

REC \$ 15.00  
AUD \$ \_\_\_\_\_  
R.M.F. \$ 7.00  
CORRECTED   
RECORDED   
COMPLETED

FILED NO. 000952  
BOOK 2001 PAGE 952  
2001 MAR 12 PM 3:17  
MICKI UTSLER  
RECORDER  
MADISON COUNTY, IOWA

<b>Preparer Information</b>	<b>Debra Pitstick</b> Individual's Name	2398 141 <sup>st</sup> Street Street Address	Bouton, IA City	515-676-2117 Phone
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SPACE ABOVE THIS LINE  
FOR RECORDER

LIMITED EASEMENT

(FMHA Approved)

No. 137629rf

RE: Russell J. Frey

The East 75 acres of the South Half (1/2) of the Southwest Quarter (1/4), and the East 70 rods of the South 11.43 rods of the Northwest Quarter (1/4) of the Southwest Quarter (1/4), and the Northeast Quarter of the Southwest Quarter (1/4) except 12 acres more or less described as commencing at the Northeast corner of said 40 acre tract and running West 27 rods to a certain branch, thence South along said branch to the South line of said 40 acre tract, thence East 22 rods to the Southeast corner thereof, thence North to the point of beginning, all in Section Thirteen ~~XX~~ 13, in Township Seventy-six (76) North, Range Twenty-nine (29) West of the 5<sup>th</sup> P.M., Madison County, Iowa.

The undersigned, as Owner(s) of record of the real estate described above, for one dollar and other good and valuable consideration received, hereby grant(s), sell(s), transfer(s) and convey(s) to Xenia Rural Water District (the "District"), its successors and assigns, an affirmative and perpetual easement in, to, and running with the real estate described above, together with a general and perpetual right of ingress and egress upon such real estate, LIMITED AS FOLLOWS:

1. This easement is solely for the general purposes of construction and laying and thereafter using, operating, inspecting, maintaining, repairing, replacing or removing water pipeline and any necessary appurtenances thereto over, across and through the real estate described above; and ,
2. Once such water pipeline and any necessary appurtenances thereto are installed and operating, then this easement (except the general rights of ingress and egress) shall be automatically reduced in scope to a width of thirty feet, the centerline of which shall be the water pipeline and any necessary appurtenances thereto.

The District, its successors and assigns, hereby promise to maintain such water pipeline and any necessary appurtenances in good repair so that damage to adjacent real estate of Owner(s), if any damage there be, will be kept to a minimum. Said pipeline shall be placed within 30 feet from and adjacent to existing road right-of-way; provided, however, that grantee may deviate from said course to avoid natural and/or manmade barriers or obstructions.

The District further agrees:

1. To repair, or pay to repair, any tile lines and fences injured or destroyed during construction and in the course of maintenance thereafter.
2. To pay for any crops damaged or destroyed in the course of maintenance beginning one year from the date of initial construction.
3. As long as there is adequate water available, the Owner or successor Owners of the above described property may, by paying the current membership fee and other associated costs at that time, avail themselves to any number of water service hook-ups.

Executed this 16<sup>TH</sup> day of FEBRUARY, 2001.

Russell J. Frey  
Russell J. Frey

INDIVIDUAL

State of IOWA County of MADISON, ss:

On this 16<sup>TH</sup> day of FEBRUARY, 2001, before me, the undersigned Notary Public in and for the aforesaid County and State, personally appeared

Russell J. Frey

to me known to be the same and identical person(s) who executed the within and foregoing instrument, and acknowledge that they executed the same as their voluntary act and deed.

Randall Rozell  
Notary Public in and for said County and State

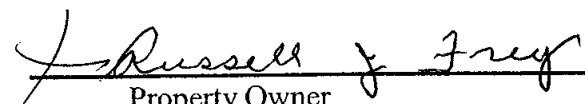


**NOTICE OF INTENT  
TO ACQUIRE AN EASEMENT**

Xenia Rural Water District is in the process of obtaining easements for the construction and maintenance of a rural water system in your area. This Project is being funded by Federal money and therefore subject to the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended".

It has been USDA Rural Development policy and is the Xenia Board's policy that easements are granted for a payment of \$0.08 per linear foot (\$116.17 per acre for a 30-foot wide easement) or payment for actual crop damage during water line construction.

I have read this notice and I have received and read a copy of "Easement Responsibilities" and "When a Public Agency Acquires Your Property".

  
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Property Owner

\_\_\_\_\_  
Property Owner