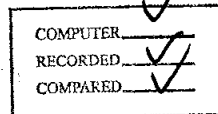


REC \$ 10⁰⁰
AUD \$
R.M.F. \$ 1⁰⁰
5⁰⁰

2003 AUG 13 AM 11:23

MICKI UTSLER
RECORDER
MADISON COUNTY, IOWA

Preparer

Information: Jerrold B. OliverP.O. Box 230Winterset(515) 462-3731**EASEMENT**

KNOW ALL MEN BY THESE PRESENTS:

Cyrus B. McDonald and M. Jean McDonald, a/k/a Marjorie Jean McDonald, Husband and Wife, hereinafter referred to as GRANTORS, in consideration of One Dollar and Other Valuable Consideration, hereby grant and convey unto Warren Water, Inc., hereinafter referred to as GRANTEE, its successors and assigns, a perpetual easement with the right to erect, construct, install, lay and thereafter use, operate, inspect, repair maintain, replace and remove waterlines and appurtenances thereto, over, across and through the land of the GRANTORS situated in Madison County, Iowa, being more specifically described as follows:

The South 65' of Parcel "B" - Part of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 35, Township 77 North, Range 28 West of the 5th P.M., Madison County, Iowa, described as follows: Commencing at an iron bolt at the center of said Section 35; thence S89°44'28" E a distance of 266.00' To the Point of Beginning; thence N00°18'31" E a distance of 910.00'; thence S89°44'28" E a distance of 1052.61'; thence S00°31'37" W a distance of 910.00'; thence N89°44'28" W a distance of 1049.14' To the Point of Beginning; having an area of 21.95 acres including 1.08 acres of county road right of way, AND

The South 65' and the West 65' of Parcel "A" - The West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 35, Township 77 North, Range 28 West of the 5th P.M., Madison County, more particularly described as follows: Beginning at the West $\frac{1}{4}$ corner of said Section 35; thence N00°22'28" E a distance of 1315.94'; thence S89°47'19" E a distance of 658.71'; thence S00°21'29" W a distance of 1314.62'; thence N89°54'13" W a distance of 659.09' to the point of beginning, having an area of 19.90 acres including 1.64 acres of county road right of way, AND

The West 65' of Parcel "D" - Part of the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 26, and Part of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 35 all in Township 77 North, Range 28 West of the 5th P.M., Madison County, described as follows: Beginning at the NW Corner of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$; of said Section 35; thence N00°22'28" E a distance of 1315.94'; thence N00°26'41" E a distance of 1314.25'; thence S89°57'38" E a distance of 356.51'; thence S00°26'41" W a distance of 632.20'; thence S89°57'38" E a distance of 230.74'; thence S00°26'41" W a distance of 356.68'; thence N89°57'38" W a distance of 231.46'; thence S89°57'38" E a distance of 231.46'; thence N89°57'38" W a distance of 230.74'; thence S00°26'41" W a distance of 325.50'; thence S00°22'28" W a distance of 1316.88'; thence N89°47'19" W a distance of 356.50' to the Point of Beginning, having an area of 23.42 acres of land including 2.00 acres of county road right of way

The Easement shall be 32 feet in width, the centerline of which shall be the water pipeline and the necessary appurtenances thereto.

Grantor, during initial construction and after construction is completed, during any repair of such waterline and appurtenances, shall:

1. Pay crop damages to Grantees.
2. Repair any fences and tile lines damaged by Grantee, or any persons performing such work for Grantee.
3. Restore the grade of the land to the same grade that existed prior to the construction, repair or maintenance of such pipeline and appurtenances.

4. Not destroy or disturb any trees growing on said premises.

The grant and other provisions of this easement shall constitute a covenant running with the land for the benefit of the GRANTEE, its successors and assigns.

IN WITNESS WHEREOF, the GRANTORS have executed this instrument this 10 day of July, 2003.


Cyrus B. McDonald


M. Jean McDonald

STATE OF IOWA, MADISON COUNTY, ss:

On this 10 day of July, 2003, before me, the undersigned, a Notary Public in and for the said State, personally appeared, Cyrus B. McDonald and M. Jean McDonald, 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

