

Deed Record, No. 91, Madison County, Iowa

FIDLAR & CHAMBERS CO., DAVENPORT, IOWA 54101

John Horras	#724	Filed for record the 31 day of January
To		A. D. 1961 at 4:30 o'clock P. M.
Virginia Marie Cunningham	Fee \$1.80 $\sqrt{15}$	Mary E. Welty, Recorder
& Edward H. Cunningham	<u>EASEMENT</u>	

WHEREAS, Virginia Marie Cunningham and Edward H. Cunningham of Madison County, Iowa, are the owners of the following described real estate, to-wit:

Commencing at a point 60 Feet North and 430 Feet West of the Southeast corner of Section 35 in Township 76 North, Range 28 West of the 5th P. M., running thence North 208.71 Feet, Thence East 160 Feet, thence South 208.71 Feet, thence West 160 Feet to the place of beginning.

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and,

WHEREAS, the undersigned, John Horras, is the owner of the real estate which lies North and West of said real estate belonging to said Virginia Marie Cunningham and Edward H. Cunningham, and,

WHEREAS, the parties hereto having agreed upon the terms of the grant of easement provided for herein,

NOW, THEREFORE, I John Horras, single, of Madison County, Iowa for and in consideration of the sum of One Hundred Twenty-five Dollars (\$125.00), receipt of which is hereby acknowledged, hereby sell, convey, and grant unto the said Virginia Marie Cunningham and Edward H. Cunningham, as joint tenants with full right of survivorship and not as tenants in common, a permanent easement in the following described real estate, to-wit:

Commencing at the Northwest corner of said real estate of Virginia Marie Cunningham and Edward H. Cunningham herein before described, running thence West 0° 00' 388.71 Feet, thence South 0° 00' 12 Feet, thence West 0° 00' 27.31 Feet, thence South 56° 17' West 224.77 Feet, thence North 23° 43' West 20 Feet, thence North 56° 17' East 259 Feet, thence East 0° 00' 413.11 Feet, thence South 0° 00' 20 Feet, thence West 0° 00' 20 Feet to the point of beginning

to construct, lay, maintain, repair, and replace underground sewer lines in, across, through, and under said tract for the purpose of conducting and carrying away drainage from a septic tank and other drainage from the said premises of the said Virginia Marie Cunningham and Edward H. Cunningham, together with soil drainage as may be incidental thereto, with the right to excavate and refill ditches and trenches for the location of such sewer lines and to maintain, repair, keep in operation, reconstruct, replace, deepen, or remove said sewer lines or any part thereof and to have the right to enter upon said premises in which this easement is granted and to have the right of ingress and egress therefrom for the accomplishment of any or all of said things, and said sewer may be laid with the type of tile commonly known as field tile with open joints between the tiles, or such other tile or pipe as may be desired by said Virginia Marie Cunningham and Edward H. Cunningham, and such sewer lines shall be located under the surface of the ground to such a depth that they will not interfere with the cultivation of said land by any implement or machinery such as are now commonly in use in the cultivation of farm land in Madison County, Iowa, and said easement is granted to said Virginia Marie Cunningham and Edward H. Cunningham, as joint tenants with full right of survivorship and not as tenants in common, and to their successor or successors in interest in the ownership of the said real estate herein before described and referred to as belonging to them, thus providing that this easement is an easement running with and attached to said real estate; and if any crops or personal property are destroyed or damaged in maintaining, repairing, replacing, or removing such tile drain or any part thereof payment will be made therefor on the basis of the fair and reasonable value thereof to the owner of the crops or personal property damaged or destroyed.

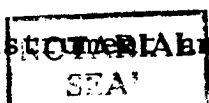
Further, this Easement is granted with the understanding that grantees shall fence the area immediately adjacent to the outlet of said sewer line sufficient to keep livestock away from said outlet.

Dated at Winterset, Iowa, this 31st day of January, 1961.

John Horras
John Horras

STATE OF IOWA MADISON COUNTY : ss

On this 31st day of January, 1961, before me, a Notary Public, personally appeared John Horras to me known to be the person who is named in and who executed the foregoing instrument and acknowledged that he executed the same as his voluntary act and deed.

 Lewis H. Jordan Notary Public
in and for Madison County, Iowa