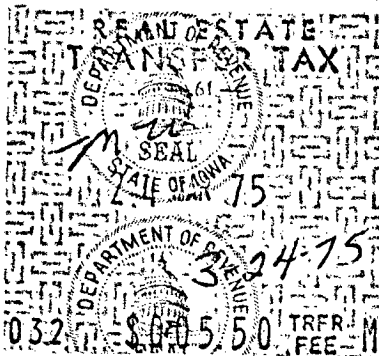




IND. 7
REC. 1
PAGE 1

FILED NO. 246
BOOK 111 PAGE 318
1975 MAR -3 PM 1:43

EASEMENT AND GRANT FOR PUBLIC HIGHWAY,
RAILROAD CROSSING, PRIVATE WATER LINE
AND PRIVATE WATER WELL

MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA
No fee 8pgs

WHEREAS, Madison County, Iowa, hereinafter called "County", is desirous of obtaining additional right of way for the construction, upgrading and widening County Secondary Road No. R-2843 in Madison County, Iowa, pursuant to Madison County Road Project No. 2-74, and said additional right of way is now owned by Penn-Dixie Cement Corporation, now known as Penn-Dixie Industries, Inc., Cement Division, and

WHEREAS, Penn-Dixie Cement Corporation, now known as Penn-Dixie Industries, Inc., Cement Division, a Delaware corporation, duly licensed to do business in Iowa, hereinafter called "Penn-Dixie", is willing to grant said additional right of way and is desirous of obtaining in return an easement for its railroad crossing transversing said county road, an easement for Penn-Dixie's private water line and private water well which will then be located in the said county highway right of way;

NOW, THEREFORE, in consideration of the mutual grants of easement contained herein and the payment to Penn-Dixie by the county of the sum of \$5,052.65, on the 3rd day of September, 1975, payment of which is hereby acknowledged, the following easements are hereby granted by the respective parties stated therein.

EASEMENT FOR COUNTY HIGHWAY

Penn-Dixie does hereby grant and convey to Madison County, Iowa, the exclusive right and easement to enter upon, to construct, operate and maintain a public highway with drainage ditches and appurtenances thereto along the present existing roadway in Sections 31 and 32, Township 76 North, Range 27 West of the 5th P.M. in Madison County, Iowa; said easement for public highway purposes is granted by Penn-Dixie in the dimensions set out below and more specifically described in the plans and profile of Project 2-74 now on file in the Madison County Engineer's Office covering the above described project in Sections 31 and 32 as stated:

In Section <u>31 & 32</u>		Township <u>76N</u>	Range <u>27W</u>	Commencing at	
Station <u>71 + 00</u>	to Station <u>80 + 92</u>	a strip <u>65</u> feet wide		Lt.	side, from
Station <u>00 + 55</u>	to Station <u>2 + 50</u>	a strip <u>40</u> feet wide		Rt.	side, from
Station <u>2 + 50</u>	to Station <u>18 + 50</u>	a strip <u>55</u> feet wide		Rt.	side, from
Station <u>18 + 50</u>	to Station <u>20 + 50</u>	a strip <u>55-70</u> feet wide		Rt.	side, from
Station <u>20 + 50</u>	to Station <u>22 + 50</u>	a strip <u>70-55</u> feet wide		Rt.	side, from
Station <u>22 + 50</u>	to Station <u>52 + 25</u>	a strip <u>55</u> feet wide		Rt.	side, from
Station <u>52 + 25</u>	to Station <u>52 + 73.2</u>	a strip <u>55-113.2</u> feet wide		Rt.	side, from
Station <u>543 + 00</u>	to Station <u>544 + 00</u>	a strip <u>40-65</u> feet wide		Rt.	side, from
Station <u>544 + 00</u>	to Station <u>550 + 25</u>	a strip <u>65</u> feet wide		Rt.	side, from
Station <u>550 + 25</u>	to Station <u>53 + 90</u>	a strip <u>65-110</u> feet wide		Rt.	side, from
Station <u>53 + 90</u>	to Station <u>56 + 77</u>	a strip <u>110-65</u> feet wide		Rt.	side, from
Station _____	to Station _____	a strip _____ feet wide			side.

Measured from center line of proposed highway as shown on plans for Project No. 2-74

UNION TWP
T-76N R-27W
SEC 32

P1 Sta 63+42.2
A: 0° 21' 12" Lt



18' cnp w/ conc header DA-HA Inc.

