



Document 2023 1266

Book 2023 Page 1266 Type 06 001 Pages 7

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BRANDY MACUMBER, COUNTY RECORDER

MADISON COUNTY IOWA

CHEK

Prepared by and return to: James L. Bergkamp, Jr., PO Box 8, Adel, IA 50003 515-993-1000

Easement, License and Maintenance Agreement

This **Easement, License and Maintenance Agreement** is entered into on this ____ day of May, 2023 by and between Dennis Ray Faust and Tracy Lynn Faust, husband and wife (collectively, "**Faust**"), and Matthew Conaway and Jessica Conaway, husband and wife, (collectively, "**Conaway**").

Recitals

- A. Faust is the titleholder of the real estate legally described as: The East Half (1/2) of the Northwest Quarter (1/4), **AND** the Northwest Quarter (1/4) of the Northeast Quarter (1/4) of Section Seventeen (17), in Township Seventy-six (76) North, Range Twenty-nine (29) West of the 5th P.M., Madison County, Iowa, **EXCEPT** the West 293.9 feet of the North 173.0 feet of said Northwest Quarter (1/4) of the Northeast Quarter (1/4) of said Section Seventeen (17), **AND EXCEPT** a tract of land in the Northwest Quarter (1/4) of the Northeast Quarter (1/4) of said Section Seventeen (17), containing 1.521 acres, as shown in Plat of Survey filed in Book 2, Page 66 on April 6, 1987, in the Office of the Recorder of Madison County, Iowa, **AND EXCEPT** Parcel "C" located in the Northwest Quarter (1/4) of the Northeast Quarter (1/4) of said Section Seventeen (17), containing 1.501 acres, as shown in Plat of Survey filed in Book 2009, Page 783 on March 18, 2009, in the Office of the Recorder of Madison County, Iowa (the "**Faust Property**").
- B. Conaway is the titleholder of the real estate legally described as: A parcel of land described as the West 293.9 feet of the North 173 feet of the Northwest Quarter (1/4) of the Northeast Quarter (1/4) of Section Seventeen (17) in Township Seventy-six (76) North, Range Twenty-nine (29) West of the 5th P.M., Madison County, Iowa, containing 1.1672 Acres including 0.2227 Acres of County Road Right of Way (the "**Conaway Property**").
- C. Faust was previously the titleholder of both the Faust Property and the Conaway Property and conveyed the Conaway Property to Conaway by virtue of a warranty deed dated April 22, 2022 and recorded on May 25, 2022 in Book 2022 at Page 1551.

- D. The separation of the Conaway Property from the Faust Property has created the need for certain easements for access, licenses for well and septic system use and agreements concerning maintenance, as a driveway, a well and a septic system has serviced the Conaway Property and the Faust Property when it was all one property with one owner.
- E. The Conaway Property is adjacent to 180th Street and a driveway from 180th Street cuts through the eastern part of the Conaway Property and the Faust Property as depicted on **Exhibit A** attached hereto and incorporated herein by this reference (the “**Driveway**”). The driveway provides access to the Conaway Property and the Faust Property, particularly a shop situated on the Faust Property. An access easement over that portion of the driveway situated on the Conaway Property in favor of the Faust Property is necessary to provide access to the shop on the Faust Property.
- F. A septic system is situated on both the Conaway Property and the Faust Property with lines running to and servicing the house situated on the Conaway Property and a shop situated on the Faust Property (the “**Septic System**”). The Septic System and the laterals for the Septic System are situated on the Conaway Property and the Faust Property as depicted on **Exhibit B** attached hereto and incorporated herein by this reference.
- G. A well is situated on the Conaway Property near the tree line on the west side of the Conaway Property (the “**Well**”). The Well location is depicted on **Exhibit C** attached hereto and incorporated herein by this reference. The Well is used by both Conaway and Faust.

