FILED NO. 1168
BOOK 112 PAGE 488

1978 DEC -5 PM 4:41

MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA
Fee 6.00

EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of One Dollar ($1.00) and other good and valuable consideration paid to William T. Collins, single, and Mamie Hammans, single, 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 permanent storage and temporary detention, either or both, of any waters that are impounded, stored or detained upon or from GRANTEE's adjoining land used for water storage, over, across and through the land of the GRANTOR situated in Madison County, State of Iowa, said land being described as follows:

> East 200 feet of the South 330 feet of the East One-half (E½) of the Northeast Quarter (NE¼) of the Southwest Quarter (SW¼) of the Northwest Fractional Quarter of Section 19, Township 76 North, Range 27 West of the 5th P.M., Madison County, Iowa,

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 GRANTOR reserves the right to use said land or any part thereof, provided such use does not interfere with the full enjoyment by the GRANTEE of the easement herein conveyed.

GRANTORS covenant that they are the owners in fee simple of the above described lands and that the lands are free and clear of all encumberances and liens of whatsoever character.

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 operation and maintenance of the water storage and detention 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 on this 28 day of November, 1978.

William T. Collins, single

Mamie Hammans, single

STATE OF IOWA)
) ss
MADISON COUNTY)

On this 28 day of NOVEMBER, 1978, before me, the undersigned, a Notary Public in and for said County and State, personally appeared William T. Collins and Mamie Hammans 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.

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

Notary Public

GRANTEE:

CITY OF WINTERSET

By Bernard Morrissey
Bernard Morrissey, Mayor

By Mark J Nitchals
Mark J. Nitchals, Clerk

WINTERSET IOWA

STATE OF IOWA)
) ss
MADISON COUNTY)

On this 4th day of December, 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.

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

John E Casper
Notary Public

STATE OF IOWA)
) ss
POWESHIEK COUNTY)

On this 28th day of november, 1978, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Mamie Hammans, to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that she executed the same as her voluntary act and deed.

John E Voss
Notary Public