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Pymt: Charge

Colleen Pearce, Cerro Gordo County Recorder

Prepared by David L. Dorff, Assistant Attorney General, Iowa Department of Justice, Capitol Complex, Des Moines, Iowa 50319, 515-281-5351

*Return to: Iowa Dept of Agriculture & Land
72 ^{day} ~~day~~ ^{attn. Mary Overhart} 1415 S. Monroe, Ste B Mc Ia*

IOWA CONSERVATION RESERVE ENHANCEMENT PROGRAM EASEMENT

For and in consideration of the sum of ten thousand six hundred thirty dollars and seventy-five cents (\$10,630.75), the sufficiency of which is hereby acknowledged by Grantor,

Mary A. Wilson (wife) 12373 275th Street
Clear Lake, Iowa 50428

Robert F. Wilson (husband) 12373 275th Street
Clear Lake, Iowa 50428

Grantor(s)

does hereby grant to

Cerro Gordo Soil and Water Conservation District 1415 South Monroe Avenue
Mason City, Iowa 50401

Grantee, its successors and assigns, a thirty-year easement as described below, upon those parts of the following described land which has been restored, enhanced, or protected in the Iowa Conservation Reserve Enhancement Program (CREP), has significant ecological value as a means of reducing nitrate in surface waters, and is enrolled in the Conservation Reserve Program (CRP).

The property subject to this easement, referred to as the easement area, consists of [32.71] acres and is described on a Plat of Survey prepared by Daryl Eiffler, L.S. dated 08/28/06. A reduced copy of said Plat of Survey is attached hereto as EXHIBIT A, and by this reference is incorporated herein.

Grantor covenants that he/she is the owner in fee simple of the above-described land and that the lands are free and clear of all encumbrances and liens except the following:

Intent of Parties

It is the intent of Grantor, by this conveyance, to grant a CREP easement to Grantee on, over, and across the above-described property, in order to conserve the ecological value of the property and to prevent the use or development of the property for any purpose or in any manner that would conflict with the maintenance of the practices established as part of the Iowa CREP. Grantee is willing to accept this grant of a CREP easement in order to extend the environmental benefits of the CRP contract subject to the reservations and the covenants, terms, conditions, and restrictions set out herein and imposed hereby. The easement granted is for 30 years in duration, shall run with the land, and shall be binding upon and benefit the successors or assigns of both Grantor and Grantee.

Conditions

This easement is subject to the following conditions:

1. Grantee shall have the right to enforce by proceedings at law or in equity the covenants set forth below, it being agreed that there shall be no waiver or forfeiture of Grantee's right to ensure compliance with the covenants and conditions of this easement by reason of any prior failure to act.
2. Grantor shall maintain vegetative cover and structural practices for the life of the easement. Grantor shall restore to the original specifications any improvement which Grantor, without prior approval of Grantee, has altered or permitted to be altered. Maintenance includes any necessary replanting of vegetative cover and repair of the structure.
3. Grantor shall manage wetland water levels as needed to balance water quality performance and vegetation distribution. Except when drawdown is needed for vegetation re-establishment, the water level control structure shall be maintained at the water level specified in the original wetland design plan. After initial vegetation establishment, when the wetland pool area less than three feet deep becomes devoid of vegetation, or upon recommendation of the NRCS, SWCD, and IDALS-DSC, or their designees, the water level in the wetland shall be lowered for vegetation re-establishment. The period of this drawdown shall be as needed to re-establish the vegetation and shall not exceed one year. Water-level manipulation will be done in such manner as to not infringe upon the vested drainage rights of up-stream or down-stream landowners.
4. Grantee is granted the right of ingress and egress to the Easement area to inspect the same to determine compliance with the terms of the CRP contract and this easement. This includes the right to take Global Positioning measurements or land surveys and to record measurements in a conservation practices database.
5. Except as otherwise allowed hereunder, there shall be no commercial, industrial, or single or multiple dwelling activity undertaken or allowed on the above-described property during the period of this easement, nor shall any right of passage across or upon the above-described

property be allowed, except for the use and enjoyment of Grantor, Grantor's family members, and Grantor's guests as allowed hereunder, absent the consent of Grantee.

