

Recorded: 8/31/2023 at 2:28:04.0 PM  
County Recording Fee: \$22.00  
Iowa E-Filing Fee: \$3.00  
Combined Fee: \$25.00  
Revenue Tax:  
Delaware County, Iowa  
Daneen Schindler RECORDER  
BK: 2023 PG: 2128

Prepared by & Return to: Carolyn C. Davis, Locher & Davis, P.L.C. 225 1st Ave E. Dyersville, Iowa 52040 Phone: 563-875-9112

## PERMANENT EASEMENT AGREEMENT

WHEREAS, Tim Joseph Krapfl and Melanie Sue Krapfl, husband and wife, hereinafter “Grantors”, own real estate legally described as:

Parcel 2023-34 of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of Section Twenty-Five (25), Township Eighty-Nine North (T89N), Range Four West (R4W) of the Fifth Principal Meridian, Delaware County, Iowa, according to plat recorded in Book 2023, Page 1333.

WHEREAS, Tyler Schuman and Rachel Schuman, husband and wife, hereinafter “Grantee”, own real estate legally described as:

Parcel 2023-33 of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of Section Twenty-Five (25), Township Eighty-Nine North (T89N), Range Four West (R4W) of the Fifth Principal Meridian, Delaware County, Iowa, according to plat recorded in Book 2023, Page 1333.

WHEREAS, the Grantors and Grantees are desirous of entering into a Permanent Mutual Access Easement for ingress egress and utility over Parcel 2023-34 for the benefit of Parcel 2023-33 as described in Plat of Survey, filed for record June 14, 2023, in Book 2023, Page 1333, in the Delaware County Recorder’s Records, attached hereto as Exhibit A.

NOW AND THEREFORE, for the consideration of the mutual covenants made below and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Tim Joseph Krapfl and Melanie Sue Krapfl, husband and wife, Grantors as the owners of Parcel 2023-34 and Tyler Schuman and Rachel Schuman, husband and wife, Grantees, as the owner of Parcel 2023-33, agree as follows:

1. Easement. The Grantors hereby grant to the Grantees a permanent mutual access easement for ingress, egress and utility (the “Easement”) for vehicular and pedestrian

traffic over and across the Thirty Three (33) foot Wide Easement for Ingress, Egress and Utility (the "Easement Area") shown on Exhibit "A".

2. Shared Use. The Grantees shall have the right to use the Easement Area for the purposes set forth herein and for any other purposes not inconsistent with the rights of the Grantors. Neither party shall make use of the Easement which will materially interfere with the use of said Easement by the other, and any other parties with access rights over the Easement.
3. Barriers. Except as may be reasonably necessary on a temporary basis, no walls, fences, gates, barriers, or other improvements of any sort or kind shall be constructed or maintained in or on the Easement Area or any part thereof, which shall prevent or impair the use or exercise of the Easement provided in this Agreement, or the free access and movement, including without limitation, pedestrian and vehicular traffic, over the Easement Area over Parcel 2023-34.
4. Maintenance. Grantors shall pay for all costs associated with installing the 33.0 foot gravel driveway over the Easement Area. The installation of the gravel driveway shall be completed no later than December 31, 2023. Any maintenance, upkeep, or repairs, including snow removal, shall be paid 100% by the Grantees.
5. Relocation. Grantors, at Grantors' sole expense, shall have the right to relocate the Easement Area. In the event of relocation, notice shall be given to Grantees of the request to relocate and the proposed relocation of the Easement Area.
6. Covenants Running with the Land. This Easement shall be a permanent easement running with the land. This Agreement shall be binding and inure to the benefit of the successors, heirs, and assigns of the owners of Parcel 2023-34 and the owners of Parcel 2023-33.

Agreed to this 31st day of August, 2023.

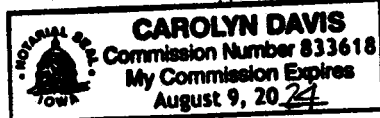
GRANTORS:

Tim Joseph Krapfl  
Tim Joseph Krapfl

Melanie Sue Krapfl  
Melanie Sue Krapfl

STATE OF IOWA, COUNTY OF DUBUQUE

This record was acknowledged before me on August 28, 2023 by Tim Joseph Krapfl.



Carolyn Davis  
Signature of Notary Public

STATE OF IOWA, COUNTY OF DELAWARE

This record was acknowledged before me on August 31<sup>st</sup>, 2023 by Melanie Sue Krapfl.

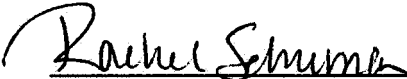


Liz Rude  
Signature of Notary Public

Agreed to this 31 day of August, 2023.

