City of Manchester

DELAWARE COUNTY IOWA
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BOOK 204 PAGE 1436
DEBORAH L. PEYTON
DELAWARE CO. RECORDER
16.00

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

EASEMENT

WHEREAS, Stephen Land Investments, L.C., hereinafter referred to as "Grantor", is owner of the following-described real estate:

> Lot 15, 14 and West 41 ½ feet of Lot 13, Ballard Subdivision of part of Lot I, M and N of Iowa Land Company Subdivision of part of Village, now Manchester, Iowa. Lots 31 and 32 Ballard Subdivision of part of Lot I, M and N of Iowa Land Company Subdivision of Manchester, Iowa. Same being a part of the NE ¼ NW ¼ of Section 32, Township 89 North, Range 6, West of the 5th P.M.; except Parcel #4 of the River Corridor Trail-Phase I, City of Manchester, Iowa, pursuant amended acquisition plat recorded in Book 6, Plats, Page 210, in the Office of the Delaware County Recorder.
>
> - and -
>
> That part of Lot 2 of Ballard's Subdivision of part of Lot I and of Lots M and N of the Iowa Land Company's Subdivision of part of Manchester, Iowa, described as commencing at the Northwest corner of Lot 15 of said Ballard's Subdivision, thence North and perpendicular to the North line of Main Street, a distance of 36 feet, thence East and parallel to the North line of Main Street, a distance of 154 ½ feet, thence South and perpendicular to the North line of Main Street, a distance of 36 feet, thence West and parallel to the North line of Main Street, a distance of 154 ½ feet to place of beginning.

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:

   > East 5' of Lot 31 of Ballard Subdivision of part of Lot I and 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 a ten-foot wide temporary construction easement for purposes of constructing a sanitary sewer service line within the above-described permanent easement. Said construction easement shall be located as follows:

   > East 30' of Lot 31 of Ballard Subdivision of part of Lot I and 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 use of the subject property shall be subject to a duty to return the property to a condition reasonably similar to its condition prior to use by Grantee.

Stephen Land Investments, L.C.

Robert L. Stephen, Trustee

STATE OF IOWA, COUNTY OF DELAWARE, SS:

On this 24 day of March, 2004, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Robert L. Stephen, Trustee, to me personally known, who being by me duly sworn, did say that he is the Trustee of the Corporation executing the foregoing instrument; that no seal has been procured by the said corporation; that Robert L. Stephen acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the Corporation by it and by him voluntarily executed.

Notary Public in and for the State of Iowa
Commission Number 115557
My Commission Expires 3-18-04

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-2004-25 passed by Resolution of the City Council under Roll Call No. — of the City Council on the 22nd 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.

Notary Public in and for said State.

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