

**BK: 2020 PG: 11612**  
**Recorded: 5/28/2020 at 11:03:54.0 AM**  
**County Recording Fee: \$42.00**  
**Iowa E-Filing Fee: \$3.78**  
**Combined Fee: \$45.78**  
**Revenue Tax:**  
**Chad C. Airhart Recorder**  
**Dallas County, Iowa**

Prepared by: Brett T. Osborn, 974-73rd Street, Suite 16, West Des Moines, Iowa 50265 (515) 223-6000  
When recorded return to: Brett T. Osborn, 974-73rd Street, Suite 16, West Des Moines, Iowa 50265 (515) 223-6000

### **ACCESS and UTILITY EASEMENT**

#### **KNOW ALL PERSON BY THESE PRESENTS:**

That **Stine Seed Farm, Inc., Owner of Real Estate described in Exhibit "A"**, hereinafter called "Grantors") in consideration of the sum of One Dollar (\$1.00) to be paid by **James P. Lanning and Sandra K. Lanning, Trustees of the James P. Lanning and Sandra K. Lanning Trust utd 6/28/2006, Owners of Real Estate described in Exhibit "B"**, and other good and valuable consideration, the receipt of which is hereby acknowledged by the Grantors, does hereby sell, grant, and convey unto **James P. Lanning and Sandra K. Lanning, Trustees of the James P. Lanning and Sandra K. Lanning Trust utd 6/28/2006**, (hereinafter called "Grantees"), an access and utility easement, over, under, through and across the real estate described on Exhibit "C" attached hereto and incorporated herein by this reference, (hereinafter called "Easement Area"), for the purpose of constructing, reconstructing, repairing, grading, improving, and maintaining an access drive and utilities, including but not limited to power (electric or otherwise), water, gas, communications, internet, or otherwise, which are reasonable and/or customary for mixed rural agricultural and residential properties in Dallas County, Iowa (collectively "utilities"), together with necessary appurtenances thereto, over, under, through and across said Easement Area, for the benefit of the Grantees property described in Exhibit "B".

This easement shall be a permanent easement and run with the land and enure to the successors and assigns of Grantee as a benefit to the real estate described in Exhibit "B" and as a burden upon the real estate described in Exhibit A.

This Easement shall be subject to the following terms and conditions:

1. **ERECTION OF STRUCTURES PROHIBITED.** Grantor and its successors and assigns shall not erect any structure, building, or fence over or within the Easement Area. The parties acknowledge that the boundaries of Grantor's and Grantee's land is fenced and the fences will remain in their current location at the sole discretion of the owners of the respective tracts. Grantee has the right to remove the fence in connection with the establishment, repair, replacement, maintenance or access to the easement area and will restore the fence to a good and

serviceable condition. Gates may be utilized by mutual agreement of the parties. A livestock crossing gate is preferred over a closeable gate for the convenience of the parties and the safety of the animals and the public.

2. **MAINTENANCE OF EASEMENT.** The owners of the Grantees property described in Exhibit B shall bear all costs associated with the establishment of the easement, and for all future costs associated with the maintenance, repair and replacement thereof.
3. **CHANGE IN GRADE PROHIBITED.** Grantors/Grantees and their successors and assigns shall not change the grade, elevation or contour of any part of the Easement Area without obtaining the prior written consent of the other.
4. **RIGHT OF ACCESS.** Grantee, and Grantee's successors and assigns shall have the right of access to the Easement Area from property adjacent to the Easement Area and have all rights of ingress and egress reasonably necessary for the use and enjoyment of the Easement Area as herein described, including, but not limited to, the right to remove any unauthorized obstructions or structures placed or erected on the Easement Area and the right to improve, repair, and maintain the Easement Area in whatever manner necessary consistent with its purpose to allow access and utilities to Grantees parcel suitable for agricultural buildings or residential dwelling.
5. **EASEMENT RUNS WITH LAND.** This Easement shall be perpetual, permanent and runs with the land and shall be binding on Grantor and on Grantor's successors and assigns, for the benefit of the Grantees and Grantee's successors and assigns.

