

BARBARA L. NUSS, RECORDER
HARDIN COUNTY IOWA

Waiver of Separation Distance

Prepared by: Erin Herbold-Swalwell
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e Return to: Erin Herbold-Swalwell
321 E. Walnut, Suite 200, Des Moines, Iowa 50309

Tax Address: Annette (Ioerger) Sweeney
21547 Hwy. S 27
Alden, Iowa 50006

Re: #1. Grantor's property: The South Half of Section 19, Township 88 North, Range 22, West of the 5th P.M., Hardin County, Iowa; also known and described as the SE ¼ and SW ¼ of Section 19, Township 88 North, Range 22, West of the 5th P.M., Hardin County, Iowa.

#2. And concerning Grantee's property: The North one-half of Section 30, Township 88 North, Range 22 West of the 5th P.M., Hardin, Iowa.

Grantees: Annette (Ioerger) Sweeney
21547 Hwy. S 27
Alden, Iowa 50006

Grantors: Ruth A. Silvest Revocable Trust under Agreement Dated 17th Day of April, 2012
12343 200th St.
Radcliffe, Iowa 50230

2 pages

Easement and Waiver of Separation Distance

Grantor consents and acquiesces to the activities conducted on Grantees' property, the construction and operation of a Fish Production Facility and therefore covenants for themselves, and for Grantor's successors, heirs and assigns (as a restrictive covenant running with the land) to not make any claim or assert any cause of action against the Grantees' or Grantees' successors, heirs and assigns for construction of a Fish Production Facility or its operation, including, without limitation, causes of action or claims for nuisance, trespass, easement or any other legal or equitable theory. Grantor further waives the enforcement of any county, state or federal regulation or law regarding the emission of any odors, gases, vapors or other airborne pollutants from the Fish Production Facility.

In addition and without limitation of the foregoing, Grantor grants to Grantees' and Grantees' successors, heirs and assigns a perpetual easement (as an easement appurtenant running with the land) for the Fish Production Facility (as currently proposed as provided herein), on and over the Grantors' real estate for use by the Fish Production Facility to emit odors or other gases or vapors produced by the Fish Production Facility.

The undersigned is titleholder to the above-described property, property # 1. Annette (Ioerger) Sweeney is titleholder to the above-described property, property #2. Annette (Ioerger) Sweeney is constructing a fish confinement operation with uncovered earthen manure storage on property #2. The fish confinement operation with uncovered earthen storage has an animal capacity of 120,000 fish with an animal unit capacity of 120.0; with an additional expansion planned of 130,000 fish with an animal unit capacity of 130.0; for a total fish confinement operation animal unit capacity of 250. Pursuant to Iowa Code §459.202(4) (2013) and §459.203(1)(c) (2013), a separation distance of 1,875 feet is required between the fish confinement structure and the undersigned's land where the residence is located.

Pursuant to Iowa Code §459.205(2)(2013), the undersigned as titleholder to the land where the residence is located hereby waives the enforcement of this separation distance requirement between the Grantor's residence and the fish confinement operation. This waiver shall apply only to the facilities described in this agreement, shall be perpetual and shall run with the land.

Granted this 2 day of MAY 2014.

Ruth A. Silvest

Ruth A. Silvest, Trustee

Ruth A. Silvest Revocable Trust Under Agreement dated April 17th, 2012, Grantor
12343 200th St.
Radcliffe, Iowa 50230

County of Hardin, State of Iowa ss.

On this 2 day of MAY 2014, before me, a Notary Public in and for the State of Iowa, personally appeared Ruth A. Silvest, trustee of the Ruth A. Silvest Revocable Trust under Agreement dated April 17th, 2012, to me known to be the persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Gordon D. Kolterman

Notary Public in and for said State

