

Prepared by and return to: Mike Wallace, Director, Dallas County Conservation Board, 14581 K Avenue, Perry, Iowa 50220

**AN EASEMENT TO DALLAS  
COUNTY, IOWA (Dallas County  
Conservation Board) TO ALLOW  
CONSTRUCTION AND USE OF A  
MULTI-USE RECREATIONAL TRAIL  
ON CITY OF PERRY, IOWA  
PROPERTY IN THE VICINITY OF:**

State of: Iowa  
County of: Dallas  
Sections: 8 and 9  
Township: 81 North  
Range: 28 West of the 5<sup>th</sup> PM.

1. For and in consideration of the sum of One and no/100-----Dollar (\$1.00), and other valuable consideration, in hand paid by Dallas County, Iowa (Dallas County Conservation Board) (Grantee) in the County of Dallas, State of Iowa, receipt of which is hereby acknowledged, the undersigned owner(s) The City of Perry, Iowa (Grantor), its successors and assigns, does hereby grant to Dallas County, Iowa (Dallas County Conservation Board), its successors and assigns (Grantee), a perpetual, non-exclusive easement to construct, reconstruct, operate, use, and maintain, a multi-use recreational trail on lands owned by the Grantor on the following described real estate, together with the right of ingress and egress to and from the same, and all the rights and privileges incident and necessary to the enjoyment of this easement ("easement area").

**The easement area is fully described in exhibits "A" which are attached hereto and fully incorporated herein for reference.**

The above-described easement area property is granted unto Grantee, for the purpose of construct, reconstruct, operate, use, and maintain, a multi-use recreational trail with the following conditions:

### TERMS OF EASEMENT AREA PROPERTY

- A. The Grantor hereby grants and conveys to Grantee a perpetual, non-exclusive easement for the purpose of construct, reconstruct, operate, use, and maintain, a multi-use recreational trail.
- B. Grantee shall have the right to enter upon said property as shall be necessary to construct, reconstruct, operate, use, and maintain, a multi-use recreational trail, and shall have the right to use as much of the above described real estate as may be necessary for the use as a trail and for the use of trail related amenities.
- C. Said easement property shall be open for public use as governed by rules, regulations, laws, policies and ordinances of the Dallas County Conservation Board.
- D. The covenants, representations, terms, conditions, and restrictions of the agreement shall be binding upon and inure to the benefit of both parties hereto and their respective successors and assigns, and shall continue as covenants and servitudes running in perpetuity with the property.
- E. The Grantee agrees to pay the City of Perry, Iowa \$1.00 as a one-time payment for the easement (see exhibit A).
- F. This agreement shall commence the date last signed below by authorized representatives of both parties.

This Grant of Easement having been duly considered and approved by the City of Perry, Iowa following lawful notice and public hearing as required by Chapter 331 of the Iowa Code, and therewith being approved by Resolution of the City of Perry, Iowa.

FOR GRANTOR: Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

City of Perry, Iowa

By: \_\_\_\_\_

Name Printed: Jay Pattee

Title: Mayor, City of Perry, Iowa

Attest: \_\_\_\_\_

Consent to Easement

By: \_\_\_\_\_

Name Printed: Sean Kennedy

Title: Project Developer, Megawatt Photovoltaic Development, Inc.

FOR GRANTEE: Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Dallas County, Iowa (Dallas County Conservation Board).

By: \_\_\_\_\_

Name Printed: \_\_\_\_\_

Title: \_\_\_\_\_

ACKNOWLEDGMENT

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) ss

This instrument was acknowledged before me on \_\_\_\_\_, 20\_\_, by

\_\_\_\_\_ of Dallas County, Iowa.

