

STATE OF IOWA, SS  
MADISON COUNTY,

Inst. No. 1287 Filed for Record this 17 day of November 19 93 at 1:49 PM  
Book 132 Page 235 Recording Fee \$ 26.00 Michelle Urster, Recorder, By Shirley J. Hensel Deputy

DRAINAGE EASEMENT

REC 25 10

THIS AGREEMENT made and entered into this 16<sup>th</sup> day of October, 1993, by and between Donna L. Smith of R. R., Madison County, Iowa, hereinafter referred to as First Party, and Michael H. Frey and Penny L. Frey, husband and wife, of R. R., Madison County, Iowa, hereinafter referred to as Second Party,  
WITNESSETH:

WHEREAS, First Party owns the following described real estate located in Madison County, Iowa, to-wit:

The East Half (½) of the Northwest Quarter (¼) and the Northeast Quarter (¼) of the Southwest Quarter (¼) of Section Thirteen (13) in Township Seventy-seven (77) North, Range Twenty-nine (29) West of the 5th P.M., Madison County, Iowa,

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RECORDED   
COMPARED

The Northwest Quarter (¼) of the Southwest Quarter (¼) of Section Thirteen (13) in Township Seventy-seven (77) North, Range Twenty-nine (29) West of the 5th P.M., Madison County, Iowa, EXCEPT a tract of land in the Northwest Quarter of the Southwest Quarter of Section 13, Township 77 North, Range 29 West of the 5th Principal Meridian, Madison County, Iowa, more particularly described as follows:

Beginning at the West Quarter Corner of Section 13, T77N, R29W of the 5th P.M., Madison County, Iowa; thence North 89°33'07" East 367.01 feet along the north line of the SW¼ of said Section 13; thence South 00°00'00" 593.48 feet to the point of beginning. Said tract of land contains 5.000 Acres including 0.286 Acres of County Road Right of Way, and

EXCEPT A parcel of land located in the North Half (½) of the Southwest Quarter (¼) of Section Thirteen (13), Township Seventy-seven (77) North, Range Twenty-nine (29) West of the 5th Principal Meridian, Madison County, Iowa, more particularly described as follows: Beginning at the Southwest Corner of the Northwest Quarter (¼) of the Southwest Quarter (¼) of Section Thirteen (13), Township Seventy-seven (77) North, Range Twenty-nine (29) West of the 5th P.M., Madison County, Iowa; thence, along the west line of said Section 13, North 00°00'00", 717.35 feet; thence North 89°33'07" East 367.01 feet; thence North 00°00'00" 593.48 feet; thence South 89°55'06" East 938.18 feet to the NE Corner of the Northwest Quarter (¼) of the Southwest Quarter (¼) of said Section 13; thence South 00°04'32" West 391.36 feet; thence North 89°19'13" East 398.55 feet; thence North 00°55'38" East 1027.12 feet; thence South 88°34'41" East 223.39 feet; thence North 00°24'00" East 272.75 feet; thence South 89°13'07" East

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225.68 feet; thence North 00°04'00" West 281.11 feet; thence South 87°59'26" East 470.85 feet to the East line of the West One-half (½) of said Section 13; thence, along said East line, South 00°37'05" West 2481.52 feet to the Southeast Corner of the Northeast Quarter (¼) of the Southwest Quarter (¼) of said Section 13; thence North 89°59'59" West 2621.38 feet to the Point of Beginning. Said parcel of land contains 91.220 Acres, including 0.377 Acres of County road right of way, and

WHEREAS, Second Party owns the following described real estate located in Madison County, Iowa, to-wit:

