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STATE OF IOWA  
CERRO GORDO CO.  
WORTH COUNTY, IOWA

EASEMENT AGREEMENT

WHEREAS, the undersigned are adjoining property owners of a road to be vacated and deeded to the adjoining property owner, part of which is situated in Cerro Gordo County, Iowa, and part of which is situated in Worth County, Iowa; and

WHEREAS, the parties have entered into a mutual agreement so each of the parties who are the only interested parties in the road proceedings will have a continued right of access to said road as a private road to maintain, rights of ingress and egress to the respective properties owned by them;

Now, therefore, it is agreed and understood as follows:

1. That Kinney Lindstrom Foundation, Inc., an Iowa corporation, will receive legal title to the following described real estate, to-wit:

A thirty three foot (33') right-of-way lying south of and adjacent to the common section line between Section 4, T-97N, R-21 west of the 5th P.M., in Cerro Gordo County and Section 33, T-98 N, R-21 west of the 5th P.M., in Worth County, commencing at the Northwest corner of Section 4, T-97 N, R-21 west of the 5th P.M.; thence running east along said common section line to a point thirty three foot (33') west of the north 1/4 corner of Section 4, T-97 N, R-21 west of the 5th P.M.

2. That Sue A. Brakke, a single person, will receive title to the following described real estate situated in Worth County, Iowa:

A thirty three foot (33') right-of-way lying north of and adjacent to the common section line between Section 4, T-97N, R-21 west of the 5th P.M., in Cerro Gordo County and Section 33, T-98 N, R-21 west of the 5th P.M., in Worth County, commencing at the Southwest corner of Section 33, T-98 N, R-21 west of the 5th P.M.; thence running east along said common section line to a point thirty-three feet (33') west of the South 1/4 corner of Section 33, T-98 N, R-21 west of the 5th P.M.

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3. That Kenneth DeWitt and Rosemary DeWitt, husband and wife, will not receive a conveyance of title to any roadway being vacated, but that all parties acknowledge that they reside on the west side of the road being vacated.

4. It is agreed that each of the parties to this agreement shall have a mutual easement for rights of ingress and egress to utilize said road from and after the date of vacation. These easements rights shall be a covenant running with the land and shall inure to the benefit of the successors in interest in and to the respective tracts of real estate herein referred to.

5. Any costs in the maintenance of providing of gates for security purposes at the east end of the vacated road shall be paid one-third by each of the parties to this agreement.

6. A counter signature copy of this agreement shall be filed respectively in Worth County, Iowa, and in Cerro Gordo County, Iowa, so that all parties will have documentation of their mutual easement rights.

Dated this 19<sup>th</sup> day of OCTOBER, 1994.

KINNEY LINDSTROM FOUNDATION, INC.

By:

Lowell K. Hall  
Lowell K. Hall, Secretary

Sue A. Brakke  
Sue A. Brakke

Kenneth DeWitt  
Kenneth DeWitt

Rosemary DeWitt  
Rosemary DeWitt

STATE OF IOWA            )  
                                  ) ss:  
WORTH COUNTY            )

On this 24<sup>th</sup> day of OCTOBER, 1994, before me the undersigned a Notary Public in and for the State of Iowa personally appeared Lowell K. Hall, to me personally known, who by me being duly sworn did say that he is the Secretary of the corporation executing the within and foregoing instrument, that no seal has been procured by the corporation; that said instrument was signed on behalf of the corporation by authority of its Board of Directors; and that Lowell K. Hall as an officer acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the corporation, by it and by him voluntarily executed.

*Soud*

*Rebecca Bartusek*  
Notary Public  
REBECCA BARTUSEK

STATE OF IOWA            )  
Cerro Gordo COUNTY    ) ss:

On this 19<sup>th</sup> day of October, 1994, before me the undersigned a Notary Public in and for said county, in said state, personally appeared Sue A. Brakke, to me known to be the identical person named in and who executed the within and foregoing instrument and acknowledged that she executed the same as her voluntary act and deed.



*Sue A. Brakke*  
Notary Public

STATE OF IOWA )  
 ) SS:  
Worth COUNTY )

On this 24<sup>th</sup> day of October, 1994, before me the undersigned a Notary Public in and for said county, in said state, personally appeared Kenneth DeWitt and Rosemary DeWitt, husband and wife, to me known to be the identical persons named in and who executed the within and foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

Rebecca Bartusek  
Notary Public  
REBECCA BARTUSEK

REBECCA BARTUSEK  
NOTARY PUBLIC  
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FILED  
OCT 24 1994  
WORTH COUNTY IOWA