Grantor does **HEREBY COVENANT** with the Grantee that Grantor holds said real estate described in this Easement by title in fee simple; that Grantor has good and lawful authority to convey the same; and said Grantor covenants to **WARRANT AND DEFEND** the said premises against the lawful claims of all persons whomsoever.

Each of the undersigned hereby relinquishes all rights of dower, homestead and distributive share, if any, in and to the interests conveyed by this Easement.

Words and phrases herein including acknowledgment hereof shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

Signed this 20<sup>th</sup> day of APRIL, 2020.

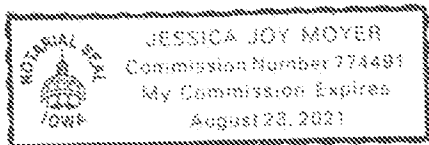
**GRANTORS:**

Stine Seed Farm, Inc.

By: Harry H. Stine  
Harry H. Stine, President

STATE OF IOWA )  
                          )ss  
COUNTY OF POLK )

This record was acknowledged before me on the 20<sup>th</sup> day of April, 2020, by Harry H. Stine as President of Stine Seed Farm, Inc. to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that the person, as the President with full power and authority granted by the Board of Directors executed the instrument as the voluntary act and deed of the person and of the Corporation.



Jessica Joy Moyer  
NOTARY PUBLIC IN AND FOR THE STATE  
OF IOWA

## EXHIBIT "A"

All that part of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section 14, Township 80 North, Range 28 West of the 5th P.M., Dallas County, Iowa, more particularly described as follows:

Beginning at the Southwest Corner of the NE 1/4 of the SE 1/4 of said Section 14, thence North  $00^{\circ}14'08''$  East, along the West line of the NE 1/4 of the SE 1/4 of said Section 14, a distance of 9.38 feet; thence North  $66^{\circ}31'24''$  East, a distance of 143.45 feet to a point of curve; thence along a curve to the left having a radius of 348.54 feet, a delta of  $23^{\circ}44'49''$ , an arc length of 144.46 feet, and a chord which bears North  $54^{\circ}38'59''$  East, having a chord distance of 143.43 feet to a point on a curve; thence along a curve to the left having a radius of 389.88 feet, a delta of  $29^{\circ}13'20''$ , an arc length of 198.85 feet, and a chord which bears North  $27^{\circ}49'17''$  East, having a chord distance of 196.70 feet to a point on a curve; thence along a curve to the left having a radius of 375.00 feet, a delta of  $15^{\circ}19'14''$ , an arc length of 100.27 feet, and a chord that bears North  $08^{\circ}01'24''$  East, having a chord distance of 99.97 feet to a point on a line; thence North  $55^{\circ}04'05''$  West, a distance of 37.20 feet; thence North  $47^{\circ}32'42''$  West, a distance of 22.64 feet, to a point on the South Right of Way line of the current location of County Highway F31 / Minburn Road; thence North  $52^{\circ}04'22''$  East, along said Right of Way, a distance of 251.05 feet; thence South  $12^{\circ}02'02''$  West, a distance of 628.79 feet, to the South line of the NE 1/4 of the SE 1/4 of said Section 14; thence North  $89^{\circ}45'09''$  West, along said South line, a distance of 374.09 feet to the Point of Beginning, and containing 2.01 acres of land, more or less, including 1.12 acres of old road right of way.

## EXHIBIT "B"

A parcel of land described as the Northeast Quarter of the Northeast Quarter of Section 23, Township 80 North, Range 28 West of the 5th P.M., Dallas County, Iowa more precisely described as beginning at the Northeast Corner of said Section 23; thence S0°00'00" 1323.43 feet; thence N 88°59'10"W 1363.26 feet to an old fence line between the NE1/4 of the NE1/4 and the NW1/4 of the NE1/4; thence N0°45'57"E 1325.14 feet along said fence line to the North line of the NE1/4 of said Section 23; thence S88°54'19"E 1345.59 feet to Point of Beginning containing 41.1726 Acres.

