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FILED NO. 1079
BOOK 112 PAGE 45
1976 DEC 10 PM 4:35
MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA

Fee C 6.50

EASEMENT AGREEMENT

WE, Carroll Meyer and Marjorie Meyer, Husband and Wife, the undersigned, hereinafter referred to as Grantors, in consideration of the prospective benefits to be served by reason of the construction and operation of a certain sanitary sewer line on the premises described, do hereby grant and convey to the City of Winterset, Madison County, Iowa, hereinafter referred to as the Grantee, its successors and assigns, the perpetual right to locate, construct, operate and maintain its sanitary sewer lines consisting of gravity sanitary sewer and force main upon and under the real estate legally described at Exhibit "A" which is attached hereto and incorporated herein.

This grant shall include the right of access by Grantee to these premises in order to construct, operate and maintain the sanitary sewer lines thereon.

In the event of repairs or other maintenance to the sanitary sewer line, the Grantee shall restore the surface of the premises to its condition prior to the maintenance and shall pay Grantors for reasonable damages suffered to growing crops.

This right granted by this Agreement shall run with the grantors' real estate and the title thereto and be binding on their heirs, personal representatives, executors and assigns.

The Grantee agrees to hold harmless the Grantors from all liability for personal injury and property damage to third parties arising out of the Grantee's negligence occurring upon these premises and to indemnify the Grantors for the damages attributable to the same.

IN WITNESS WHEREOF, we have hereunto set our hands this 24 day of August, 1976.

Carroll Meyer

Marjorie Meyer
GRANTORS

Approved this 6th day of December, 1976
CITY OF WINTERSET, IOWA

By
Mayor of the City of Winterset, Iowa

By
Clerk of the City of Winterset, Iowa
GRANTEE

EASEMENT DESCRIPTION:

A permanent easement 20 feet wide and a construction easement 40 feet wide being 10 feet and 20 feet respectively either side of the following described centerline: commencing at the Southwest Corner of the Northeast Quarter of the Northeast Quarter of Section 36, Township 76 North, Range 28 West of the 5th P.M. thence N.90°00'E. along the South line of said Northeast Quarter of the Northeast Quarter which is also the South line of Circle Heights 1st Addition 358.0 feet; thence N.00°23'W. along the centerline of the 3rd Avenue 132.0 feet to Point of Beginning; thence N.00°23'W. 360.0 feet; thence N.89°37'E. 298.0 feet to the east line of the Southwest Quarter of the Northeast Quarter of the Northeast Quarter of said Section 36.

Also a permanment easement on the East 20.0 feet of the South Half of the Northwest Quarter of the Northeast Quarter of the Northeast Quarter of Section 36, Township 76 North, Range 28 West of the 5th P.M., Winterset, Madison County, Iowa and the North 166.0 feet of the East 20.0 feet of the North Half of the Southwest Quarter of the Northeast Quarter of the Northeast Quarter of said Section 36.

Also a construction easement on the West 20.0 feet of the East 40.0 feet of the South Half of the Northwest Quarter of the Northeast Quarter of the Northeast Quarter of Section 36, Township 76 North, Range 28 West of the 5th P.M., Winterset, Madison County, Iowa and the North 166.0 feet of the West 20.0 feet of the East 40.0 feet of the North Half of the Southwest Quarter of the Northeast Quarter of the Northeast Quarter of said Section 36.

There shall be installed by grantee thirteen (13) T-connections to the sewer line, the exact location of which will be determined at the time of construction as may be mutually agreed upon between Grantor and Grantee's engineer, to be paid for by Grantee.

EXHIBIT "A"

CARROLL MEYER

PROPERTY DESCRIPTION:

The Southwest Quarter (SW¼) of the Northeast Quarter (NE¼) of the Northeast Quarter (NE¼) and the South one-half (S½) of the Northwest Quarter (NW¼) of the Northeast Quarter (NE¼) of the Northeast Quarter (NE¼) of Section Thirty-six (36) of Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., Winterset, Madison County, Iowa, excluding Circle Heights Addition's Plats 1 & 2 and 4 individual lots as shown below.

