

04610

RECORDED 2:25 P.M.  
BK 358 PG 542-544

Del: NOV 30 2005  
\$17.00  
Eric Osterloh  
Mills County Recorder

INDEXED  
RECORDED  
MILLS CO.

R- Mrs. R. Dittie  
535 W Broadway Ste 201  
CB 51503 EASEMENT AGREEMENT

Recorders's Cover Sheet

**Preparer Information:** (Name, address, and phone number)  
Eric Osterloh, 21060 Abbey Road, Council Bluffs IA 51503 ph 712-366-1535

**Return Document To:** (Name and complete address)  
Missouri River Title Co., 535 W Broadway #210, Council Bluffs IA 51503

**Grantors:**  
Eric Osterloh  
Tamie Osterloh

**Grantees:**  
Gordon V. Jones

**Legal description:** See Exhibit A

358/542

MRT 20054354

**EASEMENT AGREEMENT**

DATE: November 8, 2005

ADDRESSES: 50638 221<sup>ST</sup> Street  
Council Bluffs, Iowa 51503  
Gordon V. Jones

21060 Abbey Road  
Council Bluffs, Iowa 51503  
Eric & Tamie Osterloh

Gordon V. Jones, the present owner of 50638 221<sup>st</sup> Street, has a septic system servicing the shop building that is encroaching the property line of the property at 21060 Abbey Road owned by Eric and Tamie Osterloh. The Mills County Health Department, Mr. Mike Sukup, sent notice of this to Mr. Jones on October 26, 2005 and suggested several ways to bring the system into compliance. The best option, he believed would be to draw up an easement for the problem.

This document is to be a recorded easement from Eric and Tamie Osterloh, at 21060 Abbey Road, to Gordon V. Jones at 50638<sup>st</sup> Street, allowing the septic system to encroach on their property in its present state and is binding on all successors and assigns of both parties! If the system should ever need to be modified, the system then should be moved to the property at 50638 221<sup>st</sup> Street.

See the following attachments for further information.

We do hereby agree to the above information to meet the criteria for the Mills County Health Department in accepting the Easement Agreement.


Gordon V. Jones Date Nov 8, 2005  
Gordon V. Jones, 50638 221<sup>st</sup> Street

Eric Osterloh Date Nov 8, 2005  
Eric Osterloh, 21060 Abbey Road

Tamie Osterloh Date Nov. 8, 2005  
Tamie Osterloh, 21060 Abbey Road

STATE OF IOWA  
COUNTY OF MILLS

Subscribed and sworn to me this 8 day of November 2005 543

My term expires:  
 Glen Tieszen  
NOTARY PUBLIC

LEGAL DESCRIPTION

EXHIBIT A

A PARCEL OF LAND LOCATED IN PART OF LOT 2 OF SCENIC HIDEAWAY SUBDIVISION LOCATED IN PART OF THE SE 1/4 SE 1/4 OF SECTION 4, TOWNSHIP 73 NORTH, RANGE 43 WEST OF THE 5TH PRINCIPAL MERIDIAN, MILLS COUNTY, IOWA, SAID PARCEL BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWESTERLY CORNER OF SAID LOT 2; THENCE S 36° 40' 46" E ALONG THE WESTERLY LINE OF SAID LOT 2 A DISTANCE OF 178.59 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S 36° 40' 46" E ALONG SAID WESTERLY LINE A DISTANCE OF 358.78 FEET; THENCE N 59° 31' 46" E A DISTANCE OF 223.52 FEET; THENCE S 22° 09' 53" E A DISTANCE OF 245.74 FEET; THENCE N 24° 39' 46" E A DISTANCE OF 353.37 FEET; THENCE N 33° 44' 03" W A DISTANCE OF 147.63 FEET; THENCE N 00° 30' 26" W A DISTANCE OF 321.52 FEET; THENCE S 57° 07' 24" W A DISTANCE OF 669.52 FEET TO THE POINT OF BEGINNING. SUBJECT TO EASEMENTS OF RECORD.

NOTE: THE NORTHERLY LINE OF LOT 2 OF SAID SCENIC HIDEAWAY SUBDIVISION IS ASSUMED TO BEAR N 57° 07' 24" E FOR THIS DESCRIPTION.

EXCEPT:

PARCEL C:

A PARCEL OF LAND LOCATED IN PART OF LOT 2 OF SCENIC HIDEAWAY SUBDIVISION LOCATED IN PART OF THE SE 1/4 SE 1/4 OF SECTION 4, TOWNSHIP 73 NORTH, RANGE 43 WEST OF THE 5TH PRINCIPAL MERIDIAN, MILLS COUNTY, IOWA, SAID PARCEL BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHERLY CORNER OF LOT 1 OF SAID SCENIC HIDEAWAY SUBDIVISION AND THE POINT OF BEGINNING; THENCE N 33° 44' 03" W ALONG THE SOUTHWESTERLY LINE OF SAID LOT 1 A DISTANCE OF 147.63 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 1; THENCE S 54° 35' 57" W A DISTANCE OF 53.36 FEET; THENCE S 42° 46' 47" E A DISTANCE OF 164.99 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 2; THENCE N 24° 39' 46" E ALONG SAID EASTERLY LINE A DISTANCE OF 32.17 FEET TO THE POINT OF BEGINNING, SUBJECT TO EASEMENTS OF RECORD.

NOTE: THE NORTHERLY LINE OF LOT 2 OF SAID SCENIC HIDEAWAY SUBDIVISION IS ASSUMED TO BEAR N 57° 07' 24" E FOR THIS DESCRIPTION.

4-26-99  
JONES  
MKA

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