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Daneen Schindler, RECORDER/REGISTRAR  
DELAWARE COUNTY IOWA

*(RM)*  
Prepared by: Richard R. Morris, PO Box 178, Waterloo, IA 50704 (319) 234-1766

**ACCESS EASEMENT AGREEMENT**

This Agreement is made and entered into on this 30<sup>th</sup> day of June, 2022 by and between Achinback Waterfront Subdivision, LLC, hereinafter referred to as "LLC" and Randy Pilkington and Patrice A. Pilkington, husband and wife hereinafter referred to as "Pilkington".

WITNESSETH:

WHEREAS, Pilkington is the owner of the following described real estate in Delaware County, Iowa described as:

Lot Eleven (11) of Schmidt's Farm & Lake Subdivision, a Subdivision of Parcel 2017-87 in Sec. 23 and Sec. 26 all in T88N, R5W of the Fifth P.M., Delaware County, Iowa, according to recorded plat thereof as shown in Book 2021, Page 1603 as recorded on May 3, 2021; and

WHEREAS, LLC is the owner of Lots Nine (9), Ten (10), and Twelve (12) of Schmidt's Farm & Lake Subdivision of Parcel 2017-87 in Sec. 23 and Sec. 26 all in T88N, R5W of the Fifth P.M., Delaware County, Iowa, according to recorded plat thereof as shown in Book 2021, Page 1603 as recorded on May 3, 2021; and

WHEREAS, LLC needs easements over Pilkington's property; and

WHEREAS, Pilkington needs easements over LLC's property,

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein the parties hereto agree as follows:

1. LLC grants a perpetual easement to run with the land over Lot Nine (9) of Schmidt's Farm & Lake Subdivision of Parcel 2017-87 in Sec. 23 and Sec. 26 all in T88N, R5W of the Fifth P.M., Delaware County, Iowa, according to recorded plat thereof as shown in Book 2021, Page 1603 as recorded on May 3, 2021 to Pilkington, their heirs, successors, administrators and assigns which easement across said Lot Nine (9), shall be permanent,

perpetual and run with the land and be binding on the heirs, successors and administrators and assigns of LLC with respect to said Lot Nine (9).

2. LLC is the owner of Lot Ten (10) of Schmidt's Farm & Lake Subdivision, a Subdivision of Parcel 2017-87 in Sec. 23 and Sec. 26 all in T88N, R5W of the Fifth P.M., Delaware County, Iowa, according to recorded plat thereof as shown in Book 2021, Page 1603 as recorded on May 3, 2021, hereby grants to Pilkington, their heirs, successors, administrators, and assigns a ten (10) foot wide perpetual easement running west beginning at the retaining wall on Lot Ten (10) that abuts the Maquoketa River/Lake Delhi, said easement thence running north and south ten (10) feet wide across said eastern ten (10) feet of said Lot Ten (10). This easement shall be perpetual, run with the land and be binding on all the heirs, successors, administrators and assigns of LLC with respect to said Lot Ten (10).

3. Pilkington is the owner of Lot Eleven (11) of Schmidt's Farm & Lake Subdivision, a Subdivision of Parcel 2017-87 in Sec. 23 and Sec. 26 all in T88N, R5W of the Fifth P.M., Delaware County, Iowa, according to recorded plat thereof as shown in Book 2021, Page 1603 as recorded on May 3, 2021, and hereby grants a perpetual easement to LLC of an eight (8') foot wide easement running north and south on the eastern eight (8') feet of Pilkington's Lot Eleven (11) abutting the Maquoketa River/Lake Delhi and grants that in favor of the LLC, it's heirs, successors, administrators and assigns. This easement shall be perpetual and be binding on Pilkington and its heirs, successors and administrators and assigns.

4. LLC as the owner of Lot Ten (10) of Schmidt's Farm & Lake Subdivision of Parcel 2017-87 in Sec. 23 and Sec. 26 all in T88N, R5W of the Fifth P.M., Delaware County, Iowa, according to recorded plat thereof as shown in Book 2021, Page 1603 as recorded on May 3, 2021 hereby grants a perpetual easement to Pilkington their heirs, successors and administrators and assigns across the Northwest Twenty (20') feet of Lot Ten (10) beginning at a point Fifty (50) feet west of the lake retaining wall abutting the Maquoketa River/Lake Delhi and extending west Sixty-five (65') feet to a point that is One hundred fifteen (115') west of the lake retaining wall abutting the Maquoketa River/Lake Delhi and said easement shall extend Twenty (20') feet south along the north line of said Lot Ten (10). Said easement area of twenty (20') feet wide north and south and sixty-five (65') wide east to west abutting the north line of Lot Ten (10) as measured from the lake retaining wall as it meets the Maquoketa River/Lake Delhi consists of a rectangular area of 1,300 square feet with a furth prohibition for any construction on said rectangular easement by LLC or its heirs, successors and administrators and assigns and is provided to Pilkington their heirs, successors and administrators and assigns by LLC for the perpetual use in constructing and/or maintaining a septic tank and leach field which currently exists in said area on Lot Ten (10) for the benefit of Lot Eleven (11).

5. This Agreement shall not be amended except by a written agreement entered into by the parties hereto or their respective heirs, successors, administrators and assigns.

6. This Agreement is governed by and subject to the laws of the State of Iowa.

Achinback Waterfront Subdivision, LLC  
An Iowa Limited Liability Company

By: Patricia A. Dede  
Patricia A. Dede, Manager/Member

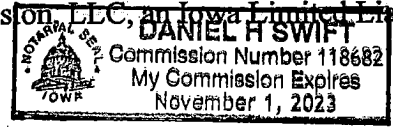
By: Edward E. Schmidt  
Edward E. Schmidt, Manager/Member

By: Randy Pilkington  
Randy Pilkington

By: Patrice A. Pilkington  
Patrice A. Pilkington

STATE OF IOWA, COUNTY OF Polk

This record was acknowledged before me on June 30, 2022, by Patricia A. Dede, Manager/Member and Edward E. Schmidt, Manager/Member of Achinback Waterfront Subdivision, LLC, an Iowa Limited Liability Company.



[Signature]  
Signature of Notary Public

STATE OF IOWA, COUNTY OF Black Hawk

This record was acknowledged before me on June 30, 2022, by Randy Pilkington and Patrice A. Pilkington, husband and wife.

[Signature]  
Signature of Notary Public

