DEED REC. 113

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Form FHA 442-20
(3-4-68)

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION

FILED NO. 257
BOOK 113 PAGE 198

1980 AUG 22 PM 3:12

MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA
Fee 9.00

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 Raphael V. Carroll and Lucille H. Carroll, husband and wife hereinafter referred to as GRANTOR, by City of Patterson, 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

sanitary sewer main

over, across, and through the land of the GRANTOR situate in Madison County, State of Iowa, said land being described as follows:

NW¼ SW¼ of Section 29, Township 76, Range 26 West 5th P.M. 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 easement shall be 20 feet in width, the center line of which is described as follows:

Commencing at the Southwest Corner of Lot 5 Block 12, Original Town of Patterson, Madison County, Iowa, thence S.0°00' 20.00 feet, thence N.90° 00'W. 396.00 feet, thence N.0°00' 20.00 feet to the southeast corner of Lot 8, Block 10, said Town of Patterson, thence N.90°00'E. 396.00 feet along the south line of Block 11, said Town of Patterson, to point of beginning. (See attached marked Exhibit "A").

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 19th day of June 1980.

Raphael V. Carroll (SEAL)
Raphael V. Carroll

Lucille H. Carroll (SEAL)
Lucille H. Carroll

STATE OF IOWA, WARREN COUNTY, ss:

On this 19th day of June, A. D. 1980, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Raphael V. Carroll and Lucille H. Carroll

to me known to be the identical persons named in and who executed the within and foregoing instrument, **to which this is attached,** and acknowledged that they executed the same as their voluntary act and deed.

P. F. Fegan
Notary Public in and for said County and State

P.F.FEGAN IOWA

IOWA STATE BAR ASSOCIATION
Official Form No. 11 (Trade-Mark Registered, State of Iowa, 1967)
This Printing: December, 1979
91207

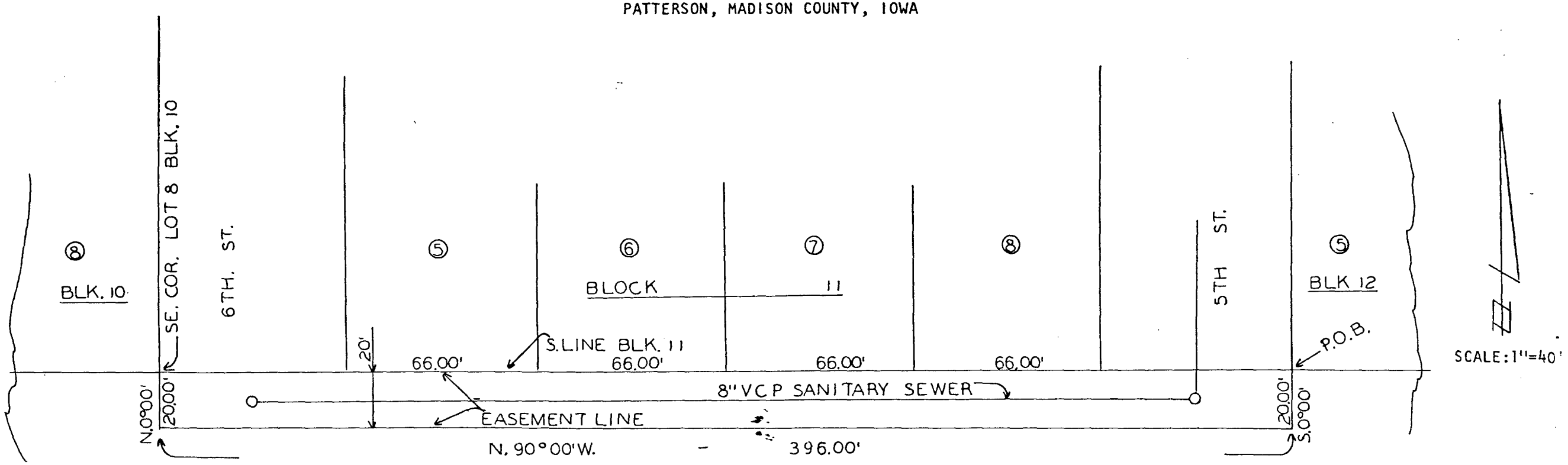
(Section 558.39, Code of Iowa)

RC

EXHIBIT "A"

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PLAT OF AN EASEMENT FOR CONSTRUCTION AND MAINTENANCE OF A SANITARY SEWER MAIN ACROSS A PARCEL OF LAND IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 76 NORTH, RANGE 26 WEST OF THE 5th P.M., PATTERSON, MADISON COUNTY, IOWA



EASEMENT DESCRIPTION:
A perpetual easement for construction and maintenance of a sanitary sewer main described as commencing at the southwest corner of Lot 5 Block 12, Original Town of Patterson, Madison County, Iowa, thence S.0°00' 20.00 feet, thence N.90°00'W. 396.00 feet, thence N.0°00' 20.00 feet to the southeast corner of Lot 8, Block 10, said Town of Patterson, thence N.90°00'E. 396.00 feet. along the south line of Block 11, said Town of Patterson, to point of beginning. Sewer main to run through parcel as shown on above plat.
NOTE:
The south line of Block 11 said Original Town of Patterson is assumed to bear due east and west.

J. M. Hochstetler 12/27 79

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CONSENT TO CREATION OF EASEMENT

BE IT REMEMBERED that Union State Bank, an Iowa Corporation and mortgagee of Lots 5,6,7 and 8 of Block 11, O.T.P., Patterson, Iowa, does hereby consent to the creation of an easement for right-of-way purposes granted by Raphael V. Carroll and Lucille H. Carroll, husband and wife, titleholders, to the City of Patterson, Iowa, a Municipal Corporation.

UNION STATE BANK

D A Bolton EVP

By: Authorized Officer

ATTEST:

G L Leeper, Cashier

By: Authorized Officer

STATE OF IOWA :
: ss
COUNTY OF MADISON:

On this 7th day of July, 1980, before me, the undersigned, a Notary Public, personally appeared D A Bolton and G L Leeper, to me personally known, who, being by me duly sworn, did say they are the Executive Vice President and Cashier, respectively, of said Corporation executing the within and foregoing instrument, that 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 Board of Directors; and that the said Executive Vice President and Cashier as said Officers acknowledged the execution of said instrument to be the voluntary act and deed of said Corporation, by it and by them voluntarily executed.

LETTY J. RHOADS
MY COMMISSION EXPIRES
September 30, 1982

Letty J. Rhoads
Notary Public -