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LISA SMITH, COUNTY RECORDER
MADISON COUNTY IOWA

Prepared by: John Casper, PO Box 67, Winterset, IA 50273
(515) 462-4912

Return to: SWCD, PO Box 267, Winterset, IA 50273

RIGHT OF WAY ACCESS EASEMENT

KNOW ALL PEOPLE BY THESE PRESENCE:

The undersigned owners, P.J. Cunningham; and Cunningham Ranch, Inc., hereafter called the Grantor, in consideration of the sum of one dollar and other valuable considerations, receipt of which is acknowledged, does hereby grant to the NCRS, their agents, employees and representative, hereafter called the Grantee, the right to enter upon, over and along the following described property situated in Madison County, Iowa, to-wit:

The existing private lane running in a North-South direction and being about fifteen (15) feet in width through the Northwest Quarter of Section Eight (8), Township Seventy-six (76) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa,

for use of this real estate as an ingress and egress private right-of-way to the real estate described below.

The Grantor warrants and covenants to the Grantee that, subject to liens and encumbrances of record at the date of this easement, they are the owner of the above described land; have full right and authority to validly grant this easement; and, the Grantee may quietly enjoy their estate in the premises.

Grantee is given the right to use of the right-of-way as access to the real estate legally described as:

West Half (1/2) Northwest Fractional Quarter (1/4) and Southeast Quarter (1/4) Northwest Quarter (1/4) and Northeast Quarter (1/4) Southwest Quarter (1/4) and all that part of the Northwest Quarter (1/4) Southwest Quarter (1/4) lying N. of North River, and West Half (1/2) Southeast Quarter (1/4), all in Section Five (5), Township Seventy-six (76) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, also all rights in the easement for a right-of-way in, upon, along and over the E. 49 1/2 feet of the West Half (1/2) Southwest Quarter (1/4), Section Thirty-two (32), Township Seventy-seven (77), Range Twenty-six (26) for the passage of vehicles, machinery, equipment, animals and persons on foot or by other means of travel, as existing, and as expressed by the instrument entitled "Grant of Right of Way" made by Margaret Tiernan and John M. Tiernan, her husband, recorded in Book 91 of Deeds in the office of the County Recorder of Madison County, Iowa, at page 374.

In consideration of such grant, Grantee agrees the Grantor reserves the right to use the easement area as access to the Grantor's real estate; the Grantee agrees not to fence-in the easement area; and, the Grantee agrees not to change or disturb the real estate grade or to hard-surface the easement area.

The Grantor and Grantee covenant that no act will be permitted within the easement property which is inconsistent with the rights hereby granted; that no buildings or structures or other improvements, except partition fencing

and culvert-type structures, will be erected upon or along the easement property; and, that the present grade or ground level thereof will not be changed by excavation or filling.

Dated this 7th day of April, 2010.

Grantor:

P. J. Cunningham
P. J. Cunningham

Cunningham Ranch 932 U.P.
Cunningham Ranch, Inc.
By: Terry Lyons, President