Book 2013 Page 1088
Document 2013 1088 Type 03 006 Pages 4
Date 3/28/2013 Time 1:13:16PM
Rec Amt $22.00

DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Return to &
Prepared By: Snyder & Associates, Inc.
5005 Bowling Street S.W. – Suite A, Cedar Rapids, IA 52404
(319) 362-9394

SPACE ABOVE THIS LINE FOR RECORDER

PERMANENT EASEMENT

KNOW ALL BY THESE PRESENTS:

That Jean Payne (hereinafter called "Grantor") in consideration of the sum of Ten Dollars and other valuable consideration to be paid by the City of Colesburg, Iowa upon final approval and acceptance of this easement, do hereby convey unto the City of Colesburg, Iowa, a municipal corporation, (hereinafter called "City") a perpetual Easement for Public Utility under, over, through and across the following described real estate:

See attached Exhibit (page 3)

(hereinafter called "Easement Area") for the purpose of the permanent right to construct, reconstruct, repair, alter, maintain and operate a public utility together with necessary appurtenances thereto, under, over, through and across said Easement Area for the following described public improvement:

Colesburg Wastewater Treatment Plant Improvements

This easement shall be subject to the following terms and conditions:

1. Erection of Structures Prohibited. Grantor shall not erect any landscaping or structure over or within the easement area without obtaining the prior written approval of the City Council.

2. Change of Grade Prohibited. Grantor shall not change the grade, elevation or contour of any part of the easement area without obtaining the prior written consent of the City Council.

3. Right of Access. The City shall have the right of access to the easement area and have all rights of ingress and egress reasonably necessary for the use and enjoyment of the easement area as herein described, including but not limited to, the right to remove any unauthorized obstructions or structures placed or erected on the easement area.

4. Easement Runs With Land. This easement shall be deemed to run with the land and shall be binding on Grantor and on Grantor's successors and assigns.

5. Approval By the City. This easement shall not be binding until it has received the final approval and acceptance by the City.

Grantor does HEREBY COVENANT with the City that Grantor holds said real estate described in this easement by title in fee simple; that grantor has good and lawful authority to convey the same; and said Grantor covenants to WARRANT AND DEFEND the said premises against the lawful claims of all persons whomsoever.

Each of the undersigned hereby relinquishes all rights of dower, homestead and distributive share, if any, in and to the interests conveyed by this easement.

IN WITNESS WHEREOF WE have hereunto affixed our hands this 23rd day of August, 2012.

GRANTOR:

By _____ By Terry Payne Grantees

Print Name Jean Payne Print Name Terry Payne

STATE OF Iowa, COUNTY OF Delaware, ss :

On this 23 day of August, 2012 before me the undersigned, a Notary Public in and for said State, personally appeared Terry Payne _____ to me known to be the identical person(s) named in and who executed the foregoing instrument, and acknowledged that he/she/they executed the same as his/her/their voluntary act and deed.

Tara Holub

Notary Public in and for said State of Iowa

Tara Holub
Notarial Seal, Iowa
Commission Number 759238
My Commission Expires 7/23/15

PREPARED BY: J.E. SPANGENBERG, SNYDER & ASSOCIATES, INC., 5005 BOWLING STREET S.W., CEDAR RAPIDS, IA 52404 (319) 362-9394

RETURN TO: J.E. SPANGENBERG, SNYDER & ASSOCIATES, INC., 5005 BOWLING STREET S.W., CEDAR RAPIDS, IA 52404 (319) 362-9394

PERMANENT UTILITY EASEMENT PLAT

PERMANENT EASEMENT DESCRIPTION

A PART OF LOT 2, ORIGINAL TOWN OF COLESBURG, DELAWARE COUNTY IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 90 NORTH, RANGE 3 WEST OF THE 5TH PRINCIPLE MERIDIAN; THENCE SOUTH 0°34'36" WEST, ALONG THE EAST LINE OF SAID SOUTHWEST 1/4 OF THE NORTHEAST 1/4, A DISTANCE OF 216.91 FEET; THENCE NORTH 89°16'01" WEST, 280.36 FEET TO THE NORTH EAST CORNER OF SAID LOT 2 AND THE POINT OF BEGINNING; THENCE SOUTH 0°55'39" WEST, ALONG THE EAST LINE OF SAID LOT 2, A DISTANCE OF 420.82 FEET, TO THE SOUTHEAST CORNER OF SAID LOT 2; THENCE NORTH 89°40'13" WEST, ALONG THE SOUTH LINE OF SAID LOT 2, A DISTANCE OF 20.00 FEET; THENCE NORTH 0°55'39" EAST, 420.96 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 2; THENCE SOUTH 89°16'01" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.19 ACRES (8,418 SQUARE FEET) MORE OR LESS.

DATE OF SURVEY

06-09-12

OWNER

PAYNE, JEAN

LEGEND

Survey	Found	Set
Section Corner	▲	△
1/2" Rebar, Orange Cap # 12534 (Unless Otherwise Noted)	●	○
ROW Marker	■	⊡
ROW Rail	⊞	⊡
Control Point	⊙CP	
Bench Mark	⊕	
Platted Distance	P	
Measured Bearing & Distance	M	
Recorded As	R	
Deed Distance	D	
Calculated Distance	C	
Minimum Protection Elevation	MPE	
Centerline	----------	
Section Line	————	
1/4 Section Line	—— — — ——	
1/4 1/4 Section Line	— — — — —	
Easement Line	— — — — —	

LICENSED PROFESSIONAL ENGINEER
J.E. SPANGENBERG
12534
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.

