



Document 2017 2976

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Date 9/20/2017 Time 2:48:22PM

Rec Amt \$17.00

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LISA SMITH, COUNTY RECORDER  
MADISON COUNTY IOWA

CHEK

✓ Prepared by and Return to:  
Clifford S. Swartz, 6701 Westown Parkway, Suite 100, West Des Moines, IA 50266; (515) 274-1450

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**EASEMENT AGREEMENT FOR PRIVATE WATER MAIN**

KNOW ALL PERSONS BY THESE PRESENTS:

*WHEREAS*, Bluebird Properties, LLC (“Grantor”) is the owner of real estate described as Lot 11, Bluebird Estates Subdivision, Madison County, Iowa.

*WHEREAS*, William K. Lindsey and Danielle C. Lindsey (“Grantees”) are the owners of Lot 2 Lindsey Farm Plat Two, Madison County, Iowa.

*WHEREAS*, the Grantees are desirous of obtaining an easement for a water main (“Easement”).

*NOW THEREFORE*, the Grantor hereby establishes a perpetual easement for water main and water line over and across the easement described in Exhibit “A” attached hereto (hereinafter called the “Easement Area”). This Easement shall be subject to the following terms and conditions to which the parties hereby agree:

1. **ERECTION OF STRUCTURES PROHIBITED.** The owner of Lot 11, Bluebird Estates Subdivision shall not erect any structure, building, or fence over or within the Easement Area without obtaining the prior written approval of the owner of Lot 2 Lindsey Farm Plat Two.

2. **OBSTRUCTIONS PROHIBITED.** The owner of Lot 11, Bluebird Estates Subdivision shall not erect or cause to be placed on the Easement Area any structure, materials, device, thing or matter, or plant or permit to grow any hedge or other vegetative growth which could obstruct, impede, or otherwise interfere with the use of the Easement Area without obtaining the prior written approval of the owner of Lot 2 Lindsey Farm Plat Two.

3. **MAINTENANCE OF EASEMENT.** The owner of Lot 11, Bluebird Estates Subdivision and its successors and assignees, at its sole cost, shall keep and preserve in good repair and condition at all times the Easement Area the sole cost of the owner of Lot 2 Lindsey Farm Plat Two or its successors and/or assigns.

4. **CHANGE IN GRADE PROHIBITED.** The owner of Lot 2 Lindsey Farms Plat Two shall not change the grade, elevation or contour of any part of the Easement Area without obtaining the prior written consent of the owner of Lot 11 Bluebird Easement Subdivision.

5. EASEMENT RUNS WITH LAND. This Easement shall be deemed to run with the land and shall be binding on Grantor and on Grantor's successors and assigns.

6. PROPERTY TO BE RESTORED. Upon completion of any construction, reconstruction, repair, enlargement or maintenance on the Easement Area, the Easement Area shall be restored by the owner of Lot 2 Lindsey Farm Plat Two in good and workmanlike manner.

Words and phrases herein including acknowledgement hereof shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

Signed this 27 day of July, 2017.

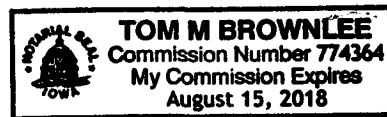
**"Grantor"**  
BLUEBIRD PROPERTIES, LLC

Trey W Thomas  
By: \_\_\_\_\_  
Its: owner

STATE OF IOWA, COUNTY OF Madison, ss:

On this 27 day of July, 2017, before me, the undersigned Notary Public in and for said county and State, personally appeared Trey W Thomas, as Manager of Bluebird Properties, LLC, that the instrument was signed on behalf of the company, by authority of its members of as such officer acknowledged the execution of the instrument to be his/her voluntary act and deed and the voluntary act and deed of the company.