A parcel of land described as commencing at the Northwest Corner of Section 24, Township 80 North, Range 28 West of the 5th P.M., Dallas County, Iowa; thence S0°00'00" 882.57 feet to Point of Beginning; thence continuing S0°00'00" 440.86 feet; thence S88°47'12"E 1319.59 feet along the South line of the NW1/4 of the NW1/4 of said Section 24, thence N0°00'00" 416.05 feet along the East line of said NW1/4 of the NW1/4; thence N87°42'37"W 1320.34 feet to Point of Beginning containing 12.9765 Acres.

AND

Parcel 19-113 of the Plat of Survey filed February 7, 2020 in Book 2020 at Page 2335 of the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of Section 14, Township 80, Range 28 West of the 5<sup>th</sup> P.M., Dallas County, Iowa, more particularly described as follows:

Beginning at the Southwest Corner of the SE 1/4 of said Section 14, thence North 00°38'23" East, along the West line of the SE 1/4 of the SE 1/4 of said Section 14, a distance of 1,338.20 feet, to the Northwest corner of the SE 1/4 of the SE 1/4 of said Section 14; thence South 89°45'09" East, along the North line of the SE 1/4 or the SE 1/4 of said Section 14, a distance of 18.00 feet; thence South 00°38'23" West, a distance of 1,338.34 feet, to a point on the South line of the SE 1/4 of the SE 1/4 of said Section 14; thence North 89°18'53" West, along the South line of the SE 1/4 of the SE 1/4 of said Section 14, a distance of 18.00 feet, to the Point of Beginning, and containing 24,089 square feet or 0.55 acres of land, more or less.

EXHIBIT "C"

That part of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section 14, Township 80 North, Range 28 West of the 5th P.M., Dallas County, Iowa, more particularly described as follows:

Beginning at the Southwest Corner of the NE 1/4 of the SE 1/4 of said Section 14, thence North 00°14'08" East, along the West line of the NE 1/4 of the SE 1/4 of said Section 14, a distance of 9.38 feet; thence North 66°31'24" East, a distance of 143.45 feet to a point of curve; thence along a curve to the left having a radius of 348.54 feet, a delta of 23°44'49", an arc length of 144.46 feet, and a chord which bears North 54°38'59" East, having a chord distance of 143.43 feet to a point on a curve; thence along a curve to the left having a radius of 389.88 feet, a delta of 29°13'20", an arc length of 198.85 feet, and a chord which bears North 27°49'17" East, having a chord distance of 196.70 feet to a point on a curve; thence along a curve to the left having a radius of 375.00 feet, a delta of 15°19'14", an arc length of 100.27 feet, and a chord that bears North 08°01'24" East, having a chord distance of 99.97 feet to a point on a line; thence North 55°04'05" West, a distance of 37.20 feet; thence North 47°32'42" West, a distance of 22.64 feet, to a point on the South Right of Way line of the current location of County Highway F31 / Minburn Road; thence North 52°04'22" East, along said Right of Way, a distance of 251.05 feet; thence South 12°02'02" West, a distance of 628.79 feet, to the South line of the NE 1/4 of the SE 1/4 of said Section 14; thence North 89°45'09" West, along said South line, a distance of 374.09 feet to the Point of Beginning, and containing 2.01 acres of land, more or less, including 1.12 acres of old road right of way;

as more particularly described on the Easement Survey prepared by ABACI Consulting, Inc. Filed in Book 2020 at Page 11258 of the Dallas County Recorder's Office and attached hereto as Exhibit D to more particularly describe the easement.

