

Document 2005 5335

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MICHELLE UTSLER, COUNTY RECORDER
MADISON IOWA

COMPUTER	<input checked="" type="checkbox"/>
RECORDED	<input checked="" type="checkbox"/>
COMPARED	<input type="checkbox"/>

Prepared by and return to: Brian Knights, MidAmerican Energy Company, Right of Way Services
✓ P.O. Box 657, Des Moines, Iowa 50303 - 9970

**MIDAMERICAN ENERGY COMPANY
OPTION FOR ELECTRIC LINE EASEMENT (Overhang Only)**

Tract No. MD-002-000

State of Iowa, County of Madison

Legal Description: Gov't Lots 2 and 3, Sec 6, Twp-77N, Rg-26W

Project No. 32162

OPTION AND EASEMENT

The undersigned owner(s), Dorothy Smith Estate, Connie S. Waller and Patricia A. Custer, Co-Executors of the Dorothy Smith Estate and the undersigned tenant(s), collectively and individually, hereinafter referred to as "Grantor", in consideration of the sum of One Thousand Three Hundred Sixty Dollars and No/100 (\$1,360.00) receipt of which is hereby acknowledged, grant to **MIDAMERICAN ENERGY COMPANY**, an Iowa corporation, its successors and assigns, hereinafter referred to as "Company", the right, for and during the period of twenty-four (24) months from the date hereof, to acquire for the further consideration of: Five Thousand Four Hundred Forty Dollars and No/100 (\$5,440.00), hereinafter referred to as an "Option", upon exercise of said Option and as hereinafter agreed to, a perpetual right-of-way easement upon, over, under, across, and along the land situated in the County of Madison, State of Iowa, and as more specifically described and shown on the attached Exhibit A, and by this reference made a part hereof.

This right of way grant is for the purposes of constructing, reconstructing, patrolling, operating, maintaining and removing electric lines to be located on said premises, wires, and other appurtenances (**BUT INCLUDING NO RIGHT OR PRIVILEGE TO PLACE PERMANENT POLES, TOWERS OR OTHER STRUCTURES IN CONTACT WITH THE EARTH WITHIN THE PREMISES DESCRIBED**), for the transmission and distribution of electric energy and communications, together with the power to extend to any other party the right to use, jointly with the Company, any structure placed pursuant to the terms hereof, such lines to form a part of an electric transmission and distribution system.

EXTENSION OF OPTION

The Company shall have the right, at the sole option of the Company, to extend the herein granted Option for a period of six months; said extension shall commence immediately upon expiration of the original Option. Consideration for said extension shall be Five Hundred Dollars (\$500.00), and shall be payable at the time of such extension.

EXERCISE OF OPTION

The Option granted herein shall be deemed exercised by Company, and the easement rights agreed upon herein shall be deemed granted, upon the recording of a Notice of Exercise of Option in the office of the Recorder of Deeds in the county in which the property is situated. A copy of the Notice of Exercise of Option shall be deposited in the United States mail in a prepaid sealed envelope addressed to Grantor at their last known address. A check, payable to Grantor in the amount of the further consideration stated above, shall accompany the Notice of Exercise of Option to the Grantor first above named.

TERMINATION OF OPTION

If the Company shall not elect to exercise the Option herein, or shall fail to exercise same within the time(s) hereinbefore provided, the Option shall terminate without further action and all rights granted hereunder shall become null and void.

It is mutually understood and agreed that this instrument covers all of the agreements and stipulations between the parties and that no representations or statements, oral or written, have been made modifying or changing the terms hereof.

Signed, sealed and delivered this 20th day of OCTOBER, 2005.

GRANTOR/OWNER:

Connie Waller

Connie Waller, Co-Executor for the Dorothy Smith Estate

Patricia Custer

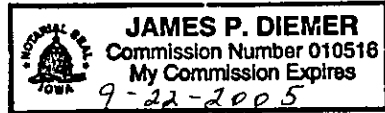
Patricia Custer, Co-Executor for the Dorothy Smith Estate

ACKNOWLEDGEMENT

STATE OF Iowa)
COUNTY OF Madison) ss

On this 20th day of October 2005, before me, a Notary Public, personally appeared **Connie S. Waller, and Patricia A. Custer Co-Executor's of the Dorothy Smith Estate**, to me known to be the person(s) named in and who executed the foregoing instrument, and are empowered to execute said easement according to the last will and testament of **Dorothy Smith**, and acknowledged that they executed the same as their voluntary act and deed

James P. Diemer
Notary Public in and for said State



ACKNOWLEDGMENT

STATE OF Iowa)
COUNTY OF Madison) ss

On this ____ day of _____ 2005, before me, a Notary Public, personally appeared _____ and, _____ to me known to be the person(s) named in and who executed the foregoing instrument, and acknowledged that (he)(she) executed the same as a voluntary act and deed.

Notary Public in and for said State

ACKNOWLEDGMENT

STATE OF _____)
COUNTY OF _____) ss

On this ____ day of _____ 2005, before me, a Notary Public, personally appeared _____, to me known to be the person(s) named in and who executed the foregoing instrument, and acknowledged that (he)(she)(they) executed the same as a voluntary act and deed.