Covenants

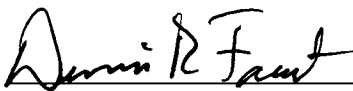
The parties agree as follows:

1. **Shop Access Easement.** Conaway hereby grants Faust a permanent and perpetual nonexclusive access easement over that portion of the Driveway situated on the Conaway Property as shown on Exhibit A (the “**Access Easement Area**”) in favor of the Faust Property (the “**Access Easement**”). This easement shall run with the land and be binding on the heirs, successors and assigns of the titleholders of the Conaway Property and the Faust Property. Conaway shall be responsible for maintenance of the Access Easement Area. Conaway shall keep the Access Easement Area in good repair and free of obstructions. Faust shall reimburse Conaway for 50% of the cost of rock, grading and general repair and maintenance of the Access Easement Area.
2. **Septic System Easement and License.** The parties hereby grant each other a permanent and perpetual easement and license to use and have access to the Septic System over, under and through the septic system area on the other party’s property as depicted on Exhibit B (the “**Septic System Easement Area**”). The parties shall share the responsibility and cost

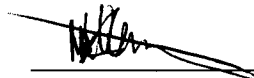
of maintenance of the Septic System, including the laterals, on a 50% - 50% basis. Notwithstanding the foregoing, the parties shall each be solely responsible for the maintenance and cost of maintenance of such party's own line servicing such party's property. The parties shall not allow vehicles to be driven over the laterals within the Septic System Easement Area. This easement and license shall run with the land and be binding on the heirs, successors and assigns of the titleholders of the Conaway Property and the Faust Property.

3. **Well Easement and License.** Conaway hereby grants Faust a permanent and perpetual easement and license to use and have access to the Well over that portion of the Conaway property depicted on Exhibit C (the "**Well Area**"). The parties shall share the responsibility and cost of maintenance of the Well, in the following percentages: Conaway 50% and Faust 50%. Notwithstanding the foregoing, the parties shall each be solely responsible for the maintenance and cost of maintenance of such party's own line servicing such party's property. This easement and license shall run with the land and be binding on the heirs, successors and assigns of the titleholders of the Conaway Property and the Faust Property.

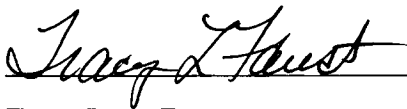
The parties execute this Easement, License and Maintenance Agreement on the first date written above.



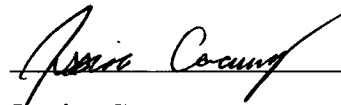
Dennis Ray Faust



Matthew Conaway



Tracy Lynn Faust

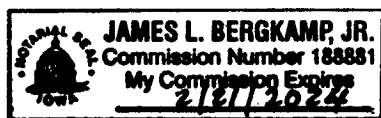


Jessica Conaway

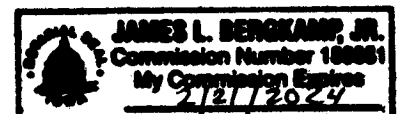
State of Iowa

County of Dallas

This record was acknowledged before me on May 25, 2023 by Dennis Ray Faust and Tracy Lynn Faust, husband and wife.


James L. Bergkamp, Jr.

