City of Manchester

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DEBORAH L. PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

This instrument was prepared by Ryan M. Wicks, P.E., TeKippe Engineering, P.C., PO Box 357, Manchester, IA 52057, Phone (563) 927-2060.

WATER MAIN EASEMENT

KNOW ALL MEN BY THESE PRESENTS: That in consideration of the sum of Fifteen Thousand ($15,000.00) Dollars and other good and valuable consideration paid to **LAMB'S GROVE, LLC**, a Delaware limited liability company hereinafter referred to as Grantor, by the City of Manchester hereinafter referred to as Grantee, the receipt of which is hereby acknowledged, the Grantor does hereby grant, bargain, sell, transfer and convey unto the Grantee, its successors and assigns, a perpetual easement over and upon the land of the Grantor more fully described below and subject in all events to the conditions as set forth, in Exhibit A. The Grantee shall have the right to construct, operate, inspect, repair, maintain and replace water mains and associated structures across and through the land of the Grantor, situated in the City of Manchester, Delaware County, Iowa said land being as follows:

WATER MAIN EASEMENT in Lot 7 of the Amended Plat of Southwest Industrial Park, Section 31, Township 89 North, Range 5 West of the 5th P.M., City of Manchester, Delaware County, Iowa. See attached easement plat and description.

The consideration recited above shall constitute payment in full for any damage to the land of the Grantor, the estate's successors assigns and heirs, by reason of the installation, operation, and maintenance of the structures or improvements herein referred to. 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 Grantor, the successors and assigns. The provisions of this easement shall constitute a covenant running with the land for the benefit of the Grantee, its successors and assigns.

An additional Temporary Construction Easement, as shown on the attached easement plat, is granted during the initial construction period of the improvements.

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 the Grantee, at Grantee's sole cost and expense.

LAMB'S GROVE, LLC

By: _____
Ladd Lavallee
Title: Manager
(SEAL)

STATE OF Massachusetts)
) SS:
COUNTY OF Worcester)

On this 16th day of May 2005, before me, the undersigned, a Notary Public in and for the State of Massachusetts, personally appeared Ladd Lavalle, Manager (TITLE), did say that he is the Co-President (TITLE) of the Laddawn, Inc. executing the foregoing instrument; that no seal has been procured by the said corporation OR that the seal affixed to the foregoing instrument is the corporate seal of the corporation; that Ladd Lavalee

ROBERT F. HOUDE JR.
Notary Public
My Commission Expires
October 21, 2005

acknowledged that the execution of the foregoing instrument to be the voluntary act and deed of the corporation by it and by him voluntarily executed.

Robert F. Hoole Jr.
Notary Public, in & for the State of Iowa

CITY OF MANCHESTER

By: Milt L. Kramer
Milt L. Kramer, Mayour

By: [signature]
Erin Rempe, City Clerk

(MUNICIPAL SEAL)

STATE OF IOWA)
) SS.
COUNTY OF DELAWARE)

On this May 26, 2005, 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-084-2005 passed by Resolution of the City Council under Roll Call No. 26 of the City Council on the 23rd day of May, 2005, 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.