**INDEX LEGEND**

COUNTY: Dallas  
 SITE ADDRESS: 20000 block of Minburn Road  
 CITY: Minburn  
 PARCEL DESIGNATION: N/A  
 SECTION: 14 TOWNSHIP: 80 RANGE: 28  
 ALIQUOT PART: NE1/2 SE1/4  
 PROPRIETOR: Stine Seed Farm Inc  
 REQUESTED BY: Jim Lanning  
 SURVEYOR NAME: Vincent E. Piagentini

**EASEMENT SURVEY  
 NE1/2 SE1/4 SEC 14-80-28**

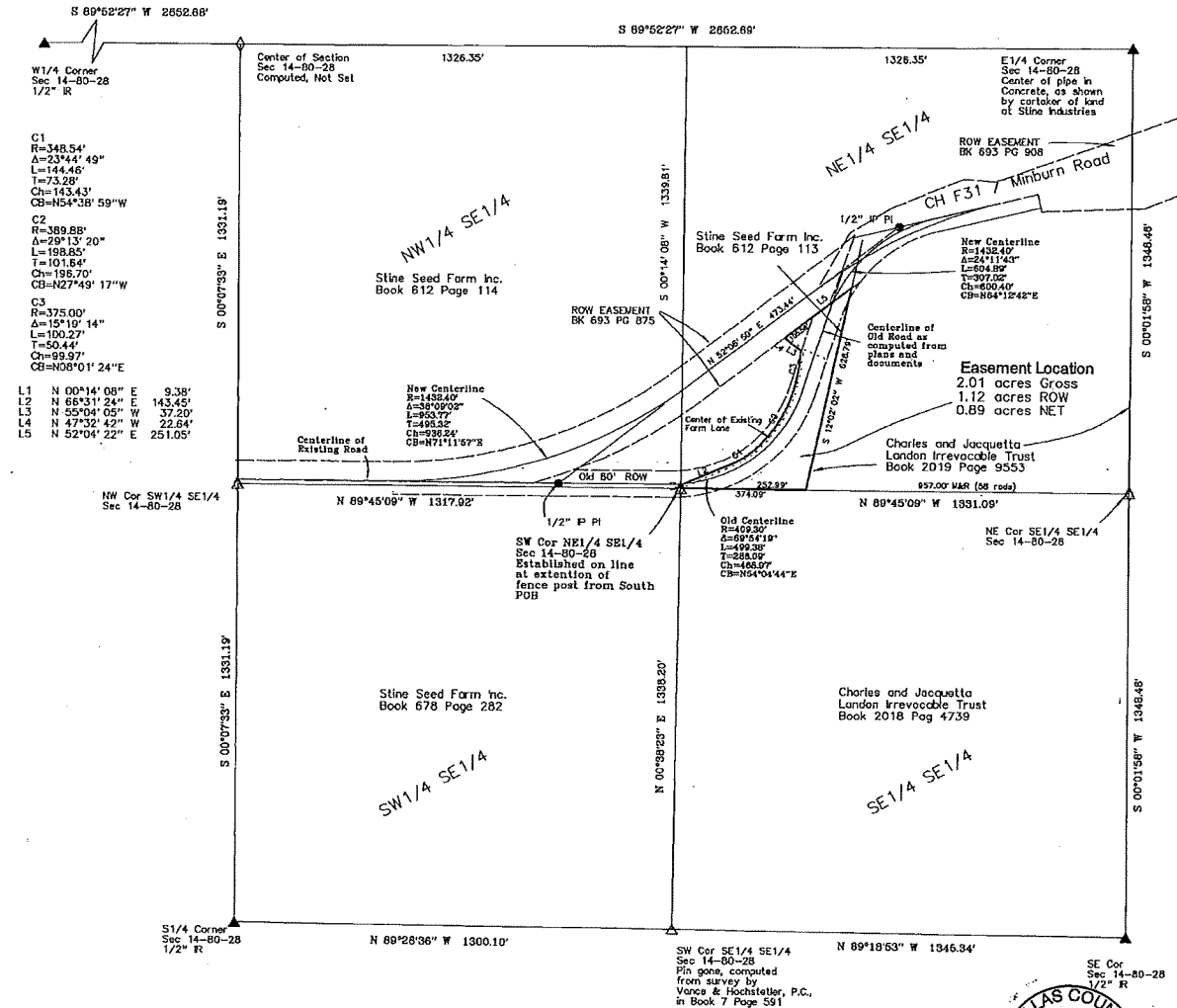
Doc ID: 008050440002 Type: CL-SURPL  
 Recorded: 05/22/2020 at 08:25:28 PM  
 Fee Amt: \$12.00 Page 1 of 2  
 Dallas County Iowa  
 Chad C. Airhart RECORDER  
 Filed  
**BK 2020 PG 11258**

