



Document 2019 666

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LISA SMITH, COUNTY RECORDER  
MADISON COUNTY IOWA

## Surface Easement Agreement

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**PREPARER INFORMATION:** (Kalli Ritterbush, 2738 M & K Lane, El Reno, OK 73036, 405.433.1044)

**TAXPAYER INFORMATION:** (ONEOK North System, L.L.C., P.O. Box 871, Tulsa, OK 74102)

**RETURN DOCUMENT TO:** (ONEOK Real Estate Services ATTN: Kalli Ritterbush, 2738 M & K Lane, El Reno, OK 73036, 405.433.1044)

**GRANTOR:** (Midwest Rock Products, Inc.)  
**GRANTEE:** (ONEOK North System, L.L.C.)

**LEGAL DESCRIPTION:** (SW/4 Section 3-T76N-R29W, Madison Co., IA)  
See page: 2

**SURFACE EASEMENT AGREEMENT**

Return To: ONEOK North System, L.L.C., 100 West 5<sup>th</sup> Street, Tulsa, OK 74103, Attn: Real Estate Services Department

AFE: 035.016.5000.010103.770111  
LINE No.: 11102 TR. No.: MN-12

Agent: Donaldson

STATE OF {IOWA }  
COUNTY OF {MADISON }

For and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid, the receipt and sufficiency of which is hereby acknowledged, **Midwest Rock Products, Inc.** (hereinafter called "GRANTOR", whether one or more), does hereby GRANT, BARGAIN, SELL AND CONVEY unto **ONEOK North System, L.L.C.**, a Delaware limited liability company with its principal offices in Tulsa, Oklahoma, having a mailing address of P.O. Box 871, Tulsa, Oklahoma 74102, its successors and assigns (hereinafter called "GRANTEE"), an easement (the "Surface Easement") for the purpose of erecting, constructing, laying, maintaining, operating, altering, replacing and removing facilities necessary, convenient and incident to the movement of materials and product via pipeline. Said facilities may include, but are not limited to compressors, valves, meters, regulators, pumps, launching-receiving equipment, buildings pipelines and other appurtenances, facilities and equipment. Said facilities shall be situated over, under or upon the following described lands of GRANTOR in the County of Madison, State of Iowa. To wit:

A fifty (50') foot by ten (10') foot Valve Site, and a fifteen (15') wide Access Easement across the Southwest 1/4 of Section 3, Township 76 North, Range 29 West of the 5<sup>th</sup> Principal Meridian. Valve Site and Access Easement are to be located as shown on Exhibit "A" attached hereto and made a part hereof.

The GRANTEE shall have all other rights and benefits necessary or convenient for the full enjoyment or use of the rights herein granted, including, but not limiting the same to, the free right of ingress to and egress over and across said lands and adjacent lands of GRANTOR to and from said Surface Easement, the right to use all roads over and across said lands and adjacent lands of GRANTOR, the right to enclose said Surface Easement with a fence and the right from time to time to cut all trees and undergrowth and remove other obstructions, that may injure, endanger or interfere with the use of said Surface Easement. The GRANTEE shall have the right to assign this grant in whole or in part.

To HAVE AND TO HOLD unto the said GRANTEE, its successors and assigns, for so long as said Surface Easement is used by GRANTEE or useful to GRANTEE for the uses provided above, with ingress to and egress from the Surface Easement as provided above. However, GRANTEE shall have the right to abandon and terminate all or any part of the rights granted herein, by filing a release of same in the public records. The undersigned hereby bind themselves, their heirs, executors, administrators and assigns, to warrant and forever defend all and singular said premises unto GRANTEE, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

No failure to comply with any covenant on the part of GRANTEE shall be construed as breach of this Agreement unless and until written notice has first been given to GRANTEE that GRANTOR believes GRANTEE has failed to comply with such covenant, setting out the grounds therefore, and GRANTEE has then failed to correct such failure within thirty (30) days after receipt of such notice or has failed to correct such failure within thirty (30) days after final determination, agreement or by litigation in a court of competent jurisdiction, that a breach, in fact, exists.

It is understood and agreed that this easement and all rights, privileges, and obligations created herein shall run with the land and shall inure to the benefit of and be binding and obligatory upon legal representatives, heirs, executors, administrators, devisees, legatees, successors, and assigns of the parties hereto.

IN TESTIMONY WHEREOF, the GRANTORS herein have executed this conveyance this 14<sup>th</sup> day of February, 2019.