LAURA K. THOMAS
Commission Number 718135
My Commission Expires
5-26-05

Laura K. Thomas
Notary Public, in & for the State of Iowa

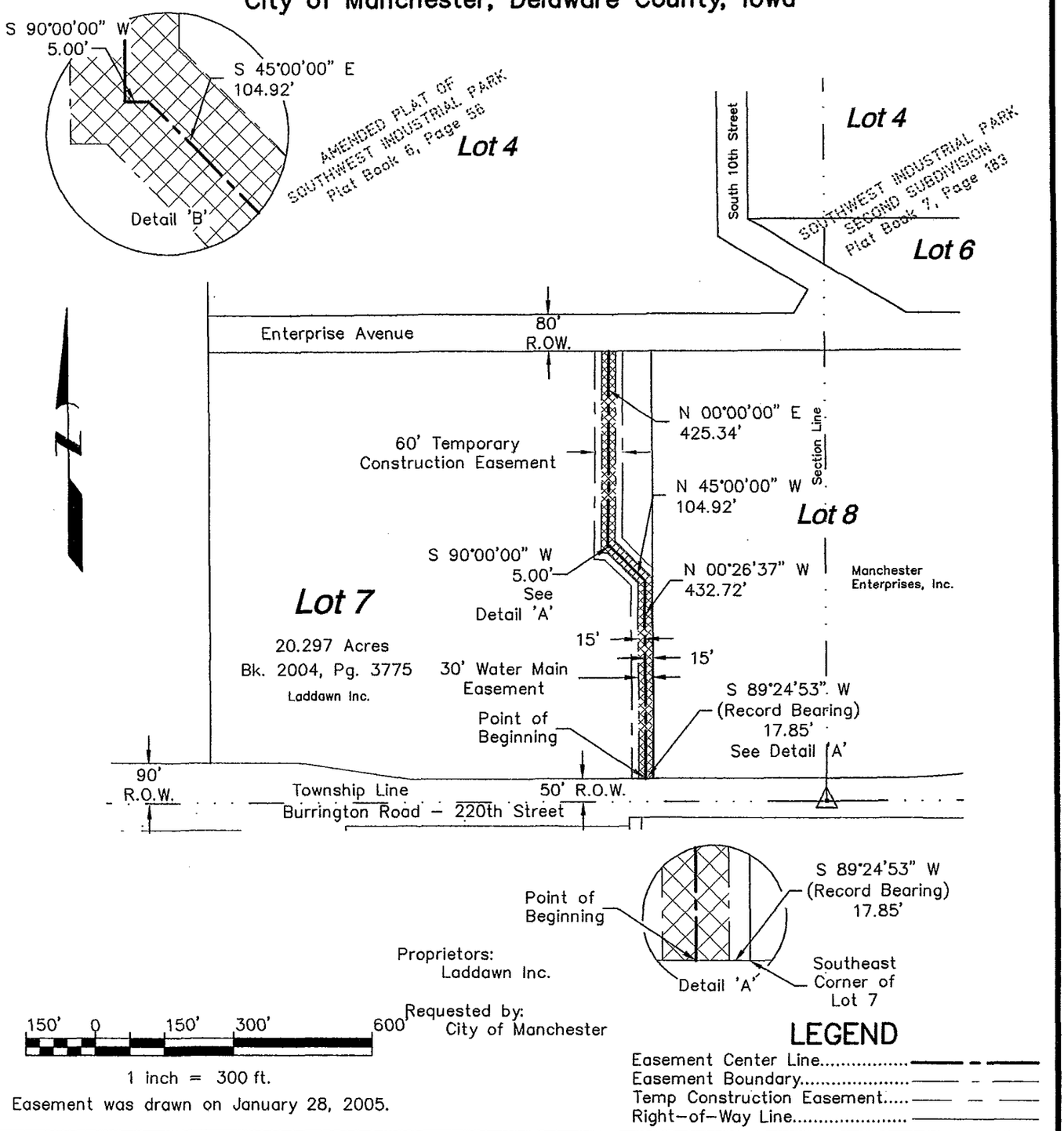
EXHIBIT A

As a condition of providing said water main easement to the City of Manchester, the Grantee hereby acknowledges and agrees that the water main line from Sta. 0+50 through Sta. 1+10 shall be at a depth of not less than six (6) feet from existing grade. The proposed water main between Sta. 0+50 and 1+10 crosses an existing drainage swale and drainage tile line. The requirement of additional cover is to help assure that any future storm drainage improvements to the property will not be negatively impacted by the proposed water main. Should the water main between Sta. 0+50 and 1+10 be in conflict with future storm drainage improvements by Grantor, or its successors, the City of Manchester shall be responsible for lowering the main to allow for a suitable storm drainage crossing upon written notice from the Grantor or its successors or assigns and said work shall be completed within ninety (90) days of the Grantee being notified in writing by the Grantor. Grantor, or its successors, shall maintain the right to place storm drainage and/or utility improvements in or across the water main easement with the condition that a minimum separation of three (3) feet will be provided for parallel improvements and crossing will have a minimum eighteen-inch vertical separation unless a lesser separation is otherwise approved by the City of Manchester, which approval shall be presumed after the expiration of thirty (30) days from the date Grantor provides written notice to the Grantee of an intention to establish a lesser separation. Station as listed in this exhibit is in reference to the Burrington Road Water Extension plans prepared by TeKippe Engineering, P.C. and on file with the City of Manchester. Project No. 04624.MS, Signed by Ryan M. Wicks, P.E. and dated March 7, 2005.

