

Town Lot Deed Record, No. 37

Edwin R. Smith & wife	#3966	Filed for record the 20 day of October
To		A. D. 1961 at 2:06 o'clock P. M.
	Fee \$2.50	<i>VJS</i>
Town of Earlham, Iowa		Mary E. Welty, Recorder
<u>EASEMENT FOR SEWER RIGHT-OF-WAY</u>		

That we, Edwin R. Smith and Marjorie Smith, husband and wife, of the County of Madison and State of Iowa, in consideration of the sum of One Dollar (\$1.00) and other valuable considerations, in hand paid by the Town of Earlham, Iowa, the receipt of which is hereby acknowledged, do hereby sell, grant, and convey unto the Town of Earlham, Iowa, in the County of Madison and State of Iowa, a perpetual easement and right of way under, through and across:

A ten (10) foot permanent right of way easement located in the Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 6, Township 77 North, Range 28 West of the 5th P.M., in Madison County, Iowa, the centerline of which is more particularly described as follows:

Commencing at the Southwest corner of the Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 6; thence North along the West line of said Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) a distance of approximately 520 feet to the point of beginning; thence Northeasterly a distance of approximately 697 feet to a point located approximately 1,120 feet North and 355 feet East of said Southwest corner; thence East a distance of approximately 15 feet to an existing manhole.

The exact location of the sewer line in the permanent right-of-way to be fixed by the Engineer for the Town of Earlham, Iowa,

for the construction of a sewer with the right in said Town to construct and forever maintain a sewer through, under and across said real estate along said line.

The Town of Earlham, Iowa, to have the right to enter in, upon and onto said property for the purpose of constructing said sewer and for the purpose of replacing, enlarging, reconstructing or repairing said sewer whenever necessary, and to have the right to use as much of the surface whenever necessary, for the purpose of constructing, repairing, enlarging or maintaining said sewer, but for no other use or purpose whatsoever.

And we hereby COVENANT with the Town of Earlham, Iowa, that we hold said premises by good and perfect title free and clear of liens and encumbrances and that we have good right and

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lawful authority to make the conveyance herein made and we WARRANT and DEFEND said premises against the lawful claims of all persons claiming by, through or under us.

IN WITNESS WHEREOF, we have hereunto affixed our hands this 19th day of October A.D. 1961.

OWNERS

Edwin R. Smith
(Edwin R. Smith)
Marjorie Smith
(Marjorie Smith)

STATE OF IOWA MADISON COUNTY : SS

BE IT REMEMBERED, that on this 19th day of October A.D. 1961, before me, a notary public within and for said County and State, personally appeared Edwin R. Smith and Marjorie Smith, husband and wife, to me known to be the identical persons named in and who executed the same as their voluntary act and deed for the purpose therein set forth.

NOTARIAL
SEAL

Marian A. Mark Notary Public
in and for Madison County, Iowa.