Dean Nightingale
P.O. Box 191
Dundee, IA 52038

CARR & CARR LAWYERS P.O. BOX 333
MANCHESTER, IA 52057 319-927-4164

DELAWARE COUNTY IOWA
FILED
2000 NO -1 AM 9:51
BOOK 200 PAGE 326
DEBORAH L. PEYTON
DELAWARE CO. RECORDER
21.00

WATER DRAINAGE EASEMENT

This agreement made this 4 day of October, 2000 by and between Dean C. Nightingale and Lois Y. Nightingale, husband and wife hereinafter Nightingales and the City of Dundee, IA hereinafter City,

WITNESSETH:

Nightengales in consideration of One Dollar ($1.00) and the benefits to be derived by this agreement do hereby grant to City the perpetual right and easement to enter upon, construct and form and thereafter use, inspect and maintain a water drainage raceway (an open earthen channel) across their property as shown on Exhibit "A" attached hereto.

City shall have the right of necessary ingress and egress to and from the area to construct, maintain, inspect, rebuild, repair or replace the raceway.

Nightingales agree to erect no buildings, obstructions or other improvements upon or under the property covered by this easement which would interfere with the purposes herein declared, which easement is to carry surface water in a controlled manner.

City shall use all necessary care in constructing and maintaining the raceway and shall restore Nightingales land not a part of the raceway to as near to its present condition upon completion as possible.

This easement and the rights herein described shall be binding upon Nightingales, their heirs, successors and assigns. This easement shall be perpetual and shall run with the land.

CITY OF DUNDEE, IOWA

Dean C. Nightingale

BY: _____
Mayor

Lois Y. Nightingale

BY: _____
Clerk

STATE OF IOWA)
) SS
DELAWARE COUNTY)

On this 4 day of October, 2000 before me, the undersigned, a Notary Public in and for said State personally appeared Dean C. Nightingale and Lois Y. Nightingale to me known to be the identical persons named in and who executed the foregoing instrument and acknowledged to me that they executed the same as their voluntary act and deed.

Carol A. Cooper
Notary Public in and for State of Iowa

STATE OF IOWA)
) SS
DELAWARE COUNTY)

On this 4 day of October, 2000 before me a Notary Public in and for the State of Iowa personally appeared Edward D. Gibbs and Glenn L. Puffett, to me personally known and, who, being by me duly sworn, did say that they are the Mayor and the City Clerk, respectively, of the City of Dundee, Iowa; and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council and that the said Mayor and City Clerk as such officers, acknowledged the execution of this instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.

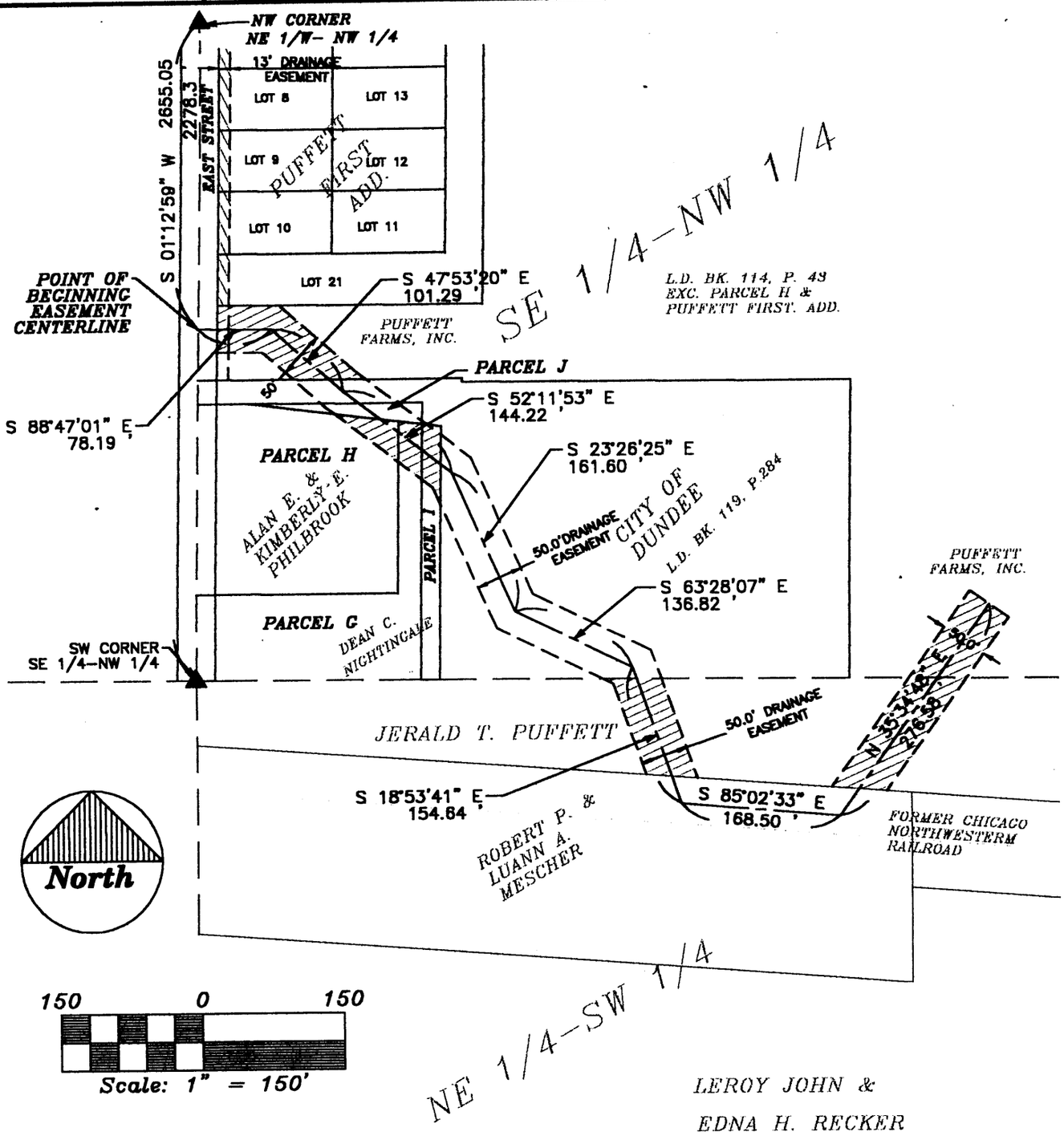
Carol A. Cooper
Notary Public in and for State of Iowa

