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LISA TALLMAN, COUNTY RECORDER
MILLS IOWA

R-Trevor Millikan 54229 195th st Pacific Junction IA 51561
Prepared By: Curtis J. Heithoff, 508 So. 8th St., Co. Bluffs, IA 51501 (712)-325-0888

EASEMENT AND MAINTENANCE AGREEMENT

THIS AGREEMENT is executed this day by **Trevor M. Millikan**, as the current owner of the real estate located in Mills County, Iowa, and legally described as:

All that part of the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 5, Township 72 North, Range 43 West of the 5th P.M., Mills County, Iowa, lying East of County Road L-31 which is more particularly described as follows: Commencing at the NE corner of said Section 5, thence South 01°09'50" West, 1645.02 feet to the point of beginning; thence South 01°09'50" West, 644.35 feet; thence North 89°54'30" West, 996.94 feet; thence along the centerline of County Road L-31 Northwesterly 257.28 feet along a 2864.79 foot radius curve to the left; North 17°34'00" West, 282.70 feet; and Northwesterly 136.48 feet along a 1145.92 foot radius curve to the left; thence South 89°58'35" East, 1210.71 feet to the point of beginning.

Pursuant to a Sketch Plat Application which has recently been approved by Mills County, Iowa said real estate will be "split" into 2 parcels of real estate which will be known as Parcel "C" and Parcel "D". Parcel "C" will have the legal description of:

A parcel of land known as Parcel "C" and located in part of the S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, Township 72 North, Range 43 West of the 5th Principal Meridian, Mills County, Iowa, said parcel being more fully described as follows: Commencing at the Southeast corner of said SE $\frac{1}{4}$ NE $\frac{1}{4}$; thence N02°38'03"E along the East line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 360.50 feet to the Point of Beginning; thence continuing N02°38'03"E along said East line a distance of 283.85 feet; thence N88°39'50"W a distance of 1245.19 feet to the centerline of a county road, said point being on a curve concave Southwesterly having a central angle of 7°08'14" and a radius of 1909.86 feet; thence Southeasterly along said centerline and said curve an arc length of 237.90 feet with a chord bearing and distance of S20°59'25"E, 237.75 feet to the end of said curve; thence S17°25'27"E along said centerline a

distance of 273.33 feet; thence N71°04'08"E a distance of 59.95 feet; thence N66°43'36"E a distance of 131.18 feet; thence N71°13'39"E a distance of 236.77 feet; thence S56°34'02"E a distance of 74.55 feet; thence N69°29'32"E a distance of 75.23 feet; thence N82°28'57"E a distance of 52.10 feet; thence N86°20'42"E a distance of 480.06 feet to the Point of Beginning. Said parcel contains 9.36 acres, more or less, including presently established road right of way (0.46 ac.), and is subject to all easements of record. NOTE: The East line of the SE¼ NE¼ of said Section 5 is assumed to bear S02°38'03"W for this description,

and Parcel "D" will have the following legal description:

A parcel of land known as Parcel "D" and located in part of the S½ SE¼ NE¼ of Section 5, Township 72 North, Range 43 West of the 5th Principal Meridian, Mills County, Iowa, said parcel being more fully described as follows: Commencing at the Southeast corner of said SE¼ NE¼ and the Point of Beginning; thence N88°26'17"W along the South line of said SE¼ NE¼ a distance of 1000.83 feet to the centerline of a county road, said point being in a curve concave Southwesterly having a central angle of 3°41'40" and a radius of 1637.02 feet; thence Northwesterly along said centerline and said curve an arc length of 105.56 feet with a chord bearing and distance of N15°43'28"W, 105.54 feet to the end of said curve; thence N17°25'27"W along said centerline a distance of 64.01 feet; thence N71°04'08"E a distance of 59.95 feet; thence N66°43'36"E a distance of 131.18 feet; thence N71°13'39"E a distance of 236.77 feet; thence S56°34'02"E a distance of 74.55 feet; thence N69°29'32"E a distance of 75.23 feet; thence N82°28'57"E a distance of 52.10 feet; thence N86°20'42"E a distance of 480.06 feet to the East line of said SE¼ NE¼; thence S02°38'03"W along said East line a distance of 360.50 feet to the Point of Beginning. Said parcel contains 7.08 acres, more or less, including presently established road right of way (0.16 ac.), and is subject to all easements of record. NOTE: The East line of the SE¼ NE¼ of said Section 5 is assumed to bear S02°38'03"W for this description.

