City of Manchester

DELAWARE COUNTY IOWA
FILED
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BOOK 2001 PAGE 3336
DEBORAH L. HINTON
DELAWARE CO. RECORDER
21.00

Prepared by Gibbs Engineering & Surveying, 105 West Main St., Manchester, IA 52057, 563-927-2434

PUMP STATION EASEMENT

This Agreement made of this 4th day of September, 2001, by and between Walter F. Croskey and Genevieve J. Croskey and Delaware County Fair Society on behalf of Delaware County, Iowa and Delaware County, Iowa, Party of the first Part; and the CITY OF MANCHESTER, IOWA, an Iowa Municipal Corporation, Party of the Second Part;

WITNESSETH:

That the Party of the First Part, in consideration of the sum of One Dollar ($1.00) and other valuable consideration, receipt is hereby acknowledged, does hereby grant, bargain, sell and convey to the Party of the Second Part, its successors and assigns, the perpetual right and easement to enter upon, erect, construct, install and lay, and thereafter use, operate, inspect, repair, maintain, replace and remove a sanitary sewage pumping station and related appurtenances upon, over and along, under and across, the following described real estate situated in Delaware County, Iowa:

THE PERMANENT EASEMENT (See attached Exhibit A) shall described as follows:

> The North Sixty-five feet (65') of the East Forty feet (40') of Lot 4A and the North Sixty-five feet (65') of the West Forty-five feet (45') of Lot 5A of the *Subdivision of Lot 4 and Lot 5 of Auditor's Plat No. 5 - Tool's First Addition, City of Manchester, Delaware County, Iowa,* as recorded in Book 2001, Page 967 in the Office of the Delaware County Recorder.

The Grantee shall restore the area in the permanent easement areas to a condition similar to the conditions prior to construction, reconstruction or repair. Restoration shall include replacement of topsoil over excavations, and re-grading.

The Grantees shall have the right of ingress and egress to and from said land to survey, erect, construct, maintain, inspect, rebuild, and repair said sanitary sewer together with the right to replace, renew and relocate upon, over and under its right of way, said utilities, or parts thereof, and any appurtenances thereto and the right it remove any and all of said sanitary sewer, lines or appurtenances.

The Grantor agrees to erect no buildings, obstructions or other improvements upon or under the property covered by this easement, which would interfere with the construction, reconstruction or maintenance of said pump station.

The Grantor shall be allowed to erect and maintain a chain link fence with vehicle gate along the northerly side of the easement and shall provide the City with a key for any locks. Grantor shall retain the right of ingress and egress for its purposes.

The Grantee agrees to erect no buildings, obstructions or other improvements upon or under that portion of the easement located on Lot 4A covered by this easement, which would interfere with the construction or maintenance of an access road.

The Grantee shall provide for all construction and maintenance of said pumping station and related appurtenances and shall include stubs for connection of possible future sewer extensions to Delaware County Fair Society or Delaware County property. There shall be no connection fees for extension of such sewer extensions. Use of any such sewer extension shall be subject to normal sewer use charges.

This Agreement and rights herein described shall be binding upon the Grantor, its successors and assigns. This easement shall be perpetual and shall run with the land.

In Witness Whereof we hereunto sign our names the day and year last above written.

CITY OF MANCHESTER, IOWA

By Milt L. Kramer
Milt L. Kramer, Mayor

Karen K. Cole
Karen K. Cole, City Clerk

GRANTORS

By Walter F. Croskey
Walter F. Croskey

Genevieve J. Croskey
Genevieve J. Croskey

State of Iowa)
)
County of Delaware) ss:

On this 22nd day of August A.D. 2001, before me a Notary Public in and for said County, personally appeared Walter F. Croskey and Genevieve J. Croskey, to me known to be the person(s) named and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Donna M. Kunde
Notary Public in and for said County

DONNA M. KUNDE
Commission Number 175597
My Commission Expires
08-16-03

State Of Iowa)
) Ss.
County Of Delaware)

On this 5th day of September, 2001, before me, Julie A. Swanson, a Notary Public in and for the State of Iowa, personally appeared Milt L. Kramer and Karen K. Cole, to me personally known, and, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Manchester, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by the authority of its City Council, as contained in Resolution Number R-147-2001 adopted by the City Council on the 4th day of September, 2001, and that Milt L. Kramer and Karen K. Cole acknowledge the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

Julie A. Swanson
Julie A. Swanson, Notary Public.
My Commission Expires

JULIE A. SWANSON
Commission Number 224151
My Comm. Exp. 3-13-02

DELAWARE COUNTY FAIR SOCIETY

By Richard J. Clemen
Richard J. Clemen, President

By Steven R. Ries
Steven R. Ries, Secretary

State of Iowa)
)
County of Delaware) ss:

On this 23rd day of August A.D. 2001, before me a Notary Public in and for said County, personally appeared Richard J. Clemen and Steven R. Ries, to me known to be the person(s) named and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Donna M. Kunde
Notary Public in and for said County

DONNA M. KUNDE
Commission Number 175597
My Commission Expires
8-16-03

DELAWARE COUNTY

William Skinner
Chairperson, William Skinner

Sharon McCrabb
County Auditor, Sharon McCrabb

STATE OF IOWA)
) SS.
COUNTY OF DELAWARE)

On this 27 day of August, 2001, before me, Carolyn A. Wilson, a Notary Public in and for the State of Iowa, personally appeared William Skinner and Sharon McCrabb to me personally known, and, who, being by me duly sworn, did say that they are the Chairperson of the Board of Supervisors and the County Auditor, respectively, of the County of Delaware, Iowa; that the seal affixed to the foregoing instrument is the county seal of the county, and that the instrument was signed and sealed on behalf of the county, by the authority of its Board of Supervisors, as contained in the Supervisors Minute Book W as passed by the Board of Supervisors on the 27 day of August, 2001, and William Skinner and Sharon McCrabb acknowledge the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the county, by it voluntarily executed.

