City of Manchester

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DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Prepared By /Return To: J. David Gibbs, .L.S., 105 W. Main St., Manchester, IA 52057
Grantors: See below. Grantees: See below. Legal Description: See below

30' UTILITY EASEMENT

This Agreement, made of this 27 day of May, 2008, by and between **Karusco, Inc.**, Party of the first Part; and the **CITY OF MANCHESTER, IOWA, an Iowa Municipal Corporation**, Party of the Second Part;

WITNESSETH:

That the Party of the First Part, in consideration of the sum of One Dollar ($1.00) and other valuable consideration, receipt is hereby acknowledged, does hereby grant, bargain, sell and convey to the Party of the Second Part, its successors and assigns, the perpetual right and easement and temporary construction easement to enter upon, erect, construct, install and lay, and thereafter use, operate, inspect, repair, maintain, replace and remove a utilities upon, over and along, under and across, the following described real estate situated in Delaware County, Iowa, together with the right of ingress and egress over the adjacent lands of the Grantor, their successors and assigns for the purpose of this easement:

> ***Lot B of Karusco 3rd Subdivision, A Subdivision of Lot 1 and Lot A of Karusco 2nd Subdivision, Section 30, Township 89 North, Range 5 West of the Fifth P.M., City of Manchester, Delaware County, Iowa.***

THE UTILITY EASEMENT (See attached Exhibit A) shall be 30 feet in width Northwesterly from the following described line:

> **COMMENCING** at the Southwest Corner of Lot 1 of Manchester Business Park, being on the Northerly Line of Lot B of Karusco 3rd Subdivision, both in Section Thirty (30), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth P.M., City of Manchester, Delaware County, Iowa;
>
> **THENCE** along the Northerly Line of Lot B of said Karusco 3rd Subdivision, North 88° 26' 38" West, 41.90 feet to the **POINT OF BEGINNING;**
>
> **THENCE** South 36° 41' 45" West, to the Northeasterly Line of an existing 30 foot Utility Easement, 46.42 feet to the **POINT OF TERMINATION**

The temporary construction easement (see Exhibit A) shall be 30 feet in width southeast and 30 feet in width northeast of the permanent easement.

The Grantee shall restore the area in the easement area to a condition similar to the conditions prior to construction, reconstruction or repair. Restoration shall include replacement of topsoil over excavations, regrading and tile line repair.

The Grantees shall have the right of ingress and egress to and from said land to survey, erect, construct, maintain, inspect, rebuild, and repair said utilities together with the right to replace, renew and relocate upon, over and under its right of way, said facilities, or parts thereof, and any appurtenances thereto and the right it remove any and all of said facilities or appurtenances.

The Grantor agrees to erect no buildings, obstructions or other improvements upon or under the property covered by this 30 foot utility easement, which would interfere with the construction, reconstruction or maintenance of said utilities.

This Agreement and rights herein described shall be binding upon the Grantor, its successors and assigns. This easement shall be perpetual and shall run with the land.

In Witness Whereof we hereunto sign our names the day and year last above written.

CITY OF MANCHESTER, IOWA

By Milt L. Kramer
Milt Kramer, Mayor

Erin Rempe, City Clerk

Karusco, Inc.
GRANTOR

By Richard M. Jones
Richard M. Jones

Jo Ann K. Jones
Jo Ann K. Jones

State of Iowa)
)
County of Delaware) Ss:

On this 12th day of May 2008, before me, a notary in and for said State, personally appeared Richard M. Jones and Jo Ann K. Jones, to me personally known, who being by me duly sworn or affirmed, did say that they are the President/Secretary/Treasurer and Director of Karusco, Inc. and that said instrument was signed on behalf of said Karusco, Inc. by authority of its Directors and the said Richard M. Jones and Jo Ann K. Jones acknowledged the execution of the instrument to be the voluntary act and deed of said Karusco, Inc. by it voluntarily executed.

Tamera K. Thomas
Notary Public in and for said State

Commission Number
8-26-08

STATE OF IOWA)
) SS.
COUNTY OF DELAWARE)

On this 12 day of June, 2008, before me, Julie A. Schmitz, a Notary Public in and for the State of Iowa, personally appeared Milt 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 the authority of its City Council, as contained in Resolution Number R-102-2008 adopted by the City Council on the 27 day of May, 2008, and that Milt Kramer and Erin Rempe acknowledge 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. Schmitz
, Notary Public.
My Commission Expires

