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FEE \$25.00 Paid  
*Quinn & Hays*  
RECORDER OF DEEDS  
SCOTT COUNTY, IOWA

WATER AGREEMENT

16961-86

NOW ON this 25 day of August, 1986 James H. Moenck and Melody J. Moenck, as owners of the property shown on the attached Exhibit No. 1 and Ernest L. Moenck and Deborah S. Moenck, as owners of the property shown on the attached Exhibit No. 2, agree as follows:

1. That at present there exists a system of pipes, pumps, wells and other necessary equipment to supply both parcels of real estate as shown above with water from a well located on Exhibit No. 1.

2. That due to the Partition Action No. 70530 as filed in the Clerk of the Scott County Iowa District Court, the parties wish to agree as to the provision of water to both parcels of real estate following partition of the real estate in the aforementioned action.

3. That James H. Moenck and Melody J. Moenck agree to provide to Ernest L. Moenck and Deborah S. Moenck on the following terms and conditions all the reasonably necessary water in the presently existing pipes and other mechanisms used for such purposes and all replacements as reasonably necessary therefore.

WITNESSETH

4. That in exchange for receiving all the reasonably necessary water for their use in their real estate as shown above, Ernest L. Moenck and Deborah S. Moenck agree to pay to James H. Moenck and Melody J. Moenck the sum of \$10.00 per month commencing on September 1, 1986 and continuing each and every month thereafter for so long as they shall use any water from the aforementioned water system on the real estate of either party.

5. That in addition to the above payment Ernest L. Moenck and Deborah S. Moenck agree to reimburse James H. Moenck and Melody J. Moenck for one-half of the reasonably necessary expenses and costs to maintain the well, pumps and other reasonably necessary equipment for the use of the well by Ernest L. Moenck and Deborah S. Moenck.

6. That all parties hereto recognize that this Water Agreement shall not be assigned, sold or transferred by Ernest L. Moenck and Deborah S. Moenck, but rather shall be a personal contract right available only to those parties. In addition, James H. Moenck and Melody J. Moenck recognize that any successor in interest to their real estate rights to the real estate shown on Exhibit No. 1 shall be bound by this agreement for the benefit of Ernest L. Moenck and Deborah S. Moenck, only.

James H. Moenck  
James H. Moenck

Ernest L. Moenck  
Ernest L. Moenck

Melody J. Moenck  
Melody J. Moenck

Deborah S. Moenck  
Deborah S. Moenck

STATE OF IOWA, COUNTY OF SCOTT, ss:

On this 25 day of August, A.D. 1986, before me, the undersigned, a Notary Public in and for said County and State, personally appeared, James H. Moenck and Melody J. Moenck, husband and wife, to me known to be the identical persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

[Signature]  
Notary Public in and for said  
County and State

STATE OF IOWA, COUNTY OF SCOTT, ss:

On this 11 day of September, A.D. 1986, before me, the undersigned, a Notary Public in and for said County and State, personally appeared, Ernest L. Moenck and Deborah S. Moenck, husband and wife, to me known to be the identical persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

[Signature]  
Marc R. Engelmann, Notary Public  
In and for said County and State

Exhibit 1

## LEGAL DESCRIPTION

JAMES MOENCK PROPERTY

BETTENDORF, IOWA

Part of the South Half of Section 13 and part of the North Half of Section 24, all in Township 78 North, Range 4 East of the 5th P. M., being more particularly described as follows:

Commencing, as a point of reference, at the northwest corner of the Southwest Quarter of said Section 13; thence South  $36^{\circ}-45'-00''$  East 2513.9 feet along the original westerly right of way line of Moenck's Road to the centerline of Valley Drive (Davenport-LeClaire Road) as now established; thence North  $50^{\circ}-15'-00''$  East 129.72 feet along the centerline of Valley Drive to a point located 410.56 feet southwesterly from the westerly most corner of Stafford Industrial Park First Addition to the City of Bettendorf, Iowa, said point being the POINT OF BEGINNING of the tract of land hereinafter described:

thence South  $33^{\circ}-33'-40''$  East 1346.13 feet to the northerly right of way line of U. S. Highway 67 as now established;

thence South  $46^{\circ}-29'-35''$  West 482.43 feet along the northerly right of way line of said U. S. Highway 67 to the easterly line of land owned by Harriet E. Keefe;

thence North  $37^{\circ}-23'-45''$  West 1371.05 feet along the easterly line of said Keefe property to the centerline of said Valley Drive;

thence North  $50^{\circ}-15'-00''$  East 570.19 feet along the centerline of said Valley Drive to the point of beginning.

Containing 16.3 acres, more or less, and subject to easements of record.

Exhibit 2

Part of the South Half of Section 13 and part of the North Half of Section 24, all in Township 78 North, Range 4 East of the 5th P. M., being more particularly described as follows:

Commencing, as a point of reference, at the northwest corner of the Southwest Quarter of said Section 13; thence South  $36^{\circ}-45'-00''$  East 2513.9 feet along the original westerly right of way line of Moenck's Road to the centerline of Valley Drive (Davenport-LeClaire Road) as now established; thence North  $50^{\circ}-15'-00''$  East 540.28 feet along the centerline of said Valley Drive to the westerly most corner of Stafford Industrial Park First Addition to the City of Bettendorf, Iowa, said point being the POINT OF BEGINNING of the tract of land hereinafter described:

thence South  $37^{\circ}-23'-45''$  East 1306.42 feet along the westerly line (and westerly line extended) of said Stafford Industrial Park First Addition to the northerly right of way line of U. S. Highway 67 as now established;

thence South  $46^{\circ}-29'-35''$  West 503.09 feet along the northerly right of way line of said U. S. Highway 67;

thence North  $33^{\circ}-33'-40''$  West 1346.13 feet to the centerline of said Valley Drive;

thence North  $50^{\circ}-15'-00''$  East 410.56 feet along the centerline of said Valley Drive to the point of beginning.

Containing 13.8 acres, more or less, and subject to easements of record.