Notary Public



State of Iowa

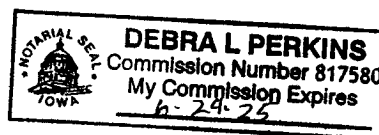
County of Madison

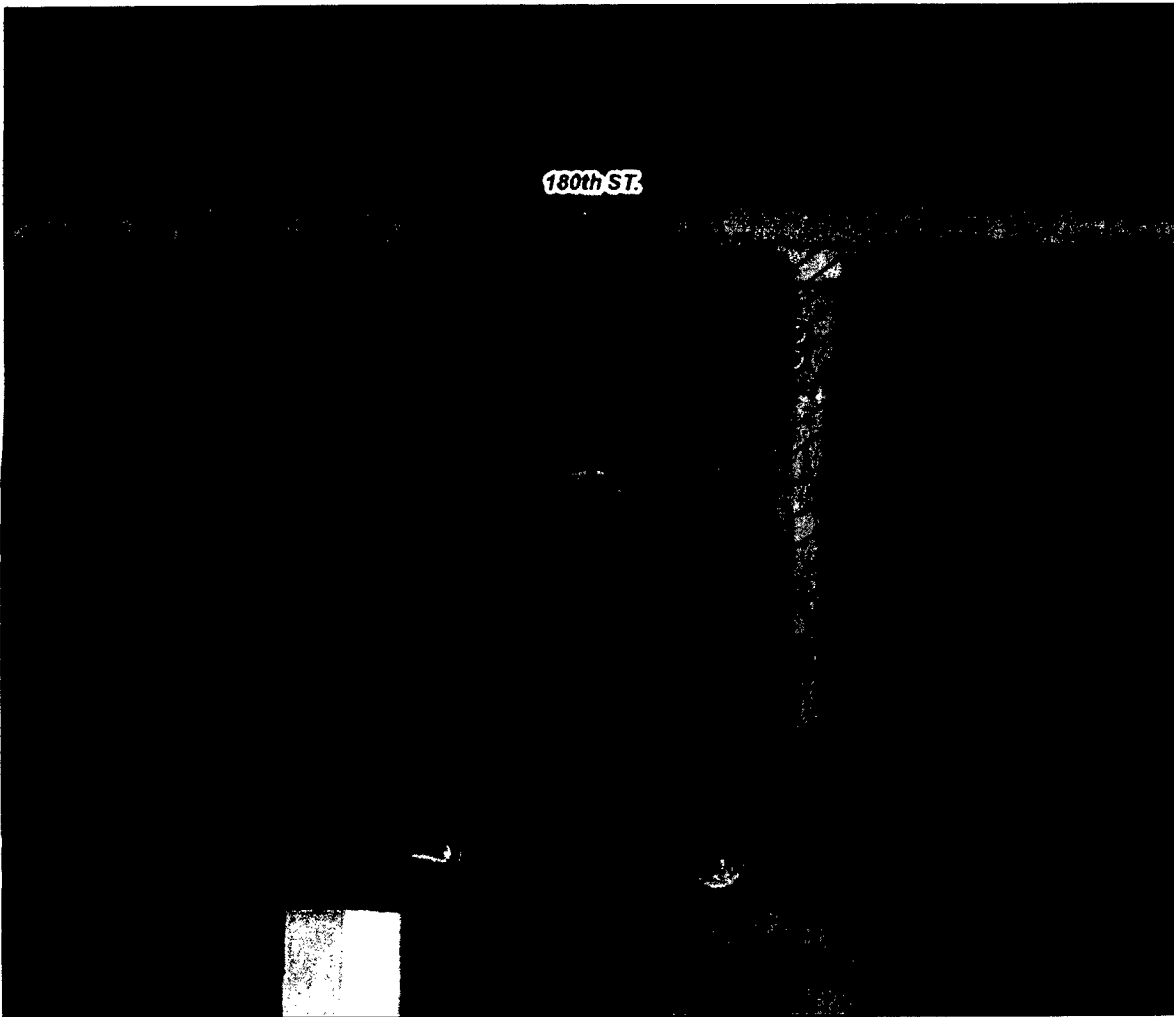
This record was acknowledged before me on May 26, 2023 by Matthew Conaway and Jessica Conaway, husband and wife.

Debra L Perkins

Debra L. Perkins

Notary Public





Overview



Legend

- ☐ Parcels
- ☐ Townships
- ☐ Sections
- ☐ City Limits
- ☐ Road Centerlines

Parcel ID 290051724020000
Sec/Twp/Rng 17-76-29
Property Address 1154 180TH ST
DEXTER

Alternate ID n/a
Class A
Acreage 1.17

Owner Address Faust, Dennis Ray & Tracy Lynn
1154 180Th St
Dexter, IA 50070-

District JACKSON WINTERSET WFD
Brief Tax Description 1.17A NW COR NW NE
(Note: Not to be used on legal documents)