6. There shall be no construction or placement of temporary or permanent buildings, docks or other structures. There shall be no mobile homes, trailers, or recreational vehicles providing permanent living quarters placed on the above-described property by either Grantor or Grantee. Existing structures may be maintained, but may not be used for living quarters.
7. There shall be no building of new roads or widening of existing roads.
8. There shall be no filling, excavating, mining or drilling; no removal of topsoil, sand, gravel, rock, minerals, gas, oil or other products that result in the alteration of the surface topography of the above-described property; no disturbance of natural (uncultivated) vegetation; and no installation of mechanical devices upon the above-described property.
9. There shall be no commercial timber harvest or livestock grazing on the above-described property for the life of the easement.
10. There shall be no use of the above-described property for dumping of refuse, trash, garbage, rubbish, junk, ashes, farm waste, or other waste material.
11. Grantor reserves all rights as owner of the property, including the right to use the above-described property for purposes not inconsistent with the CRP contract or the terms or conditions of this easement provided that these uses shall be in full accordance with all applicable local, state and federal laws and regulations.
12. Grantor further reserves the following specific rights:
 - A. The right to maintain and replace existing structures and roads.
 - B. The right of Grantor, Grantor's family members, and guests to hunt, temporarily camp, place temporary hunting blinds or stands, and make recreational use of the above-described property, provided such use does not impact the ecological significance and value of the easement area, and provided such use is conducted in accordance with state and federal regulations. Grantor further reserves the right to charge a fee to guests for such uses.
 - C. The rights to all minerals, gas, oil, and other hydrocarbons currently held by Grantor, shall remain with Grantor and are not conveyed by this easement.
13. Grantor, successors and assigns, shall pay any real estate taxes or assessments levied by competent authority on the above-described property.
14. No right of access to the general public to any portion of the above-described property is conveyed by this Easement, absent the consent of grantee.
15. Grantee expressly recognizes federal CRP 15-year contract #1473 CREP dated October 1, 2007, encumbering some or all of the property subject to this easement. To the extent that any inconsistencies exist between the CRP contract and this easement, the latter is subordinated to the former and the provisions in the CRP contract shall control over the provisions in this easement for the duration of the 15-year CRP contract.

16. Eligibility of the above-described property under United States Department of Agriculture (USDA) programs after expiration of this easement shall be governed by applicable USDA rules and regulations.
17. **Grantor's authority and power to revert the above-described property to its documented prior condition and use after expiration of this easement is regulated by and subject to United States Army Corps of Engineers correspondence dated 10/12/06 referencing CEMVR-OD-P-2006-1368 attached hereto as EXHIBIT B. Reversion may occur any time after easement expiration. A plan describing the location and size of drainage tiles disabled and landuse prior to wetland establishment, and NRCS-CPA-026E (Highly Erodible Land and Wetland Conservation Determination), are attached hereto as EXHIBITS C and D to document "prior condition". If additional drainage tiles are located during construction, their location and size will be described in a plan filed as an affidavit concerning this easement. Grantee cannot guarantee applicable wetland regulations at the time of easement expiration.**
18. Grantor shall be responsible for written notification to any present tenant or subsequent tenant of the existence of this easement and where a copy of the same may be located.
19. Grantor and Grantee recognize that this document cannot address every circumstance that may arise in the life of the Easement. The parties agree that the purpose of this easement to extend the CRP contract is to preserve, enhance, restore, and maintain the natural features and nitrate removal capacity of the above-described property. Any use or activity not reserved in this agreement which is inconsistent with the purposes of this easement, or which materially threatens the purpose of this easement, is prohibited.
20. The terms of this easement shall be deemed to run with the land and be binding upon and benefit all successors and assigns of both Grantor and Grantee.

Words used in this easement including the acknowledgment below shall be read as plural or singular and as masculine, feminine or neuter as required by the context.

Signed this 2 day of October, 2007.

Mary Ann Wilson
(Signature of Grantor)

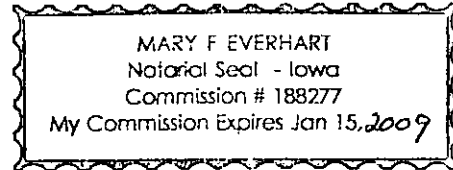
Robert F. Wilson
(Signature of Grantor)

STATE OF Iowa
}SS
COUNTY OF Cerro Gordo

On this 2nd day of October, 2007, A.D., before me a Notary Public, in and for said county, personally appeared Mary Ann & Robert F. Wilson, to me known to be the person named in and who executed the foregoing instrument, and acknowledged that _____ executed the same as her voluntary act and deed.

