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NAOMI ELLIS, RECORDER
MARION COUNTY IOWA

Prepared by/Return to: Nicole L. Cox, Attorney, 303 West State Street, Centerville, IA 52544 641/856-2244 AT 0012925

ACCESS EASEMENTS

RECITALS:

A. Dwight D. Saylor and Deborah L. Saylor, husband and wife, (the "Saylors") are the owners of record of that certain real property in Marion County, Iowa, more particularly described on the attached Exhibit A and shown generally on the map in Exhibit E (the "Saylor Tract");

B. The Saylors are also the owners of record of that certain real property in Marion County, Iowa, a portion of vacated roadway formerly known as Virginia Street and Virginia Drive, and more particularly described on the attached Exhibit B and shown generally on the map in Exhibit E (the "Vacated Roadway");

C. Michael W. Smith ("Smith") is the owner of record of that certain real property in Marion County, Iowa, more particularly described on the attached Exhibit C and shown generally on the map in Exhibit E (the "Smith Tract");

D. James Walter Lenger and Nancy Sue Lenger, husband and wife, (the "Lengers," and together with Smith, also referred to herein individually as Grantee or together as Grantees) are the owners of record of that certain real property in Marion County, Iowa more particularly described on the attached Exhibit D and shown generally on the map in Exhibit E (the "Lenger Tract");

E. The Saylors desire to grant access easements (said easements described in further detail below) to Smith and the Lengers, their successors and assigns, and their tenants, employees, agents and invitees, on, over and across the Vacated Roadway for the purpose of vehicular and pedestrian ingress and egress to the Smith Tract and the Lenger Tract respectively; and

F. The Saylors and their successors and assigns shall maintain the Vacated Roadway in accordance with the terms and conditions detailed below.

DECLARATIONS:

NOW, THEREFORE, the Saylors declare as follows:

1. Grant of Easements.

a. The Saylors hereby grant, sell and convey unto Smith and his successors and assigns, and his tenants, employees, agents and invitees, a perpetual, irrevocable, and

non-exclusive, access easement on, over and across the Vacated Roadway for the purpose of vehicular and pedestrian ingress and egress to the Smith Tract; and

b. The Saylor's hereby grant, sell and convey unto the Lengers and their successors and assigns, and their tenants, employees, agents and invitees, a perpetual, irrevocable, and non-exclusive, access easement on, over and across the Vacated Roadway for the purpose of vehicular and pedestrian ingress and egress to the Lenger Tract.

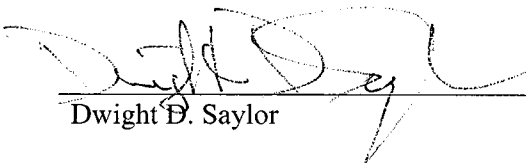
2. Duration. The easements granted herein shall inure to the benefit of and shall be binding upon the respective heirs, representatives, successors and assigns of the Saylor's and the Grantees and run with the land. Each Grantee shall have and hold the applicable easement, together with all and singular the rights and appurtenances thereto in anywise belonging unto such Grantee forever.

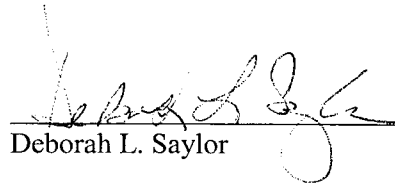
3. Maintenance. The Saylor's and their successors and assigns shall maintain and repair the Vacated Roadway in good working order and condition. The costs of such maintenance and repair shall be paid by the Saylor's and their successors and assigns.

4. Use of the Vacated Roadway by the Saylor's. The Saylor's reserve for themselves and their successors and assigns the right to continue to fully use and enjoy the Vacated Roadway for all purposes that do not unreasonably interfere with or restrict the use of the Vacated Roadway for the purpose permitted herein.

Dated to be effective October 31, 2022.

GRANTORS:


Dwight D. Saylor


Deborah L. Saylor

STATE OF IOWA :
: ss.
COUNTY OF Appanoosa :

This instrument was acknowledged before me on October 31, 2022, by Dwight D. Saylor and Deborah L. Saylor, husband and wife.


Notary Public

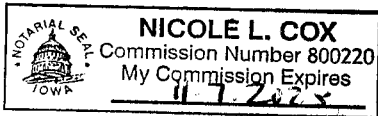


EXHIBIT A

The Saylor Tract

The NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 35, Township 74 North, Range 18 West of the 5th P.M.; that part of the North 20 rods of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 35, Township 74 North, Range 18 West of the 5th P.M. lying East of the Railroad right of way containing approximately 3.04 acres; and 1 acre in the Southeast corner of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 26, Township 74 North, Range 18 West of the 5th P.M.

and

The NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 35, Township 74 North, Range 18 West of the 5th P.M. described as follows: Beginning 20 rods South of the Northeast corner of said $\frac{1}{4}$ $\frac{1}{4}$, thence running West to the Wabash Railroad right of way, thence in a Southwesterly direction along said right of way 13 rods, more or less, thence East to a point South of the place of beginning, thence North to the place of Beginning, Marion County, Iowa.

EXHIBIT B

The Vacated Roadway

All that portion of East Virginia Street lying within the City of Hamilton corporate limits and east of the railroad tracks crossing the Northeast Quarter of the Northwest Quarter of Section 35, Township 74 North, Range 18 West, of the 5th P.M. Said tract is subject to the rights of ingress and egress of any and all existing utilities and any easements of record.

