorized fences, structures, obstruction, planting or material placed or erected under, over, on, through, across or within the Easement Area.
4. **MAINTENANCE.** The Association shall not be responsible for any maintenance of the land located within the Easement Area except as provided for the Declaration of Residential Covenants, Conditions, and Restrictions for Scenic Ridge and or any other Applicable Covenants, and responsibility shall remain with the Grantors, their grantees, assigns or transferees. The Association may, however, perform such maintenance should it determine in its sole discretion such maintenance is needed.
5. **PROPERTY TO BE RESTORED.** The Association shall restore the Easement Area after exercising its rights hereunder, provided, however, that the Association's duty of restoration shall be limited to grading and replacing grass, sod or any other ground cover (but not including any structures, trees or shrubs). The Association shall not be responsible for any construction, reconstruction, replacement, repair or maintenance of any improvements located within the Easement Area. The Association will have the rights provided in the Declaration of Residential Covenants, Conditions, and Restrictions for Scenic Ridge and or any other Applicable Covenants to levy assessments to the members of the Association or to any one member of the association who's actions or omissions caused the repair, replacement, or restoration.
6. **LIABILITY.** Except as may be caused by the negligent acts or omissions of the Association, its employees, agents or its representatives, the Association shall not be liable for injury or property damage occurring in or to the Easement Area, the property abutting said Easement Area, nor for property damage to any improvements or obstructions thereon resulting from the Association's exercise of this Easement. In the event that the Association intentionally disturbs the property

in the easement area, it shall restore the surface of the property in the easement area as stated in provision #5 of this easement.

7. **EASEMENT BENEFIT.** This Easement shall be for the benefit of the Association, its successors and assigns, and its permittees and licensees as well as its Members, the Lot Owners within Scenic Ridge.
8. **EASEMENT RUNS WITH LAND.** This Easement shall be deemed perpetual and to run with the land and shall be binding on Grantors and on Grantors' heirs, successors and assigns.

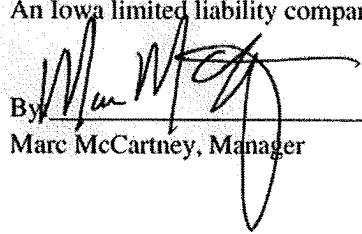
Grantor does **HEREBY COVENANT** with the Association that (i) Grantor holds the respective interests in real estate described in this Easement by title in fee simple; (ii) that Grantor has good and lawful authority to convey the same; and (iii) said Grantor covenants to **WARRANT AND DEFEND** its interests in the said premises against the claims of all persons whomsoever.

Each of the undersigned hereby relinquishes all rights of dower, homestead and distributive share, if any, in and to the interests conveyed by this Easement.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

Dated 10/1, 2022.

SCENIC RIDGE HOLDINGS LLC,  
An Iowa limited liability company

By:   
Marc McCartney, Manager

STATE OF IOWA, COUNTY OF DALLAS, ss:

This record was acknowledged before me on 10/1, 2022 by Marc McCartney as Manager of SCENIC RIDGE HOLDINGS LLC.

By: 

Notary Public

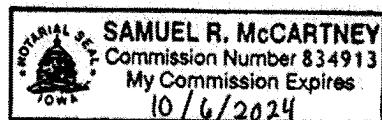


EXHIBIT "A"

UTILITY EASEMENT(S)  
LEGAL DESCRIPTION

66' ROADWAYS WITHIN SCENIC RIDGE

SCENIC RIDGE  
LEGAL DESCRIPTION

THE NORTHEAST QUARTER (1/4) OF SECTION TWELVE (12) IN TOWNSHIP SEVENTY-SEVEN (77) NORTH, RANGE TWENTY-EIGHT (28) WEST OF THE 5<sup>TH</sup> P.M., MADISON COUNTY, IOWA, EXCEPT THAT PART THEREOF DEEDED FOR HIGHWAY PURPOSES.