Mary F. Everhart
Notary Public in the State of Iowa

My commission expires 1-15, 2007.



STATE OF _____
}SS
COUNTY OF _____

On this _____ day of _____, 20____, A.D., before me a Notary Public, in and for said county, personally appeared _____, to me known to be the person named in and who executed the foregoing instrument, and acknowledged that _____ executed the same as his voluntary act and deed.

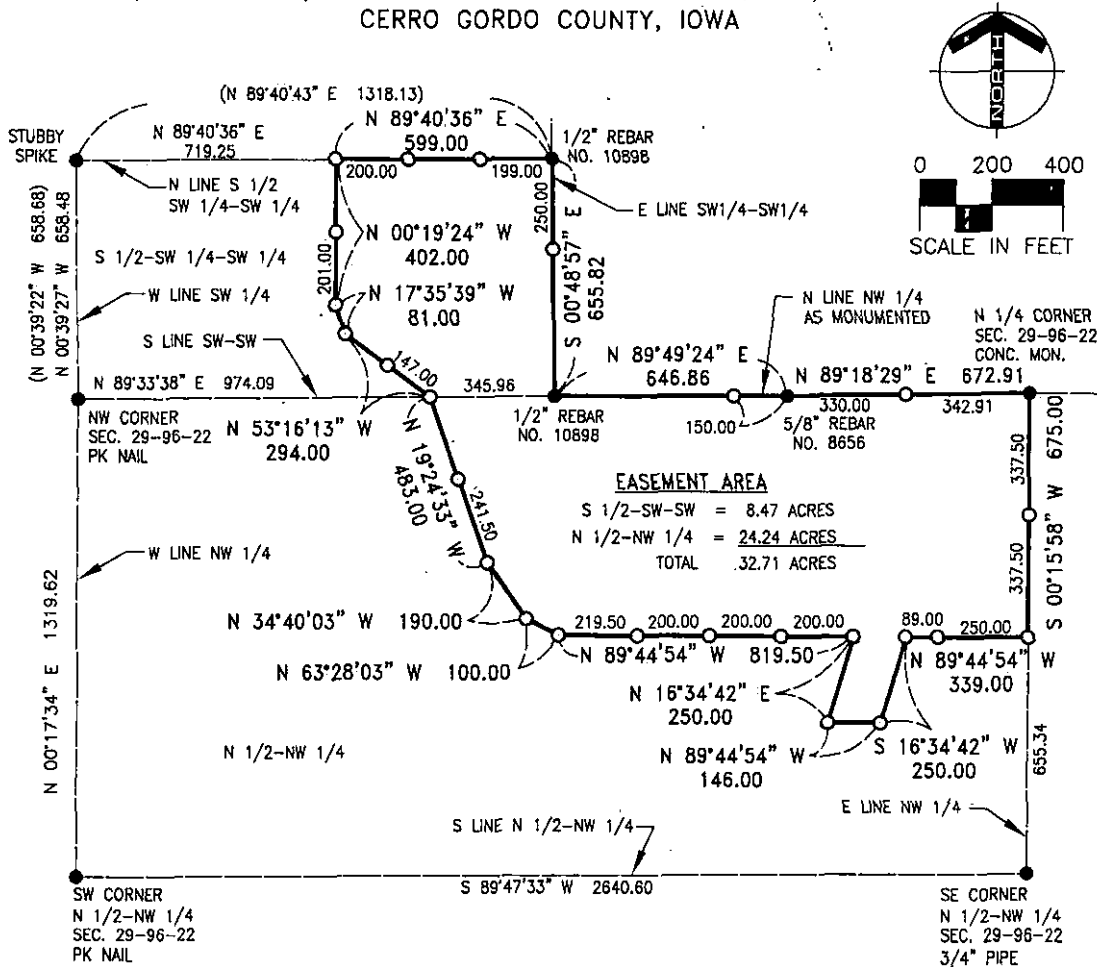
Notary Public in the State of _____

My commission expires _____, 20____.

