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FILED NO. _____

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2002 JUL 15 PM 12:08

MICKI UTSLER
RECORDER
MADISON COUNTY, IOWA

REC \$ 10⁰⁰
AUD \$ _____
R.M.F. \$ 1⁰⁰

COMPUTER
RECORDED
COMPALED

THIS DOCUMENT PREPARED BY: Warren Water District, 1204 E. 2nd Ave. Indianola, Iowa 50125 515-962-1200

EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

David R. Merriam and Carol G. Merriam
hereinafter referred to as GRANTORS, in consideration of One Dollar and Other Valuable consideration, hereby grant and convey unto Warren Water District, hereinafter referred to as GRANTEE, its successors and assigns a perpetual easement with the right to erect, construct, install, lay and thereafter use, operate inspect, repair, maintain, replace and remove waterlines and appurtenances thereto, over, across and through the land of the GRANTORS situated in Madison County, Iowa, being more specifically described as follows:

See Exhibit "A"

2592 Cumming Rd.

together with the right of ingress and egress over the adjacent lands of the GRANTORS, their successors and assigns, for the purposes of this easement.

The Easement shall be 32 feet in width, the centerline of which shall be the water pipeline and the necessary appurtenances thereto.

It is agreed that crop damage will be paid by the GRANTEE. The GRANTEE, 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 GRANTORS, if any damage there be, will be kept to a minimum.

The grant and other provisions of this easement shall constitute a covenant running with the land for the benefit of the GRANTEE, its successors and assigns.

IN WITNESS WHERE OF, the GRANTORS have executed this instrument this 7 day of June, 2002.

David R. Merriam
David R. Merriam

Carol G. Merriam
Carol G. Merriam

STATE OF IOWA, ss:

On this 7th day of June, 2002, before me the undersigned, a notary public in and for State of Iowa appeared David R. Merriam and Carol G. Merriam to me known to be the identical persons named in and who executed the within and foregoing instrument, and acknowledged that they executed and same as their voluntary act and deed.

Celia M. Wood
Notary Public

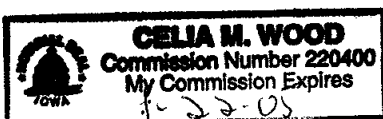


Exhibit "A"

Parcel A located in the East Half ($\frac{1}{2}$) of the Northeast Quarter ($\frac{1}{4}$) of Section Ten (10), Township Seventy-six (76) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, described as follows: Commencing at the Northwest corner of the Northeast Quarter ($\frac{1}{4}$) of the Northeast Quarter ($\frac{1}{4}$) of said Section Ten (10); thence on an assumed bearing of South $00^{\circ}27'34''$ West along the west line of said East Half ($\frac{1}{2}$) of the Northeast Quarter ($\frac{1}{4}$) a distance of 245.00 feet to the point of beginning; thence North $90^{\circ}00'00''$ East 840.68 feet to the centerline of Madison County Highway G4R; thence southeasterly 427.63 feet along said centerline on a tangential curve, concave to the Northeast, and having a radius of 1273.38 feet, a central angle of $19^{\circ}14'34''$, and a chord 425.62 feet in length bearing South $77^{\circ}06'19''$ East; thence South $00^{\circ}06'52''$ West 975.79 feet; thence North $88^{\circ}38'48''$ West 314.57 feet; thence South $00^{\circ}54'43''$ West 358.16 feet; thence South $40^{\circ}22'12''$ East 118.00 feet; thence North $90^{\circ}00'00''$ West 1021.99 feet to the west line of the East Half ($\frac{1}{2}$) of the Northeast Quarter ($\frac{1}{4}$) of said Section Ten (10); thence North $00^{\circ}27'34''$ East along said west line 1511.40 feet to the point of beginning. Said tract contains 40.00 acres and is subject to a Madison County Highway Easement over the northeasterly 0.72 acres thereof.