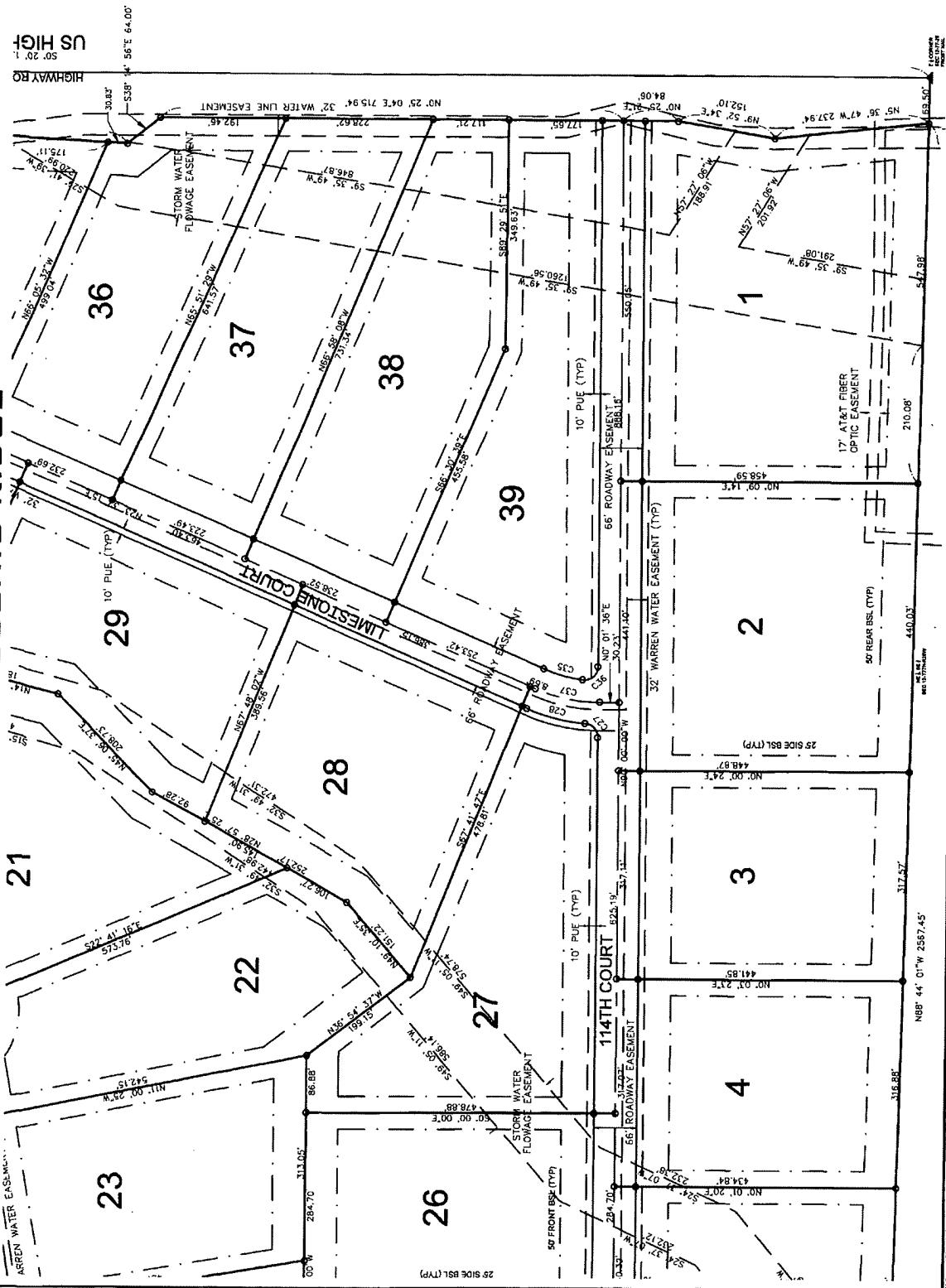
**FINAL PLAT**  
**SCENIC RIDGE**

CURVE TABLE											
Parcel #	Curve Area										
Parcel #	Curve Area										
Point Area	ROW Area										
Curve #	Length	Radius	Delta	CHORD DIRECTION	CHORD LENGTH	TANGENT					
1	5.79 ACRES	0.42 ACRES	5.32 ACRES	C1	56.49	283.00	1126' 15"	S84° 16' 53"E	56.40	28.34	
2	4.69 ACRES	0.33 ACRES	4.26 ACRES	C2	61.54	283.00	1630' 30"	N70° 18' 30"W	61.26	41.05	
3	3.24 ACRES	0.24 ACRES	3.00 ACRES	C3	75.98	283.00	1522' 55"	S54° 21' 47"E	75.75	38.22	
4	3.18 ACRES	0.24 ACRES	3.05 ACRES	C4	230.52	283.00	4840' 05"	S23° 20' 09"E	224.20	122.09	
5	3.14 ACRES	0.24 ACRES	2.90 ACRES	C5	75.85	283.00	1457' 08"	N7° 25' 34"E	73.84	37.14	
6	3.09 ACRES	0.03 ACRES	3.05 ACRES	C6	6.68	27.00	217' 34"	S13° 48' 22"W	8.68	4.34	
7	3.06 ACRES	0.07 ACRES	3.49 ACRES	C7	47.66	217.00	1238' 15"	S8° 20' 28"W	47.77	24.03	
8	3.08 ACRES	0.06 ACRES	3.02 ACRES	C8	23.95	27.00	5075' 05"	N24° 23' 40"W	23.18	12.83	
9	3.27 ACRES	0.21 ACRES	3.05 ACRES	C9	94.05	68.00	7955' 16"	N10° 51' 02"W	87.75	56.98	
10	3.05 ACRES	0.20 ACRES	3.05 ACRES	C10	69.12	68.00	5671' 29"	N16° 15' 51"E	65.18	37.86	
11	3.28 ACRES	0.18 ACRES	3.09 ACRES	C11	111.33	68.00	6348' 30"	S45° 44' 39"E	96.31	72.68	
12	3.28 ACRES	0.26 ACRES	3.00 ACRES	C12	58.98	68.00	4941' 44"	N28° 00' 28"E	57.15	31.49	
13	3.27 ACRES	0.19 ACRES	3.08 ACRES	C13	23.95	27.00	5075' 05"	N24° 23' 40"E	23.18	12.83	