PREPARED BY: DARYL EIFFLER, 215 N. ADAMS, MASON CITY, IA 50401, 641-424-6344

EASEMENT PLAT

PART OF THE S 1/2 OF SW 1/4 OF SW 1/4 OF SECTION 20, AND PART OF
N 1/2 OF NW 1/4 OF SECTION 29, ALL IN T96N, R22W OF 5TH P.M.
CERRO GORDO COUNTY, IOWA



INFORMATION SHOWN AS (00)
IS RECORD INFORMATION.

THE WEST LINE OF THE SW 1/4 OF SECTION
20 IS ASSUMED TO HAVE A BEARING OF
N 00°39'27\" W FOR THE PURPOSE OF THIS PLAT.

CREP SITE NUMBER: Cer962220C

PROPRIETOR: MARY ANN WILSON

PREPARED FOR: IOWA DEPARTMENT OF AGRICULTURE
AND LAND STEWARDSHIP

● FOUND MONUMENT

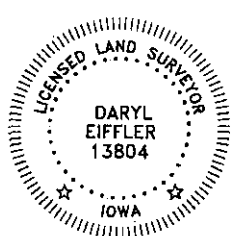
○ SET 1/2\" REBAR WITH
A YELLOW PLASTIC CAP
STAMPED \"PLS 13804\".

DISTANCES SHOWN ARE IN
FEET AND DECIMALS THEREOF.

SHEET 1 OF 2

ENGINEERS • ARCHITECTS
SURVEYORS • PLANNERS
LANDSCAPE ARCHITECTS

215 NORTH ADAMS
MASON CITY, IOWA 50401
641-424-6344



PROJECT NUMBER 8476
DATE PREPARED 8/23/06
PREPARED BY D. EIFFLER
PREPARED FOR SEE ABOVE

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 LAND
SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

FOR YAGGY COLBY ASSOCIATES

Daryl Effler
DARYL EIFFLER
LICENSE NUMBER 13804

8/28/06
DATE

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2006
SHEETS COVERED BY THIS SEAL: 2

EASEMENT PLAT

PART OF THE S 1/2 OF SW 1/4 OF SW 1/4 OF SECTION 20, AND PART OF
N 1/2 OF NW 1/4 OF SECTION 29, ALL IN T 96N, R22W OF 5TH P.M.
CERRO GORDO COUNTY, IOWA

EASEMENT DESCRIPTION:

That part of the South Half of the Southwest Quarter of the Southwest Quarter of Section 20 and that part of the North Half of the Northwest Quarter of Section 29, ALL in Township 96 North, Range 22 West of the 5th P.M., Cerro Gordo County, Iowa, described as follows:

Commencing at the northwest corner of said Section 29;

Thence North 00 degrees 39 minutes 27 seconds West (assumed bearing) along the west line of the Southwest Quarter of said Section 20 a distance of 658.48 feet to the north line of the South Half of the Southwest Quarter of the Southwest Quarter of said Section 20;

Thence South 89 degrees 40 minutes 36 seconds East along said north line 719.25 feet to the point of beginning;

Thence continuing North 89 degrees 40 minutes 36 seconds East along said north line 599.00 feet to the east line of the Southwest Quarter of the Southwest Quarter of said Section 20;

Thence South 00 degrees 48 minutes 57 seconds East along said east line 655.82 feet to a 1/2 inch rebar with a yellow plastic cap stamped number 10898 also being the south line of the Southwest Quarter of the Southwest Quarter of said Section 20;

Thence North 89 degrees 49 minutes 24 seconds East along the north line of the Northwest Quarter of said Section 29 as monumented 646.86 feet to a 5/8 inch rebar with a yellow plastic cap stamped number 8656;

Thence North 89 degrees 18 minutes 29 seconds East along said north line 672.91 feet to the east line of said Northwest Quarter;

Thence South 00 degrees 15 minutes 58 seconds West along said east line 675.00 feet;

Thence North 89 degrees 44 minutes 54 seconds West 339.00 feet;

Thence South 16 degrees 34 minutes 42 seconds West 250.00 feet;

Thence North 89 degrees 44 minutes 54 seconds West 146.00 feet;

