



Document 2017 904

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LISA SMITH, COUNTY RECORDER
MADISON COUNTY IOWA

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WATER LINE EASEMENT

This Agreement is made and entered into this 15 day of February, 2017, by and between Susan E. Smith, Cynthia L. Smith, and Steven F. Scar, hereinafter referred to as the "Scar Family"; and Daryl A. Scar, hereinafter referred to as "Daryl A. Scar";

WITNESSETH:

The Scar Family owns the following described real estate situated in Madison County, Iowa herein designated the "Scar Family Property", to-wit:

The North 25 acres of the Northwest Quarter of the Southwest Quarter (NW¼ SW¼) of Section 14, Township 77 North, Range 29 West of the 5th P.M., Madison County, Iowa, EXCEPT the North 360 feet thereof.

Daryl A. Scar owns the following described real estate situated in Madison County, Iowa herein designated as the "Daryl A. Scar Property", to-wit:

The North 360 feet of the North 25 acres of the Northwest Quarter of the Southwest Quarter (NW¼ SW¼) of Section 14, Township 77 North, Range 29 West of the 5th P.M., Madison County, Iowa.

And

The South 15 acres of the Northwest Quarter of the Southwest Quarter (NW¼ SW¼) of Section 14, Township 77 North, Range 29 West of the 5th P.M., Madison County, Iowa.

The Scar Family Property and the two described parcels of the Daryl A. Scar Property adjoin each other. The Scar Family Property lies between the two described parcels of the Daryl A. Scar Property, and the parties share a common border on the

North side and on the South side of the Scar Family Property. A water well with appurtenant equipment located on the second described parcel of the Daryl A. Scar Property provides water service to the first described parcel of the Daryl A. Scar Property by means of a water pipeline located within the West 60 feet of the Scar Family Property. The parties desire to ensure the continuity of water service to the first described parcel of the Daryl A. Scar Property by means of a water pipeline easement grant from the Scar Family to Daryl A. Scar as herein provided.

NOW, THEREFORE, in consideration of the sum of \$1.00 and other valuable consideration, and the mutual covenants contained herein, The Scar Family hereby grants and conveys unto Daryl A. Scar an easement and right of entry over and across the following described portion of the Scar Family Property referred to as the "easement area", to-wit:

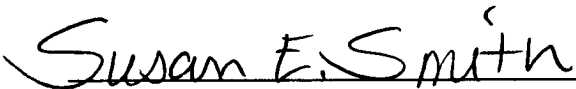
The West 60 feet of the North 25 acres of the Northwest Quarter of the Southwest Quarter (NW¹/₄ SW¹/₄) of Section 14, Township 77 North, Range 29 West of the 5th P.M., Madison County, Iowa, EXCEPT the North 360 feet thereof.


1. The easement shall include the right to maintain, repair and if necessary replace the existing water pipeline located in the easement area, and shall also include the use of any appurtenant equipment thereto. Any such repair or replacement shall be at the expense of Daryl A. Scar.
2. The easement is for the purpose of Daryl A. Scar to transport water from the well located on the second described parcel of the Daryl A. Scar Property to the first described parcel of the Daryl A. Scar Property.
3. Any damage to the Scar Family Property resulting from the exercise of the easement or right of entry by Daryl A. Scar or his agents shall be reimbursed by Daryl A. Scar to the owner(s) of the Scar Family Property. This includes any crop damages, or damages to fences and to the surface of the ground, or to similar items.
4. This easement is for the exclusive use and benefit of Daryl A. Scar and the Daryl A. Scar Property. Nothing herein shall limit Daryl A. Scar's continued use of the well located on his second described parcel nor the deployment and use of the water therefrom, nor shall anything herein limit the deployment and use of the water transported to the first described parcel of the Daryl A. Scar Property. This easement shall run with the title of the Daryl A. Scar Property and shall be for the exclusive use and benefit of the successors in interest of


Daryl A. Scar, and it shall be for the exclusive use and benefit of the successor owners of the Daryl A. Scar Property.