Easement Plat

WATER MAIN EASEMENT

Water Main Easement, in Lot 7 of the Amended Plat of Southwest Industrial Park, Section 31, Township 89 North, Range 5 West of the 5th P.M., City of Manchester, Delaware County, Iowa



Proprietors:
Laddawn Inc.

Requested by:
City of Manchester

150' 0 150' 300' 600'

1 inch = 300 ft.

Easement was drawn on January 28, 2005.

LEGEND

Easement Center Line.....
Easement Boundary.....
Temp Construction Easement.....
Right–of–Way Line.....

PROFESSIONAL LAND SURVEYOR
PAUL R. HEROLD
15525
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.

Paul R. Herold 5-25-05

Paul R. Herold Date:
License number 15525
My license renewal date is December 31, 2006.
Sheets covered by this seal: Sheet P1

TeKIPPE ENGINEERING, P.C.

128 South Vine Street
West Union, IA 52175
www.tekippe.com
PH. (563) 422–5131
FAX (563) 422–5884

1919 210th Street
P.O. Box 357
Manchester, IA 52057
PH. (563) 927–2060
FAX (563) 927–3603

M:\Projects\2004\04624\dwg\04624MS.dwg
Field Book Manchester No. 1 Pages 39–40
Project No. 04624.MS Sheet P1

TeKIPPE ENGINEERING, P.C., 1919 210th Street, Manchester, Iowa 52057 Phone #563/927-2060

PROFESSIONAL LAND SURVEYOR
PAUL R. HEROLD 15525
IOWA

I hereby certify that this land survey 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.

Paul R. Herold — 5-25-05

Paul R. Herold — Date

License Number 15525
My license renewal date is December 31, 2006.
Pages covered by this seal: ED-1

State of Iowa)
ss.
County of Delaware)

Subscribed and sworn to before me by Paul R. Herold this 25th day of May, 2005.

RYAN M. WICKS
Iowa Notarial Seal
Commission Number: 723753
My Commission Expires: 08-04-2006

Ryan M Wicks
Notary Public

WATER MAIN EASEMENT OF:

Easement Description:

Water Main Easement, in Lot 7 of the Amended Plat of Southwest Industrial Park, Section 31, Township 89 North, Range 5 West of the 5th P.M., City of Manchester, Delaware County, Iowa, 30 feet in width lying 15 feet on both sides of the following centerline and more particularly described as follows:

Commencing at the Southeast Corner of said Lot 7;

Thence **South 89°24'53" West, (Record Bearing) 17.85 feet** along the South line of said Lot 7 and said North Right-of-Way Line of Burrington Road to the Point of Beginning, with the South Line of said Easement being coincident with said South Line and said North Right-of-Way Line,

Thence **North 00°26'37" West, 432.72 feet;**

Thence **North 45°00'00" West, 104.92 feet;**

Thence **South 90°00'00" West, 5.00 feet;**

Thence **North 00°00'00" East, 425.34 feet,** to the South Right-of-Way line of Enterprise Avenue and the North line of said Lot 7, with the North Line of said Easement being coincident with the North line of said lot 7 and said South Right-of-Way line.

Containing **29,047 Square Feet (0.667 Acre)**,
Subject to any other easements of record.
(See plat attached to this original easement description.)