GRANTOR

\_\_\_\_\_  
\_\_\_\_\_

Midwest Rock Products, Inc.  
*Mark A. Schildberg*  
Mark A. Schildberg, President  
MARK A SCHILDBERG

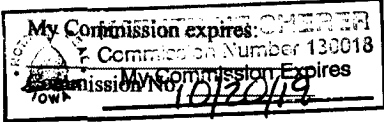
(00062383 - 1 )

RETURN TO:  
ONEOK Real Estate Services  
2738 M&K Lane  
El Reno, OK 73036

ACKNOWLEDGEMENTS

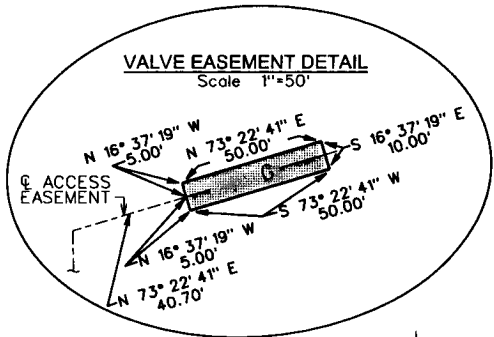
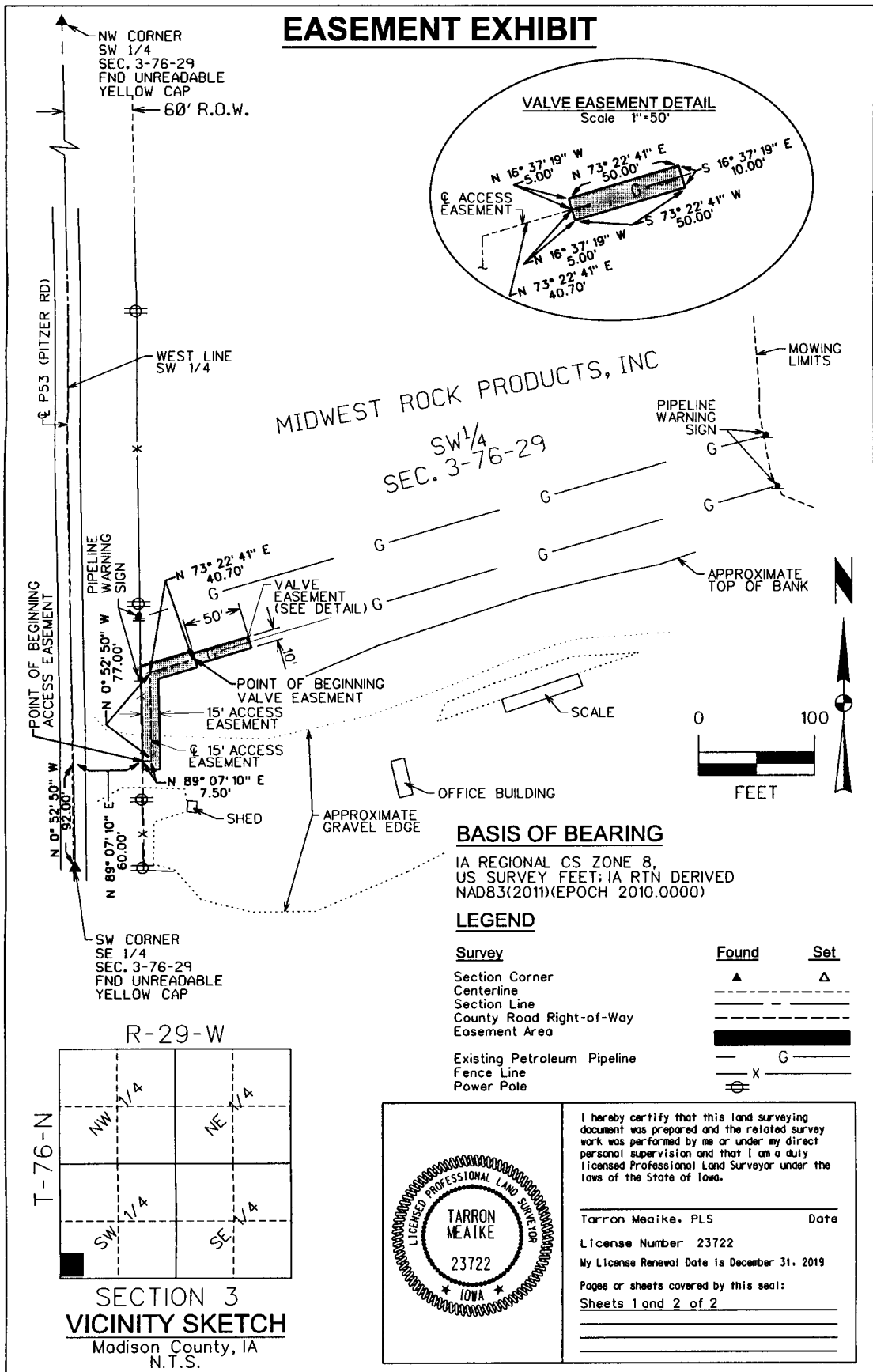
State of Iowa  
County of Madison

This instrument was acknowledged before this this 14<sup>th</sup> day of February, 2019 by Mark A. Schildberg as President of Midwest Rock Products, Inc.



