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Date 2/01/2010 Time 12:21:15PM
Rec Amt $19.00

DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Prepared by and return to: John D. Freund, 1005 Main Street, Suite 200, Dubuque, IA 52001 (563) 582-2000

AGREEMENT FOR TEMPORARY CONSTRUCTION EASEMENT

THIS AGREEMENT FOR TEMPORARY EASEMENT is entered into this 27 day of January, 2010, between Becky Sellers (hereinafter "Grantor" and owners of the real estate hereinafter described) and The City of Delhi, Iowa (hereinafter "Grantee").

RECITALS

A. The City of Delhi, Iowa, is purchasing certain real estate within the City of Delhi, Iowa, legally described as follows:

> A PART OF LOT 7, BLOCK 16, CITY OF DELHI, DELAWARE COUNTY, IOWA, DESCRIBED AS FOLLOWS:
>
> BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 7; THENCE WEST ALONG THE SOUTH PROPERTY LINE OF SAID LOT 7, A DISTANCE OF 60.00 FEET; THENCE NORTHEASTERLY TO A POINT ON THE NORTH LINE OF SAID LOT 7, SAID POINT BEING 20.00 FEET WEST OF THE NORTHEAST CORNER OF SAID LOT 7; THENCE 20.00 FEET TO SAID NORTHEAST CORNER; THENCE SOUTH ALONG THE EAST LINE OF SAID LOT 7, TO THE SOUTHEAST CORNER OF SAID LOT 7 AND THE POINT OF BEGINNING.

(hereinafter the "Acquired Real Estate").

B. Grantor owns real estate immediately adjacent to the east of the Acquired Real Estate (hereinafter referred to as the "Easement Real Estate"), and Grantor is willing to grant to Grantee a temporary construction easement located upon the Easement Real Estate but no more than fifty feet (50') from the Acquired Real Estate.

C. The parties hereto wish to reduce their agreement in writing.

NOW THEREFORE, for valuable consideration given by the Grantee for the temporary easement, the receipt and sufficiency of which are hereby acknowledged, the Grantor herein, owner of the Easement Real Estate, and the Grantee herein, which receives said temporary easement through the Real Estate, hereby agree as follows:

AGREEMENT

1. Grantors grant to Grantee a temporary construction easement, which easement is located upon any real estate (including but not limited to the Easement Real Estate) owned by Grantors within fifty feet (50') of the Acquired Real Estate. The temporary construction easement shall commence immediately and shall terminate either upon completion of the construction project upon the Acquired Real Estate or December 31, 2010, whichever occurs last. Grantee shall be permitted to excavate and grade within the temporary construction easement. Grantee shall perform all grading and construction at its sole expense and shall return all topsoil removed from the temporary construction easement area to such easement area and shall reseed any excavated areas promptly upon completion of construction.

2. This Agreement for Temporary Construction Easement shall be construed under the laws of the State of Iowa and shall be binding upon the undersigned and their heirs, beneficiaries, representatives, successors, and assigns in ownership of the Real Estate over which said easement is granted, and shall benefit Grantee and its successors and assigns.

DATED this 22 day of January, 2010.

STATE OF ~~IOWA~~ Arizona)
COUNTY OF ~~DELAWARE~~ Maricopa) ss.

On this 22 day of January, 2010, before me, the undersigned, a Notary Public in and for the State of ~~Iowa~~ AZ, personally appeared [signature], to me known to be the identical person(s) name in and who, being duly sworn by me, executed the foregoing instrument and acknowledged that he/she/they executed the same as his/her/their voluntary act and deed.

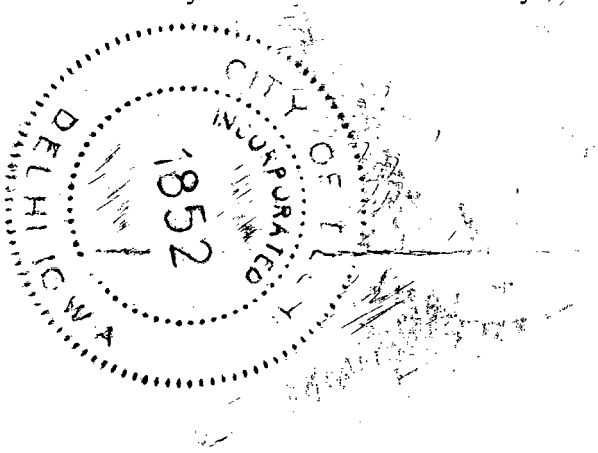
[signature]
Notary Public in and for said State

JAIME D. MEZOSI
Notary Public - Arizona
Maricopa County
Expires 05/30/2011

Iowa ~~Arizona~~
STATE OF ~~IOWA~~)
COUNTY OF ~~DELAWARE~~ Delaware ~~Maricopa~~) ss.

On this 26 day of January, 2010, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Terry Harbach, to me known to be the Mayor

of the City of Delhi, Iowa and who, being duly sworn by me, executed the foregoing instrument on behalf of the City of Delhi, Iowa and acknowledged that he executed the same in his official capacity as Mayor and on behalf of the City of Delhi, Iowa as its voluntary act and deed.



Terry Harbert
Notary Public in and for said State