Sta 62+37 Dr Lt 15' x 20' cnp

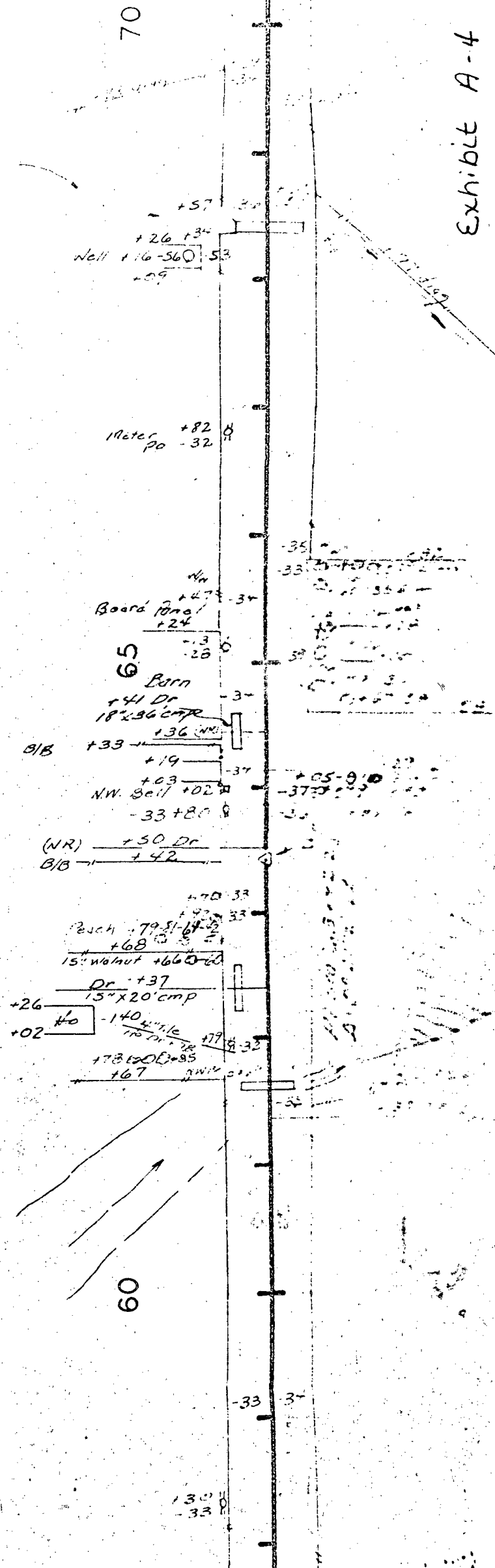
Grading Contr to remove present structure

Sta 63+50 Dr Lt

PENN - DIXIE

Sta 64+41 27 Lt 18' x 36' cnp

Grading Contr to remove present structure



In Section	31 & 32	Township	76 N	Range	27 W	Commencing at
Station	8 + 29	to Station	11 + 62	a strip	55 feet wide	Lt side, from
Station	11 + 62	to Station	27 + 07	a strip	60 feet wide	Lt side, from
Station	27 + 07	to Station	29 + 79	a strip	50 feet wide	Lt side, from
Station	29 + 79	to Station	52 + 25	a strip	60 feet wide	Lt side, from
Station	52 + 25	to Station	52 + 73.2	a strip	60-111.2 feet wide	Lt side, from
Station	543 + 00	to Station	544 + 00	a strip	40-65 feet wide	Lt side, from
Station	544 + 00	to Station	552 + 25	a strip	65 feet wide	Lt side, from
Station	54 + 50	to Station	61 + 67	a strip	65 feet wide	Lt side, from
Station	61 + 67	to Station	64 + 00	a strip	50 feet wide	Lt side, from
Station	64 + 00	to Station	65 + 25	a strip	33 feet wide	Lt side, from
Station	65 + 25	to Station	68 + 63	a strip	33-90 feet wide	Lt side, from
Station	68 + 63	to Station	71 + 00	a strip	90-65 feet wide	Lt side.

Measured from center line of proposed highway as shown on plans for Project No. 2-74

The County is to have and to hold the easement for public highway so long as the County shall continue to operate and maintain the granted property for public highway purposes.

EASEMENT AND GRANT FOR RAILROAD CROSSING

The County does hereby grant and convey to Penn-Dixie the right and easement to occupy, use, maintain and repair its line of railroad over and upon the public County Highway No. R-2843 in Madison County, Iowa, being a strip of land approximately 15 feet in width crossing said highway on a north-south diagonal at Station 16 + 50 feet in Section 31, Township 76 North, Range 27 West of the 5th P.M. in Madison County, Iowa, more nearly located on the plans and profile for Project No. 2-74 now on file in the County Engineer's Office, a portion of said plan being attached and marked Exhibit "A-2".

