

Deed Record, No. 78, Madison County, Iowa

ACRES-BLACKMAR CO., BURLINGTON, 23057

Earl E. Clements

#4090

Filed for record the 6 day of November
A.D. 1942 at 9:00 o'clock A.M.

To

Fee \$.70

Pearl E. Shetterly, Recorder
Easement No. 397

Iowa Power & Light Co.

GRANT OF RIGHT OF WAY

For and in consideration of the sum of One Dollar (\$1.00), receipt of which is hereby acknowledged, and the further consideration of Twenty-five no/100 Dollars (\$25.00) to be paid to Earl E. Clements by Iowa Power and Light Company, an Iowa corporation, when and as erection of the towers, poles and lines described herein shall commence, the undersigned, Earl E. Clements, single do hereby grant, convey and warrant unto the said Iowa Power and Light Company its successors, assigns and lessees the right and easement to erect, reconstruct, operate and maintain under varying conditions of operation, renew and remove an electric transmission and distribution line, the wood and steel poles and towers, anchors, guys, cross arms, insulators, conductors and other equipment appurtenant thereto for the transmission and distribution of electric energy in, upon, across and over certain lands owned by Grantor situated in the Southwest $\frac{1}{4}$ of Section 15 Twp 77N, Range 28W of 5th P.M. Madison County, State of Iowa, and described as follows:

The Southwest $\frac{1}{4}$ (SW $\frac{1}{4}$) of the Southwest $\frac{1}{4}$ (SW $\frac{1}{4}$); and the West $\frac{1}{2}$ (W $\frac{1}{2}$) of the Southeast $\frac{1}{4}$ (SE $\frac{1}{4}$) of the Southwest $\frac{1}{4}$ (SW $\frac{1}{4}$) of Section 15 Township 77N Range 28W of the 5th P.M. Madison County State of Iowa.

together with any lands contiguous thereto now owned or hereafter acquired by Grantor affecting the right of way of said electric line; together with the right of ingress to and egress from such lands over lands of Grantor for, and the right to trim or remove such trees, branches, shrubs, bushes and other obstacles as may interfere with, the safe, proper and expeditious erection, reconstruction, operation and maintenance under varying conditions of operation, renewal and removal of said line or any part thereof. Not more than none towers or poles or none pole structures of said line shall be located on said property of Grantor.

Grantee, Iowa Power and Light Company, shall repair any damage to property of Grantor, or pay any substantial damages which may be caused to ~~the~~ property of Grantor by the erection, reconstruction, operation, and maintenance under varying conditions of operation, renewal, and removal of said line, said damages, if not mutually agreed upon, shall be ascertained by three disinterested persons, one of whom shall be selected by each, Grantor and Grantee, their heirs or successors, assigns or lessees, and the third by the two so selected. The damages determined by such persons, or a majority of them, shall be conclusive as to the facts.

This Easement is intended to cover overhang rights only.

Subject to the foregoing this grant shall be binding upon the heirs, successors and assigns of the undersigned.

WITNESS the hand and seal of the Grantor this 20th day of July, 1942.

WITNESSED BY:

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Earl E Clements (Seal)
Accepted:
Iowa Power and Light Company
By C A Leland President

STATE OF IOWA COUNTY OF MADISON)ss.

I, Leonard E. Welch, do hereby certify that Earl E. Clements personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act, for the uses and purposes therein set forth.

GIVEN under my hand and seal this 20 day of July A.D. 1942.

Leonard E. Welch Notary Public

My Commission Expires: July 4, 1945