Thence North 16 degrees 34 minutes 42 seconds East 250.00 feet;

Thence North 89 degrees 44 minutes 54 seconds West 819.50 feet;

Thence North 63 degrees 28 minutes 03 seconds West 100.00 feet;

Thence North 34 degrees 40 minutes 03 seconds West 190.00 feet;

Thence North 19 degrees 24 minutes 33 seconds West 483.00 feet to the north line of the Northwest Quarter of said Section 29;

Thence North 53 degrees 16 minutes 13 seconds West 294.00 feet;

Thence North 17 degrees 35 minutes 39 seconds West 81.00 feet;

Thence North 00 degrees 19 minutes 24 seconds West 402.00 feet to the point of beginning, containing 32.71 acres, more or less.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
ROCK ISLAND DISTRICT, CORPS OF ENGINEERS
CLOCK TOWER BUILDING - P.O. BOX 2004
ROCK ISLAND, ILLINOIS 61204-2004

<http://www.mvr.usace.army.mil>

October 12, 2006

EXHIBIT B

RECEIVED

OCT 23 2006

IDAIS-ESS

Operations Division

SUBJECT: CEMVR-OD-P-2006-1368

Ms. Mary Wilson
12375 275th Street
Clear Lake, Iowa 50428

Dear Ms. Wilson:

Our office reviewed your letter dated August 31, 2006, concerning the proposed wetland structure across an unnamed tributary to Clear Lake in Section 20, Township 96 North, Range 22 West, Cerro Gordo County, Iowa.

We determined your project as proposed does not require a Department of the Army (DA) Section 404 permit. The decision regarding this action is based on information found in the administrative record which documents the District's decision-making process, the basis for the decision, and the final decision. No indication of discharge of dredged or fill material was found to occur in waters of the United States (including wetlands). Therefore, this determination resulted.

Our office has completed a Preliminary Jurisdictional Determination concerning your project area. A copy of our Preliminary Jurisdictional Determination is enclosed. A Preliminary Jurisdictional Determination is not appealable.

You are advised that this determination for your project is valid for five years from the date of this letter. If the project is not completed within this five-year period or your project plans change, you should contact our office for another determination.

Although an individual DA permit will not be required for the project, this does not eliminate the requirement that you must still acquire other applicable Federal, state, and local permits.

Should you have any questions, please contact our Regulatory Branch by letter, or telephone Mr. Jim Kelley at 309/794-5367.

Sincerely,

Original Signed by

Michael D. Hayes
Acting Chief, Enforcement Section
Regulatory Branch

Enclosures

Copies Furnished: (w/o enclosures)

Mr. Kelly Stone (3)
Iowa Department of Natural Resources
Water Resources Section
Wallace State Office Building
502 East 9th Street
Des Moines, Iowa 50309-0034

Mr. Scott Brandt
4623 235th Street
Clear Lake, Iowa 50428

— Mr. Randy Cooney
IDALS- Division of Soil Conservation
Wallace State Office Building
Des Moines, Iowa 50319-0050



United States Department
of Agriculture

Natural Resources
Conservation Service

NRCS-CPA-026E
9/2000

HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION

Name Address:	Mary Wilson 12373 275 th St. Mason City, IA 50401	Request Date:	5/22/06	County:	Cerro Gordo
Agency or Person Requesting Determination:	FSA	Tract No:	7446	FSA Farm No.:	6245

Section I - Highly Erodible Land

Is a soil survey now available for making a highly erodible land determination?	-
Are there highly erodible soil map units on this farm?	-

Fields in this section have undergone a determination of whether they are highly erodible land (HEL) or not; fields for which an HEL Determination has not been completed are not listed. In order to be eligible for USDA benefits, a person must be using an approved conservation system on all HEL.

<u>Field(s)</u>	<u>HEL(Y/N)</u>	<u>Sodbuster(Y/N)</u>	<u>Acres</u>	<u>Determination Date</u>
	-	-		
	-	-		
	-	-		
	-	-		
	-	-		
	-	-		
	-	-		
	-	-		
	-	-		
	-	-		

The Highly Erodible Land determination was completed in the-

Section II - Wetlands

Are there hydric soils on this farm?	Y
--------------------------------------	---

Fields in this section have had wetland determinations completed. See the Definition of Wetland Label Codes for additional information regarding allowable activities under the wetland conservation provisions of the Food Security Act and/or when wetland determinations are necessary to determine USDA program eligibility.