\_\_\_\_\_  
Notary Public in and for said state

\_\_\_\_\_

**Exhibit "A"**

# INDEX LEGEND

**SURVEYOR'S NAME:**  
 ERIC J. MILLER  
 SNYDER & ASSOCIATES, INC.  
 2727 SW SNYDER BOULEVARD  
 ANKENY, IOWA 50023  
 515-964-2020  
 ERICMILLER@SNYDER-ASSOCIATES.COM

**SERVICE PROVIDED BY:**  
 SNYDER & ASSOCIATES, INC.

**SURVEY LOCATED:**  
 PT. SE 1/4, NE 1/4 SECTION 8-81N-28W  
 PT. SW 1/4, NW 1/4 SECTION 9-81N-28W

**REQUESTED BY:**  
 TYSON FOODS INC.

**RETURN TO:**  
 ERIC J. MILLER  
 SNYDER & ASSOCIATES, INC.  
 2727 SW SNYDER BOULEVARD  
 ANKENY, IOWA 50023

## EASEMENT PLAT

### EASEMENT DESCRIPTION

A PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 8 AND A PART OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 9, TOWNSHIP 81 NORTH, RANGE 28, WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 9; THENCE NORTH 00° 09' 50" WEST ALONG THE WEST LINE OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 1321.79 FEET TO THE WEST 1/4 CORNER OF SAID SECTION 9; THENCE NORTH 00° 09' 09" EAST ALONG THE WEST LINE OF SAID SOUTHWEST 1/4 OF THE NORTHWEST 1/4, A DISTANCE OF 295.98 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 87° 36' 02" WEST, 243.12 FEET; THENCE SOUTH 33° 10' 48" WEST, 14.75 FEET TO THE NORTH RIGHT-OF-WAY LINE OF THE FORMER UNION PACIFIC RAILROAD; THENCE SOUTH 87° 36' 02" WEST ALONG SAID NORTH RAILROAD RIGHT-OF-WAY LINE, 319.92 FEET; THENCE NORTH 38° 24' 17" EAST, 156.42 FEET; THENCE NORTH 83° 08' 00" EAST, 477.25 FEET TO SAID WEST LINE OF SAID SOUTHWEST 1/4 OF THE NORTHWEST 1/4; THENCE SOUTH 90° 00' 00" EAST, 874.77 FEET; THENCE SOUTH 66° 09' 25" EAST, 268.21 FEET TO SAID NORTH RAILROAD RIGHT-OF-WAY LINE; THENCE SOUTH 87° 34' 56" WEST ALONG SAID NORTH RAILROAD RIGHT-OF-WAY LINE, 1,114.78 FEET; THENCE NORTH 00° 09' 09" EAST, 12.01 FEET; THENCE SOUTH 87° 36' 02" WEST, 6.73 FEET TO THE POINT OF BEGINNING AND CONTAINING 4.64 ACRES (202,307 S.F.).

### OWNER

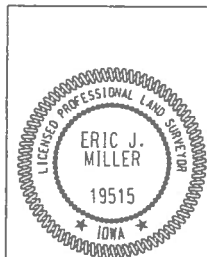
CITY OF PERRY

### BASIS OF BEARING

THE WEST LINE OF THE NW1/4 OF THE SW1/4 OF SECTION 9 IS ASSUMED TO BEAR N 00° 00' 00" E

### LEGEND

Survey	Found	Set
Section Corner	▲	△
1/2" Rebar	●	○
1/2" Rebar, Orange Plastic Cap #19515 (Unless Otherwise Noted)	●	○
ROW Marker	■	□
ROW Rail	+	✚
Calculated Point	P	
Plotted Distance	M	
Measured Bearing & Distance	R	
Recorded As	D	
Deed Distance	C	
Calculated Distance		
Centerline		
Section Line		
1/4 Section Line		
1/4 1/4 Section Line		
Easement Line		



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly Licensed Professional Land Surveyor under the laws of the State of Iowa.