PREPARED BY & RETURN TO: ABACI CONSULTING INC, 3000 SE GRIMES BLVD, STE 800, GRIMES, IA 50111, PH(515)986-5048

\*THIS SPACE RESERVED FOR REC ORDER'S OFFICE USE ONLY\*

**Legal Description**

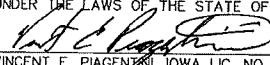
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**ABACI CONSULTING, INC.**

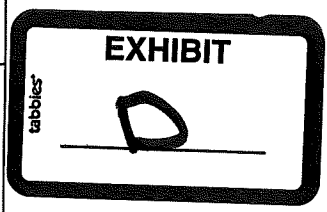
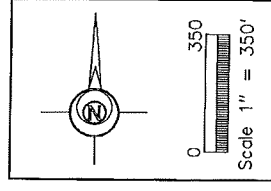
CIVIL ENGINEERING - LAND SURVEYING  
 3000 SE Grimes Blvd., Ste 800, GRIMES, IOWA 50111, PH. (515)986-5048

DATE OF SURVEY FIELDWORK: 7/24/19 DRAWING DATE: 8/22/19 DRAFTER: VP PROJECT NO: 19171

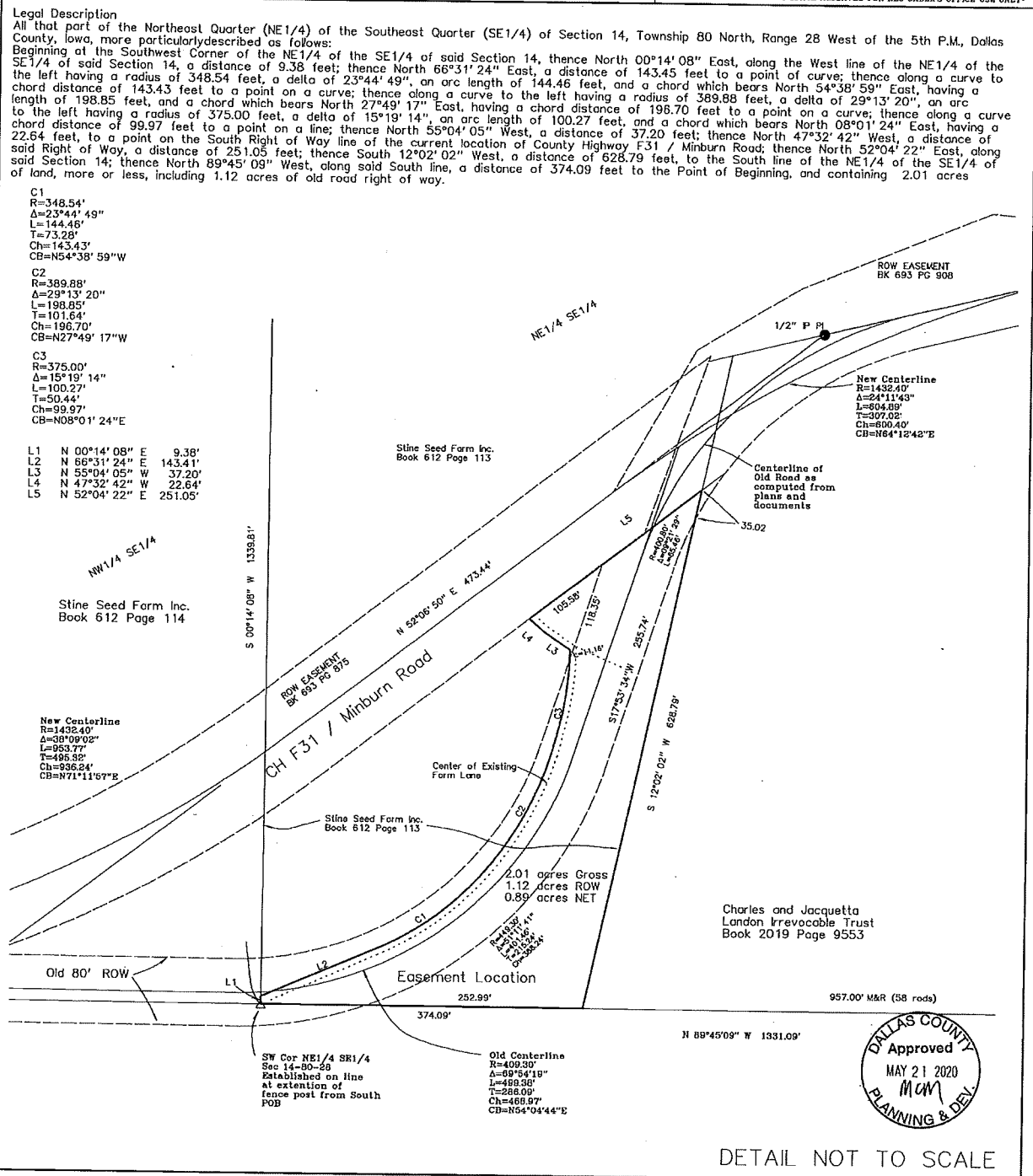
I HEREBY CERTIFY THAT THIS SURVEYING DOCUMENT WAS PREPARED AND THE RELATED WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION, AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.  
  
