DELAWARE COUNTY IOWA
FILED
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BOOK 2003 PAGE 1055
DEBORAH L. PEYTON
DELAWARE CO. RECORDER
10.00

Return to City of Delhi PO Box 235 Delhi, Ia 52223

RETURN TO: DAVID A. STOKLASA, P.E., SNYDER & ASSOCIATES, INC., 5005 BOWLING STREET SW, CEDAR RAPIDS, IOWA 52404 (319) 362-9394

PUBLIC UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of One Dollar ($1.00) and other good and valuable consideration paid to

AMERICAN TRENCHER, INC.

hereinafter referred to as GRANTORS, by the CITY OF DELHI, IOWA, hereinafter referred to as GRANTEE, the receipt of which is hereby acknowledged, the GRANTORS do hereby grant, bargin, sell, transfer, and convey unto the GRANTEE, its successor and assigns, a perpetual easement with the right to erect, construct, install, and lay, and thereafter use, operate, inspect, repair, maintain, replace, and remove public utilities including a water main;

as shown on attached Exhibit "A" over, across, and through the land of the GRANTORS situated in Delaware County, State of Iowa, said land being described as follows:

Vacated Fifth Street between Gay Street and Market Street, and East of Lots 1 and 10 of Block 17, and West of Lots 6 and 7 of Block 16 in the NE ¼ of the SW ¼ in Section 17 T 88 N, R 4 W, in the City of Delhi, Iowa.

The easement shall be inclusive of vacated Fifth Street between Gay Street and Market Street, East of Lots 1 and 10 of Block 17 and West of Lots 6 and 7 of Block 16, which is shown on Exhibit "A", which is attached hereto and hereby incorporated by reference.

It is understood and agreed that the GRANTEE hereby shall restore the disturbed area due to the installation or repair of said water main.

GRANTORS shall not erect any structure over or within the Easement Area without obtaining the prior written approval of the City Council.

GRANTORS shall not change the grade, elevation, contour or perform any construction or excavation that will diminish the lateral support of said improvement without obtaining the prior written consent of the City Council.

The consideration hereinabove recited shall constitute payment in full for any damages to the land of the GRANTORS, their successors, and assigns, by reason of the installation, operation, and maintenance of the structures or improvements referred to herein. The GRANTEE covenants to maintain the easement in good repair so that no unreasonable damage will result from its use to the adjacent land of the GRANTORS, their successors and assigns.

The grant and other provisions of this easement shall constitute a covenant running with the land for the benefit of the GRANTEE, its successors and assigns.

GRANTORS understand that the City of Delhi is planning to construct an elevated water storage tank serving the City's water storage needs.

IN WITNESS WHEREOF, the GRANTORS have executed this instrument this 27 day of February, 20 03.

Signature Pres / CEO — Date 2-27-03

Robert L. Hartsock — Print Name — President / CEO — Title

FOR THE LEGAL EFFECT OF THE USE OF THIS FORM, CONSULT YOUR LAWYER

STATE OF IOWA, Delaware COUNTY, ss:

On this 27 day of February, A.D. ~~19~~2003, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Robert Hartsock and —, to me personally known, who, being by me duly sworn, did say that they are the President / CEO and —, respectively, of said corporation executing the within and foregoing instrument **to which this is attached,** that (no seal has been procured by the said) corporation; that said instrument was signed ~~(and sealed)~~ on behalf of ~~(the seal affixed thereto is the seal of said)~~ said corporation by authority of its Board of Directors; and that the said Robert Hartsock and — as such officers acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.