14	3.27 ACRES	0.13 ACRES	3.14 ACRES	C14	73.74	283.00	1455' 49"	S7° 29' 14"W	73.54	37.08	
15	3.16 ACRES	0.05 ACRES	3.11 ACRES	C15	54.31	20.00	8876' 41"	S22° 44' 24"E	50.25	23.12	
16	7.07 ACRES	0.09 ACRES	6.98 ACRES	C16	73.89	217.00	1930' 57"	N18° 40' 58"E	73.54	37.31	
17	4.85 ACRES	0.36 ACRES	4.19 ACRES	C17	23.95	27.00	5075' 01"	N15° 30' 38"E	23.18	12.83	
18	4.44 ACRES	0.69 ACRES	3.75 ACRES	C18	102.71	68.00	8872' 42"	N72° 21' 50"E	92.52	54.02	
19	5.87 ACRES	0.18 ACRES	5.68 ACRES	C19	75.59	68.00	6374' 30"	N32° 30' 55"W	71.72	42.24	
20	3.21 ACRES	0.06 ACRES	3.15 ACRES	C20	80.58	68.00	6756' 54"	N35° 19' 17"E	70.53	45.85	
21	3.43 ACRES	0.06 ACRES	3.37 ACRES	C21	75.30	68.00	6328' 53"	S80° 37' 49"E	71.51	42.04	
22	3.51 ACRES	0.18 ACRES	3.33 ACRES	C22	23.95	27.00	5075' 01"	S74° 39' 24"E	23.18	12.83	
23	3.58 ACRES	0.22 ACRES	3.34 ACRES	C23	106.65	283.00	2175' 41"	N48° 16' 35"W	105.03	53.97	
24	3.46 ACRES	0.52 ACRES	2.96 ACRES	C24	20.87	20.00	8573' 19"	S57° 45' 50"W	27.17	18.51	
25	3.40 ACRES	0.52 ACRES	2.88 ACRES	C25	56.63	217.00	1457' 06"	S7° 28' 34"W	56.47	28.48	
26	3.13 ACRES	0.22 ACRES	2.91 ACRES	C26	340.66	217.00	8070' 00"	S45° 00' 00"E	306.88	217.00	
27	4.32 ACRES	0.56 ACRES	3.76 ACRES	C27	31.08	20.00	9134' 14"	S47° 10' 04"W	28.66	20.55	
28	3.68 ACRES	0.29 ACRES	3.40 ACRES	C28	93.97	283.00	1800' 17"	S14° 02' 05"W	92.44	47.57	
29	3.65 ACRES	0.35 ACRES	3.30 ACRES	C29	17.29	27.00	3641' 35"	S5° 11' 30"W	17.00	8.85	