*Eric J. Miller* 4-5-17  
 Eric J. Miller, PLS Date

License Number 19515  
 My License Renewal Date is December 31, 2018

Pages or sheets covered by this seal:  
 SHEETS 1 AND 2 OF 2

### TYSON FOODS

### EASEMENT PLAT



**SNYDER & ASSOCIATES, INC.**  
 Engineers and Planners

2727 S.W. SNYDER BLVD.  
 ANKENY, IA 50023 (515) 964-2020

SHEET 1 OF 2

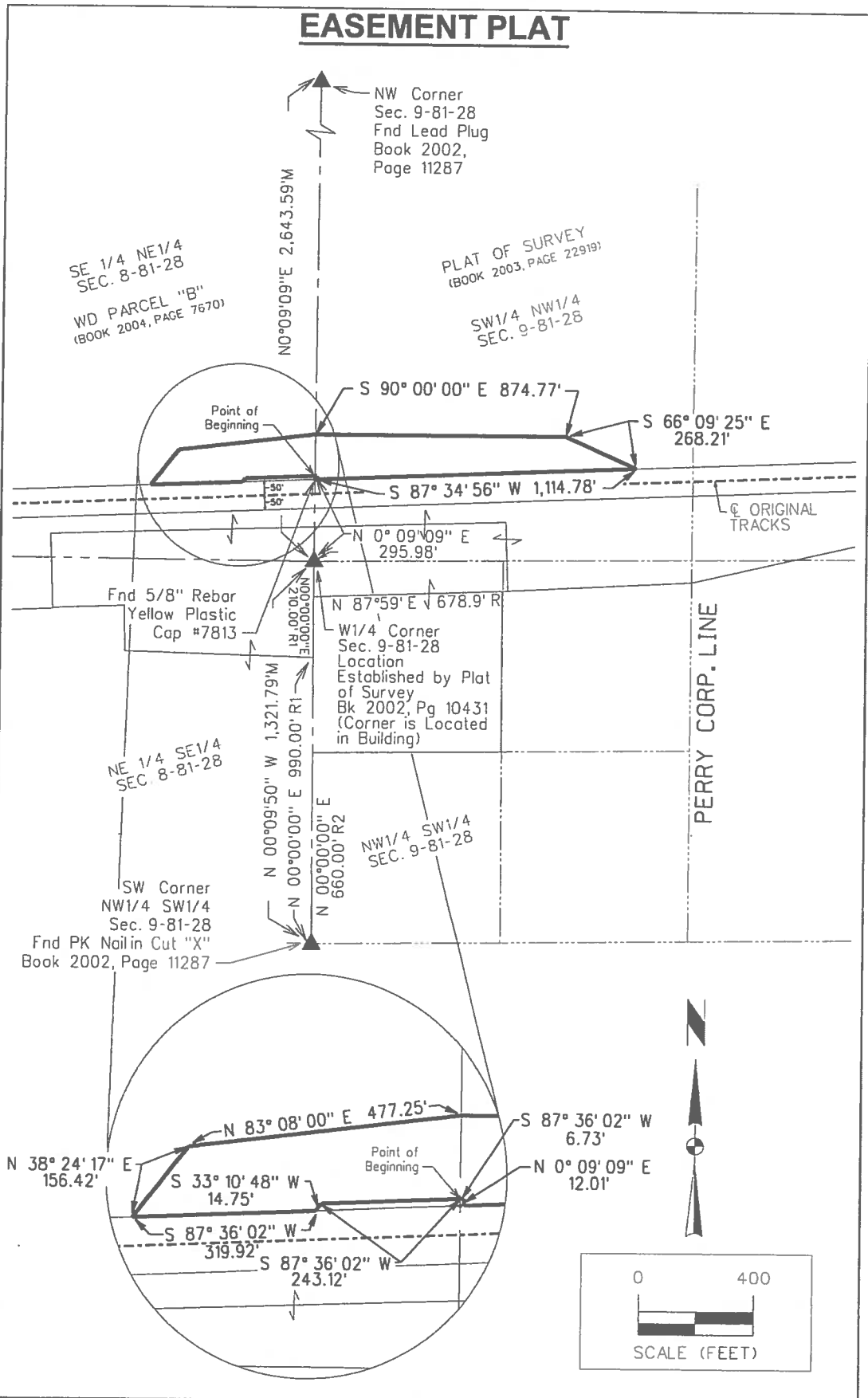
PN: 116.1020

FIELD BK 343A PG 42

DATE 04/05/17

PM/TECH EJM/SDB

# EASEMENT PLAT



**TYSON FOODS**  
**EASEMENT PLAT**



**SNYDER & ASSOCIATES, INC.**  
Engineers and Planners

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SHEET 2 OF 2
PN: 116.1020
FIELD BK 343A PG 42
DATE 04/03/17
PM/TECH EJM/SDB

