

EASEMENT

Richard Dillinger (Dillinger) hereby grants the right of an easement to Madison County Conservation Board (MCCB), heirs, successors, and assigns a perpetual easement for purposes of a surface pond on the following described real estate:

The Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4) of Section Twenty (20), Township Seventy-four (74) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa and more particularly shown on Exhibit "A".

1. RESPONSIBILITIES.

FILED NO. 487 ✓
BOOK 127 PAGE 346
90 AUG 29 AM 11:53
MARY E. KELTY
RECORDER
MADISON COUNTY, IOWA
Fee \$ 15.00

(a) MCCB shall be responsible for fencing the perimeter of the shoreline on the property of Dillinger. The fence shall be constructed within a 15 foot average distance from the shoreline elevation as designated as "normal water level" on Exhibit "A". A minimum of five strand barb wire will be utilized. The Conservation Board will be responsible for fence maintenance.

(b) MCCB shall construct a rock base watering station for cattle owned by Dillinger. The appropriate site will be selected by Dillinger and mutually agreed to by both parties. The watering station will be gated off during time when the ice covers the water. The gates will be constructed of tubular steel and installed at the time of fence construction. Dillinger or his heirs, successors, and assigns will be responsible for opening and closing the gates of the water station.

The rock used for the watering station will contain underlayerment of "breaker rock" and top dressed with 3" road stone. MCCB will be responsible for the maintenance, upkeep and improvement of the watering station and gates following the initial construction. Dillinger or his heirs, successors, and assigns shall be responsible for the cost of all subsequent materials.

(c) MCCB shall install a large culvert and raise the grade of the existing crossing above the high-water level line.

(d) MCCB shall provide proper and adequate signing or signs indicating the boundary perimeters which shall include private property boundary markers and signs on cattle watering station.

(e) Dillinger shall allow public access on the

Compared
[Handwritten marks]

518
702
[Vertical stamp]

perimeter of the pond. This area shall include that which is bounded by the natural shoreline and the boundary fence the width is not to exceed an approximate or average of fifteen (15) feet between shoreline and at normal water level and the boundary fence.

2. LEGAL/RECORDING FEES: MCCB shall be responsible for all legal and recording fees incurred in the drafting and recording of this easement.

3. LIABILITY. MCCB shall hold Dillinger, his heirs, assigns or successors harmless from any and all claims, losses, damages or liability whatsoever resulting from injuries to the public for the use of the pond. This hold harmless agreement shall not include those actions for which Dillinger is found to be comparably negligent.

Dated this 13th day of August, 1990.

MADISON COUNTY CONSERVATION BOARD

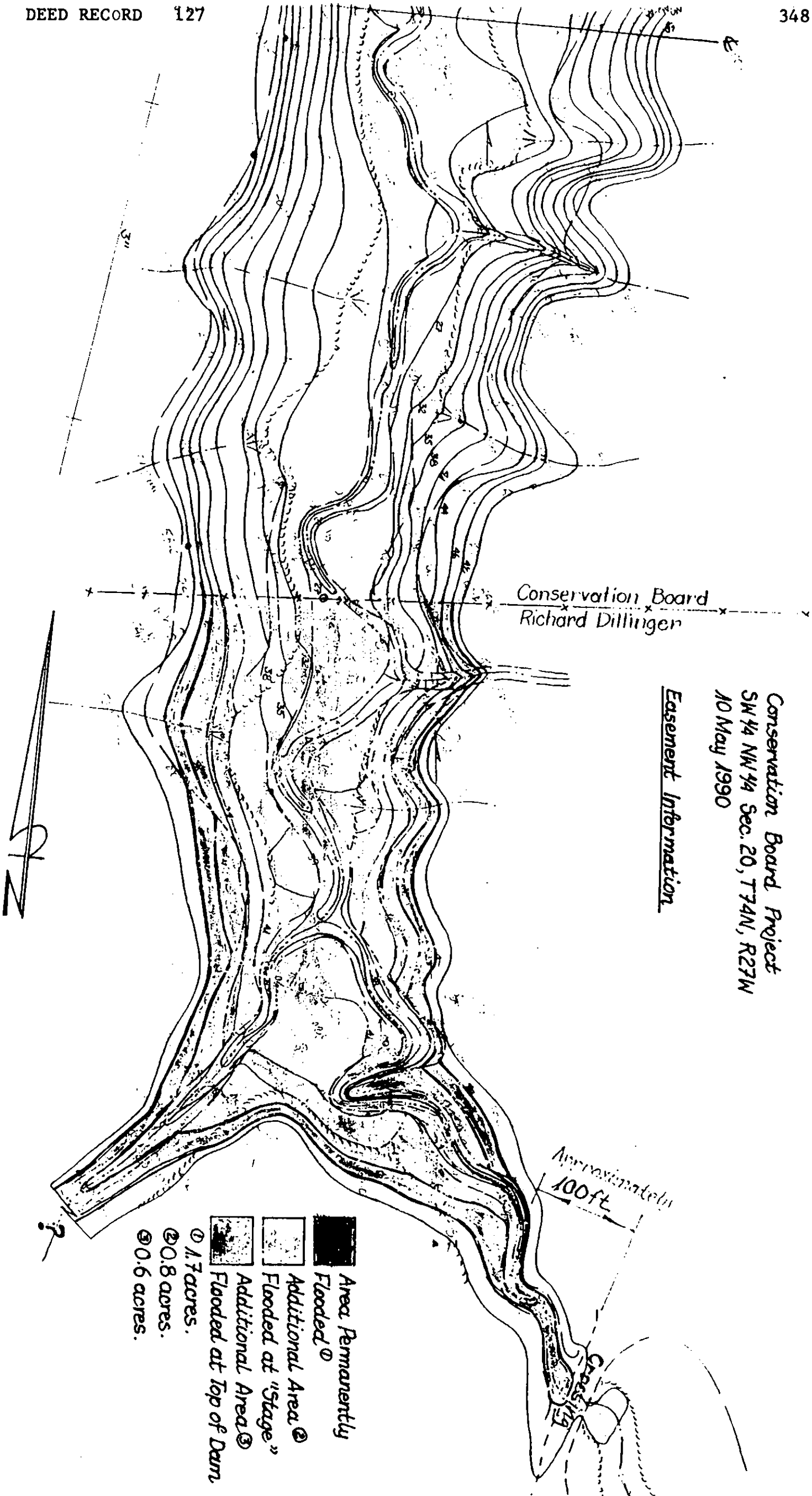
Richard Dillinger
RICHARD DILLINGER

by Tom Kile
TOM KILE, Chairman

Subscribed and sworn to before me by Richard Dillinger and Tom Kile on this 13 day of ~~June~~ ^{August}, 1990.

Jerrold B. Oliver
NOTARY PUBLIC IN AND FOR MADISON COUNTY, IOWA





Conservation Board Project
 SW 1/4 NW 1/4 Sec. 20, T74N, R27W
 10 May 1990

Easement Information

- Area Remorarily Flooded ①
- Additional Area Flooded at "Stage" ②
- Additional Area Flooded at Top of Dam ③
- ① 1.7 acres.
- ② 0.8 acres.
- ③ 0.6 acres.

1/2 N