AND

A segment of road no. 1084 established in 1911, located in the Southeast Quarter of Section 26, Township 74 North, Range 18 West, and the Northeast Quarter of Section 35, Township 74 North, Range 18 West, of the 5th P.M., locally known as Virginia Dr., and more particularly being described as beginning at a point 1,730 feet East of the Northwest Corner of the Northeast Quarter of Section 35, said point being the West end of a previously vacated segment of road on March 31, 1961, thence West and South including any and all county right-of-way lying East of the East line of the corporate limits of the City of Hamilton. Said tract is subject to the rights of ingress and egress of any and all existing utilities and any easements of record.

EXCEPT

All of that part of the road vacated by the Marion County Board of Supervisors on March 8, 2022, locally known as Virginia Dr., lying within the Southeast Quarter of the Southeast Quarter of Section 26 of Township 74 North, Range 18 West, of the 5th P.M. Said tract is subject to the rights of ingress and egress of any and all existing utilities and any easements of record.

AND EXCEPT

All of that part of the road vacated by the Marion County Board of Supervisors on March 8, 2022, locally known as Virginia Dr., lying within the Northeast Quarter of the Northeast Quarter of Section 35 of Township 74 North, Range 18 West, of the 5th P.M. Said tract is subject to the rights of ingress and egress of any and all existing utilities and any easements of record.

EXHIBIT C

The Smith Tract

The West Half of the Southeast Quarter of Section 26, Township 74 North, Range 18 West of the 5th P.M., except that part of the Northwest Quarter of the Southeast Quarter lying North and West of County Road T-23, subject to public highway, and subject to railroad right-of-way.

AND

That part of the Southeast Quarter of the Southwest Quarter of Section 26, Township 74 North, Range 18 West of the 5th P.M. lying East of the railroad right of way, except 1 acre in the Southeast corner thereof, Marion County, Iowa.

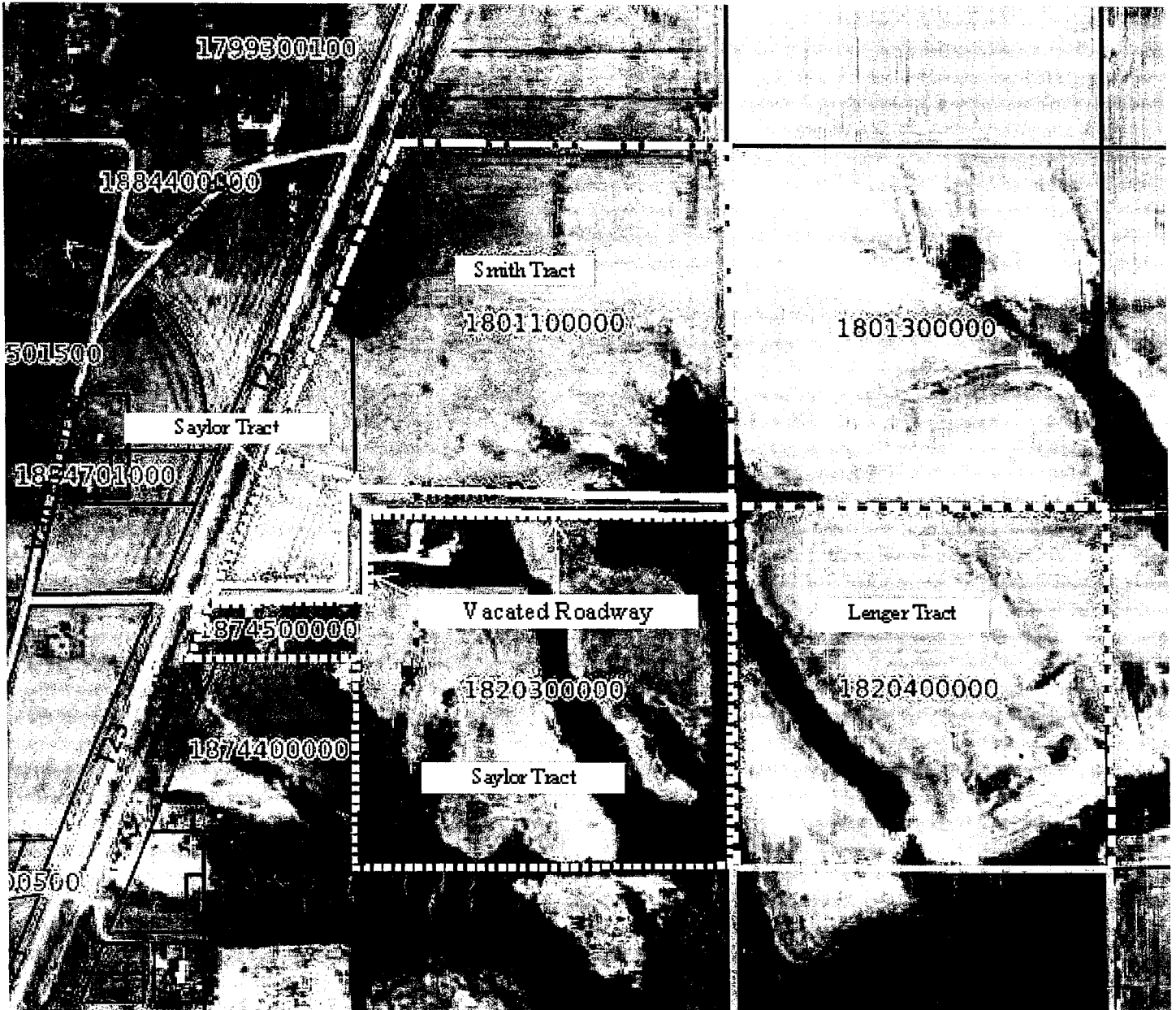
EXHIBIT D

The Lenger Tract

The Northeast Quarter of the Northeast Quarter of Section 35, Township 74 North,
Range 18 West of the 5th P.M., Marion County, Iowa.

EXHIBIT E

Map



Pd \$37-check - Ret Nicole Cox