

>
Chickasaw Co. Recorder
Cindy Messersmith
Fee Book 2008-2467
12/30/2008 @1232PM
E Book: EASEMENT Page: # Pages: 5
Total Fees: \$27.00

Prepared by: Christopher F. O'Donohoe, 101 North Locust Avenue, New Hampton, Iowa 50659
Return to: Christopher F. O'Donohoe

CONSERVATION EASEMENT

THIS GRANT DEED OF CONSERVATION EASEMENT ("Easement") is made this 22^d day of December, 2008, by, Rebecca Hart and Randy Lockwood, executors in the matter of the estate of Alfaretta Waters (hereinafter together with their heirs, personal representatives, successors and assigns collectively referred) to Chickasaw County, acting through the Chickasaw County Conservation Board.

RECITALS:

WHEREAS, Grantor is the owner of certain real property in Chickasaw County, Iowa, more particularly described in **Exhibit A** attached hereto and incorporated by this reference (the "Property"); and

WHEREAS, the Property contains a mature oak grove of varieties native to Iowa appropriate for conservation and preservation under the standards of Section 457A of the Code of Iowa; and

WHEREAS, Grantor further intends to convey to Grantee the right to preserve and protect the conservation values of the oak grove in perpetuity; and

WHEREAS, Grantee is a County Conservation Board, qualified under Section 170(h) of the Internal Revenue Code and section 457A of the State of Iowa Code, whose primary purpose is the preservation, protection and enhancement of land in its natural, scenic, historical, agricultural, and/or open space condition; and

WHEREAS, Grantee agrees by accepting this grant to honor the intentions of Grantor stated herein and to preserve and protect in perpetuity the conservation values of the oak grove for the benefit of this generation and the generations to come;

NOW THEREFORE, in consideration of the mutual covenants and promises contained herein, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby conveys to Grantee a Conservation Easement on the Conservation Easement on the land on which the oak grove is situated, located approximately on the western boundary of the east half of the northwest Quarter of Section 34, Township 97 North, Range 14 West of the 5th P.M. and an easement for ingress and egress to fulfill the purposes of this easement, both as outlined in red on the aerial photograph of the premises attached hereto as Exhibit B.

1. Purpose. It is the purpose of this Easement to assure that the oak grove will be preserved for so long as it continues to have conservation values.

2. Rights of Grantee. To accomplish the purposes of this Easement, the following rights are conveyed to Grantee or its assigns:

(a) to preserve and protect the conservation values of the Property;

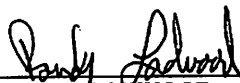
(b) to enter upon the Property at reasonable times to monitor and care for the oak grove.

3. Access. No right of access by the general public to any portion of the Property is conveyed by this Easement.

4. Extinguishment. If circumstances arise in the future such as render the purposes of this Easement impossible to accomplish, or the Chickasaw County Conservation Board determines the oak grove has no present or future conservation value, this Easement may be terminated by Quit Claim Deed from the Chickasaw County Conservation Board or Chickasaw County to the owner of the land at that time.

5. Perpetual Easement. This Easement shall be perpetual and shall run with the land.

REBECCA HART, executor in the matter
of the estate of Alfaretta Waters, deceased



RANDY LOCKWOOD, executor in
the matter of the estate of Alfaretta
Waters, deceased

STATE OF IOWA, COUNTY OF _____, ss:

On this ____ day of December, 2008, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Rebecca Hart, to me known to be the identical person named in and who executed the foregoing instrument and acknowledged that the person,

as the fiduciary executed the instrument as the voluntary act and deed of the person and of the fiduciary.

NOTARY PUBLIC IN THE STATE OF
IOWA

STATE OF IOWA, COUNTY OF Linn, ss:

On this 22nd day of December, 2008, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Randy Lockwood, to me known to be the identical person named in and who executed the foregoing instrument and acknowledged that the person, as the fiduciary executed the instrument as the voluntary act and deed of the person and of the fiduciary.