 VINCENT E. PIAGENTINI, IOWA LIC. NO 15982 DATE 5/14/2020  
 MY LICENSE RENEWAL DATE IS DECEMBER 31, 2020.  
 ADDITIONAL PAGES CERTIFIED (NONE UNLESS INDICATED HERE) 2 OF 2



- SYMBOLS LEGEND:**
- R RECORDED DISTANCE
  - M MEASURED DISTANCE
  - C CALCULATED DISTANCE
  - CORNER MONUMENT FOUND
  - SET 1/2" IR YC 15982
  - UNLESS NOTED
  - SECTION CORNER FOUND
  - SECTION CORNER SET
  - 1/2" IR YC 15982
  - UNLESS NOTED
  - POB POINT OF BEGINNING
  - POC POINT OF COMMENCEMENT
  - YC YELLOW CAP
  - IR IRON ROD
  - IP IRON PIPE



<b>INDEX</b>	<b>LEGEND</b>	<b>EASEMENT SURVEY</b> <b>NE1/2 SE1/4 SEC 14-80-28</b>
COUNTY: Dallas SITE ADDRESS: 20000 block of Minburn Road CITY: Minburn PARCEL DESIGNATION: N/A SECTION: 14 TOWNSHIP: 80 RANGE: 28 ALIQUOT PART: NE1/2 SE1/4 PROPRIETOR: Stine Seed Farm Inc REQUESTED BY: Jim Lanning SURVEYOR NAME: Vincent E. Piagentini		
PREPARED BY & RETURN TO: ABACI CONSULTING INC, 3000 SE GRIMES BLVD, STE 800, GRIMES, IA 50111, PH(515)986-6048		*THIS SPACE RESERVED FOR REC ORDER'S OFFICE USE ONLY*



DETAIL NOT TO SCALE

**ABACI CONSULTING, INC.**  
 CIVIL ENGINEERING - LAND SURVEYING  
 3000 SE Grimes Blvd., Ste 800, GRIMES, IOWA 50111, PH. (515)986-6048

**SYMBOLS LEGEND:**

R	RECORDED DISTANCE
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○	SET 1/2" IR YC 15982
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UNLESS NOTED	
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