PREPARED BY: J DAVID GIBBS; P.O. BOX 295 MANCHESTER, IA 52057 319-927-2434

EXHIBIT A

DRAINAGE EASEMENT

IN THE SE 1/4 OF THE NW 1/4 AND THE NE 1/4 OF THE SW 1/4
SECTION 27, T90N, R6W OF THE FIFTH P.M., DELAWARE COUNTY, IOWA



SURVEY REQUESTED BY: CITY OF DUNDEE

LICENSED LAND SURVEYOR
J. DAVID GIBBS
8419
IOWA

PAGES OR SHEETS COVERED BY THIS SEAL:

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.

J. David Gibbs 8/31/00

J. DAVID GIBBS, P.E., L.S. LIC. #8419 DATE

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2000

GIBBS ENGINEERING & SURVEYING
PROFESSIONAL SERVICES BUILDING
223 WEST MAIN STREET, MANCHESTER, IA 52057

PROJECT NO. 00-40
SCALE: 1"=150'
DATE: 8/30/00
DRAWN BY: JDG
CHECKED BY:
FIELD BK:
REVISED
SHEET 1 OF 2

LEGAL DESCRIPTION
DRAINAGE EASEMENT CENTERLINE

COMMENCING at the Northwest Corner of the Northeast Quarter of the Northwest Quarter of Section Twenty-seven (27), Township Ninety North (T90N), Range Six West (R6W) of the Fifth Principal Meridian, Delaware County, Iowa;

THENCE along the Westerly Line of the East One-half (E ½) of Said Northwest Quarter, South 01°12'59" West 2,278.3 feet to the **POINT OF BEGINNING**;

THENCE South 88°47'01" East 78.19 feet;

THENCE South 47°53'20" East 101.29 feet;

THENCE South 52°11'53" East 144.22 feet;

THENCE South 23°26'25" East 161.60 feet;

THENCE South 63°28'07" East 136.82 feet;

THENCE South 18°53'41" East 154.64 feet;

THENCE South 85°02'33" East 168.50 feet;

THENCE North 35°34'48" East, 276.58 feet to the **POINT OF TERMINATION**.

The Westerly Line of the East One Half (E ½) of the Northwest Quarter (NW ¼) of Section Twenty-seven (27), Township Ninety North (T90N), Range Six West (R6W) of the Fifth Principal Meridian, is assumed to bear South 01°12'59" West.

SURVEYOR'S CERTIFICATE

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.

J. David Gibbs L.S. #8419 — DATE 8/21/00
My license will be renewed on December 31, 2000

LICENSED LAND SURVEYOR
J. DAVID GIBBS 8419
IOWA