

REC \$ 15.00
AUD \$ _____
R.M.F. \$ 1.00

FILED NO. 4260
BOOK 140 PAGE 667
99 APR 21 PM 2: 28
MICHELLE UTSLER
RECORDER
MADISON COUNTY, IOWA

THIS DOCUMENT PREPARED BY:
Richard B. Clogg, Attorney at Law
106 E. Salem Ave., P.O. Box 215
Indianola, Iowa 50125
Telephone: 515-961-2574

COMPUTER
RECORDED
COMPARED

EASEMENT

KNOW ALL MEN BY THESE PRESENTS:
SOUTH CENTRAL IOWA LANDFILL AGENCY,
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 ATTACHED EXHIBIT "A"-LEGAL DECRPTION
& EXHIBIT "B"-UTILITY EASEMENT

2496 HWY 92
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, during the period of initial construction, no 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.

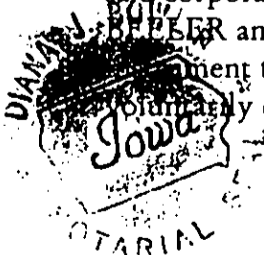
The grant and other provisions of this easement shall constitute a covenant running with the land for the benefit of the GRANTEE, its successors and assigns.

IN WITNESS WHERE OF, the GRANTORS have executed this instrument this 18 day of Feb, 1999.

SOUTH CENTRAL IOWA LANDFILL AGENCY

BY: Marcia Beeler BY: Tim Zisoff
MARCIA BEELER, MANAGER TIM ZISOFF, CHAIRPERSON
CORPORATE ACKNOWLEDGMENT

STATE OF IOWA, MADISON COUNTY, ss:
On this 18 day of Feb, A.D. 1999 before me, the undersigned a Notary Public, personally appeared MARCIA BEELER AND TIM ZISOFF to me personally known, who being by me duly sworn, did say that they are the MANAGER AND CHAIRPERSON of said corporation, that said instrument was signed on behalf of said corporation by authority of its Board of Directors; and that the said MARCIA BEELER and TIM ZISOFF as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them jointly executed.



Diana Bowl
NOTARY PUBLIC

EXHIBIT "A"

DEED REC: 114

LEGAL DESCRIPTION

All that part of the East Half ($E\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section Thirty-three (33) and the West Half ($W\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$) of Section Thirty-four (34) which lies South of the former Right-of-Way of the Chicago, Rock Island & Pacific Railway Company, across the same, and the Southeast Quarter ($SE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) and the Northeast Quarter ($NE\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$), except five (5) acres south of Middle River, the East one-fourth ($E\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) except that part thereof lying South of Middle River, the Southwest Quarter ($SW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$), Lots One (1), Two (2), Three (3) and Four (4) of the Subdivision of the Southeast Quarter ($SE\frac{1}{4}$) as shown by Plat thereof recorded on Page 337 of Deed Record 8 of the records of Madison County, Iowa, and a strip of land 25 feet wide off the West and South sides of the Northeast Quarter ($NE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of Section Thirty-four (34); except a tract commencing at the Northwest Corner of the East Half ($E\frac{1}{2}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section Thirty-four (34); Township Seventy-six (76) North, Range Twenty-seven (27) West of the 5th P.M., thence South 2.5 chains, thence West 11° South 12.7 chains, thence South 31° West 3.5 chains, thence West 2° South 2.8 chains, thence West 10° North 5.3 chains, thence West 33° South 6.6 chains, thence West 1° North 3.9 chains, thence North 22° West 1.9 chains, thence West 7° South 6 chains, thence West 32° North 1.2 chains, thence West 5° South 5.5 chains to the West line of the East one-fourth ($E\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) of Section Thirty-four (34), thence South along said West line 7.5 chains to the center of the main channel of Middle River, thence following the center of the main channel of Middle River easterly to the point where the main channel of Middle River crosses the North line of the Northwest Quarter ($NW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) of Section Thirty-five (35), Township Seventy-six (76) North, Range Twenty-seven (27), thence westerly along the half-section line of Sections Thirty-five (35) and Thirty-four (34) to the point of beginning, containing approximately 40 acres; and except a tract in Sections Thirty-three (33) and Thirty-four (34) commencing at a point on the South line of the former right-of-way of the Chicago, Rock Island & Pacific Railway Company 933 feet due East of the West line of the East Half ($E\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section Thirty-three (33), thence due Southeast 493 feet, thence due East to a point 25 feet East of the West line of the Northeast Quarter ($NE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of Section Thirty-four (34), thence due North to the South line of the former right-of-way of said Railway Company, thence in a Westerly direction along the South line of the former right-of-way of said Railway Company to the point of beginning, containing approximately 14 acres; all in Township Seventy-six (76) North, of Range Twenty-seven (27) West of the 5th P.M., containing in all approximately 248 acres.

So. Central Iowa Landfill Agency



WARRANTY DEED

IND.
REC.
PAGE

EXHIBIT "B"

Know All Men by These Presents: That Robert L. Rice and Audrey J. Rice, husband and wife,

in consideration of the sum of Three Hundred Forty Thousand Dollars (\$340,000.00) in hand paid do hereby Convey unto South Central Iowa Landfill Agency

Grantees' Address: Madison County Courthouse, Winterset, Iowa
the following described real estate, situated in Madison County, Iowa, to-wit:

STATE OF IOWA, ss. inst. No. 255 Filed for Record this 21 day of August 1980 at 4:05 P.M.
MADISON COUNTY, ss. Book 114 Page 259 Recording Fee 6.00 Mary E. Welty, Recorder, By M. Welty Deputy

Compare (See Exhibit A Attached Hereto)

Grantors hereby grant to Grantee a perpetual easement for ingress and egress to the real estate conveyed by this deed:

Commencing on the South line of the public highway at a point 625 feet East of the Northwest corner of the East Half (E $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Thirty-three (33) in Township Seventy-six (76) North, Range Twenty-seven (27) West of the 5th P. M., and running thence South 580 feet to the South line of the former right-of-way of said Railway Company, thence East 28 feet, thence North 580 feet to the South line of said public highway, thence West 28 feet to the place of beginning

Said easement to be shared with the Grantor, their heirs and assigns and their respective tenants

And the grantors do Hereby Covenant with the said grantees, and successors in interest, that said grantors hold said real estate by title in fee simple; that they have good and lawful authority to sell and convey the same; that said premises are Free and Clear of all Liens and Encumbrances Whatsoever except as may be above stated; and said grantors Covenant to Warrant and Defend the said premises against the lawful claims of all persons whomsoever, except as may be above stated.

Each of the undersigned hereby relinquishes all rights of dower, homestead and distributive share in and to the described premises.

Words and phrases herein including acknowledgment hereof shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

Signed this 21st day of August 1980

STATE OF IOWA, }
COUNTY OF Warren } ss.

Robert L. Rice
Robert L. Rice

Audrey J. Rice
Audrey J. Rice

On this 21st day of August 1980 before me, the undersigned, a Notary Public in and for said County and State, personally appeared Robert L. Rice and Audrey J. Rice, husband and wife,

REAL ESTATE REGISTER TAX
M. W.
21 AUG 30
8-21-80
\$373.45



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.

Darrell Goodhue
Darrell Goodhue Notary Public in and for said County and State