City of Manchester

Book 2008 Page 2210

Document 2008 2210 Type 03 006 Pages 3
Date 7/15/2008 Time 2:55:44PM
Rec Amt $17.00

DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Prepared By /Return To: J. David Gibbs, P.L.S., 105 W. Main St., Manchester, IA 52057
Grantors: See below. Grantees: See below. Legal Description: See below
Documents or Instrument No. of Previously recorded document: 2008-1882 .

# CONSTRUCTION EASEMENT

This Agreement, made of this 21 day of May, 2008, by and between **Vontalge Family Partnership***(c/o Gary D. Vontalge,* 2117 210th St., Manchester, IA 52057*)*, 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 temporary construction easement to enter upon, erect, construct, install and lay, and thereafter use, operate, inspect, repair, maintain, replace and remove street improvements and appurtenances 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 A of Deerfield Third Addition, Section 30, T89N, R5W of the Fifth P.M., City of Manchester, Delaware county, Iowa.***

***The temporary construction easement (0.18 acres), see Exhibit A, shall be described as the South 156.8 feet of the West 50 feet of Lot A of Deerfield Third Addition, Section 30, T89N, R5W of the Fifth P.M., City of Manchester, Delaware county, Iowa.***

The Grantee shall restore the area in the temporary construction easement areas 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.

This Agreement and rights herein described shall be binding upon the Grantor, its successors and assigns. This easement shall be temporary, for the duration of construction of the 13th-Howard-11th Street Improvements.

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

VONTALGE FAMILY PARTNERSHIP

By Gary D. Vontalge
Gary D. Vontalge

State of Iowa )
)
County of Delaware ) Ss:

On this 24th day of April A.D. 200_, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Gary D. Vontalge to me personally known, who being by me duly sworn, did say that the person is one of the partners of the Vontalge Family Partnership, a partnership, and that the instrument was signed on behalf of the partnership by authority of the partners and the partner acknowledged the execution of the instrument to be the voluntary act and deed of the partnership by it and by the partner voluntarily executed.

Donna M. Kunde
Notary Public for State of Iowa

DONNA M. KUNDE
Commission Number 175597
My Commission Expires
8-12-09

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-10-2008 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

JULIE A. SC
Commission Numb
My Commission

JULI
Commis 24151
My Co ires



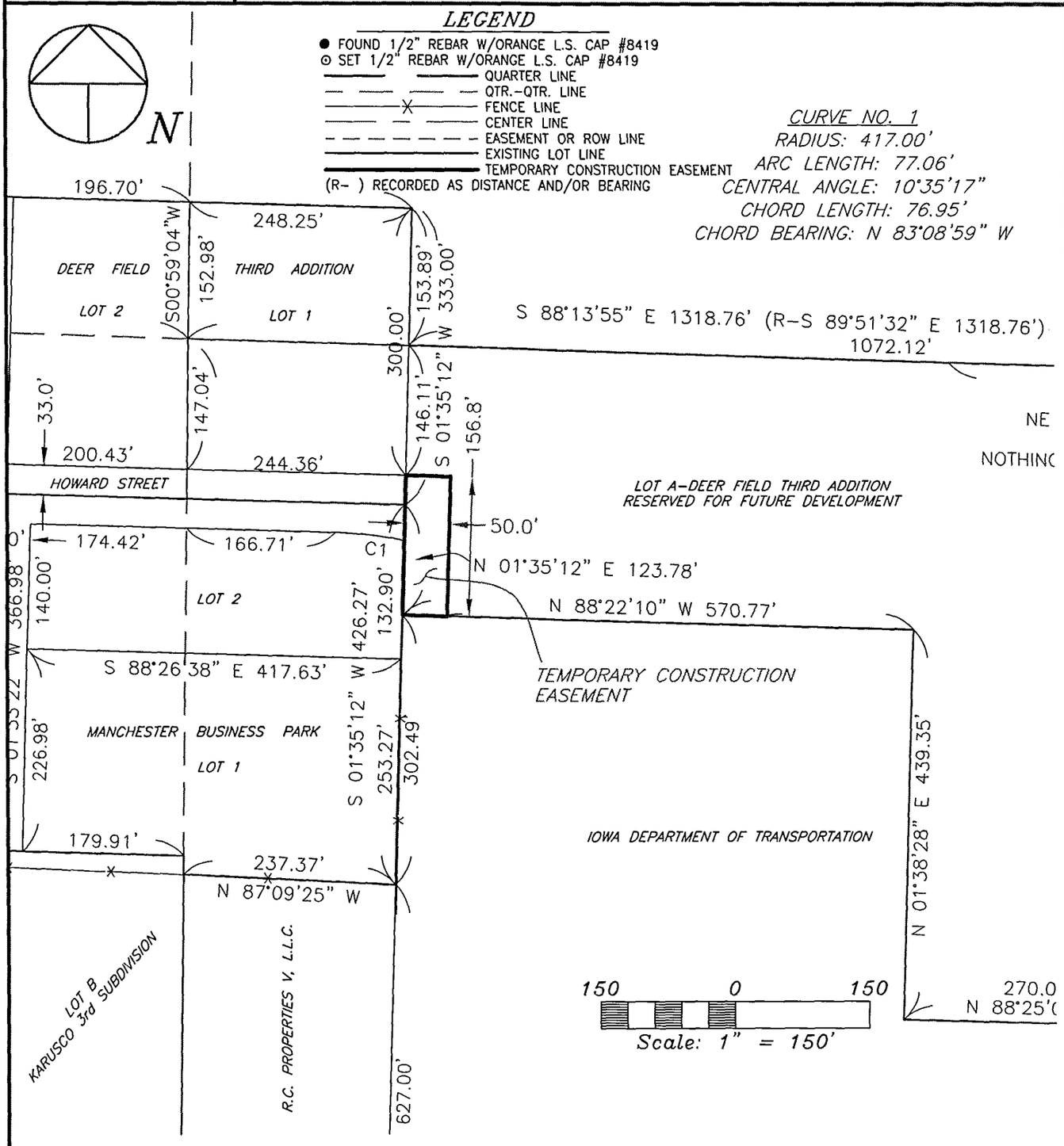
Q:\PROJECTS\Manchester\West End\Vontalge\Easement-Vontalge.doc

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

# EASEMENT EXHIBIT A

## TEMPORARY CONSTRUCTION EASEMENT

PART OF LOT A OF DEER FIELD THIRD ADDITION
SEC. 30, T89N, R5W OF THE FIFTH P.M., DELAWARE COUNTY, IOWA




SURVEY REQUESTED BY: CITY OF MANCHESTER

SURVEYED ON:

PROPRIETORS: VONTALGE FAMILY PARTNESHIP

PROJECT NO. 07-72

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 5/27/08

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2008

SCALE: 1"=150'

DATE: 3/25/2008

DRAWN BY: RLR

CHECKED BY: JDG

GPS: MANCHESTER

REVISED

SHEET 3 OF 3

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