Tom M. Brownlee  
Notary Public in and for said State



INDEX LEGEND

LOCATION: PART LOT 11  
 BLUEBIRD ESTATES SUBDIVISION  
 MADISON COUNTY IOWA

REQUESTOR: KYLE LINDSEY

PROPRIETORS: WILLIAM K. & DANIELLE C. LINDSEY  
 3700 BEISSER DRIVE  
 GRIMES IOWA 50111

SURVEYOR: JOEL R. ROMNEY

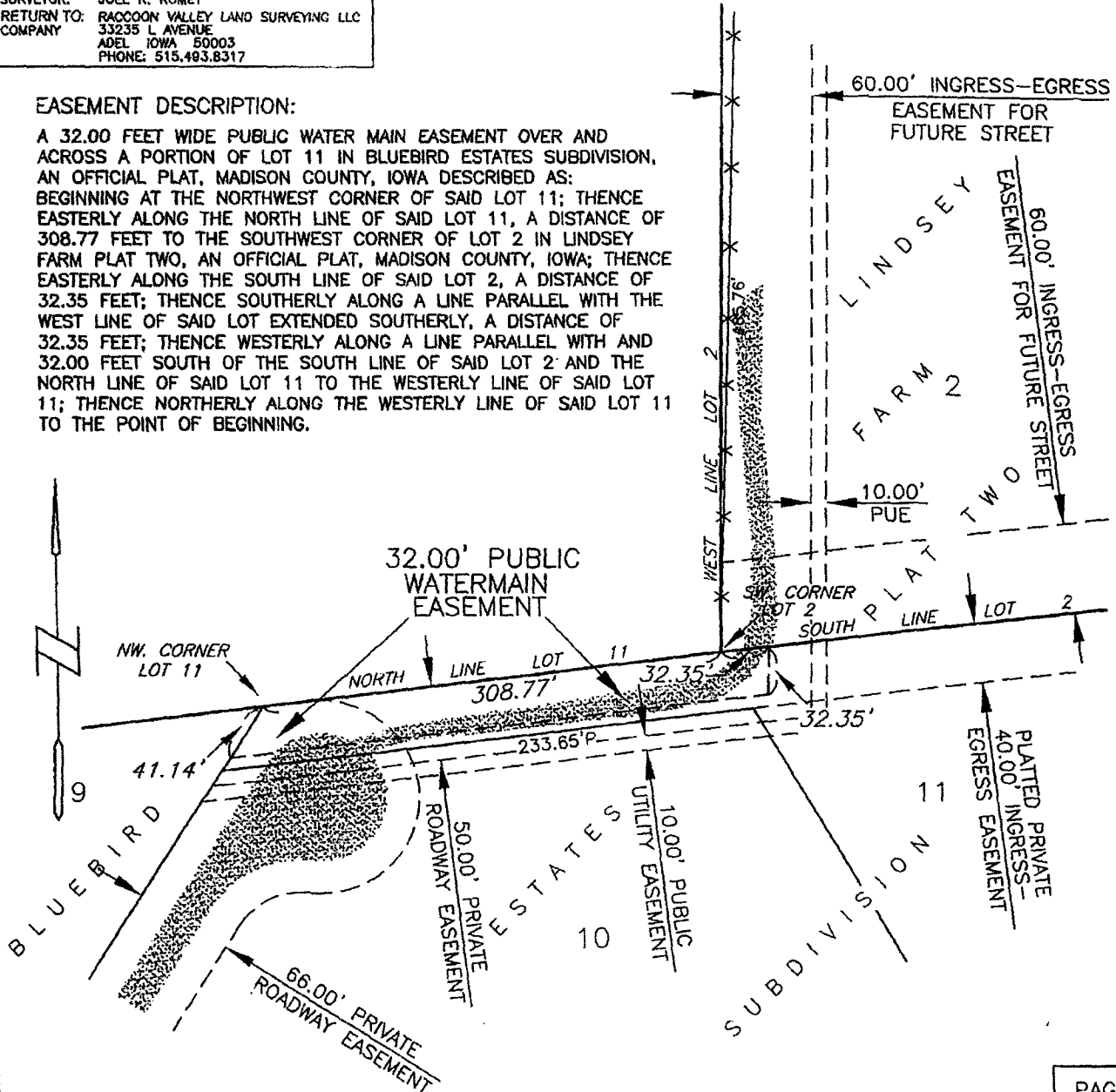
RETURN TO: RACCOON VALLEY LAND SURVEYING LLC  
 COMPANY 33235 L AVENUE  
 ADEL IOWA 50003  
 PHONE: 515.483.8317

# EXHIBIT "A"

## WATER MAIN EASEMENT

EASEMENT DESCRIPTION:

A 32.00 FEET WIDE PUBLIC WATER MAIN EASEMENT OVER AND ACROSS A PORTION OF LOT 11 IN BLUEBIRD ESTATES SUBDIVISION, AN OFFICIAL PLAT, MADISON COUNTY, IOWA DESCRIBED AS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 11; THENCE EASTERLY ALONG THE NORTH LINE OF SAID LOT 11, A DISTANCE OF 308.77 FEET TO THE SOUTHWEST CORNER OF LOT 2 IN LINDSEY FARM PLAT TWO, AN OFFICIAL PLAT, MADISON COUNTY, IOWA; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID LOT 2, A DISTANCE OF 32.35 FEET; THENCE SOUTHERLY ALONG A LINE PARALLEL WITH THE WEST LINE OF SAID LOT EXTENDED SOUTHERLY, A DISTANCE OF 32.35 FEET; THENCE WESTERLY ALONG A LINE PARALLEL WITH AND 32.00 FEET SOUTH OF THE SOUTH LINE OF SAID LOT 2 AND THE NORTH LINE OF SAID LOT 11 TO THE WESTERLY LINE OF SAID LOT 11; THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID LOT 11 TO THE POINT OF BEGINNING.



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**Raccoon Valley Land Surveying**

33235 L Avenue Adel Iowa 50003