

Town Lot Deed Record, No. 35

Merritt W. Harris et al
To

#1675

Filed for record the 15 day of February
A. D. 1955 at 10:30 o'clock A. M.

Fee \$ 1.80 ☒

Town of Earlham

Mary E. Welty, Recorder

EASEMENT AGREEMENT

THIS AGREEMENT made and entered into this 20 day of December, A. D., 1954, by and between MERRITT W. HARRIS AND ATHOLL HARRIS, husband and wife, and GORDON STANDING AND MARIE STANDING, husband and wife, all of Earlham, Madison County, Iowa, hereinafter designated as Parties of the First Part, which expression shall include his, her, or their heirs, executors, administrators, agents, or assigns where the context so requires or admits and the TOWN OF EARLHAM, Madison County, Iowa, hereinafter designated Party of the Second Part, WITNESSETH:

That for and in consideration of the sum of One Dollar (\$1.00), cash in hand paid, the receipt of which is hereby acknowledged, the Parties of the First Part have this day bargained and sold and by these presents do bargain, sell, convey, transfer and deliver unto Second Party, a permanent easement and right of way, including the perpetual right to enter upon the real estate hereinafter described, at any time it may see fit, and construct, maintain and repair the underground pipeline or main for the purpose of conveying water across, through and under the lands hereinafter described, together with the right to excavate and refill ditches and/or trenches and the further right to remove obstructions interfering with the location, construction and maintenance of said pipeline and/or main.

The easement and right of way hereby granted covers a strip of land Four (4) Feet in width over and across a portion of Out Lot Four (4) of Academy Out Lots to the TOWN OF EARLHAM, Madison County, Iowa, and particularly described by meter and bounds, as follows:

Commencing 161 Feet West of the Southeast Corner
of Out Lot Four (4) of Academy Out Lots to the Town
of Earlham, Madison County, Iowa, thence North 580
Feet, thence West Four (4) Feet, thence South 580
Feet, thence East Four (4) Feet, to the place of
beginning.

The Parties of the First Part do hereby covenant with the Second Party they are lawfully seized and possessed of the above described real property, that they have a good and lawful right to convey it, or any part thereof, that it is free and clear from all encumbrances, and they will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.

The Parties of the First Part shall fully use and enjoy the aforesaid premises except as to easement herein granted; and the Second Party hereby agrees to pay any damage or damages which may arise to the property, premises, or rights of the Parties of the First Part in the event it ever becomes necessary for the Second Party to repair or replace any of said pipeline and/or water main as now established on the real property above described.

Second Party agrees to pay the cost of recording and the legal fees of this easement.

IN WITNESS WHEREOF, the parties hereto have executed this easement agreement in triplicate originals on the day and year last above written and the parties hereto upon the execution of the same acknowledge receipt of one original agreement.

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TOWN OF EARLHAM, IOWA
By C. O. Bricker
(Second Party) Mayor.
Attest: H. Claude Peer
(TOWN OF EARLHAM SEAL) Town Clerk

Merritt W. Harris
Merritt W. Harris
Atholl Harris
Atholl Harris

Gordon Standing
Gordon Standing
Marie Standing
Marie Standing
(First Parties)

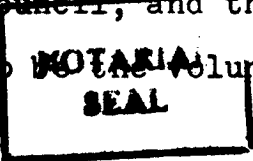
STATE OF IOWA COUNTY OF MADISON: SS

On this 20 day of December, A. D., 1954, before me, H. Claude Peer a Notary Public in and for the County of Madison, State of Iowa, personally appeared Merritt W. Harris, Atholl Harris, Gordon Standing and Marie Standing 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.

(Notarial Seal) H. Claude Peer Notary Public
in and for said Co.

TOWN ACKNOWLEDGEMENT
STATE OF IOWA COUNTY OF MADISON : SS

On this 20 day of December, A. D., 1954, before me the undersigned a Notary Public in and for Said County, personally appeared Carl O. Bricker, to me personally known, who being by me duly sworn did say that he is the Mayor of the Town of Earlham, Madison County, Iowa, that seal affixed to said instrument is the seal of the Town of Earlham, Iowa, and that said instrument was signed and sealed on behalf of said municipal corporation by authority of its Town Council, and the said Carl O. Bricker, as Mayor, acknowledged the execution of said instrument to be the voluntary act and deed of said municipal corporation by it voluntarily executed.

 H. Claude Peer Notary Public
in and for Said County and State.