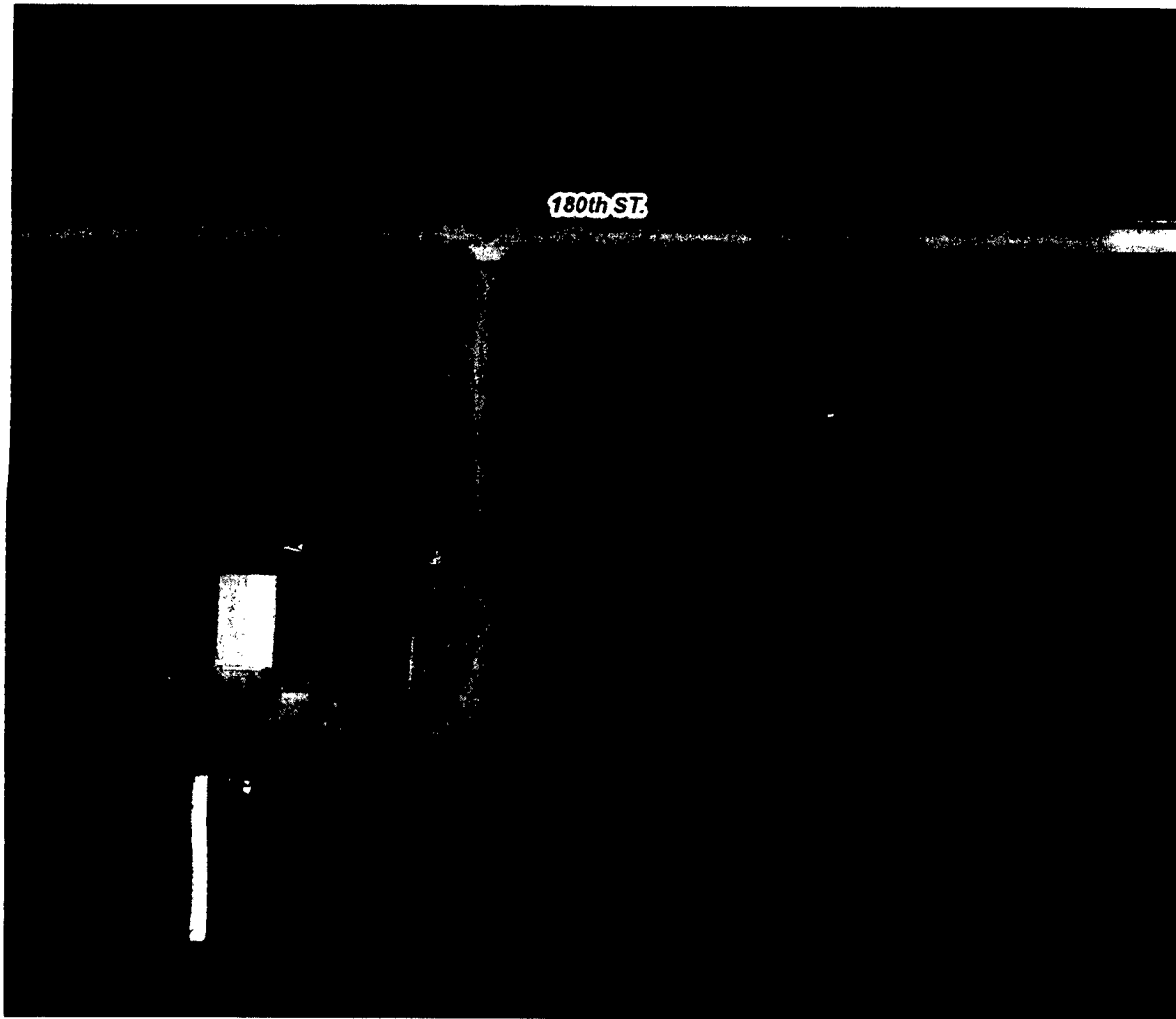
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Hatched
Area =

