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LISA SMITH, COUNTY RECORDER
MADISON COUNTY IOWA

CHEK

✓ **PREPARED BY:** David R. Elkin, 315 East 5th St., Suite 5, Des Moines, IA 50309; (515) 244-3188

RETURN TO: David R. Elkin, 315 East 5th St., Suite 5, Des Moines, IA 50309

Space Above This Line for Recorder

ACCESS AND DRIVEWAY EASEMENT

WHEREAS, Kelly D. Grandstaff and Pamela S. Grandstaff (hereinafter referred to as "Owners", except where the context otherwise indicates) are the owners in fee simple of certain real property, the legal description of which is more fully set forth in Exhibit "A" attached hereto (hereinafter referred to as the "Burdened Property");

AND WHEREAS, Owners are also the owners in fee simple of certain other real property, the legal description of which is more fully set forth in Exhibit "B" attached hereto (hereinafter referred to as the "Benefitted Property");

AND WHEREAS, Owners are in the process of selling the Burdened Property to Duane Willey and Jane Willey;

AND WHEREAS, the Benefitted Property will be retained by Owners;

AND WHEREAS, there is an existing driveway which is presently located upon a portion of the Burdened Property which is more specifically described in Exhibit "C" attached hereto (hereinafter referred to as the "Easement Area");

AND WHEREAS, Owners have throughout their ownership of both the Burdened Property and the Benefitted Property relied upon said driveway for ingress to and egress from the Benefitted Property;

AND WHEREAS, Owners intend to continue to rely upon said driveway for ingress to and egress from the Benefitted Property;

AND WHEREAS, Owners, for themselves and for their heirs, successors and assigns, desire to establish a perpetual easement or right-of-way over, across and upon the Easement Area to further assure continuing and uninterrupted ingress to and egress from the Benefitted Property by means of the existing driveway;

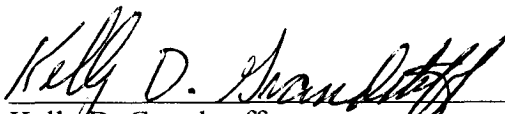
NOW, THEREFORE, Owners, for themselves and for their heirs, successors, and assigns, hereby establish and create a perpetual easement or right-of-way over, across and upon the Easement Area for the purpose of assuring Owners continuing and uninterrupted ingress to and egress from the Benefitted Property by means of the existing driveway.

Purchasers and future owners of the Burdened Property may also use the driveway for ingress to and egress from the existing improvements located upon the Burdened Property. However, neither party shall use or leave any vehicle or any other obstruction upon the Easement Area so as to prevent the free and uninterrupted use of the driveway by the other party.

All expenses for maintenance, repairs, and replacement of the existing driveway located upon the Easement Area shall be shared equally between the Owners of the Benefitted Property and any purchasers or future owners of the Burdened Property, except that any party causing any damage to the driveway shall be solely responsible for repairing such damage.

This easement or right-of-way shall be deemed to be a covenant running with the title to the land, shall inure to the benefit of and be binding upon both the Owners of the Benefitted Property and any purchaser or future owners of the Burdened Property, as well as their heirs, successors and assigns.

Dated this 2 day of Aug, 2019.


Kelly D. Grandstaff


Pamela S. Grandstaff

STATE OF IOWA)

ss)

COUNTY OF POLK)

On this 2nd day of August, 2019, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Kelly D. Grandstaff and Pamela S. Grandstaff, husband and wife, to me known to be the person named in and who executed the foregoing instrument, and acknowledged that she executed the same as her voluntary act and deed.



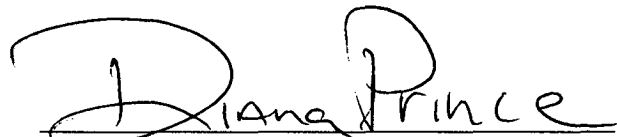

Notary Public

EXHIBIT "A"

(The "Burdened Property")

The Southeast Quarter ($\frac{1}{4}$) of the Southeast Quarter ($\frac{1}{4}$) of said Section Thirty-four (34), **EXCEPT** a parcel of land located in the Southeast Quarter ($\frac{1}{4}$) of the Southeast Quarter ($\frac{1}{4}$) of said Section Thirty-four (34), containing 0.958 acres, as shown in Plat of Survey filed in Book 2003, Page 2494 on May 1, 2003, in the Office of the Recorder of Madison County, Iowa, **AND EXCEPT** Parcel "B" located in the Southeast Quarter ($\frac{1}{4}$) of the Southeast Quarter ($\frac{1}{4}$) of said Section Thirty-four (34), containing 4.913 acres, as shown in Plat of Survey filed in Book 2, Page 401 on July 16, 1993, in the Office of the Recorder of Madison County, Iowa, **AND** all that part of the Northeast Quarter ($\frac{1}{4}$) of the Northeast Quarter ($\frac{1}{4}$) of Section Three (3), Township Seventy-five (75) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, lying North of the centerline of the now existing county road, **EXCEPT** a tract of land located therein, more particularly described as follows, to-wit: Commencing 20 rods North of the Southwest corner of 22 acres on the East side of the Northeast Quarter ($\frac{1}{4}$) of the Northeast Quarter ($\frac{1}{4}$) of said Section Three (3), running thence East $26 \frac{2}{3}$ rods, thence North 12 rods, thence West $26 \frac{2}{3}$ rods, thence South 12 rods to the place of beginning, containing 2 acres more or less, **AND EXCEPT** a tract of land located therein, more particularly described as follows, to-wit: Commencing at the Southwest corner of the East 22 acres of the Northeast Fractional Quarter ($\frac{1}{4}$) of the Northeast Quarter ($\frac{1}{4}$) of said Section Three (3), and running thence North 528 feet to the place of beginning, thence North 200 feet, thence East 429.33 feet, thence South 200 feet, thence West 429.33 feet to the point of beginning.

EXHIBIT "B"

(The "Benefitted Property")

A parcel of land located in the Southeast Quarter ($\frac{1}{4}$) of the Southeast Quarter ($\frac{1}{4}$) of Section Thirty-four (34), Township Seventy-six (76) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, containing 0.958 acres, as shown in Plat of Survey filed in Book 2003, Page 2494 on May 1, 2003, in the Office of the Recorder of Madison County, Iowa; AND Parcel "B" located in the Southeast Quarter ($\frac{1}{4}$) of the Southeast Quarter ($\frac{1}{4}$) of said Section Thirty-four (34), containing 4.913 acres, as shown in Plat of Survey filed in Book 2, Page 401 on July 16, 1993, in the Office of the Recorder of Madison County, Iowa.

EXHIBIT "C"

(The "Easement Area")

A parcel of land located in the Northeast Fractional Quarter ($\frac{1}{4}$) of the Northeast Quarter ($\frac{1}{4}$) of Section Three (3), Township Seventy-five (75) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, and in the Southeast Quarter ($\frac{1}{4}$) of the Southeast Quarter ($\frac{1}{4}$) of Section Thirty-four (34), Township Seventy-six (76) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, described as being 10 feet, measured perpendicular, on each side of the following described line: Commencing at the Southwest Corner of the East 22 acres of the Northeast Fractional Quarter ($\frac{1}{4}$) of the Northeast Quarter ($\frac{1}{4}$) of said Section Three (3), thence North 330.0 feet; thence East 439.33 feet to the point of beginning; thence North 675.0 feet; thence North 46°37' West 393.5 feet; thence North 21°27' West 500.0 feet to the point of termination.