City of Manchester

DELAWARE COUNTY IOWA
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BOOK 2 PAGE 338
DEBORAH L. PEDON
DELAWARE CO. RECORDER
21.00

prepared by David J. Heiar, 208 E. Main Street, Manchester, Iowa 563-927-3636

EASEMENT FOR CULVERT MAINTENANCE AND REPAIR

WHEREAS, Allan Hermsen and Ann Hermsen, hereinafter referred to as "Grantors", are owners of the property described below:

304 Stiles Street

Parcel D, part of the subdivision of Lot One in the Southeast Quarter of the Southwest Quarter of Section 28 Township 89 North, Range 5 West of the 5th P.M., Manchester, Iowa per plat recorded in Book 7, Plats, page 67.

WHEREAS, the City of Manchester, Iowa, hereinafter referred to as "City", and Grantors are aware that a drainage way is located on the property of Grantors as shown on Exhibit A. A copy of which is attached hereto.

WHEREAS, Stiles Street improvements included the widening of the street surface therefore requiring a culvert extension; and

WHEREAS, no easement or other document appears of record concerning the location, construction or maintenance of said culvert extension; and

WHEREAS, maintenance and repair of culvert extension shown on Exhibit A would benefit the Grantors and development of property in the City.

IN CONSIDERATION for a sum of five hundred dollars ($500.00) and other valuable consideration, receipt of which is hereby acknowledged, Grantors do hereby grant, bargain, sell and convey to the City, its successors and assigns, the perpetual right and easement to enter upon, over, along, under and across the following described premises:

together with the right of ingress and egress over the adjacent land of Grantors, their successors and assigns, for the purposes of repair, maintenance, and/or replacement of the culvert shown on Exhibit A at the sole discretion of the City.

Grantors and the City of Manchester, Iowa, further covenant and agree as follows:

1. Grantors shall not construct any buildings, obstructions or other improvements upon or under the property covered by this agreement which would interfere with maintenance and/or repair or function of said drainage culvert.

2. This easement and the rights described herein shall be binding upon the Grantors, their successors and assigns, and shall be perpetual, running with the land.

3. Action taken by the City concerning maintenance, repair, reconstruction, modification or similar action relating to the culvert shall be at its sole discretion.

Allan Hermsen

Ann Hermsen

STATE OF IOWA, COUNTY OF DELAWARE, SS:

On this 16th day of August, 2002, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Allan Hermsen and Ann Hermsen, to me known to be the identical persons named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

JULIE A. SWANSON
Commission Number 224151
My Comm. Exp. 8-23-05

Notary Public in and for the State of Iowa

CITY OF MANCHESTER, IOWA

BY: Milt L. Kramer
Milt L. Kramer, Mayor

BY:
Erin Rempe, City Clerk

STATE OF IOWA)
) SS:
COUNTY OF DELAWARE)

On this 19th day of August, 2002, before me, Julie Swanson, a Notary Public in and for the State of Iowa, personally appeared Milt L. Kramer and Erin Rempe, 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 authority of its City Council as contained in Resolution R-156-2002 passed by the City Council of the City of Manchester, Iowa on the 19th day of August, 2002, and that Milt L. Kramer and Erin Rempe 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.

Julie Swanson, Notary Public
My commission expires 08-23-02

JULIE A. SWANSON
Commission Number 224151
My Comm. Exp. 8-23-05

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

Project No. 00601.LS

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 2-11-02
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 11th day of February, 2002.

SANDRA J KLOSTERMAN
Iowa Notarial Seal
Commission Number: 706806
My Commission Expires: 11-9-2003

Sandra J Klosterman
Notary Public

SURVEY AND PLAT OF:

Easement Description:

A parcel of land to be used for Permanent Drainage Easement purposes in Parcel D in the Southeast Quarter of the Southwest Quarter of Section 28, Township 89 North, Range 5 West of the 5th P.M., City of Manchester, Delaware County, Iowa, and more particularly described as follows:

Commencing at the Southeast Corner of said Parcel D;

thence North 01°-08'-21" West (Assumed Bearing) 130.03 feet along the East Line of said Parcel D and the West Right-of-Way Line of Stiles Street to the Point of Beginning;

thence continuing North 01°-08'-21" West 10.38 feet to the Northeast Corner of said Parcel D;

thence South 73°-21'-00" West 32.78 feet, along the Northerly Line of said Parcel D;

thence South 16°-39'-00" East 10.00 feet;

