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1978 JUL 27 PM 4:46

MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA

Fee 4.50

STORM SEWER EASEMENT

Horton Nursing Home of Winterset, Incorporated, hereinafter called the Grantor, does hereby grant to the City of Winterset, Iowa hereafter referred to as Grantee, the perpetual right and easement to construct, install, repair, maintain and operate a storm sewer upon the real estate legally described as:

> Commencing at the S1/4 corner of Section Thirty-Six (36) Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., thence West 1.118.55 feet along the Section line to the point of beginning. Thence North 660.60 feet to the South line of Honor's Acres Addition, thence East 10.00 feet, thence South 660.60 feet, thence West 10.00 feet to the point of beginning.

This grant includes the right to enter onto the premises above described in order to construct said storm sewer.

In consideration of this grant, Grantee agrees to pay Grantor the sum of $1.00 receipt of which Grantor hereby acknowledges. Grantee further agrees that it will repair or pay for any damage which may be caused to fences or other property of the Grantor by the construction operation and maintenance of this storm sewer line.

The Grantor covenants that no act will be permitted which is inconsistant with the rights hereby conveyed to the Grantee including but not limited to, the erection of buildings or other structures upon the easement premises.

Grantee is given the right to trim, cut and clear away any trees, limbs and brush, whether located on the above described easement property or hanging over the same, and the right to remove from the above described easement property any brush or other obstructions which will interfere with or endanger the construction, operation or maintenance of this storm sewer and to have reasonable access to this storm sewer line from Grantor's abutting lands in the event other reasonable access is unavailable.

This Agreement shall run with the land and bind the heirs, successors and assigns of the parties hereto.

The Grantor covenants with Grantee that it is the owner of the above described real estate and has full right and authority to validly grant this easement and the Grantee may quietly enjoy the easement premises.

IND. ✓
REC. ✓
PAGE ✓

Dated this 6th day of June, 1978 at Winterset, Iowa.

GRANTOR	GRANTEES
HORTON NURSING HOME OF WINTERSET, INCORPORATED	CITY OF WINTERSET, IOWA
BY Donald L. Ostrom	BY Bernard M. Morrissey
DONALD L. OSTROM, PRESIDENT	BERNARD M. MORRISSEY, MAYOR
Kenneth R. Helmers	Mark J. Nitchals
KENNETH R. HELMERS, SECRETARY	MARK J. NITCHALS, CLERK

STATE OF WASHINGTON, X Kitsap COUNTY, SS:

On this 6 day of June, 1978, before me, the undersigned, a Notary Public in and for said County, in said State, personally appeared Donald L. Ostrom to me personally known, who, being by me duly sworn did say that he is the President of said Corporation executing the within and foregoing instrument to which this is attached; that no seal has been procured by the said Corporation; that said instrument was signed on behlaf of said Corporation by authority of its Board of Directors; and that the said President acknowledged the execution of said instrument to be his voluntary act and deed as such officer, of said corporation, by it and by him voluntarily executed.

Lois A. Clea Kitsap
NOTARY PUBLIC IN AND FOR SAID COUNTY.

STATE OF IOWA, MADISON COUNTY,SS:

On this 30th day of June, 1978, before me, the undersigned, a Notary Public in and for said County, in said State, personally appeared Kenneth R. Helmers to me personally known, who, being by me duly sworn, did say that he is the Secretary of said Corporation executing the within and foregoing instrument to which this is attached; that no seal has been procured by the said Corporation; that said instrument was signed on behalf of said Corporation by authority of its Board of Directors; and that the said Secretary acknowledges the execution of said instrument to be his voluntary act and deed as such officer of said corporation, by it and by him voluntarily executed.

Eva A. McDonald Madison
NOTARY PUBLIC IN AND FOR SAID COUNTY.

STATE OF IOWA, MADISON COUNTY,SS:

On this 30th day of June, 1978, before me, the undersigned, a Notary Public in and for said County, in said State, personally appeared Bernard M. Morrissey and Mark J. Nitchals, to me personally known, who, being by me duly sworn, did say that they are the Mayor and Clerk, respectively of said Corporation executing the within and foregoing instrument to which this is attached; the seal affixed thereto is the seal of said Corporation; that said instrument was signed and sealed on behalf of said Corporation by authority of its City Council and that the said Mayor and Clerk acknowledged the execution of said instrument to be their voluntary act and deed as such officers, of said Corporation, by it and by them voluntarily executed.

John E. Casper
NOTARY PUBLIC IN AND FOR SAID COUNTY.

JOHN E. CASPER MY COMMISSION EXPIRES 1-20-81