<u>Field(s)</u>	<u>Wetland Label*</u>	<u>Occurrence Year (CW)**</u>	<u>Acres</u>	<u>Determination Date</u>	<u>Certification Date</u>
1	PC/NW		82.3	5/24/06	5/24/06
11	W		0.4	5/24/06	5/24/06

The wetland determination was completed in the -Field It was -mailed to the person on 5/26/06.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice or TDD). USDA is an equal opportunity provider and employer.

Remarks: This certified wetland determination was completed at the request of producer.

I certify that the above determinations are correct and were conducted in accordance with policies and procedures contained in the National Food Security Act Manual.

Signature Designated Conservationist	Date
<i>Terry Moore</i>	5/26/06

***DEFINITIONS OF WETLAND LABEL CODES**

AW	Artificial Wetland. An area that is artificial or irrigation induced wetland. These wetlands are not subject to the wetland conservation provision.
AW/FW	An area that contains both AW and FW.
AW/W	An area that contains both AW and W.
CC	Commenced Conversion exemption.
CPD	Corps Permit Decision. Corps of Engineers permit decisions regarding section 404 of the Clean Water Act will be relied upon to satisfy the wetland conservation provisions of the Food Security Act of 1985, as amended.
CMW	An area that receives a Categorical Minimal Effect determination.
CW	Converted Wetlands. An area converted between December 23, 1985 and November 28, 1990. IN any year that an agricultural commodity is planted on these converted wetlands, you will ineligible for USDA benefits.
**CW+year	An area converted after November 28, 1990. You will be ineligible for USDA program benefits until this wetland is restored.
CWNA	Converted Wetland Non-Agricultural use. A wetland area converted to other than agricultural commodity production.
CWTE	Converted Wetland Technical Error. An area converted or commenced based on an incorrect NRCS determination or misinformation from a NRCS or FSA employee.
FW	Farmed Wetland. An area that is farmed wetland; was manipulated and planted before December 23, 1985, but still meets wetland criteria. These may be farmed and maintained in the same manner as long as they are not abandoned.
FWP	Farmed Wetlands Pasture. An area that is pasture or hayland, manipulated before December 23, 1985 but still meets wetland criteria. These may be farmed and maintained in the same manner as long as they are not abandoned.
MIW	Mitigation Wetlands. Wetlands on which a person is actively mitigating a frequently cropped area or a wetland converted between December 23, 1985 and November 28, 1990. A converted wetland, farmed wetland, or farmed wetland pasture on which functions and values were lost are compensated for through wetland restoration, enhancement or creation.
MW	Minimal effect Wetland. An area determined to be minimal effect. These wetlands are to be farmed according to the minimal-effect agreement signed at the time the minimal-effect determination was made,
MWM	An area determined to be minimal effect with mitigation.
NI	Not Inventoried – No wetland determination has been completed.
NW	Non-Wetland. An area that does not contain a wetland.
NW/NAD	An area determined to be a non-wetland resulting from a decision from the National Appeals Division.
OW	Other Waters of the U.S. Area that fall under the jurisdiction of the Clean Water Act.
PC	Prior Converted cropland, which was drained filled, or manipulated before December 23, 1985; was cropped prior to December 23, 1985; was not abandoned; and does not meet FW criteria. These are not subject to the wetland conservation provision unless the area reverts to wetland as a result of abandonment.
PC/NW	An area that contains both PC and NW.
TP	Third Party Exemption.
W	Wetlands. An area meeting wetland criteria, including wetland farmed under natural conditions. If you plan to clear, drain, fill, level or manipulate these areas, contact NRCS and the Army Corp of Engineers prior to any such activity.
WX	A wetland area that has been manipulated after December 23, 1985, but was not, for the purpose of making production possible and production was not made possible. These include wetlands manipulated by drainage maintenance agreements.