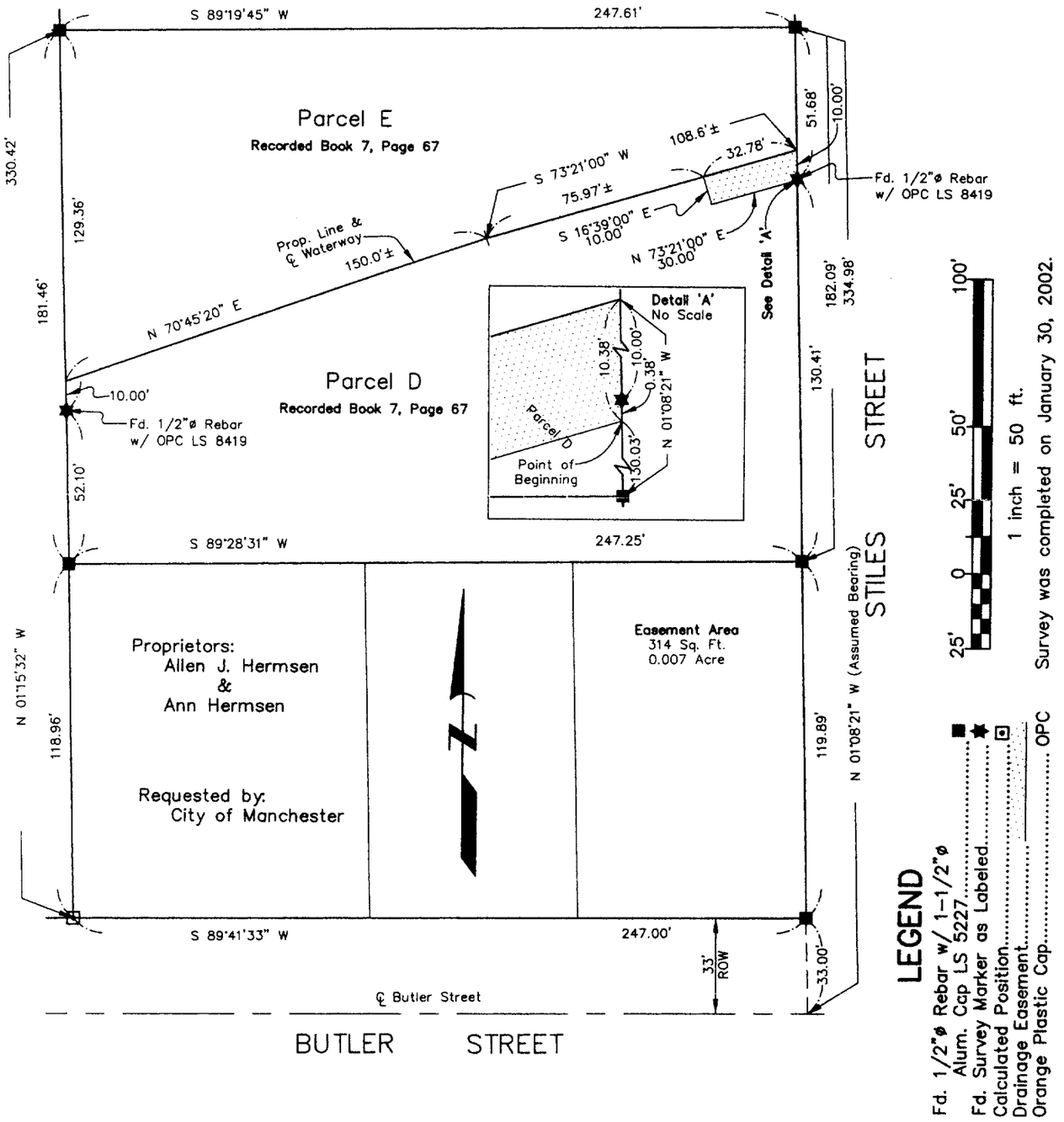
thence North 73°-21'-00" East 30.00 feet to said West Right-of-Way Line and the Point of Beginning, containing 314 square feet (0.007) acre, subject to other easements of record. (See plat attached to this original easement description.)

Reference is hereby made to a Survey and Plat made by J. David Gibbs, recorded April 6, 1994, in Book 7, page 67 on file in the Delaware County Recorder's office, Manchester, Iowa.

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

Easement Plat

Drainage Easement in Parcel D in the SE 1/4 – SW 1/4 Section 28 – T89N – R5W City of Manchester, Delaware County, Iowa



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 2-11-02

Lyle G. TeKippe Date:

License number 7060

My license renewal date is December 31, 2002.

Sheets covered by this seal: P1

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

Field Book Manchester 1 Pages 1-8

Project No. 00601.LS Sheet P1