# RIGHT-OF-WAY AGREEMENT

Tract No. M-2A
Line Earlham 69 KV Tap

THIS AGREEMENT, made and entered into this 6 day of July, 19 78
by and between Caroline McNeil

husband and wife, of the County of Warren and State of Iowa, his/their heirs, executors, administrators, successors and assigns, hereinafter referred to as "grantor", and Central Iowa Power Cooperative, its successors and assigns, hereinafter referred to as "grantee".

WITNESSETH:

In consideration of the payments as hereinafter stipulated, and mutual agreement herein contained, the parties hereto agree as follows:

1. That the grantor hereby gives, grants, bargains and conveys unto the grantee the perpetual right to construct, reconstruct, operate and maintain an electric transmission and/or distribution line over and upon the following described real estate situated in the County of Madison, State of Iowa, to-wit:

A 50 foot wide strip over, under and across the SW¼SE¼ of Section 26, Township 76 North, Range 28 West of the 5th P.M., Madison County, Iowa AND a 10 ft X 60 ft strip adjacent to and parallel with the existing east property fenceline

C.K.D. 7/11/78

the routing of said electric line across the above described real estate being as follows:

Centerline of said electric line will be approximately 33 feet north of the south line of Section 26, Township 76 North, Range 28 West

together with the right of reasonable access thereto for the purpose of surveying and the construction, operation and maintenance of said electric line, and together with the right to trim, top, retrim and retop, or cut such trees and brush as may be necessary to efficiently construct, operate and maintain said electric line, with the express provision that all trees standing within a distance of thirty (30) feet from a point directly underneath the nearest conductor of said electric line may be cut down and all branches of other trees which reach within a distance of twenty (20) feet from any part of said electric line may be trimmed.

2. That the grantee agrees to pay the grantor a total sum computed in accordance with the Right-Of-Way Schedule of Payment of which the sum of TWENTY FIVE DOLLARS ($ 25.00 ) has been paid to the grantor by the grantee, receipt of which is hereby acknowledged. The unpaid balance of the total sum due the grantor, if any, based on the Right-Of-Way Schedule of Payment, shall be paid to the grantor by the grantee upon completion of construction. The parties hereto agree that all payments made by virtue of this agreement shall be paid to Caroline McNeil of Indianola, Iowa (address) as agent for the grantor.

3. The grantee shall hold the grantor and his lessee harmless from and reimburse the grantor and his lessee for any and all damages which may accrue to the grantor and his lessee as the result of the construction (including survey), reconstruction, operation and maintenance of said electric line.

4. Without in anywise limiting the other rights herein contained, the parties specifically understand that the grantee shall have exclusive right to as much space over, under, and adjacent to the conductors of the electric line as may be necessary to maintain the clearence requirements of the rules and regulations of the Iowa State Commerce Commission, or of any other applicable code or statute.

IN WITNESS WHEREOF, the parties hereto have signed their names, on the date first written above.

GRANTOR

× Caroline L McNeil
Caroline McNeil

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FILED NO.
BOOK 112 PAGE 439
1978 AUG -4 AM 8:58
MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA
Fee 4 50

CENTRAL IOWA POWER COOPERATIVE
Grantee
By Dale R. Darnold
Dale R. Darnold

IND. 7
REC. 12
PAGE

DEED REC. 112

**CERTIFICATE OF ACKNOWLEDGEMENT—Individual**

STATE OF Iowa } SS:
County of WARREN

On this 6 day of July A. D., 19 78, before me, a Notary Public, personally appeared Caroline MC Neil

to me known to be the person(s) named in and who executed the foregoing instrument and acknowledged that she executed the same as Her voluntary act and deed.

RICHARD KERR
Notary Public in the State of Iowa
My Commission Expires Sept. 30, 1979

Signature: Richard Kerr
Print or Type Name:

My commission expires ..... Notary Public in and for WARREN County Iowa

**CERTIFICATE OF ACKNOWLEDGEMENT—Individual**

STATE OF Iowa } SS:
County of WARREN

On this 6 day of July A. D., 19 78, before me, a Notary Public, personally appeared Dale R Darnold

to me known to be the person(s) named in and who executed the foregoing instrument and acknowledged that he executed the same as his voluntary act and deed.

RICHARD KERR
Notary Public in the State of Iowa
My Commission Expires Sept. 30, 1979

Signature: Richard Kerr.
Print or Type Name:

My commission expires ..... Notary Public in and for WARREN County Iowa

**CERTIFICATE OF ACKNOWLEDGEMENT—Individual**

STATE OF ..... } SS:
County of .....

On this ..... day of ..... A. D., 19....., before me, a Notary Public, personally appeared .....

to me known to be the person(s) named in and who executed the foregoing instrument and acknowledged that ..... executed the same as ..... voluntary act and deed.

Signature:
Print or Type Name:

My commission expires ..... Notary Public in and for ..... County .....

**CERTIFICATE OF ACKNOWLEDGEMENT—Individual**

STATE OF ..... } SS:
County of .....

On this ..... day of ..... A. D., 19....., before me, a Notary Public, personally appeared .....

to me known to be the person(s) named in and who executed the foregoing instrument and acknowledged that ..... executed the same as ..... voluntary act and deed.

Signature:
Print or Type Name:

My commission expires ..... Notary Public in and for ..... County .....

**CERTIFICATE OF ACKNOWLEDGEMENT—Corporation**

STATE OF ..... } SS:
County of .....

On this ..... day of ..... A. D., 19....., before me, a Notary Public, personally appeared ..... and .....

to me personally known, who being by me duly sworn, did say that they are ..... President and ..... Secretary respectively, of said Corporation, that the Seal affixed to said instrument is the Seal of said Corporation and that said instrument was signed and sealed on behalf of the said Corporation by authority of its Board of Directors, and the said ..... and ..... acknowledged execution of said instrument to be the voluntary act and deed of said Corporation, by it voluntarily executed.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed my Notarial Seal, the day and year above written.

Signature:
Print or Type Name:

My commission expires ..... Notary Public in and for ..... County .....