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BOOK 112 PAGE 467
1978 SEP -5 AM 11:11
MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA
Fee 6.00

Compared

# RIGHT-OF-WAY EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of Eight Thousand Five Hundred and no/100 ($8,500.00) Dollars and other good and valuable consideration paid to the Winterset Community School District, hereinafter referred to as GRANTOR, by City of Winterset, Iowa, hereinafter referred to as GRANTEE, the receipt of which is hereby acknowledged, the GRANTOR does hereby grant, bargain, sell, transfer, and convey unto the GRANTEE, its successor and assigns, a perpetual easement with the right to erect, construct, install, and lay, and thereafter use, operate, inspect, repair, maintain, replace, and remove a water main and elevated water storage tower over, across, and through the land of the GRANTOR situated in Madison County, State of Iowa, said land being described as follows:

> Commencing at the Northeast Corner of the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼) of Section One (1), Township Seventy-five (75) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa; thence South 681.0 feet to the Point of Beginning; thence South 115.0 feet; thence West 181.0 feet; thence North 115.0 feet; thence East 181.0 feet to the Point of Beginning containing 0.48 Acres more or less including County Road Right-of-Way.

together with the right of ingress and egress over the adjacent lands of the GRANTOR, his successors and assigns, for the purposes of this easement.

The consideration hereinabove recited shall constitute payment in full for any damages to the land of the GRANTOR, his successors and assigns, by reason of the installation, operation, and maintenance of the structures or improvements referred to herein. The GRANTEE covenants to maintain the easement in good repair so that no unreasonable damage will result from its use to the adjacent land of the GRANTOR, his successors and assigns.

The grant and other provisions of this easement shall constitute a covenant running with the land for the benefit of the GRANTEE, its successors and assigns.

IN WITNESS WHEREOF, the GRANTORS have executed this instrument this 31 day of August, 1978.

WINTERSET COMMUNITY SCHOOL DISTRICT

BY _____
CYRUS MC DONALD, President of Board of Directors

BY _____
STEPHEN J. WETLAUFER, Secretary of Board of Directors

STATE OF IOWA )
) ss
MADISON COUNTY )

On this 31 day of August, 1978, before me, the undersigned Notary Public in and for said County, in said State, personally appeared Cyrus McDonald and Stephen J. Wetlaufer, to me personally known, who, being by me duly sworn, did say that they are the President and Secretary, respectively, of the Board of Directors of the Winterset Community School District executing the within and foregoing instrument, that no seal has been procured by the said Winterset Community School District, that said instrument was signed on behalf of said Winterset Community School District by authority of

Board of Directors; and that the said Cyrus McDonald and Stephen J. Wetlaufer acknowledged the execution of said instrument to be the voluntary act and deed of said Winterset Community School District, by it and by them voluntarily executed.

Ila L. Silverthorn, Deputy Clerk
~~NOTARY PUBLIC~~ ~~Deputy Clerk of Co~~

GRANTEE:

CITY OF WINTERSET

BY _____
BERNARD MORRISSEY, MAYOR

BY Mark J. Nitchals
MARK J. NITCHALS, CLERK

STATE OF IOWA )
) ss
MADISON COUNTY )

On this 31ST day of August, 1978, before me, the undersigned Notary Public in and for said County, in said State, personally appeared Bernard Morrissey and Mark J. Nitchals, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk respectively, of said corporation executing the within and foregoing instrument, 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 Bernard Morrissey and Mark J. Nitchals acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.

NOTARIAL SEAL IOWA JOHN E. CASPER MY COMMISSION EXPIRES 7-30-80

John E Casper
NOTARY PUBLIC