

Easement Time Line

The 1896 deed conveyed to Jennie Calbo the West half of the Northwest Quarter of Section 14 and the Northwest Quarter of the Southwest Quarter of Section 14. Such deed excepted and reserved to the Grantors “the right to use as a roadway a strip of land not to exceed two (2) rods in width across the West half of said Northwest Quarter immediately South of a line extending East on the South line of the cemetery lot.”

The 1935 deed was given by the heirs at law of Jennie Calbo to Charles Pope. Such deed conveyed the West half of the Northwest Quarter of Section 14 (except 3 acres conveyed to Greenwood Cemetery Association) and the Northwest Quarter of the Southwest Quarter of Section 14. Such conveyance was “also made subject to a perpetual easement of travel of the width of two rods wide across and over the above described lands as said easement or right of way is now and has heretofore been used and traveled by the Grantor, Wallace B. Peatt and family, and which easement or right of way is to forever to be appurtenant to the lands now owned by said Wallace B. Peatt, which lie immediately East of the lands above conveyed and adjoin the same on the Easterly side thereof. The grant of said easement or said right of way being more fully described by a conveyance recently made to the said Wallace B. Peatt by all of the other heirs of said Jennie Calbo, deceased.”

Thereafter, there was recorded a Grant of Right of Way. The Grant of Right of Way grants “the right to the use of a roadway of the width of two rods, as mentioned in said deed recorded in Book 91 of Deeds on Page 401 of the Recorder’s Office of this County, and which said roadway of the width of two rods has been continuously used by the said Wallace B. Peatt and family as a means of egress from and ingress to the land now owned by the said Wallace B. Peatt. As above-described, shall be permanently given and granted to the said Wallace B. Peatt and that the same shall forever become appurtenant to the above premises first hereinbefore described and now owned by the said Wallace B. Peatt, and that said roadway of the width of two rods shall forever hereafter be included in and become a part of all future conveyances of the said premises... as a means and way of ingress to and egress from the said premises to the public highway.” Such easement grants “an open, unobstructed right-of-way of the width of two rods as now and heretofore used and traveled by the said Wallace B. Peatt and family.”

Subsequent to the foregoing, there was an Agreement dated September 28, 1956, recorded October 24, 1956 in Book 521 of records on page 178, as Document No. 314698 whereby the owner’s of the respective properties acknowledge that the prior rights of way were not specifically described. The Agreement confirms that the “said right-of-way is now open and unobstructed and is of the width of two (2) rods and that it is understood and agreed by the parties hereto that said right-of-way shall be and is to remain as prescribed in each of the two former easements described as documents recorded August 1, 1896 in Book 91, Page 401 and right-of-way grant dated April 1, 1935 and recorded May 20, 1935 in Book 22 on Page 134... and shall hereafter be appurtenant to the above-described premises.”