Notary Public in and for said State

R-26W

NE CORNER
6-77-26

NW CORNER
6-77-26

G.L. 2

G.L. 1

EXIST. 150' TRANSMISSION
CORRIDOR

TYPICAL TRANSMISSION CENTERLINE

56' ELECTRIC LINE
EASEMENT -- SEE
DETAIL ON SHEET 2

G.L. 3

G.L. 4

E 1/4 CORNER
6-77-26

T-77N

W 1/4 CORNER
6-77-26
FND. 1/2" I.R. w/
YELLOW CAP
#7044

105th St.

OWNER

DOROTHY SMITH ESTATE (T)
CONNIE WALLER (CO-EXECUTOR)
PATRICIA CUSTER (CO-EXECUTOR)

NORTH



LEGEND

- SECTION LINE
- 1/4 SECTION & 1/4, 1/4 SECTION LINE
- [] ELECTRIC LINE EASEMENT
- TYPICAL TRANSMISSION LINE CENTERLINE
- (T) TITLE HOLDER
- ▲ LAND CORNER



LEGAL DESCRIPTIONS

SEE SHEET 2 OF 2

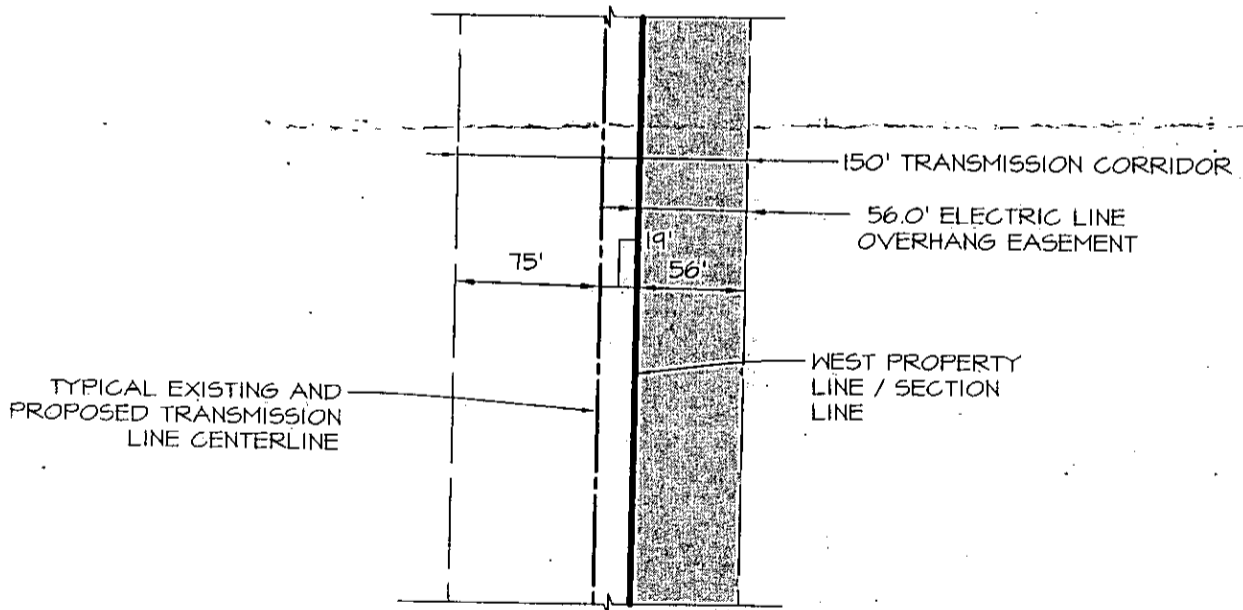
MIDAMERICAN ENERGY COMPANY	
MADISON COUNTY SECTION 6, T-77N, R-26W	
DRAWN BY: MMD	DATE: 9-01-05
CHECKED: PJS	SCALE: 1" = 500'
APPROVED:	APPROVED:
EXHIBIT "A"	TRACT NO. MD-002.000 BN TRANS
SHEET 1 OF 2	

PROPERTY LEGAL DESCRIPTION

GOVERNMENT LOTS ONE (1), TWO (2), THREE (3) IN SECTION SIX (6), TOWNSHIP SEVENTY-SEVEN (77) NORTH, RANGE TWENTY-SIX (26) WEST OF THE 5TH P.M., MADISON COUNTY, IOWA.

ELECTRIC LINE OVERHANG EASEMENT LEGAL DESCRIPTION

THE WEST 56.0 FEET OF GOVERNMENT LOTS 2 AND 3 IN SECTION 6, T-77N, R-26W OF THE 5TH P.M., MADISON COUNTY, IOWA. SAID EASEMENT CONTAINS 3.376 ACRES, MORE OR LESS.



EASEMENT DETAIL

SCALE: 1" = 100'

MIDAMERICAN ENERGY COMPANY

MADISON COUNTY
SECTION 6, T-77N, R-26W

DRAWN BY: MMD DATE: 6-06-05

CHECKED: PJS SCALE:

APPROVED: APPROVED:

EXHIBIT "A"

TRACT NO.
MD-002.000
BN TRANS

SHEET 2 OF 2