

Deed Record, No. 78, Madison County, Iowa

W. E. Clague & wife

#4100

Filed for record the 6 day of November
A.D. 1942 at 9:27 o'clock A.M.

To

Fee \$.90 ✓

Pearl E. Shetterly, Recorder
Easement No 385

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 Two Hundred Forty-Nine Dollars (\$249.00) to be paid to W. E. Clague and Bernice Clague, his wife 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, W. E. Clague and Bernice Clague, his wife 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

Not Public Use
Deed Record 1127-392

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ACRES-BLACKMAR CO., BURLINGTON. 23057

of operation, renew and remove an electric transmission and distribution line, the wood poles and 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 Grantors, situated in Madison County, State of Iowa, and described as follows:

SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 31, and SW $\frac{1}{4}$ of SW $\frac{1}{4}$ and N $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 32, all in Twp. 77N., Range 28W., Madison County, Iowa.

The center line of the transmission line is to follow along the East side of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 31 with poles approximately one foot, but not more than six feet from the fence line, but with wires overhanging the SE corner of Section 31 approximately 27 feet and West side of SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 32 approximately 5 feet, thence North along the West side of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 32 approximately 32 feet East of the Section line with wires overhanging property line approximately 5 feet, thence East along the North line of said SW $\frac{1}{4}$ of Section 32 within approximately 5 feet South therefrom a distance of approximately 1600 feet, thence line turns Northeast across other property.

together with the right of ingress to and egress from such lands over lands of Grantor(s) 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 4 poles along the East side of Section 31, nor more than 6 poles along the North line of SW $\frac{1}{4}$ of Section 32 of said line shall be located on said property of Grantor(s).

Grantee, Iowa Power and Light Company, shall repair any damage to property of Grantor(s), or pay any substantial damages which may be caused to property of Grantor(s) 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(s) 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.

In addition there will be one guy and anchor where line enters property at South side and anchor West in fence line South of highway in Section 31 with guy and anchor in property line at SW corner of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 32 and two sets of two guys and two anchors where transmission line turns from Grantors' property at North side.

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(s) this 11th day of July, 1942.
WITNESSED BY:

F O Beaty

W. E. Clague (SEAL)
Bernice Clague (SEAL)

Accepted:
IOWA POWER AND LIGHT COMPANY
By C A Leland President

STATE OF IOWA COUNTY OF POLK)SS.

I, Clarence R. Waddill, do hereby certify that W. E. Clague and Bernice Clague, his wife, personally known to me to be the same person whose name is (or are) subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and seal this 11th day of July A.D. 1942.

My commission Expires: July 4, 1945
TO - - Clarence R. Waddill Notary Public

As legal holder and owner of all of the notes or other evidences of indebtedness secured by mortgage or deed of trust, dated the 28 day of February 1930 recorded in the Recorder's Office of Madison County, Iowa, in Book 79, page 184, as Document No 461, Mortgage Extension

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Date Dec, 31 1932 Book #83 Page 481 Document #2816 the undersigned hereby consent(s) and join(s) in the granting to said company of the within and foregoing right-of-way easement.

WITNESSED BY:

F O Beaty
Dated July 11, 1942

Mrs Ethel Williams (Seal)

STATE OF Iowa COUNTY OF Madison)ss.

I, J W McKee, do hereby certify that Mrs Ethel Williams, personally known to me to be the same person whose name is (or are) 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 11 day of July, A.D. 1942
My Commission Expires July 4 1945

J W McKee Notary Public