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FILED NO. 944  
BOOK 135 PAGE 4  
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M-0041

EASEMENT

MICHELLE UTSLER  
RECORDER  
MADISON COUNTY, IOWA

KNOW ALL MEN BY THESE PRESENTS:

Randy W. Jacobs and Jody Jacobs, husband and wife, hereinafter referred to as GRANTORS, in consideration of One Dollar and Other Valuable Consideration, hereby grant and convey unto Warren Water, Inc., 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:

The East 165 feet of the South 414 feet of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  and all that part of the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  lying northeasterly of the right of way of the Des Moines, Osceola and Southern Railroad Company (later known as the Chicago, Burlington & Quincy Railway Company) of Section 9, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa

and locally known as: 1980 Variety  
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 WHEREOF, the GRANTORS have executed this instrument this 29<sup>th</sup> day of September, 1995.

Randy W. Jacobs  
Randy W. Jacobs  
Jody Jacobs  
Jody Jacobs

STATE OF IOWA, Polk COUNTY, ss:

On this 29<sup>th</sup> day of September, 1995, before me the undersigned, a notary public in and for the State of Iowa appeared Randy Jacobs  
Jody A. Jacobs to me known to be the identical persons named in and who executed the within and foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

NOTARY PUBLIC  
IOWA  
ADELAIDE L. DeLANO  
MY COMMISSION EXPIRES  
February 4, 1997

Notary Public  
Adelaide L. DeLano

M-0041