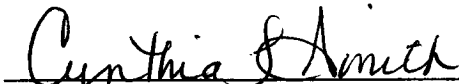
5. This easement shall be a covenant with the title to the Scar Family Property and shall be binding upon the parties hereto, and upon the heirs, assigns, and successor owners of the Scar Family Property; provided however, that this agreement and the easement created hereunder may be amended or released at any time by mutual agreement entered into for that purpose between Daryl A. Scar and the Scar Family, their heirs, successors and assigns, which agreement shall be duly executed and acknowledged and filed of record in the Office of the Recorder of Madison County, Iowa.
6. The spouses of Susan E. Smith, Cynthia L. Smith, and Steven F. Scar execute this agreement for the purpose of releasing all rights of dower, homestead and distributive share in and to the Scar Family Property.

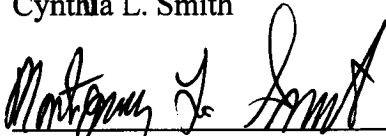
IN WITNESS WHEREOF, the parties herein have entered into this agreement the day and year above written.

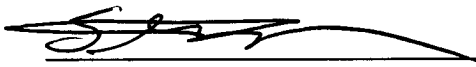

Susan E. Smith



Daryl A. Scar


William L. Smith


Cynthia L. Smith

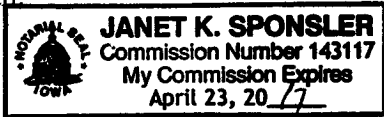

Montgomery L. Smith


Steven F. Scar


Heather Scar

STATE OF IOWA)
) SS
MADISON COUNTY)

This record was acknowledged before me on February 15, 2017 by Susan E. Smith.



Janet K. Sponsler
Notary Public in and for the State of Iowa.

STATE OF IOWA)
) SS
MADISON COUNTY)

This record was acknowledged before me on February 15, 2017 by William L. Smith.



Janet K. Sponsler
Notary Public in and for the State of Iowa.

STATE OF IOWA)
) SS
MADISON COUNTY)

This record was acknowledged before me on February 15, 2017 by Cynthia L. Smith.



Janet K. Sponsler
Notary Public in and for the State of Iowa.

STATE OF IOWA)
) SS
MADISON COUNTY)

This record was acknowledged before me on February 15, 2017 by Montgomery L. Smith.

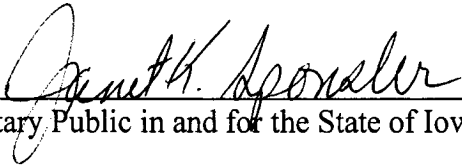


Janet K. Sponsler
Notary Public in and for the State of Iowa.

STATE OF IOWA)
) SS
MADISON COUNTY)

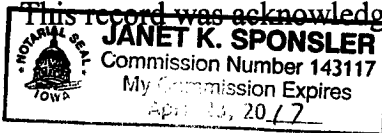
This record was acknowledged before me on February 15, 2017 by Steven F. Scar.

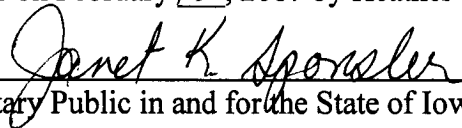



Notary Public in and for the State of Iowa.

STATE OF IOWA)
) SS
MADISON COUNTY)

~~This record was acknowledged before me on February 15, 2017 by Heather Scar.~~

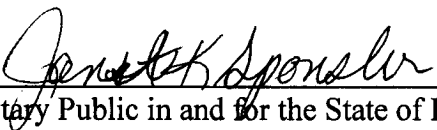



Notary Public in and for the State of Iowa.

STATE OF IOWA)
) SS
MADISON COUNTY)

This record was acknowledged before me on February 15, 2017 by Daryl A. Scar.




Notary Public in and for the State of Iowa.