Certified Wetland Determination

Customer(s): PRACTICE ARCGIS

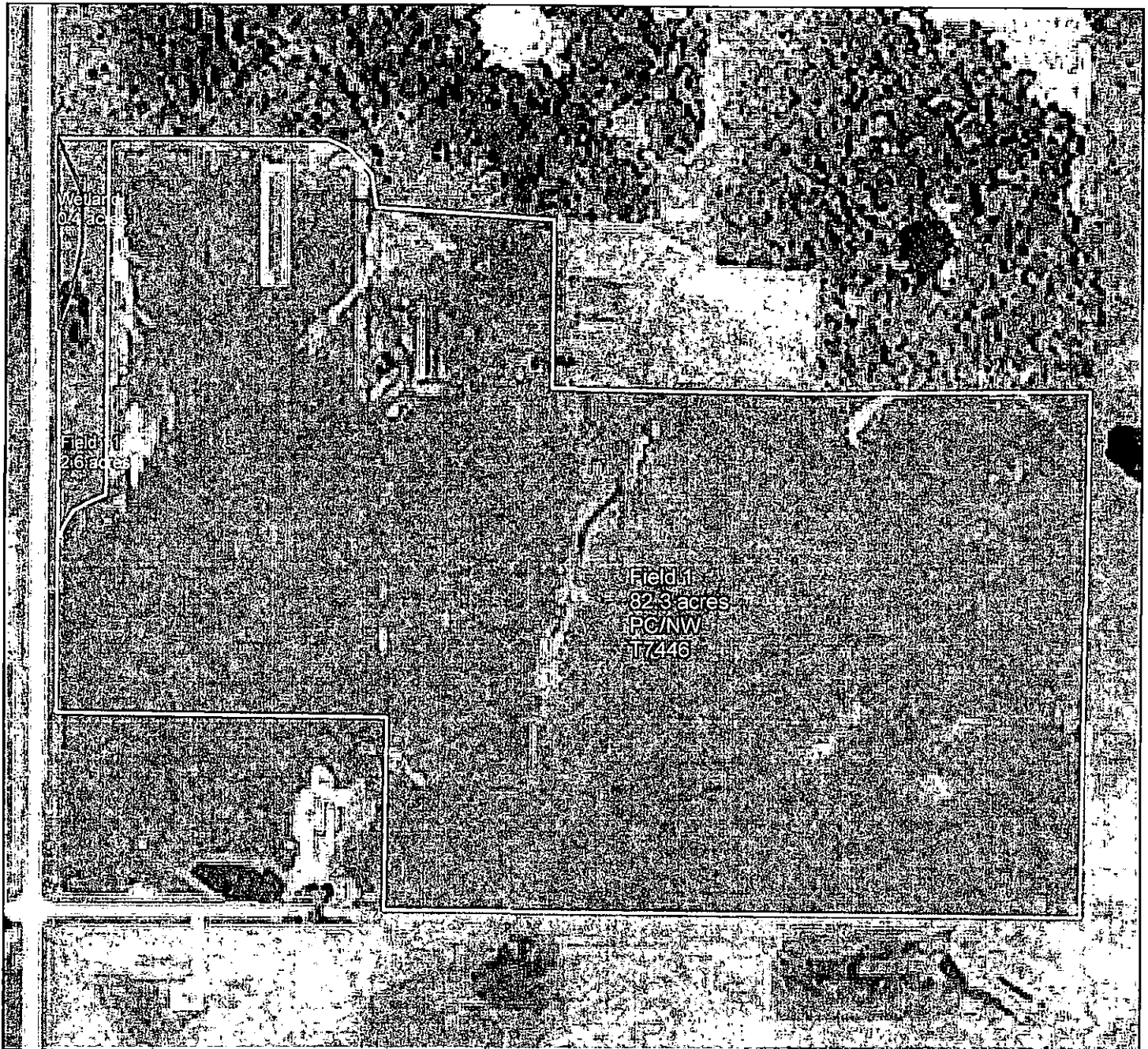
District: CERRO GORDO SOIL & WATER CONSERVATION DISTRICT

Field Office: MASON CITY SERVICE CENTER

Agency: NRCS

Assisted By: Tony W Moore

Legal Description: Wilson, Section 20 & 29 Clear Lake



Legend

Consplan13

Wetland

Image: Cerro Gordo Co - 2002 Orthophotos



220 0 220 440 660 880 Feet

N

