DELAWARE COUNTY IOWA
FILED
2001 NOV 13 PM 3:09
ERA HAKE
RECORDER
DELAWARE COUNTY IOWA

Prepared by David J. Heiar, 208 E. Main Street, 319 927-3636

PUBLIC UTILITY EASEMENT

THIS AGREEMENT made this 5th day of November, 2001 by and between West Delaware County Community School District, (hereinafter called the Grantor); and the CITY OF MANCHESTER, IOWA, an Iowa Municipal Corporation, (hereinafter called the Grantee);

WITNESSETH:
The said Grantor, for and in consideration of One Dollar ($1.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby grant to Grantee, its successors and assigns, a nonexclusive right and easement to enter upon and to construct, reconstruct, use, operate, maintain and patrol public utility lines, fixtures, and appurtenances thereto, on, over, across, or under a strip of real estate situated in the City of Manchester, Delaware County, Iowa.

See Attachment A

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 utilities 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 to remove and all of said utilities.

Grantee agrees to repair and replace any tile that may be disturbed by the construction of said utilities and to repair and regrade the area involved with the installation and/or maintenance of said utilities.

The Grantor agrees to erect no buildings, obstruction or other improvements upon or under the propeorty covered by this easement which would interfere with the construction, reconstruction or maintenance of said utilities without first obtaining permission from the Grantee.

This easement and the 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 over written.

CITY OF MANCHESTER, IOWA
Grantee

Milt L. Kramer, Mayor

Karen K. Cole, City Clerk

WEST DELAWARE COUNTY
COMMUNITY SCHOOL DISTICT
Grantor

Jack D. Young
President

Rick Hilbert
Supt.

STATE OF IOWA)
) SS:
COUNTY OF DELAWARE)

On this 5 day of November, 2001, before me, Maxine M. Ervang Notary Public in and for the State of Iowa, personally appeared Jack Young and Rick Hilbert to me personally known, and who, being by me duly sworn, did say that they are Jack Young and Rick Hilbert respectively, of West Delaware County Community School District; ~~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, and that Jack Young and Rick Hilbert acknowledged 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.

Maxine McEnany
COMMISSION NUMBER 148645
My Commission Expires
9-22-03

Maxine M. Ervang
Notary Public

STATE OF IOWA)
) SS.
COUNTY OF DELAWARE)

On this 7th day of November, 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 188-2001 adopted by the City Council on the 5th day of November, 2001, and that Milt L. Kramer and Karen K. Cole acknowledge the execution of the instrument to be their voluntary act and deed of the corporation, by it voluntarily executed.

Julie A. Swanson, Notary Public

JULIE A. SWANSON
Commission Number 224151
My Comm. Exp. 8-23-02

TeKIPPE ENGINEERING, P.C., 128 South Vine Street, West Union, Iowa 52175 Phone #563/422-5131

Project No. 01622.LS
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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.



Lyle G. TeKippe 10-29-01
Lyle G. TeKippe Date
License number 7060
My license renewal date is December 31, 2002.
Pages covered by this seal: SD-1

State of Iowa)
ss.
County of Fayette)

Subscribed and sworn to before me by Lyle G. TeKippe this 29th day of October, 2001.

SANDRA J KLOSTERMAN
MY COMMISSION EXPIRES
11-9-2003

Sandra J Klosterman
Notary Public

SURVEY AND PLAT OF:

Drainage Easement Description:

