City of Manchester

DELAWARE COUNTY IOWA
FILED
2004 AP 29 AM 10:
BOOK 2004 PAGE 1435
DEBORAH L. PEYTON
DELAWARE CO RECORDER
16.00

Preparer: James T. Peters, P.O. Box 774, Independence, IA 50644 (319)334-9992

EASEMENT

WHEREAS, Max Boren, hereinafter referred to as "Grantor", is owner of the following-described real estate:

> Lots Twenty-nine (29), Thirty (30), and the West Fifty-six (56) feet of Lot Twenty-eight (28), Ballard's Subdivision of part of Lot I and of Lots M and N of Iowa Land Company's Subdivision of part of Manchester.

WHEREAS, the City of Manchester, Iowa, hereinafter referred to as "City", requests the grant of an easement as set forth below.

IN CONSIDERATION of the sum of One Dollar ($1.00) and other valuable consideration, receipt of which is hereby acknowledged, the parties state, covenant and agree as follows:

1. Grantor hereby grants to City an easement for utility purposes, permitting the construction, maintenance, repair, and replacement of utilities located in the following-described premises:

> West 10' of Lot 30 of Ballard Subdivision of part of Lot I and of Lots M and N of the Iowa Land Company's Subdivision of part of the City of Manchester, Section Thirty-Two (32), Township Eighty-Nine North (T89N), Range West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa.

This easement shall be permanent and shall inure to the benefit of the City, its successors and assigns, and shall run with the land.

2. Grantor further grants to City an additional twenty-foot wide temporary construction easement, East of the permanent easement as stated in paragraph one (1), for purposes of constructing a storm sewer service line within the above-described legal description. Said construction easement shall be located as follows:

> West 30' of Lot 30 of Ballard Subdivision of part of Lot I and of Lots M and N of the Iowa Land Company's Subdivision of part of the City of Manchester, Section Thirty-Two (32), Township Eighty-Nine North (T89N), Range West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa.

3. Grantee's shall return property to its prior condition upon completion of utility work in the easement area, at which time the temporary easement shall cease.

Max Boren

Max Boren

STATE OF IOWA, COUNTY OF DELAWARE, SS:

On this 16TH day of MARCH, 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared Max Boren, to me known to be the person named in and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.

Jill Goos

Notary Public in and for the State of Iowa

NOTARIAL SEAL IOWA
Jill Goos
Commission No. 154912
My Commission Expires 02-08-2005

CITY OF MANCHESTER, IOWA

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

BY: _____
Erin Rempe, City Clerk

STATE OF IOWA, COUNTY OF DELAWARE:

On this March 24, 2004, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Milt L. Kramer and Erin Rempe, to me personally known, did say that they are the Mayor and City Clerk, respectively, of the City of Manchester, Iowa; a municipal corporation; 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 No. R-25,204 passed by Resolution of the City Council under Roll Call No. — of the City Council on the 22 day of March, 2004, and 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 A. Swanson
Notary Public in and for said State.

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