IND. ✓
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PUBLIC HIGHWAY EASEMENT

FILED NO. 26
BOOK 113 PAGE 554
1982 JUL -6 PM 4:02
MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA
No Fee-
County

KNOW ALL MEN BY THESE PRESENTS:

In consideration of one dollar ($1.00) and other good and valuable cosideration paid to the City of Winterset, Iowa, acting through the Board of Trustees of said City, hereinafter referred to as GRANTOR, by Madison County, Iowa, hereinafter referred to as GRANTEE, the receipt of which is hereby acknowledged, the GRANTOR does hereby grant and convey unto the GRANTEE, for road purposes and for use as a public highway, a perpetual easement with the right to enter in, upon and onto certain lands of the GRANTOR situated in the County of Madison, State of Iowa, and legally described as follows:

A parcel of land located in the Southwest quarter of Section 20 and the Southeast quarter of Section 19, Township 76 North, Range 27 West of the Fifth Principal Meridian, Union Township, Madison County, Iowa, more particularly described as follows: Commencing at the West quarter corner of said Section 20; thence South 0°40' West 739.2 feet along the West line of the Southwest quarter of said Section 20 to the point of beginning (this is an assumed bearing for the purpose of this description only); thence North 72°53' East 328.5 feet; thence North 63°38' East 287.3 feet to the point of intersection with the centerline of local road; thence South 8°49' East 83.8 feet along said centerline of local road; thence South 51°11' West 58.0 feet; thence Southwesterly 425.8 feet along a 713.3 foot radius curve concaved Northwesterly (chord South 68°11' West 419.5 feet); thence South 85°11' West 150.8 feet to the point of intersection with the West line of the Southwest quarter of said Section 20; thence South 83°20' West 178.1 feet to the point of intersection with the centerline of local road; thence North 38°20' East 85.2 feet along said centerline of local road; thence North 82°05' East 125.9 feet to the point of beginning; and subject to encumbrances of record; and containing 1.59 acres more or less.

The GRANTEE covenants to maintain the Easement in good repair and to maintain said Easement in a manner so as not to render unreasonable damage to the adjacent lands of the GRANTOR. At completion of any construction undertaken by GRANTEE, and at the request of GRANTOR, GRANTEE covenants to re-establish all embankment or similar areas with crown vetch or similar ground cover.

The GRANTEE further covenants to hold the GRANTOR harmless from any and all damage to persons or property resulting from the use of the premises subject to said Easement, and agrees to appear and defend the GRANTOR on any claim in connection therewith. For the purposes of the indemnification pledged herein, the term GRANTOR shall be construed so as to include the Board of Trustees of the City of Winterset, Iowa, its officers and employees, the City Council of the City of Winterset, Iowa, its officers and employees, and the City of Winterset, Iowa generally.

This grant of Easement and the provisions hereof shall constitute a covenant running with the land for the benefit of the GRANTEE, its successors and assigns and shall be binding upon the successors and assigns of the GRANTOR.

IN WITNESS WHEREOF the GRANTOR has executed this instrument this 10th day of June, 1982.

BOARD OF TRUSTEES OF THE CITY OF WINTERSET, IOWA

By William J. Root
Chairman

By Mark Nicholas
Secretary

STATE OF IOWA

SS

MADISON COUNTY

On the 10th day of June, 1982, before me a Notary Public in and for the State, personally appeared William J. Roach and Mark J. Nitchals, who being duly sworn on oath did depose and state that they are the Chairman and Secretary, respectively, of the Board of Trustees of the City of Winterset, Madison County, Iowa, and that said instrument was signed on behalf of the City by authority of the Board; and that the said William J. Roach and Mark J. Nitchals acknowledge the execution of said instrument to be the voluntary act and deed of the said Board of Trustees of the City of Winterset, Madison County, Iowa, by it and by them voluntarily executed.

NOTARIAL SEAL IOWA GORDON K. DARLING, JR.

Gordon K. Darling, Jr.
Notary Public in and for Iowa

IN WITNESS WHEREOF, the GRANTEE has executed this instrument this 6 day of July, 1982.

BOARD OF SUPERVISORS OF MADISON COUNTY, IOWA

By Phillip Corkrean
Chairman

By Geneva D. Addy
~~Secretary~~ Madison Co Auditor

STATE OF IOWA

SS

MADISON COUNTY

On the 6 day of July, 1982, before me a Notary Public in and for the State, personally appeared Phillip Corkrean and Geneva D. Addy, who being duly sworn on oath did depose and state that they are the Chairman and Secretary, respectively, of the Board of Supervisors of Madison County, Iowa, and that said instrument was signed on behalf of said County by authority of the said Board; and that the said Phillip Corkrean and Geneva D. Addy acknowledge the execution of said instrument ot be the voluntary act and deed of the said Madison County, Iowa, by it and by them voluntarily executed.

TIM WADDINGHAM NOTARIAL SEAL IOWA

Tim Waddingham
Notary Public in and for Iowa