

FILE NO: 3171  
FILED FOR record 6  
day of May, 1975 at  
2:34 P M.  
KENNETH ASMUSSEN  
MILLS CO. RECORDER  
FEE: \$ 4.50

Indexed  
Records  
Comparison

EXHIBIT 3

EASEMENT

For and in consideration of One Dollar (\$1.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged,

Amos W. Jensen (husband) Glenwood Tabor, Iowa R2  
(NAME) (ADDRESS)

Virginia L. Jensen (wife) Glenwood Tabor, Iowa R2, Grantor(s)  
(NAME) (ADDRESS)

does hereby grant, bargain, sell, convey and release unto Mills Soil Conservation District Malvern, Iowa

Mills County Board of Supervisors of Glenwood, Iowa  
(NAME) (ADDRESS)

its successors and assigns, Grantee, a permanent and perpetual easement in, over and upon those portions of the following described land situated within the Waubonsie Creek Watershed, located in the County of Mills, State of Iowa, to-wit:

NW $\frac{1}{4}$  of NE $\frac{1}{4}$  except a tract described as follows: Commencing at the NW corner of said 40 acre tract East 42 rods to the point of beginning; thence South 20 degrees 15 minutes East 40 rods, thence North 78 degrees 15 minutes East 16 rods, thence North 12 degrees East 4 rods and 7 links to the NE corner of said 40 acre tract, thence West on the section line to the place of beginning. That part of the SW $\frac{1}{4}$  of the NE $\frac{1}{4}$  lying west of Waubonsie Creek. All of the above being in Section 25, T71N, R43W, of the 5th P.M. NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of section 25, T71N, R43W, of the 5th p.m.

for the purposes as stated under "A" below, and the Grantor(s) covenant(s) that (he, she, they) (is, are) the owner(s) in fee simple of above described lands and that the said lands are free and clear of all incumbrances and liens of whatsoever character except the following:

- NONE
- A. For the permanent storage and temporary detention, either or both, of any waters that are impounded, stored or detained by those certain works of improvement which are described and are to be located as follows:

Grade stabilization structure M-1

and for the operation, inspection, and maintenance of said area to be flooded.

FILED  
AT 2:34 P.M.  
MAY 6, 1975  
IN BOOK 108 OF PAGE 434  
435  
Kenneth Asmussen  
RECORDER AND CLERK OF MILLS COUNTY, IOWA

1. The rights and easements hereby granted shall cease and terminate at any time in the future when mutually agreed upon by the parties hereto; or the above described lands cease to be used for the purposes stated in this easement; or if construction operations in the watershed area do not begin on or before July 1, 1978.
2. This easement includes the right of ingress and egress to the Grantee or its authorized agents at any time over and upon the above described land of the Grantor(s) and any other land of the Grantor(s) adjoining said land.
3. The Grantor(s) reserves the right to use said land or any part thereof, provided such use does not interfere with the full enjoyment by the Grantee of the easement herein conveyed.
4. The Grantor(s) shall be responsible for written notification to all subsequent tenants, not now on the land or party to this agreement, of the existence of this agreement, and where a copy of the same may be found.
5. The grantor(s) shall maintain all improvements, except those under "A" above in accordance with acceptable conservation methods.
6. The Grantor(s) shall construct temporary fences, as necessary, to protect the area of construction operations from livestock and provide adequate protection to livestock; and shall not construct any fences upon, across or through the area of construction operations until planned improvements, including establishment of grass stands, have been completely installed or constructed, or in any manner hinder construction operations.

TO HAVE AND TO HOLD the aforesaid easement in, over and upon the above described land of the Grantor(s), with all the rights, privileges and appurtenances thereto belonging or in anywise appertaining, unto the grantee, its successors and assigns, forever.

In Witness Whereof, the Grantor(s) has executed this instrument on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Amos W. Jensen (SEAL)  
(SIGNATURE OF GRANTOR(S))  
 \_\_\_\_\_ (SEAL)  
(SIGNATURE OF GRANTOR(S))

Virginia L. Jensen (SEAL)  
(SIGNATURE OF GRANTOR(S))  
 \_\_\_\_\_ (SEAL)  
(SIGNATURE OF GRANTOR(S))

WJ  
 ACZ

**CERTIFICATE OF ACKNOWLEDGMENT**

State of Iowa )  
 )SS.  
 County of Mills )

On this 24th day of January, 1978, A.D., before me, a Notary Public, personally appeared Amos W. Jensen and Virginia L. Jensen to me known to be the person(s) named in and who executed the foregoing instrument, and acknowledge that they executed the same as their voluntary act and deed.

(NOTARIAL SEAL)

CP-30705



Donald D. Bruce  
 NOTARY PUBLIC IN AND FOR SAID COUNTY  
 Donald D. Bruce