

Deed Record, No. 78, Madison County, Iowa

Helene Alexander & husb

#4122

Filed for record the 6 day of November X
A.D. 1942 at 10:12 o'clock A.M.

To

Fee \$.80

Pearl E. Shetterly, Recorder

Iowa Power & Light Company

GRANT OF RIGHT-OF-WAY

Easement No. 368

For and in consideration of the sum of Fifteen and no/100 Dollars (\$15.00), receipt of which is hereby acknowledged, and the further consideration of Twenty-five and no/100 Dollars (\$25.00) to be paid to Helene Alexander by IOWA POWER & LIGHT COMPANY, when and as construction of the transmission line hereinafter described shall commence, the undersigned does hereby grant, convey and warrant unto said Iowa Power & Light Company, its successors, assigns and lessees, the right and easement to erect, construct, reconstruct, operate and maintain, under varying conditions of operation, renew and remove an electric transmission and distribution line, consisting of wood and metal poles, anchors, guys, cross arms, insulators, conductors and other equipment appurtenant thereto, for the transmission and distribution of electric energy in, upon, across, over and beyond certain lands owned by the grantor, situated in Madison County, Iowa, more particularly described as follows, to-wit:

Southwest Quarter (SW $\frac{1}{4}$) of Section Twenty-three (23), Township seventy-six (76) North, Range Twenty-nine (29) West of the 5th P.M.,

together with the right of ingress to and egress from said lands over the lands of the grantor, and the right to trim or remove such trees, branches, bushes or shrubs as may interfere with the safe, proper and expeditious erection, construction, maintenance, operation and reconstruction, under varying conditions of operation and maintenance, renewal, removal or repair of said line, or any part thereof. Said transmission line shall enter the premises above described as follows, to-wit:

At the Northeast corner thereof and shall continue in a southerly direction across the premises above described and shall leave the premises at the Southeast corner thereof.

The easement herein granted shall confer and vest in the grantee only the right of "overhang" on the premises above described from a transmission line to be erected and maintained on the real estate lying and being East of the premises hereinbefore described belonging to the grantor. This easement shall not confer or vest in the grantee any right to maintain poles, anchors and/or guys on the land of the grantor.

In the event that construction of the transmission line shall not commence within one year from the date of this instrument, then the grant herein contained shall terminate, and be of no force or effect, and grantor shall retain the initial payment referred to above, and Iowa Power & Light Company shall be under no obligation to construct said transmission line, or any part thereof. In the event that after erection, the transmission line above mentioned is entirely removed from the premises, and the same is abandoned by the grantee, or its successors or assigns, then the easement herein granted shall terminate, and be of no further force or effect.

The grantee, Iowa Power & Light Company, shall repair any damage to property of grantor, or at Grantor's option pay to grantor the fair and reasonable value of such repairs, and shall pay any damages which may be caused to any crops or other 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, successors or assigns, 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.

WITNESS, the hand and seal of the grantor this 26th day of May, A.D. 1942.

Paid 5-27-42
Check No 32556
Vo. #5-18

Helene Alexander
Alvin Alexander

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ACRES-BLACKMAR CO., BURLINGTON. 23057

STATE OF IOWA MADISON COUNTY)SS

On this 26th day of May, A.D. 1942, before me, the undersigned, a Notary Public within and for Madison County, State of Iowa, personally came Helene Alexander and Alvin Alexander husband and wife personally to me known to be the identical persons whose names are affixed to the above instrument as grantors and acknowledged the execution of the same to be their voluntary act and deed for the purposes therein expressed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my seal on the date last above written. **Shirley A. Webster**
Notary Public Within and For Said County.

NOTARIAL
SEAL