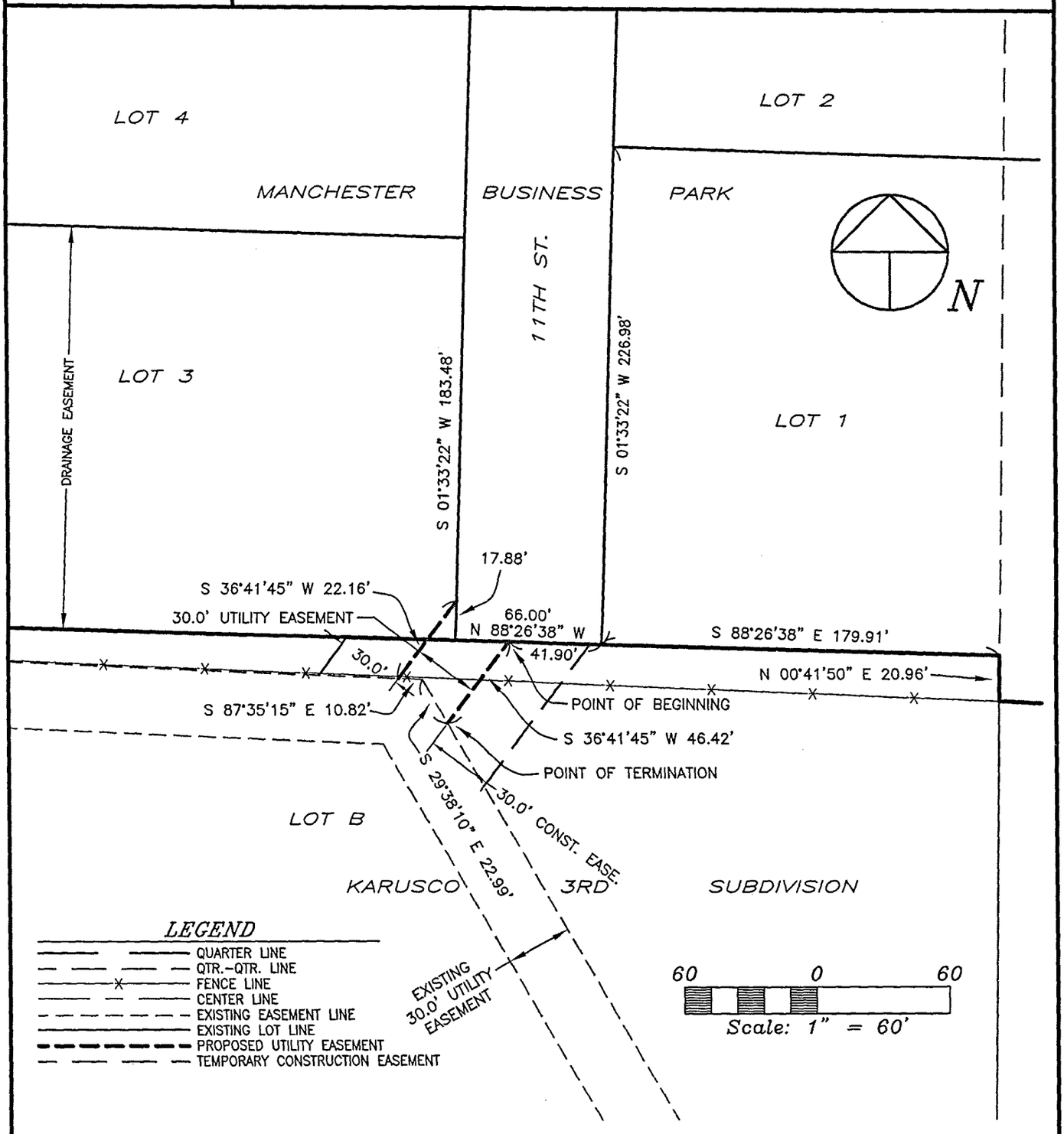
JULIE A. SCHMITZ
Commission Number 224151
My Commission Expires
8-23-08

PREPARED BY/RETURN TO: J DAVID GIBBS; 105 W. MAIN ST., MANCHESTER, IA 52057 563-927-2434

EASEMENT EXHIBIT A

30' UTILITY EASEMENT

PART OF LOT B OF KARUSCO 3RD SUBDIVISION & PART OF LOT 3 OF MANCHESTER BUSINESS PARK SEC. 30, T89N, R5W OF THE FIFTH P.M., CITY OF MANCHESTER, DELAWARE COUNTY, IOWA



SURVEY REQUESTED BY: CITY OF MANCHESTER

PROPRIETORS: LOT B – KARUSCO, INC.

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.

J. DAVID GIBBS, P.E., L.S. LIC. #8419 DATE 5/12/08

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2008

LICENSED LAND SURVEYOR J. DAVID GIBBS 8419 IOWA

PAGES OR SHEETS COVERED BY THIS SEAL:

GIBBS ENGINEERING & SURVEYING
105 WEST MAIN STREET
MANCHESTER, IA 52057

PROJECT NO. 07-72
SCALE: 1"=60'
DATE: 3/25/2008
DRAWN BY: RLR
CHECKED BY: JDG
GPS: MANCHESTER
REVISED
SHEET 3 OF 3