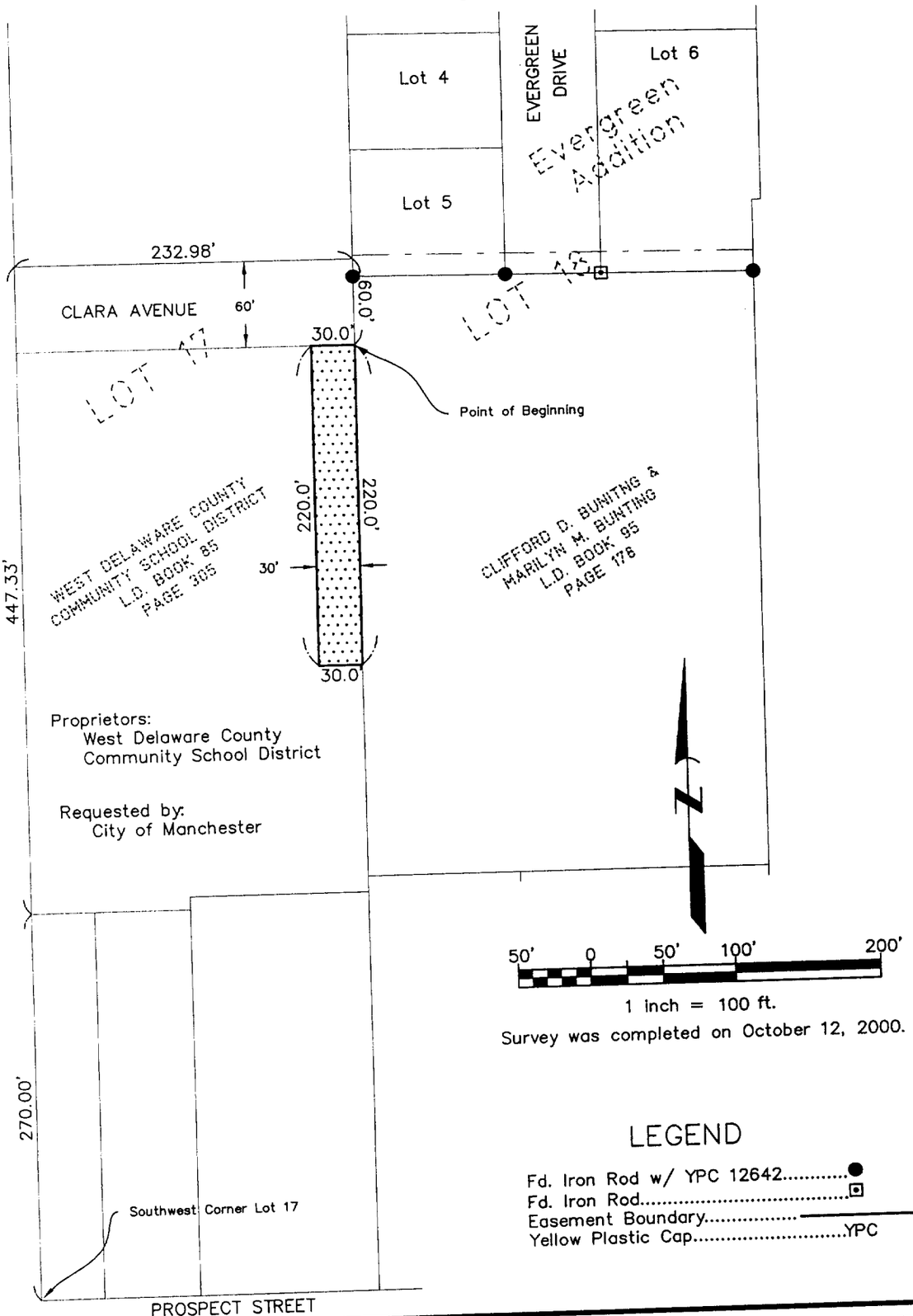
Drainage Easement in the City of Manchester, Delaware County, Iowa, and more particularly described as follows:

Commencing at a point on the West Line of Lot Seventeen (17) of the Subdivision of Lot Eleven (11) of the Subdivision of the Southwest Quarter (SW1/4) and the South Half (S1/2) of the Northwest Quarter (NW1/4) of Section Twenty-eight (28), Township Eight-nine (89) North, Range Five (5) West of the Fifth P.M., which is 270 feet North of the Southwest Corner of said Lot Seventeen (17); thence North 447.33 feet along the West Line of said Lot 17; thence East 232.98 feet along the North Right-of-Way Line of Clara Avenue; thence South 60 feet along the East Line of said Lot 17 to the Point of Beginning: thence South 220 feet along the East Line of said Lot 17; thence West 30 feet; thence North 220 feet to the South Right-of-Way Line of Clara Avenue; thence East 30 feet along said South Right-of-Way Line to the Point of Beginning, containing 0.151 acre, subject to other easements of record. (See original Easement Plat attached to this description.)

Attachment A

Easement Plat

Drainage Easement in the City of Manchester, Delaware County, Iowa



LEGEND

Fd. Iron Rod w/ YPC 12642.....●
Fd. Iron Rod.....⊡
Easement Boundary.....
Yellow Plastic Cap.....YPC

PROF. ENGR. & LAND SURVEYOR
LYLE G. TeKIPPE 7060
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.

Lyle G. TeKippe Date: 10-29-01

Lyle G. TeKippe
License number 7060
My license renewal date is December 31, 2002.
Sheets covered by this seal: Sheet P1

TeKIPPE ENGINEERING, P.C.
128 SOUTH VINE STREET
WEST UNION, IOWA
PH. (563) 422-5131
FAX (563) 422-5884

Field Book 30 Pages 59-62
Project No. 01622.MS Sheet P1