Ryan D Herold

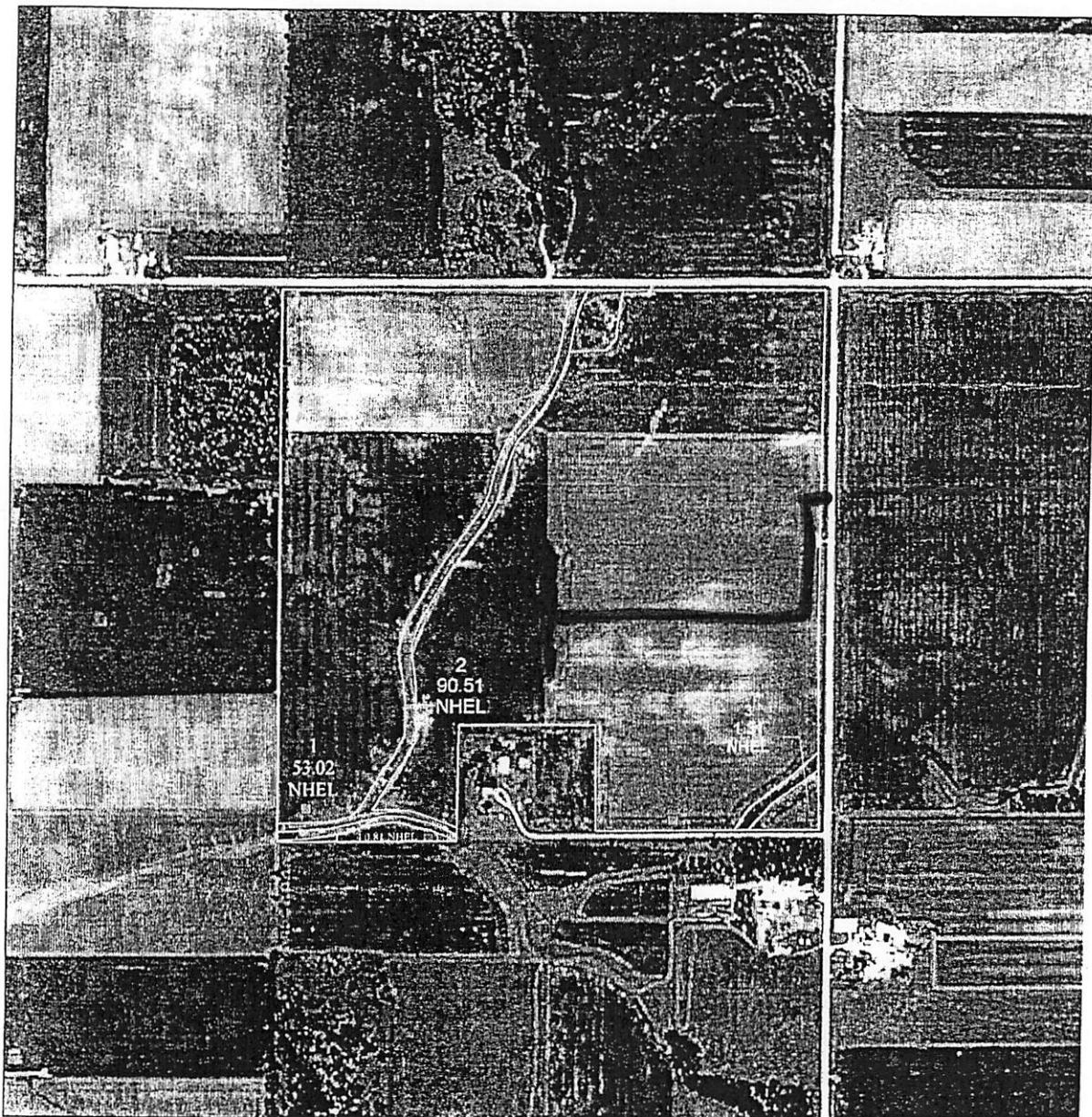
NOTARY PUBLIC IN THE STATE OF
IOWA

EXHIBIT A

The Northeast Quarter (NE $\frac{1}{4}$) (Except Lot one (1) of the Northeast Quarter (NE $\frac{1}{4}$) of the Subdivision of the North $8\frac{2}{3}$ ds acres of the Southeast Quarter and part of the Northeast Quarter all in Section 34, Township 97 North, Range 14 West of the 5th P.M., Chickasaw County, Iowa as described in a plat of survey by L. P. Erdman and recorded on July 2, 1976 in Book 111 at Page 489 in the office of the Chickasaw County Recorder) and Lot one (1) of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) and Lot 3 (3) of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) as described in the same survey, all in Section Thirty-Four (34), Township Ninety-seven (97) North, Range Fourteen (14), West of the 5th P.M., Chickasaw County, Iowa

Section: 34
Twp: N. Deerfield

Farm: 352
Tract: 166



1 inch equals 660 feet

Legend

Field Boundary

Wetland Determination

Wetland Determination Identifiers

- Restricted Use
- ▽ Limited Restrictions
- Exempt from Conservation Compliance Provisions



CHICKASAW COUNTY FSA

Map Printed: September 22, 2008

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS."

120th St.

1-50-001
PBE FARMLAND HOLDINGS, LLC

Durham Ave.

Durham Ave.

650

1-50-001
HART, JOSEPH DEAN & CHERYL MAE
9.89 Ac

512.9

1089.3

1761.9