Penn-Dixie is to have and hold the same grant and easement for railroad right of way until Penn-Dixie, its successors, assigns or heirs shall discontinue to operate said railroad.

EASEMENT FOR PRIVATE WATER LINE

The County does hereby grant and convey to Penn-Dixie the right and easement to occupy, use, maintain, and repair and replace a private water line to be located in a portion of the public right of way along the south side of the County Secondary Road No. R-2843 in Section 31, Township 76 North, Range 27 West of the 5th P.M. in Madison County, Iowa. Such easement shall start at Station 0 + 80 and continue to Station 0 + 97, then from Station 27 + 00 to Station 29 + 40. This easement shall be more specifically located and described in the plan and profile of Project 2-74 now on file in the Madison County Engineer's Office, a portion of said plan being attached and marked Exhibit "A-1, 2, and 3".

Penn-Dixie is to have the right of ingress and egress along the public right of way in order to properly maintain, repair or replace said private water line, and it shall hold this grant and easement until Penn-Dixie, its successors, assigns or heirs at law shall discontinue to operate and use said private water line.

-3-

EASEMENT FOR PRIVATE WATER WELL

The County does hereby grant and convey to Penn-Dixie the right and easement to occupy, use, maintain, repair and replace the private water well presently located at 53 feet left of Station 68 + 16 which will be within the expanded public right of way in Section 32, Township 76 North, Range 27 West of the 5th P.M. in Madison County, Iowa, more specifically located and described in detail on the plans and specifications of Project No. 2-74 now on file in the County Engineer's Office, a portion of said plan being attached and marked Exhibit "A-4".

Penn-Dixie is to have and hold the same grant and easement concerning the private water well and shall have the right of ingress and egress onto the public right of way in order to properly use, maintain, repair and replace said water well, wind mill, and water line, and any other appurtenances to properly use, operate and maintain said private water well.

Penn-Dixie is to have and hold the same grant and easement for purposes of using and maintaining a private water well until Penn-Dixie, its successors, assigns or heirs at law shall discontinue to operate and use said private water well.

MADISON COUNTY, IOWA, through
the MADISON COUNTY BOARD OF
SUPERVISORS

PENN-DIXIE CEMENT CORP., k/n/a
PENN-DIXIE INDUSTRIES, INC.,
CEMENT DIVISION

By H.W. Callison

By O.J. Glantz
By Stephen Modell
Cust Secy

STATE OF New York)
COUNTY OF New York) SS.

On this 14 day of February, 1975, before me, the undersigned, a Notary Public in and for said County, in said State, personally appeared O.J. Glantz and Stephen Modell, to me personally known, who, being by me duly sworn, did say that they are the Vice President and Assistant Secretary respectively, of said corporation executing the within and foregoing instrument to which this is attached, that no seal has been procured by the said corporation; that said instrument was signed on behalf of said corporation by authority of its Board of Directors; and that the said O.J. Glantz and Stephen Modell as such officers acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.

Christine B. Henry
Notary Public

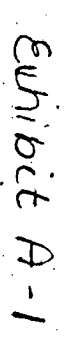
CHRISTINE B. HENRY
Notary Public, State of New York
No. 60-4520574
Qualified in Westchester County
Certificate filed in New York County
Commission Expires March 30, 1976

STATE OF Iowa)
) SS.
COUNTY OF Madison)

On this 4TH day of JANUARY, 1975, before me, the undersigned, a Notary Public in and for said County, in said State, personally appeared Herb W. Callison, to me known to be the identical person named in and who executed the within and foregoing instrument and acknowledged that he executed the same as his voluntary act and deed.

Angela McRee
Notary Public





UNION TWP.
SEC 31
T-76NR-27V

PENN-DIXIE

Exhibit A-2

DEED REC. 111 - 323

PLOTTED			
ALIGNMENT CHECKED			
RT. OF WAY CHECKED			

SEC 31

Sta 27+00 to Sta 28+00
Grading Contr to remove present
structure

25

Sta 27+00

(R) 18' x 28' CMP

Sta 29+40

30

Sta 29+79 to Sta 30+00
Grading Contr to remove present
structure

(HR) 18' x 28' CMP

Exhibit A-3

35

Sta 31+37 to Sta 32+00
Grading Contr to remove present
structure