

#21

City of Emmetsburg, Iowa  
and  
Kerber Milling Company

[EASEMENT AGREEMENT  
[Dated June 10, 1998  
[Filed June 11, 1998  
[Misc. Book 25, Page 349

The parties state and agree as follows:

1. City is the holder of an sewer utilities easement located in the former 20' alley running east and west through Block 22, Corbin and Lawler's Addition to Emmetsburg, Palo Alto County, Iowa. Said easement being reserved in conveyance of the alley to Kerber by Warranty Deed dated May 29, 1998.

2. Kerber desires to lay under the former alley a private underground sewer line. Kerber also desires to erect a permanent structure over the site reserved as an easement by the City.

3. In consideration of the City hereby consenting to Kerber laying the private underground sewer line and Kerber's erection of a permanent structure over its easement, Kerber agrees to provide Lot 15 of said Block 22, Corbin and Lawler's Addition to Emmetsburg, Iowa, access to its private sewer line if the retained easement is obstructed due to the construction of Kerber's structure. Said access will be limited to said Lot 15 only and will be a 4" sewer stub to be located approximately two (2) feet East and three (3) feet South of the Southwest corner of the Kerber structure. the City shall have full right of ingress and egress over the easement as is necessary to repair and maintain the sewer access point.

4. This agreement shall be binding on the parties, their successors and assigns and the terms and covenants set forth shall run with the land.

Executed by Norlyn, Mayor of Emmetsburg, Iowa, and RosaLinda Argabright, City Clerk – Seal affixed.

Executed by John E. Kerber, President, Kerber Milling Company