30	3.10 ACRES	0.20 ACRES	2.90 ACRES	C30	23.95	27.00	5050' 02"	N1° 52' 44"W	23.18	12.83	
31	4.41 ACRES	0.19 ACRES	4.22 ACRES	C31	105.91	68.00	8874' 06"	S17° 19' 15"W	98.52	67.10	
32	9.31 ACRES	0.11 ACRES	9.20 ACRES	C32	72.44	68.00	6102' 07"	S87° 32' 35"E	68.06	40.08	
33	6.60 ACRES	0.06 ACRES	6.54 ACRES	C33	155.94	68.00	13125' 41"	N4° 40' 19"E	123.58	150.48	
34	3.03 ACRES	0.24 ACRES	2.79 ACRES	C34	23.98	27.00	5075' 05"	S11° 46' 58"W	23.18	12.83	
35	3.16 ACRES	0.23 ACRES	2.83 ACRES	C35	63.89	217.00	1632' 07"	N15° 06' 11"E	63.66	32.18	
36	3.13 ACRES	0.18 ACRES	2.95 ACRES	C36	33.74	20.00	8640' 03"	N41° 30' 58"W	28.88	22.47	
37	3.42 ACRES	0.17 ACRES	3.25 ACRES	C37	102.59	250.00	2330' 59"	S11° 46' 58"W	101.87	52.02	
38	3.75 ACRES	0.18 ACRES	3.57 ACRES	C38	241.68	250.00	5373' 01"	N27° 41' 31"W	232.36	131.21	
39	4.68 ACRES	0.94 ACRES	3.72 ACRES	C39	65.24	250.00	1457' 06"	N7° 28' 34"E	65.06	32.61	
				C40	109.19	250.00	2501' 31"	S87° 35' 37"E	108.23	55.48	
				C41	6.56	250.00	1301' 11"	N4° 12' 03"E	6.56	3.28	
				C42	56.59	250.00	1326' 38"	N4° 44' 09"E	56.45	29.43	
				C43	151.04	250.00	3436' 59"	N72° 41' 31"W	144.74	77.91	
				C44	241.68	250.00	5373' 01"	N27° 41' 31"W	232.36	131.21	
				C45	65.24	250.00	1457' 06"	N7° 28' 34"E	65.06	32.61	
				C46	109.19	250.00	2501' 31"	S87° 35' 37"E	108.23	55.48	
				C47	6.56	250.00	1301' 11"	N4° 12' 03"E	6.56	3.28	
				C48	56.59	250.00	1326' 38"	N4° 44' 09"E	56.45	29.43	