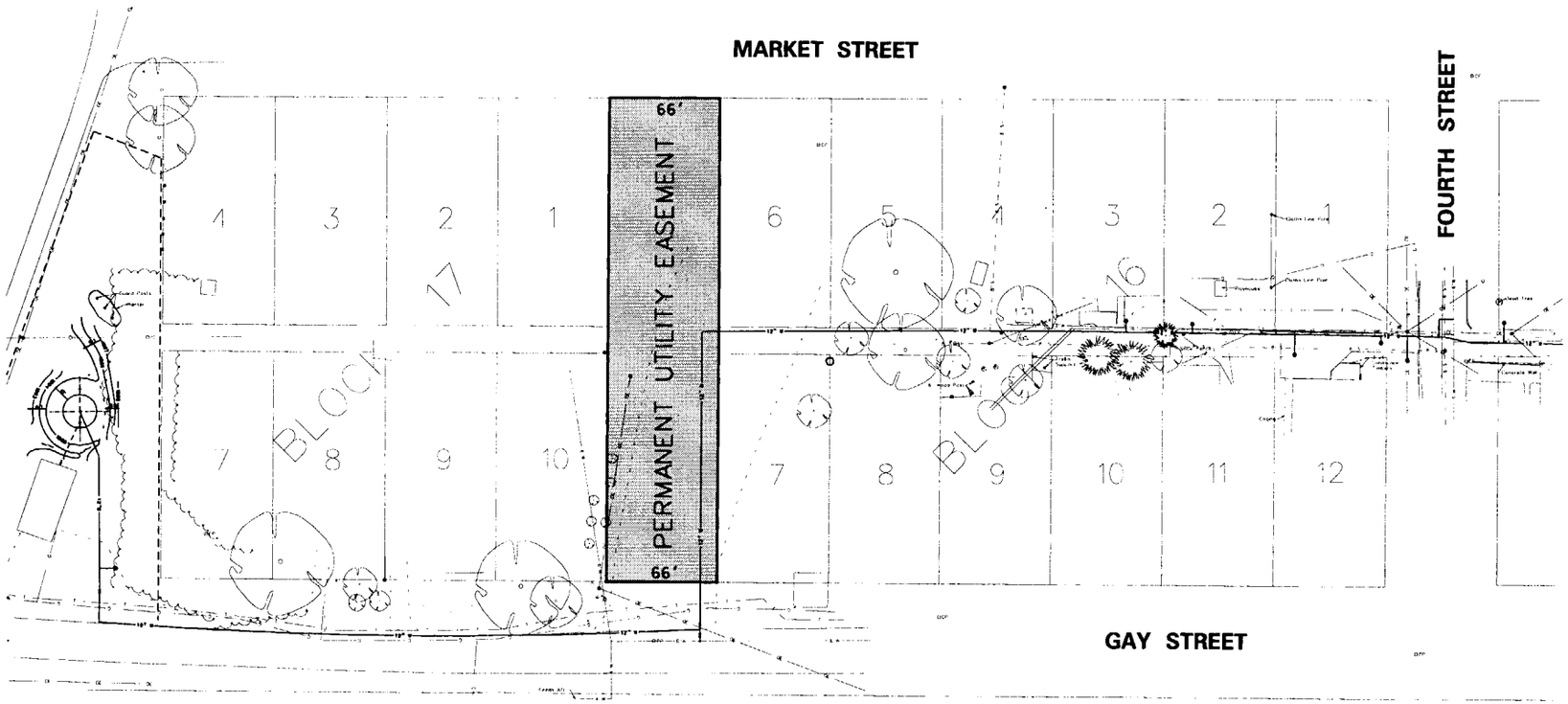
Cindy Kudrna, Notary Public in and for said County and State.

IOWA STATE BAR ASSOCIATION
Official Form No. 12 (Trade-Mark Registered, State of Iowa, 1967)
Current January, 1981

(Sections 558.38 and 558.39, Code of Iowa)

CINDY KUDRNA
COMMISSION NUMBER 719775
My Commission Expires
12-5-05

EXHIBIT "A"



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ENGINEERS & PLANNERS
SNYDER & ASSOCIATES
ANKENY, IA (515) 964-2020 | ATLANTIC, IA (712) 243-6505 | CEDAR RAPIDS, IA (319) 362-9394 | MARYVILLE, MO (660) 582-8888 | ST. JOSEPH, MO (816) 364-5222