City of Dundee
Attn: Michele Bandy
125 S. Main St.
Dundee, IA 52038

DELAWARE COUNTY IOWA
FILED
2001 APR 27 PM 2:09
BOOK 100 PAGE 132
DEBORAH L. PEYTON
DELAWARE CO. RECORDER
26.00

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

WATER DRAINAGE EASEMENT

This Agreement made this ___ 7th day of April, 2001 by and between ~~Gerald~~ Jerald T. Puffett, a single person hereinafter Puffett and the City of Dundee, IA hereinafter City,

WITNESSETH:

Puffett in consideration of the benefits to be derived by this agreement does 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 his property shown on Exhibit "A" attached hereto, which easement shall be 50 feet wide.

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.

Puffett agrees 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 Puffet land not a part of the raceway used for construction to as near to its present condition upon completion as possible.

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

CITY OF DUNDEE, IOWA

By Thomas D Gibbs
Mayor - pro-tem

By Michele Bandy
Clerk

Gerald T Puffett
~~Gerald~~ T. Puffett
Sealed

STATE OF IOWA, DELAWARE COUNTY, ss:

On this 7th day of April, 2001 before me the undersigned a notary public in and for said State personally appeared ~~Gerald~~ T. Puffett to me known to be the identical person named in and who executed the foregoing instrument and acknowledged to me that ~~he~~ she executed the same as his voluntary act and deed.

James R Smith
Notary Public in and for the State of Iowa

JAMES SMITH Iowa NOTARIAL SEAL

STATE OF IOWA, DELAWARE COUNTY, ss:

On this 7th day of April, 2001 before me a Notary Public in and for the State of Iowa personally appeared Thomas D Gibbs and Michele Bandy 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.

James R Smith
Notary Public in and for the State of Iowa

JAMES SMITH Iowa NOTARIAL SEAL

This letter is a result of a conversation with Jerry Puffett on Wednesday, March 21, 2001 at 2:30 p.m. and again on March 27, 2001 at 7:30 p.m.

The following stipulations will be affixed to the original easement the city is requesting.

1. At the point where the Dean Nightengale, Jerald Puffett and the City of Dundee property meet, a new 36" woven wire fence will go east 400' to the point where the city of Dundee, Glenn Puffett and Jerald Puffett property meet.

2. An opening on the North property fence line will be left for the purpose of a gate to access this property (an opening of 20')

3. Seeding of the drainage area on Jerry Puffett property will be done yearly in the spring. IF seeding is not done, contract of easement will be be considered NULL and VOID at that time.

4. Length of easement will be consistent with other easements connected with this project (Dean Nightengale, Kim Philbrook, Glenn Puffett, Schroeders Cash Supply and Leroy Recker.)

Project will begin in the summer of 2001 or as soon as money becomes available. A contractor will be named at this time as well.

These stipulations are agreed upon this 7 of April, 2001 by Jerald Puffett and the city of Dundee.

Jerald G. Puffett
Jerald Puffett, Property Owner

Thomas D. Gibbs mayor-pro-tem
Edward D. Gibbs, Mayor

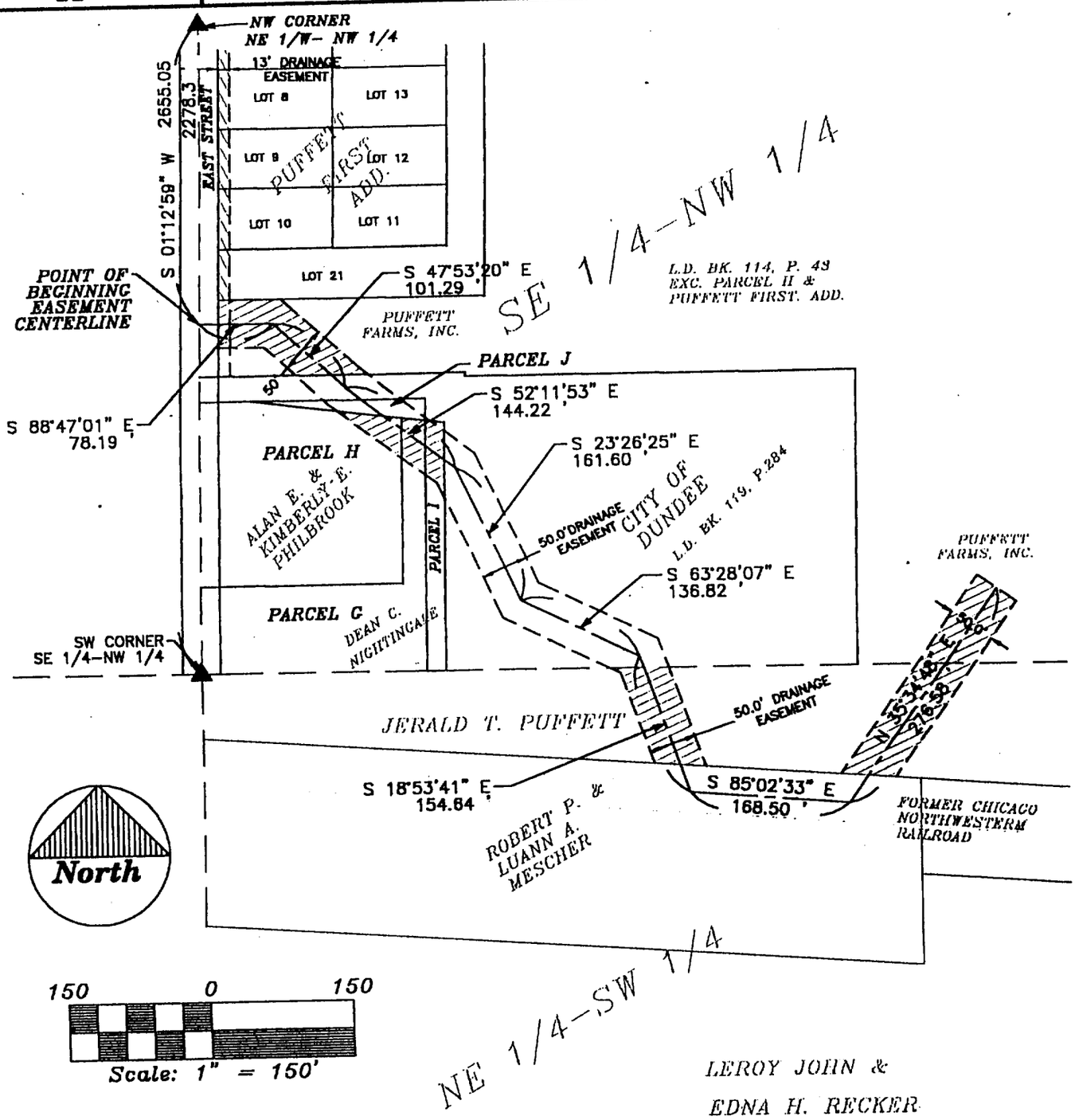
Michele Bandy City Clerk
Michelle Bandy, City Clerk

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 — 8/21/00 DATE

My license will be renewed on December 31, 2000

