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LISA SMITH, COUNTY RECORDER  
MADISON COUNTY IOWA

Prepared by David L. Dorff, Assistant Attorney General, Iowa Department of Justice, State Capitol Complex, Des Moines, IA 50319, 515-281-5351. Return to: Madison County Soil & Water Conservation District, 815 E. Hwy 92, Winterset, IA 50273.

### EASEMENT (Grantee Responsible for Maintenance)

For one dollar (\$1.00) and other valuable consideration received, Jeannie M. Utsler, 2189 Peru Rd., Peru, IA 50222, **Grantor** (s)

Does hereby grant to Galen M. & Trudy A. Trucks, 2823 Oakcrest Ave., Peru, IA 50222, **Grantee** (s), a perpetual easement as described below, upon those parts of the following described land located in Lincoln Township T75N.R28W of the 5<sup>th</sup> P.M., Madison County, Iowa:

Area shown on the aerial map located in Parcel "A" in the S 1/2 of the SE 1/4 of Section 36, and labeled as EASEMENT AREA.

The Grantor covenants that he/she is the owner in fee simple of the above-described land and that the lands are free and clear of all encumbrances and liens except the following:

The easement granted is perpetual, shall run with the land and shall be binding upon the successors or assigns of both the Grantor and the Grantee. The easement includes the following terms:

1. The Grantee is granted the right to plan, survey, construct, improve, maintain and inspect a dam that may place permanent and/or temporary water on the Grantor's property to serve as a grade stabilization structure to stabilize grade, reduce gully erosion, and/or improve water quality on the Grantee's property. The area is shown on the aerial map dated 2/20/2019. The parties understand that the aerial map is not a certified survey; that it is attached solely for the purpose of describing the intended project and not as an engineering or land surveying document, and that minor changes in the project may be made at the time of construction. For the purposes stated in this easement, Grantee or its authorized agents shall have the right of ingress and egress at any time and at locations as determined by the Grantee upon the above-described land.
2. The Grantee shall be responsible for maintaining the dam (grade stabilization structure) identified in paragraph 1, above, in a state of repair such that it is successfully performing the function for which it was originally constructed or installed.
3. The rights granted by this easement shall terminate at any time when mutually agreed upon by the Grantor and Grantee, provided, however, that such termination occurs no earlier than the expiration or cancellation of any maintenance or performance responsibilities between the Grantee and the Madison County SWCD. The parties shall be responsible for written notification to any present tenant or subsequent tenant of the existence of this easement and where a copy of the same may be located.
4. The Grantee is authorized to employ private contractors who shall enjoy the same privileges and rights under this easement as the Grantee. In accordance with an agreement between the United States and the Grantee, the United States and the Madison County SWCD shall enjoy all of the rights and privileges of the Grantee under this easement.
5. The undersigned hereby states that he or she has been advised of the right, pursuant to 7 C.F.R. Part 21, to receive an offer of just compensation based on an appraisal of the real property subject to the easement they are donating for the above referenced project. The undersigned further states that he or she understands these rights and knowingly waives the right to receive an offer of just compensation based on an appraisal.

Words used in this easement including the acknowledgment below shall be read as plural or singular and as masculine, feminine or neuter as required by the context.

Jeannie M. Utsler 4/2/19  
(Signature of Grantor) Date

(Signature of Grantor) Date

STATE OF IOWA )  
) ss.  
COUNTY OF MADISON )

This instrument was acknowledged before me on the 2 day of April, 2019, by Jeannie M. Utsler.

Megan N. Sutton  
Notary Public in and for the State of Iowa  
Seal

Galen M. & Trudy A. Trucks 4-29-19  
(Signature of Grantee) Date

Trudy A. Trucks 4-29-19  
(Signature of Grantee) Date

STATE OF IOWA )  
) ss. }  
COUNTY OF MADISON )

This instrument was acknowledged before me on the 29 day of April, 2019, by Galen M. and Trudy A. Trucks.

Megan N. Sutton  
Notary Public in and for the State of Iowa  
Seal