A parcel of land located in the North Half (½) of the Southwest Quarter (¼) of Section Thirteen (13), Township Seventy-seven (77) North, Range Twenty-nine (29) West of the 5th Principal Meridian, Madison County, Iowa, more particularly described as follows: Beginning at the Southwest Corner of the Northwest Quarter (¼) of the Southwest Quarter (¼) of Section Thirteen (13), Township Seventy-seven (77) North, Range Twenty-nine (29) West of the 5th P.M., Madison County, Iowa; thence, along the West line of said Section 13, North 00°00'00", 717.35 feet; thence North 89°33'07" East 367.01 feet; thence North 00°00'00" 593.48 feet; thence South 89°55'06" East 938.18 feet to the NE Corner of the Northwest Quarter (¼) of the Southwest Quarter (¼) of said Section 13; thence South 00°04'32" West 391.36 feet; thence North 89°19'13" East 398.55 feet; thence North 00°55'38" East 1027.12 feet; 00°24'00" East 272.75 feet; thence South 89°13'07" East 225.68 feet; thence North 00°04'00" West 281.11 feet; thence South 87°59'26" East 470.85 feet to the East line of the West One-half (½) of said Section 13; thence, along said East line, South 00°37'05" West 2481.52 feet to the Southeast Corner of the Northeast Quarter (¼) of the Southwest Quarter (¼) of said Section 13; thence North 89°59'59" West 2621.38 feet to the Point of Beginning. Said parcel of land contains 91.220 Acres, including 0.377 Acres of County road right of way,

which is adjoining, abutting, adjacent and contiguous with the real estate owned by First Party herebefore described, and

WHEREAS, Second Party desires to obtain a Drainage Easement from First Party for the purpose of allowing three tiles to drain water from Second Party's real property into waterways located on First Party's real property, and

WHEREAS, First Party is willing to allow Second Party to install three drainage tiles to drain water from Second Party's real property into waterways located on First Party's real property.

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NOW, THEREFORE, in consideration of the sum of One Dollar and other good and valuable consideration, the receipt of which is hereby acknowledged, First Party does by these presents, give, grant and convey unto Second Party a permanent easement, for the purpose of installing, maintaining and repairing three drainage tile lines across First Party's real property, said tile lines being described as follows:

- 1.- A drainage tile line with a point of beginning located 192 feet West of the Northeast corner of Second Party's real property.

That said drainage tile shall run 30 feet North from the partition fence located between First Party and Second Party's respective tracts of real property herebefore described to a waterway. That said drainage tile line shall be 4 inches in diameter and attached to a 6 inch outlet tile.

- 2.- A drainage tile line with a point of beginning located 470.85 feet West, 281.11 feet South, and 100 feet West of the Northeast corner of Second Party's real property.

That said drainage tile shall run 75 feet North from the partition fence located between First Party and Second Party's respective tracts of real property herebefore described to a waterway. That said drainage tile line shall be 4 inches in diameter and shall be attached to a 6 inch outlet tile.

- 3.- A drainage tile line with a point of beginning located 470.85 feet West, 281.11 feet South, 225.68 feet West, 272.75 feet South, 223.39 feet West, and 400.12 feet South of the Northeast corner of Second Party's real property.

That said drainage tile shall run 20 feet West from the partition fence located between First Party and Second Party's respective tracts of real property herebefore described into a waterway. That said drainage tile shall be 4 inches in diameter and shall be attached to a 6 inch outlet tile.

That the drainage tile line herebefore described shall be subject to the following terms and conditions:

- 1.- That all three 4 inch drainage tile lines herebefore described that drain into First Party's real property and the 6 inch outlet pipe shall be made of plastic.

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- 2.- Second Party expressly agrees to install the necessary rock rip rap where the outlet pipe is located to prevent erosion on First Party's real property.
- 3.- Second Party expressly agrees to replace and repair any damage caused by fences owned by First Party during the construction, maintenance, repair and replacement of said drainage tile lines.
- 4.- Second Party shall be obligated to pay all costs incurred for the installation of said drainage tile lines herebefore described.

It is agreed between First Party and Second Party that this instrument shall constitute a permanent easement and binding agreement which shall run with the ownership of the two tracts of land described herein.

FIRST PARTY

SECOND PARTY

Donna L. Smith  
Donna L. Smith

Michael H. Frey  
Michael H. Frey  
Penny L. Frey  
Penny L. Frey

STATE OF IOWA :  
                  : SS  
MADISON COUNTY :

On this 4<sup>th</sup> day of ~~October~~ <sup>NOVEMBER</sup>, 1993, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Donna L. Smith to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that she executed the same as her voluntary act and deed.



Wm. Nelson  
Notary Public in and for the State of Iowa.

STATE OF IOWA :  
                  : SS  
MADISON COUNTY :

On this 18<sup>th</sup> day of October, 1993, before me, the undersigned, a Notary Public in and for the State of Iowa, personally

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appeared Michael H. Frey and Penny L. Frey to me known to be the identical persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.



Susan Apple  
Notary Public in and for the  
State of Iowa.