Katherine Z. Shew  
Notary Public, State of Iowa

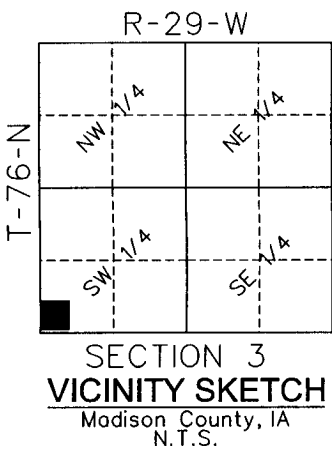
# EASEMENT EXHIBIT



**BASIS OF BEARING**  
IA REGIONAL CS ZONE 8,  
US SURVEY FEET; IA RTN DERIVED  
NAD83(2011)(EPOCH 2010.0000)

**LEGEND**

| Survey                      | Found         | Set |
|-----------------------------|---------------|-----|
| Section Corner              | ▲             | △   |
| Centerline                  | ---           | --- |
| Section Line                | ---           | --- |
| County Road Right-of-Way    | ---           | --- |
| Easement Area               | [Shaded Area] |     |
| Existing Petroleum Pipeline | G             |     |
| Fence Line                  | x             |     |
| Power Pole                  | ⊕             |     |



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Professional Land Surveyor under the laws of the State of Iowa.

Tarron Meaika, PLS \_\_\_\_\_ Date \_\_\_\_\_  
License Number 23722  
My License Renewal Date is December 31, 2019  
Pages or sheets covered by this seal:  
Sheets 1 and 2 of 2



|  |                 |
|--|-----------------|
| <b>102MD - 18 - QUARRY SECTION 3-T76N-R29W</b>               | SHEET 1 OF 2    |
|  | PN: 1190146     |
| <b>EASEMENT EXHIBIT</b>                                      | FLD BK: PG:     |
|  | DATE: 1/30/2019 |
| <b>S</b> SNYDER & ASSOCIATES                                 | PWTECH: TEM     |
| 1751 MADISON AVENUE<br>CO. BLUFFS, IOWA 51503 (712) 322-3202 |                 |

# EASEMENT EXHIBIT

## ACCESS EASEMENT DESCRIPTION:

A TRACT OF LAND 15 FEET WIDE LYING 7.5 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE LOCATED IN THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 76 NORTH, RANGE 29 WEST OF THE 5TH P.M., MADISON COUNTY, IOWA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH 0° 52' 50" WEST ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, 92.00 FEET; THENCE NORTH 89° 07' 10" EAST, 60.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF MADISON COUNTY HIGHWAY P53, SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUING NORTH 89° 07' 10" EAST, 7.50 FEET; THENCE NORTH 0° 52' 50" WEST PARALLEL WITH SAID EASTERLY RIGHT-OF-WAY LINE, 77.00 FEET; THENCE NORTH 73° 22' 41" EAST, 40.70 FEET TO THE POINT OF TERMINUS AND CONTAINING 1,878 SQUARE FEET (0.04 ACRES) MORE OR LESS.

## VALVE EASEMENT DESCRIPTION:

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 76 NORTH, RANGE 29 WEST OF THE 5TH P.M., MADISON COUNTY, IOWA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH 0° 52' 50" WEST ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, 92.00 FEET; THENCE NORTH 89° 07' 10" EAST, 67.50 FEET; THENCE NORTH 0° 52' 50" WEST PARALLEL WITH THE EASTERLY RIGHT-OF-WAY LINE OF MADISON COUNTY HIGHWAY P53, 77.00 FEET; THENCE NORTH 73° 22' 41" EAST, 40.70 FEET TO THE POINT OF BEGINNING; THENCE NORTH 16° 37' 19" WEST, 5.00 FEET; THENCE NORTH 73° 22' 41" EAST, 50.00 FEET; THENCE SOUTH 16° 37' 19" EAST, 10.00 FEET; THENCE SOUTH 73° 22' 41" WEST, 50.00 FEET; THENCE NORTH 16° 37' 19" WEST, 5.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 500 SQUARE FEET (0.01 ACRES) MORE OR LESS.

**102MD - 18 - QUARRY SECTION 3-T76N-R29W**

SHEET 2 OF 2

**EASEMENT EXHIBIT**

PN: 1190146

FLD BK: PG:



1751 MADISON AVENUE  
CO. BLUFFS, IOWA 51503 (712) 322-3202

DATE: 1/30/2019

PW/TECH: TEM