GRANTEES:

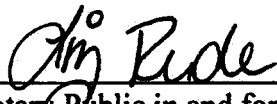
  
Tyler Schuman

  
Rachel Schuman

STATE OF IOWA, COUNTY OF DELAWARE

On this 31<sup>st</sup> day of August, 2023, before me, the undersigned Notary Public, personally appeared Tyler Schuman and Rachel Schuman, husband and wife, as Grantees, to me known to be the identical persons named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.



  
Notary Public in and for the State of Iowa

**INDEX LEGEND**  
 LOCATION: NW1/4 SW1/4 OF SECTION 25, T89N, R4W  
 SW1/4 SW1/4 OF SECTION 25, T89N, R4W  
 PROPRIETORS: TIM JOSEPH KRAPPL AND MELANIE SUE KRAPPL  
 REQUESTOR: TIM KRAPPL  
 SURVEYOR: BILL BURGER  
 SURVEYOR COMPANY: WIL BURGER LANDSURVEYOR  
 BILL BURGER, 510 3RD STREET WEST COURT,  
 WORTHINGTON, IA 52078 | (563) 855-2028

FILED  
 Delaware Co. Assessor  
 JUL 14 2023

**Exhibit A**

Book 2023 Page 1333  
 Document 2023 1333 Type 06 062 Pages 7  
 Date 6/14/2023 Time 1:16:53PM  
 Rec Amt \$37.88

FILED  
 Delaware Co. Assessor  
 JUN 14 2023

Daneen Schindler, RECORDER/REGISTRAR  
 DELAWARE COUNTY IOWA

PREPARED BY BILL BURGER 510 3RD STREET WEST COURT, WORTHINGTON, IOWA 52078 (563) 855 2028

**PLAT OF SURVEY**

**PARCEL 2023-33** OF THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION TWENTY-FIVE (25), TOWNSHIP EIGHTY-NINE NORTH (T89N), RANGE FOUR WEST (R4W) OF THE FIFTH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA

**PARCEL 2023-34** OF THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHWEST QUARTER (SW1/4) AND PART OF THE SOUTHWEST QUARTER (SW1/4) OF THE SOUTHWEST QUARTER (SW1/4), ALL IN SECTION TWENTY-FIVE (25), TOWNSHIP EIGHTY-NINE NORTH (T89N), RANGE FOUR WEST (R4W) OF THE FIFTH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA

**PARCEL 2023-35** OF THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHWEST QUARTER (SW1/4) AND PART OF THE SOUTHWEST QUARTER (SW1/4) OF THE SOUTHWEST QUARTER (SW1/4), ALL IN SECTION TWENTY-FIVE (25), TOWNSHIP EIGHTY-NINE NORTH (T89N), RANGE FOUR WEST (R4W) OF THE FIFTH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA

**LEGEND**

- SET 1/2" IRON ROD W/ YELLOW CAP #12842
- SET OUT X IN CONCRETE
- FD. 1/2" IRON ROD W/ YELLOW CAP #12842
- FD. CUT X IN CONCRETE
- BOUNDARY LINE SURVEYED
- - - SECTION LINE AND OR 1/4 OF 1/4 SECTION LINE
- - - R.O.M. LINE
- - - CENTERLINE OF ROAD RECORDED AS
- ( ) P.O.B. POINT OF BEGINNING