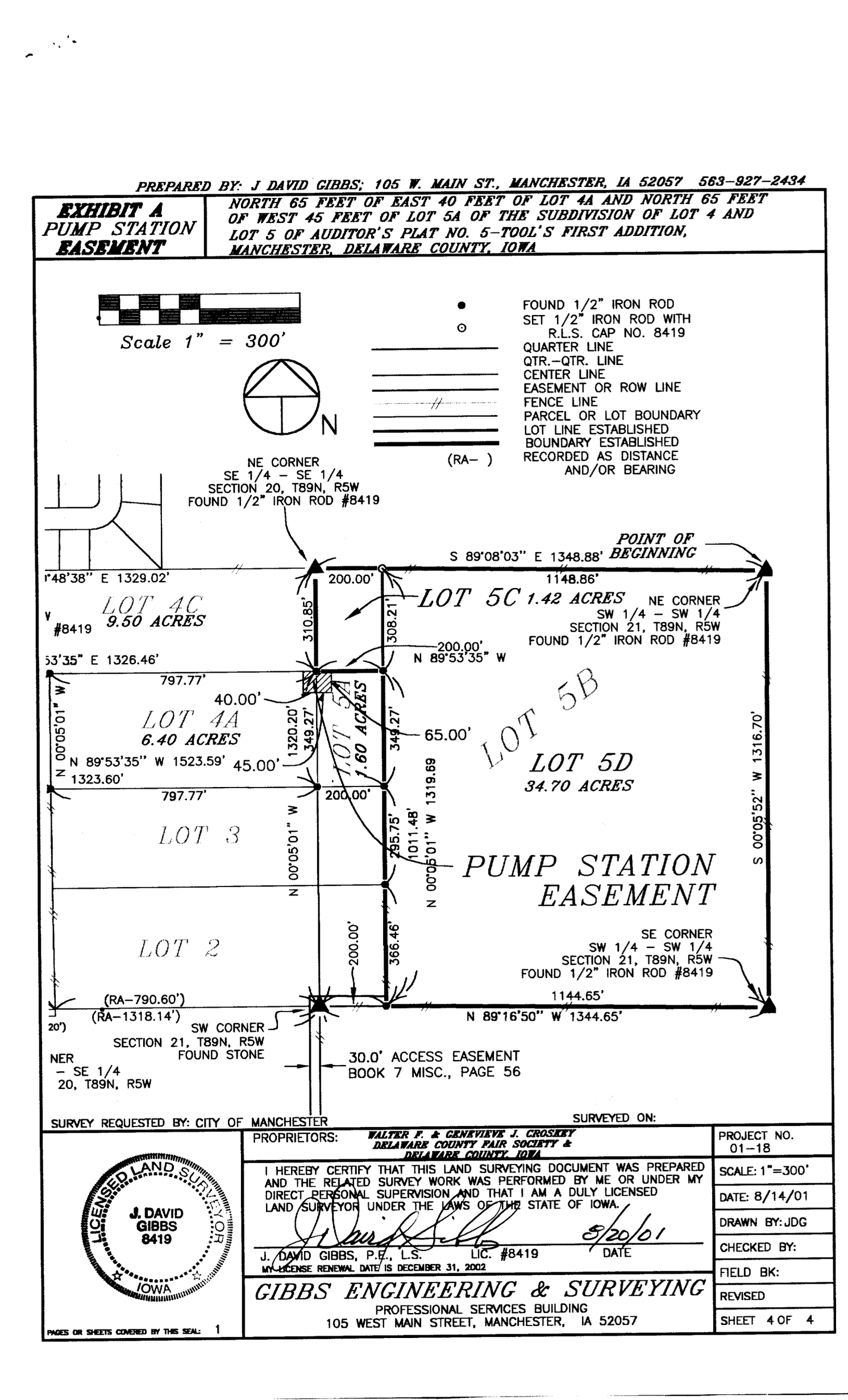
Carolyn A. Wilson
, Notary Public

NOTARIAL SEAL IOWA
CAROLYN A. WILSON
Commission Number 167742
My Comm. Exp. 12-17-01

PREPARED BY: J DAVID GIBBS; 105 W. MAIN ST., MANCHESTER, IA 52057 563-927-2434

EXHIBIT A
PUMP STATION
EASEMENT

NORTH 65 FEET OF EAST 40 FEET OF LOT 4A AND NORTH 65 FEET OF WEST 45 FEET OF LOT 5A OF THE SUBDIVISION OF LOT 4 AND LOT 5 OF AUDITOR'S PLAT NO. 5-TOOL'S FIRST ADDITION, MANCHESTER, DELAWARE COUNTY, IOWA



SURVEY REQUESTED BY: CITY OF MANCHESTER

SURVEYED ON:

PROPRIETORS: *WALTER F. & GENEVIEVE J. CROSKEY DELAWARE COUNTY FAIR SOCIETY & DELAWARE COUNTY, IOWA*

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.

LICENSED LAND SURVEYOR J. DAVID GIBBS 8419 IOWA

J. DAVID GIBBS, P.E., L.S. LIC. #8419 DATE 8/20/01

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2002

PAGES OR SHEETS COVERED BY THIS SEAL: 1

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

PROJECT NO. 01-18
SCALE: 1"=300'
DATE: 8/14/01
DRAWN BY: JDG
CHECKED BY:
FIELD BK:
REVISED
SHEET 4 OF 4