IND. ✓
REC. ✓
PAGE ✓

FILED NO. 523
BOOK 112 PAGE 473
1978 SEP -7 PM 1:16
MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA
Fee $6.00

RIGHT-OF-WAY EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of One Dollar ($1.00) and other good and valuable consideration paid to Leo Benoit, Gladys Benoit, Jack Benoit and Patricia Benoit, 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 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 Southwest corner of the Northeast Quarter (NE¼) of the Northeast Quarter (NE¼) of Section One (1), Township Seventy-five (75) North, Range Twenty-eight (28) West of the 5th P.M., Winterset, Madison County, Iowa; thence N. 00°00' along the West line of said Northeast Quarter (NE¼) of the Northeast Quarter (NE¼) 241.7 feet to point of beginning; thence N. 89°40' E. 642.4 feet; thence N. 16°53' E. 21.0 feet thence S. 89°40' W. 648.6 feet to West line of said Northeast Quarter (NE¼) of the Northeast Quarter (NE¼); thence S. 00°00' 20.0 feet to point of beginning.

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 7th day of September, 1978.

Leo Benoit

Jack Benoit

Gladys Benoit

Patricia Benoit

STATE OF IOWA)
) ss
MADISON COUNTY)

On this 7th day of September, 1978, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Leo Benoit, Gladys Benoit, Jack Benoit, Patricia Benoit, to me known to be the identical persons named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

Sandra McKee
Notary Public

GRANTEE:

CITY OF WINTERSET

BY: Bernard Morrissey
BERNARD MORRISSEY, MAYOR

BY: Mark J. Nitchals
MARK J. NITCHALS, CLERK

STATE OF IOWA)
) ss
MADISON COUNTY)

On this 7th day of September, 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 President and Secretary, 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.

John E. Casper
NOTARY PUBLIC.

NOTARIAL SEAL IOWA
JOHN E. CASPER
MY COMMISSION EXPIRES
9-30-80