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BOOK 61 PAGE 809

97 JUL 16 PM 2:50

SHELLE OTSLER
RECORDER
MADISON COUNTY, IOWA

EASEMENT

REC 8/10/97
AUD 8/10/97
R.M.F. 8/10/97

KNOW ALL MEN BY THESE PRESENTS:

DAVID LEE LATHRUM and MARTHA ANN LATHRUM, Husband and Wife, hereinafter referred to as GRANTORS, in consideration of One Dollar and Other Valuable Consideration, hereby grant and convey unto **CITY OF ST. CHARLES, IOWA**, hereinafter referred to as GRANTEE, its successors and assigns, a perpetual easement with the right to remove waterlines and appurtenances thereto, over, across, and through the land of the GRANTORS, situated in: **THE CITY OF ST. CHARLES, MADISON COUNTY, IOWA**, being more specifically described as follows:

An Easement Twenty (20) feet in width, running East and West across the following described real estate:

A tract of land commencing 33 feet West of the Northwest corner of Block Two (2) of Stouffer's Addition to the Town of St. Charles, and running thence South to the South line of Sycamore Street in said town, thence East to the right of way of the C.B. & Q. Ry., thence in an Southwesterly direction along the line of said right of way to the West line of the Southeast Quarter (SE¼) of the Northeast Quarter (NE¼) of Section Twenty-three (23), in Township Seventy-five (75) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, thence North on said line to a point 304.7 feet South of the Northwest corner of said 40-acre tract, thence East 11 rods and 6½ feet, thence North to a point 264 feet South of the South line of Main Street in St. Charles, thence East 60 feet, thence North to the South line of said Main Street, thence East to the point of beginning, except Easement 20 feet in width across the North part of said land granted to A.D. Jewell, dated Oct. 20, 1949, and recorded in Deed Record 84, page 329, of the records of said County;

From the West line of the Southeast Quarter (SE¼) of the Northeast Quarter (NE¼) of Section Twenty-three (23), Township Seventy-five (75) North, Range Twenty-six (26) West of the 5th P.M., to the existing West termination point of the water main now located in Clanton Street, City of St. Charles, Madison County, Iowa.

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 20 feet in width, the centerline of which shall be the water pipeline and the necessary appurtenances thereto, along with an adjacent Temporary Construction Easement 10 feet in width for construction purposes.

It is agreed that, during the period of initial construction, 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 9 day of June, 1997.

David Lee Lathrum
David Lee Lathrum

Martha Ann Lathrum
Martha Ann Lathrum

STATE OF IOWA :
: SS
MADISON COUNTY :

On this 9th day of June, 1997, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared David Lee Lathrum and Martha Ann Lathrum to me known to be the identical persons named in and who executed the above and foregoing, and acknowledged that they executed the same as their voluntary act and deed.

Janet Lea Downs
Notary Public in for the State of Iowa