~~Shop~~ Access Easement
Area



Overview



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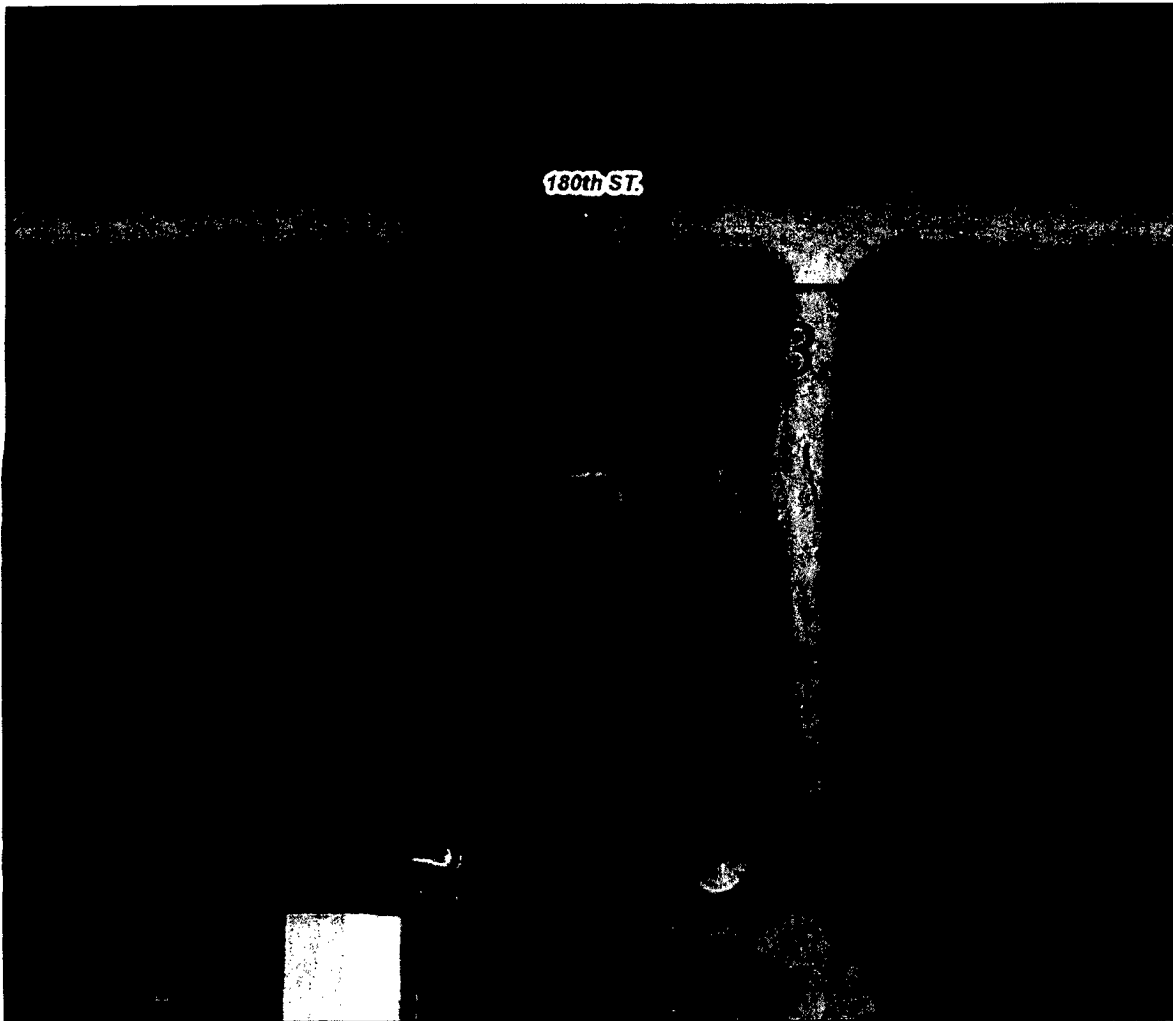
Parcel ID	290051724020000	Alternate ID	n/a	Owner Address	Faust, Dennis Ray & Tracy Lynn
Sec/Twp/Rng	17-76-29	Class	A		1154 180Th St
Property Address	1154 180TH ST	Acreage	1.17		Dexter, IA 50070-
	DEXTER				

District JACKSON WINTERSET WFD
Brief Tax Description 1.17ANW COR NW NE
 (Note: Not to be used on legal documents)

Date created: 4/29/2022
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 GEOSPATIAL

 Hatched Area =
 Septic System Easement
~~and license~~ Area



Overview



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Property Address 1154 180TH ST
DEXTER

Alternate ID n/a
Class A
Acreage 1.17

Owner Address Faust, Dennis Ray & Tracy Lynn
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Dexter, IA 50070-

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Hatched Area =
Well Area