**PARCEL 2023-33**  
 2.00 +/- ACRES TOTAL

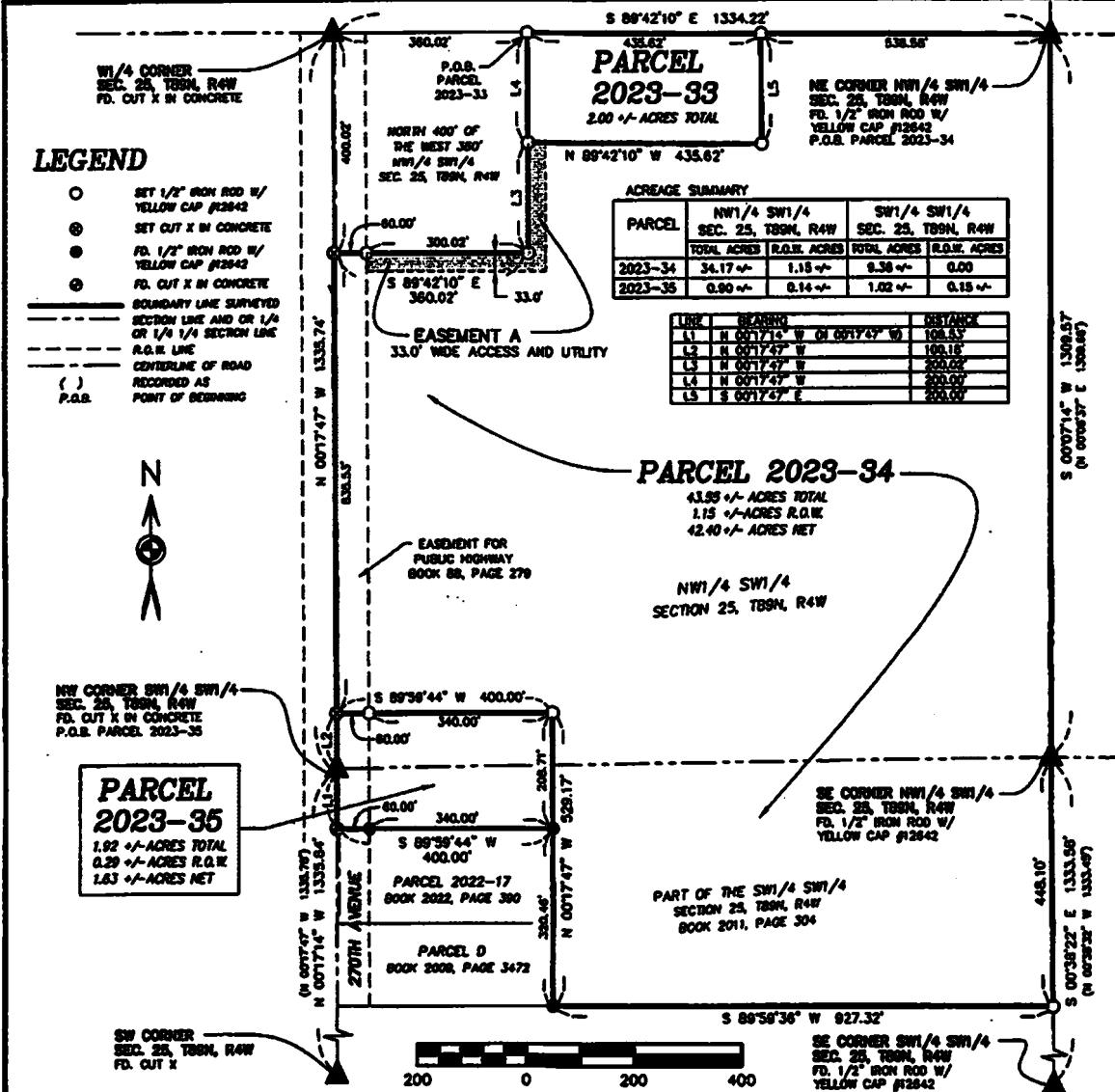
ACREAGE SUMMARY

PARCEL	NW1/4 SW1/4 SEC. 25, T89N, R4W	SW1/4 SW1/4 SEC. 25, T89N, R4W	TOTAL ACRES	R.O.M. ACRES	TOTAL ACRES	R.O.M. ACRES
2023-34	34.17 +/-	1.15 +/-	0.36 +/-	0.00		
2023-35	0.90 +/-	0.14 +/-	1.02 +/-	0.15 +/-		

LINE	BEARING	DISTANCE
L1	N 00°17'15" W	601.47' W
L2	N 00°17'47" W	100.15'
L3	N 00°17'47" W	100.00'
L4	N 00°17'47" W	300.00'
L5	S 00°17'47" E	300.00'

**PARCEL 2023-34**  
 43.95 +/- ACRES TOTAL  
 1.15 +/- ACRES R.O.M.  
 42.40 +/- ACRES NET

**PARCEL 2023-35**  
 1.02 +/- ACRES TOTAL  
 0.29 +/- ACRES R.O.M.  
 1.63 +/- ACRES NET



DATE OF SURVEY: 5/9/2023 SCALE: 1" = 200' SHEET 1 of 7  
 PROPRIETORS: SEE INDEX LEGEND  
 I HEREBY CERTIFY THAT THIS LANDSURVEYING DOCUMENT WAS PREPARED AND RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA. MY LICENSE RENEWAL DATE IS DECEMBER 31, 2024.  
 William H. Burger 6/14/23  
 WILLIAM H. BURGER 12842 DATE

**Wm. Burger**  
 LandSurveyor  
 510 3rd Street West Court  
 Worthington, Iowa 52078

NO. OF SHEETS COVERED BY THIS SEAL: 1