J.E. Spangenberg 3-26-13

J. E. Spangenberg, PLS Date

License Number 12534

My License Renewal Date is December 31, 2014

Pages or sheets covered by this seal:

Sheets 1 and 2

PERMANENT UTILITY EASEMENT PLAT

PAYNE, JEAN

SNYDER & ASSOCIATES, INC.
Engineers and Planners

5005 BOWLING STREET S.W.
CEDAR RAPIDS, IA 52404 (319) 362-9394

SHEET	1 OF 2
PN:	1080456
PM:	DAS
DATE:	08/03/12
TECH:	TWF

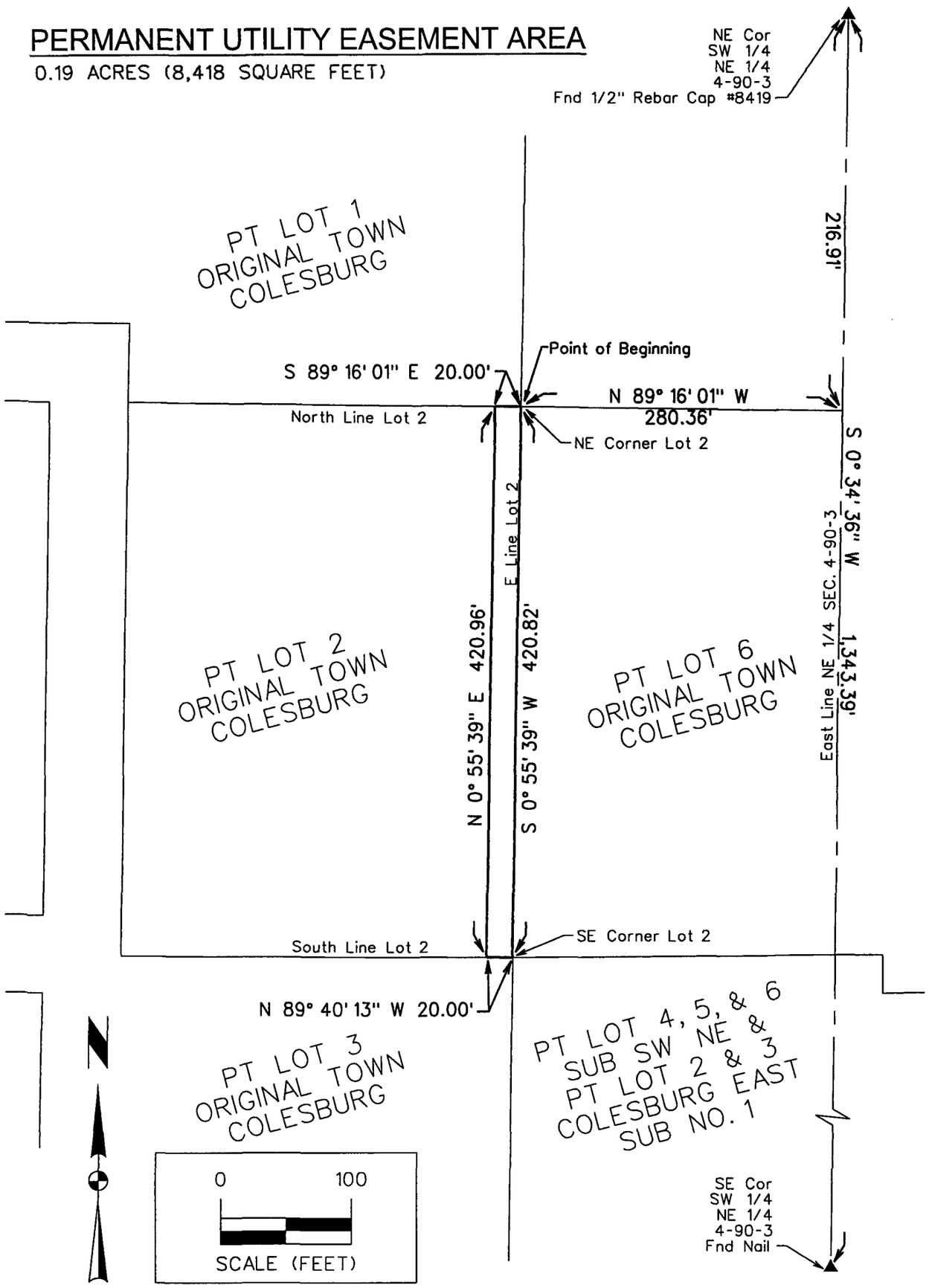
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3/26/2013
TWF

PERMANENT UTILITY EASEMENT PLAT

PERMANENT UTILITY EASEMENT AREA

0.19 ACRES (8,418 SQUARE FEET)



PERMANENT UTILITY EASEMENT PLAT

PAYNE, JEAN

SHEET	2 OF 2
PN:	1080456
PM:	DAS
DATE:	08/03/12
TECH:	TWF

SNYDER & ASSOCIATES, INC.
Engineers and Planners
5005 BOWLING STREET S.W.
CEDAR RAPIDS, IA 52404 (319) 362-9394

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3/28/2013
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