

REC \$ 20.00  
AUD \$ \_\_\_\_\_  
R.M.F. \$ 1.00

FILED NO. 67  
BOOK 139 PAGE 291  
98 JUL -2 PM 2:33  
MICHELLE UTSLER  
RECORDER  
MADISON COUNTY, IOWA

COMPUTER   
RECORDED   
COMPARED

**PREPARED BY AND RETURN TO:** Baker and Elkin, 315 East 5th St., Suite 5, Des Moines, Iowa 50309

Space Above This Line for Recorder

### ACCESS EASEMENT

This easement made this 1 day of ~~June~~<sup>July</sup>, 1998, by Troy Wenck and Georgia Wenck (first party);

WITNESSETH:

Whereas, the above-named first party is the owner of the following described real estate, to-wit:

Parcel A described on the attached

Whereas, Keith M. Murphy and Dixie J. Murphy (second party) are the owners of the following described real estate to-wit:

Parcel B described on the attached

Whereas, the Wenck's desire to create for the Murphy's, their successors and assigns, an access easement to Parcel B as the easement is now situated on Parcel A.

Now, therefore, said first party does hereby give, grant and convey unto said second party and unto their successors and assigns, a right-of-way or easement over, along and across Parcel A as the driveway is now situated and as determined by the first party or by the agreement of the second party and any successors in interest of the first party.

The easement thus created shall be for the use of the second party and for their successors and assigns, for driveway purposes.

The second party, their successors or assigns, shall bear the cost of maintaining said easement (except for the driveway from the street to the house) in a reasonably good condition, and such cost of maintenance shall include reconstruction when reasonably necessary. The second party and their successors in interest may not use this easement without prior consent of the first party or their successors in interest, which consent shall not be unreasonably withheld.

2

This easement shall be deemed to be a covenant running with the title to the land and shall be binding upon the parties, and upon their heirs, successors and assigns, provided, however, that this easement may be released at any time by appropriate agreement for that purpose entered into between the owners of said parcels, duly executed and acknowledged and filed for record in the office of the recorder of Madison County, Iowa.

In witness whereof, the parties herein have set their hands this 1 day of ~~June~~<sup>July</sup>, 1998. *T.W. W*

*Troy Wenck*  
Troy Wenck

*Georgia Wenck*  
Georgia Wenck

STATE OF IOWA         )  
                                  ) ss.  
COUNTY OF POLK     ) *(DRE)*

On this 1<sup>st</sup> day of ~~June~~<sup>July</sup>, 1998, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Troy Wenck and Georgia Wenck, to me known to be the persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

DAVID R. ELKIN  
MY COMMISSION EXPIRES  
11-20-98

*D. D. R. Elkin*  
Notary Public

3

**PLAT OF SURVEY**  
 NW 1/4 of the SE 1/4, SEC. 12, T-75N, R-26W  
 MADISON COUNTY, IOWA

DESCRIPTION - PARCEL A

That part of the Northwest Quarter of the Southeast Quarter of Section 12, Township 75 North, Range 26 West of the Fifth Principal Meridian, Madison County, Iowa, described as follows:

Commencing at the southwest corner of the Northwest Quarter of the Southeast Quarter of said Section 12;  
 Thence on a assumed bearing of North 83 degrees 43 minutes 42 seconds East along the south line of the Northwest Quarter of the Southeast Quarter of said Section 12 a distance of 13.33 feet to the centerline of a Madison County Highway and the point of beginning;  
 thence northeasterly 145.24 feet along said centerline and a curve concave southeasterly and not tangent with the last described line, said curve has a radius of 500.00 feet, a central angle of 16 degrees 38 minutes 36 seconds, and a chord 144.73 feet in length bearing North 28 degrees 24 minutes 25 seconds East;  
 thence North 36 degrees 43 minutes 43 seconds East along said centerline 542.35 feet;  
 thence northeasterly 349.50 feet along said centerline and a tangential curve concave southeasterly, said curve has a radius of 550.00 feet, a central angle of 36 degrees 24 minutes 31 seconds, and a chord 343.65 feet in length bearing North 54 degrees 55 minutes 58 seconds East;  
 thence North 73 degrees 08 minutes 14 seconds East along said centerline 130.90 feet;  
 thence South 00 degrees 00 minutes 00 seconds East 709.50 feet to the south line of the Northwest Quarter of the Southeast Quarter of said Section 12;  
 thence South 83 degrees 43 minutes 42 seconds West along said south line 804.54 feet to the centerline of a Madison County Highway and the point of beginning.

Said tract contains 8.52 acres and is subject to a Madison County Highway Easement over the northwesterly 1.04 acres thereof.



4

PLAT OF SURVEY  
NW 1/4 of the SE 1/4, SEC. 12, T-75N, R-26W  
MADISON COUNTY, IOWA

DESCRIPTION - PARCEL B

That part of the Northwest Quarter of the Southeast Quarter of Section 12, Township 75 North, Range 26 West of the Fifth Principal Meridian, Madison County, Iowa, described as follows:

Beginning at the southeast corner of the Northwest Quarter of the Southeast Quarter of said Section 12;  
 Thence on a assumed bearing of South 83 degrees 43 minutes 42 seconds West along the south line of the Northwest Quarter of the Southeast Quarter of said Section 12 a distance 472.85 feet;  
 thence North 00 degrees 00 minutes 00 seconds West 709.50 feet to the centerline of a Madison County Highway;  
 thence North 73 degrees 08 minutes 14 seconds East along said centerline 195.75 feet;  
 thence northeasterly 289.62 feet along said centerline and a tangential curve concave northwesterly, said curve has a radius of 550.00 feet, a central angle of 30 degrees 10 minutes 14 seconds, a chord 286.28 feet in length bearing North 58 degrees 03 minutes 07 seconds East;  
 thence North 42 degrees 58 minutes 00 seconds East along said centerline 85.37 feet to the east line of the Northwest Quarter of the Southeast Quarter of said Section 12;  
 thence South 01 degrees 08 minutes 13 seconds West along said east line 928.77 feet to the southeast corner of the Northwest Quarter of the Southeast Quarter of said Section 12 and the point of beginning.

Said tract contains 8.55 acres and is subject to a Madison County Highway Easement over the northwesterly 0.79 acres thereof.