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## SCENIC RIDGE

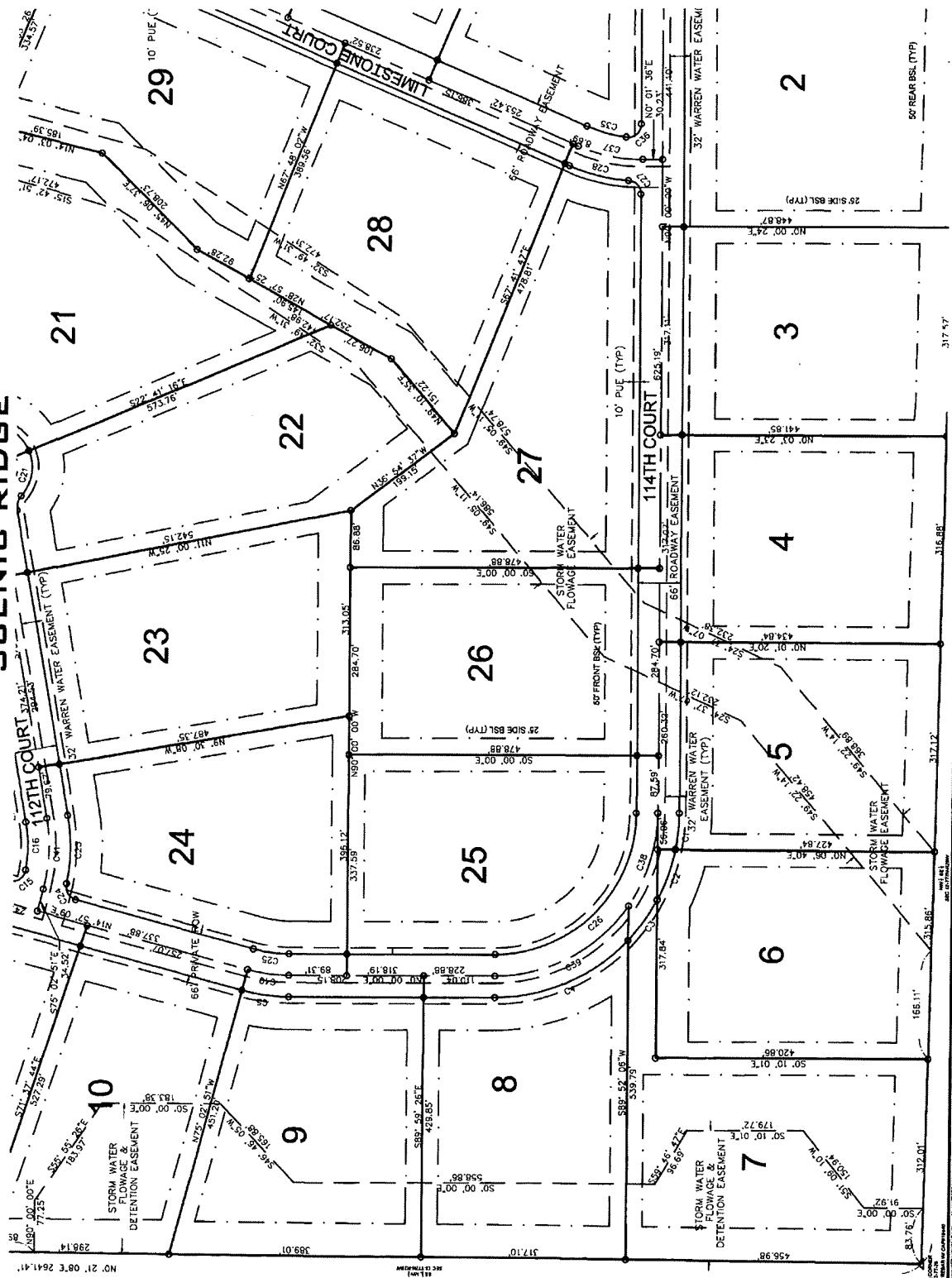
FINAL PLAT



**SCENIC RIDGE**  
**MADISON COUNTY, IOWA**

**SCENIC RIDGE**  
FINAL PLAT

FINAL PLAT

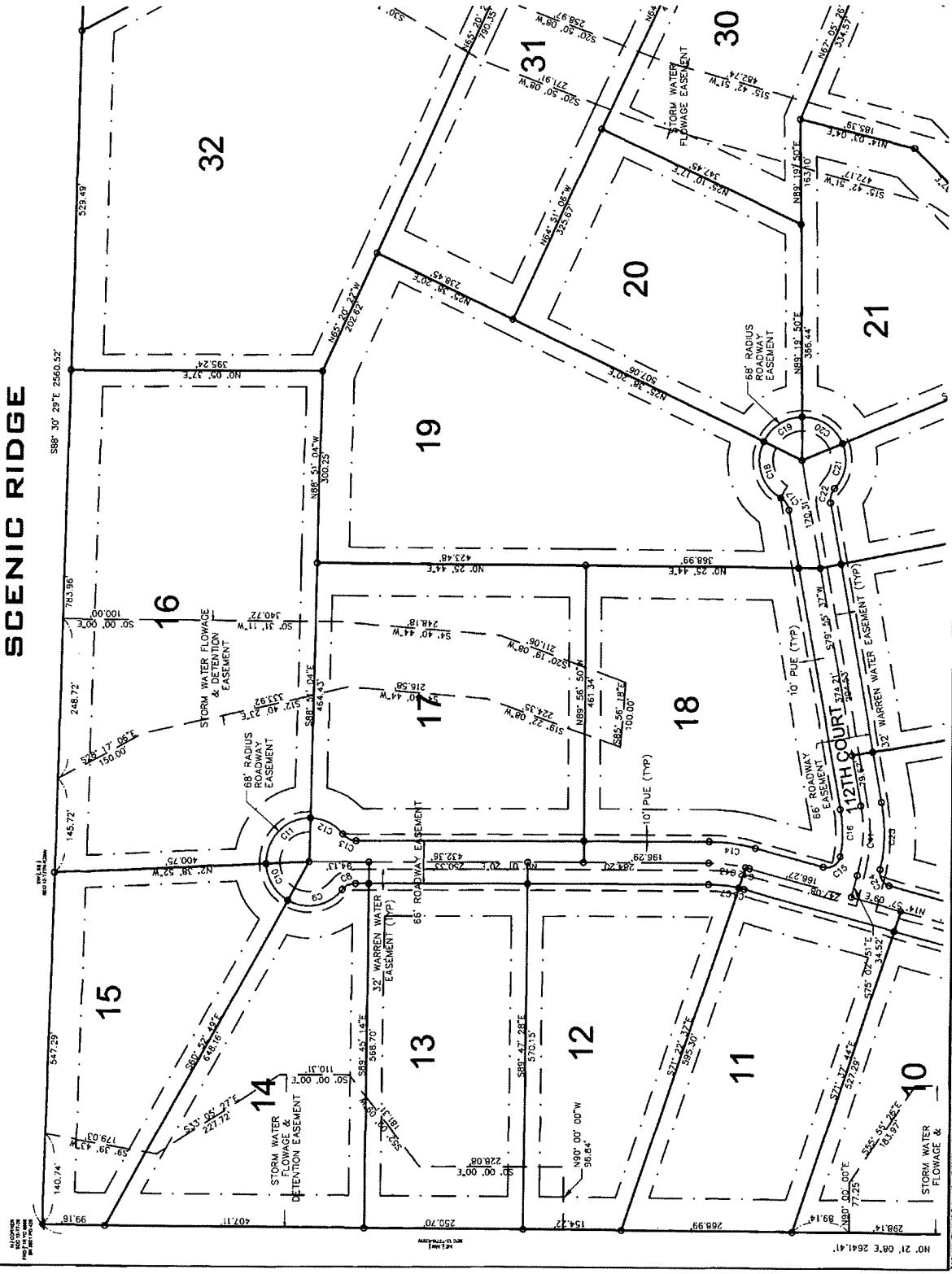


DRAWING SCALE:		1/4 INCH = 100 FEET	
		1/8 INCH = 50 FEET	
		1/16 INCH = 25 FEET	
		1/32 INCH = 12.5 FEET	
		1/64 INCH = 6.25 FEET	
		1/128 INCH = 3.125 FEET	
		1/256 INCH = 1.5625 FEET	
		1/512 INCH = 0.78125 FEET	
		1/1024 INCH = 0.390625 FEET	
		1/2048 INCH = 0.1953125 FEET	
		1/4096 INCH = 0.09765625 FEET	
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MISSION COUNTY, I.

**SCENIC RIDGE**

FINAL PLAT



ABACCONSULTING, INC.	Scenic Ridge
Scenic Ridge	Barber County, Iowa
Survey No.	5 or 6
Plat Date:	10/10/2014
Prepared by:	ABACCONSULTING, INC.
Platting by:	ABACCONSULTING, INC.
Surveyor:	ABACCONSULTING, INC.
Scale:	1:1000
Dimensions:	Feet
Northings:	True North
Southings:	True South
Eastings:	True East
Westings:	True West

# **SCENIC RIDGE**

FINAL PLAT

PLATE