As part of the Sketch Plat Application the County has required that an easement be placed of record by which Parcel "C" and Parcel "D" share the driveway access to 195th Street in Mills County, Iowa. The access area has been surveyed and said Survey is of record in Mills County, Iowa. Trevor M. Millikan also desires to place of record a roadway a maintenance agreement for the shared access area, as well as for a roadway which is also shown on the recorded Survey which is located on the boundary line between Parcel "C" and Parcel "D".

WHEREFORE, this Agreement is entered into this day upon the following terms and conditions:

1. The parcels of real estate known as Parcel "C" and Parcel "D" and located in

part of the S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, Township 72 North, Range 43 West of the 5th Principal Meridian, Mills County, Iowa, shall share the access area to both Parcels from County Road 195th Street in Mills County, Iowa, at the access area as currently located and shown in the various Records of Mills County, Iowa.

2. The owners of Parcel "C" and Parcel "D" and located in part of the S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, Township 72 North, Range 43 West of the 5th Principal Meridian, Mills County, Iowa, shall share equally in the cost of the reasonable maintenance of the of that part of the access area which is actually shared by the owners of Parcel "C" and Parcel "D" for purposes of access to 195th Street.

3. That the current and all future owners of Parcel "C" shall have a perpetual easement to travel over that portion of Parcel "C", and the current and all future owners of Parcel "D" shall have a perpetual easement to travel over that portion of Parcel "C", which is included in the easement area which is legally described as:

A easement 30.00 feet in width located in part of the S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, Township 72 North, Range 43 West of the 5th Principal Meridian, Mills County, Iowa, said easement being 15.00 feet from each side of the following described centerline: Commencing at the Southeast corner of said SE $\frac{1}{4}$ NE $\frac{1}{4}$; thence N88°26'17"W along the South line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 1000.83 feet to the centerline of a county road, said point being in a curve concave Southwesterly having a central angle of 3°41'40" and a radius of 1637.02 feet; thence Northwesterly along said centerline and said curve an arc length of 105.56 feet with a chord bearing and distance of N15°43'28"W, 105.54 feet to the end of said curve; thence N17°25'27"W along said centerline of said easement a distance of 64.01 feet to the Point of Beginning for said easement; thence N71°04'08"E along the centerline of said easement a distance of 59.95 feet; thence N66°43'36"E along said centerline a distance of 131.18 feet; thence N71°13'39"E along said centerline a distance of of 236.77 feet; thence S56°34'02"E along said centerline a distance of 74.55 feet; thence N69°29'32"E along said centerline a distance of 75.23 feet to the end of said easement. NOTE: The East line of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 5 is assumed to bear S02°38'03"W for this description,

for roadway purposes over that portion of the 30 foot easement area. The owners of each parcel shall share in the reasonable cost of the maintenance of said 30 foot roadway area.

4. This Easement and Maintenance Agreement shall be perpetual and shall run with the title to both Parcel "C" and Parcel "D" located in part of the S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, Township 72 North, Range 43 West of the 5th Principal Meridian, Mills County, Iowa.

5. That Christina M. Millikan signs this document to release her dower interest in Parcel "C" for purposes of the granting of this Easement and Maintenance Agreement.

DATED this 28th day of October, 2014.



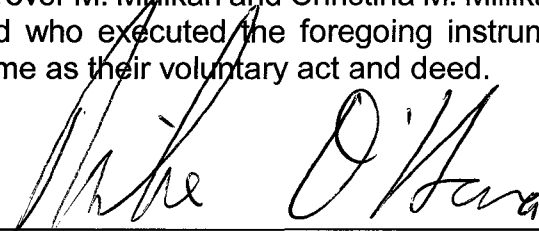
Trevor M. Millikan



Christina M. Millikan

STATE OF IOWA, Pottawattamie COUNTY: ss

On this 28th day of October, 2014, before me, a Notary Public in and for said County and State, personally appeared Trevor M. Millikan and Christina M. Millikan, to me known to be the persons named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.



NOTARY PUBLIC

