Book 2013 Page 1091
Document 2013 1091 Type 03 006 Pages 4
Date 3/28/2013 Time 1:14:32PM
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 Charles & Sharon Funk (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 8-9-12 day of _____, 2012.

GRANTOR:

By Charles Funk By Sharon Funk

Print Name Charles Funk Print Name Sharon Funk

STATE OF Iowa, COUNTY OF Delaware, ss :

On this 9th day of August, 2012, before me the undersigned, a Notary Public in and for said State, personally appeared Charles Funk and Sharon Funk 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 UTILITY EASEMENT DESCRIPTION

A PART OF THE WEST 54 FEET OF LOT 1 OF THE SUBDIVISION OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 AND THE WEST 54 FEET OF LOT 1 OF THE SUBDIVISION OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 4, TOWNSHIP 90 NORTH, RANGE 3 WEST OF THE 5TH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SAID SECTION 4; THENCE NORTH 0°51'24" EAST, ALONG THE EAST LINE OF SAID NORTHWEST 1/4, A DISTANCE OF 1,287.22 FEET; THENCE NORTH 89°56'07" WEST, 286.86 FEET TO THE NORTHEAST CORNER OF THE WEST 54.00 FEET OF THE SAID LOT 1 AND THE POINT OF BEGINNING; THENCE SOUTH 0°49'30" WEST, ALONG THE EAST LINE OF THE WEST 54.00 FEET OF SAID LOT 1, A DISTANCE OF 5.00 FEET; THENCE NORTH 89°56'07" WEST, 54.00 FEET TO A POINT ON THE WEST LINE OF SAID LOT 1; THENCE NORTH 0°54'49" EAST, ALONG SAID WEST LINE, A DISTANCE OF 5.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE SOUTH 89°56'07" EAST, ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 54.00 FEET TO THE POINT OF BEGINNING, CONTAINING 270 SQUARE FEET MORE OR LESS.

DATE OF SURVEY

06-09-12

OWNER

FUNK, CHARLES & SHARON

LEGEND

Survey	Found	Set
Section Corner	▲	△
1/2" Rebar, Orange Cap # 12534 (Unless Otherwise Noted)	●	○
ROW Marker	■	⊡
ROW Rail	H	卐
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

FUNK, CHARLES & SHARON

SNYDER & ASSOCIATES, INC.
Engineers and Planners

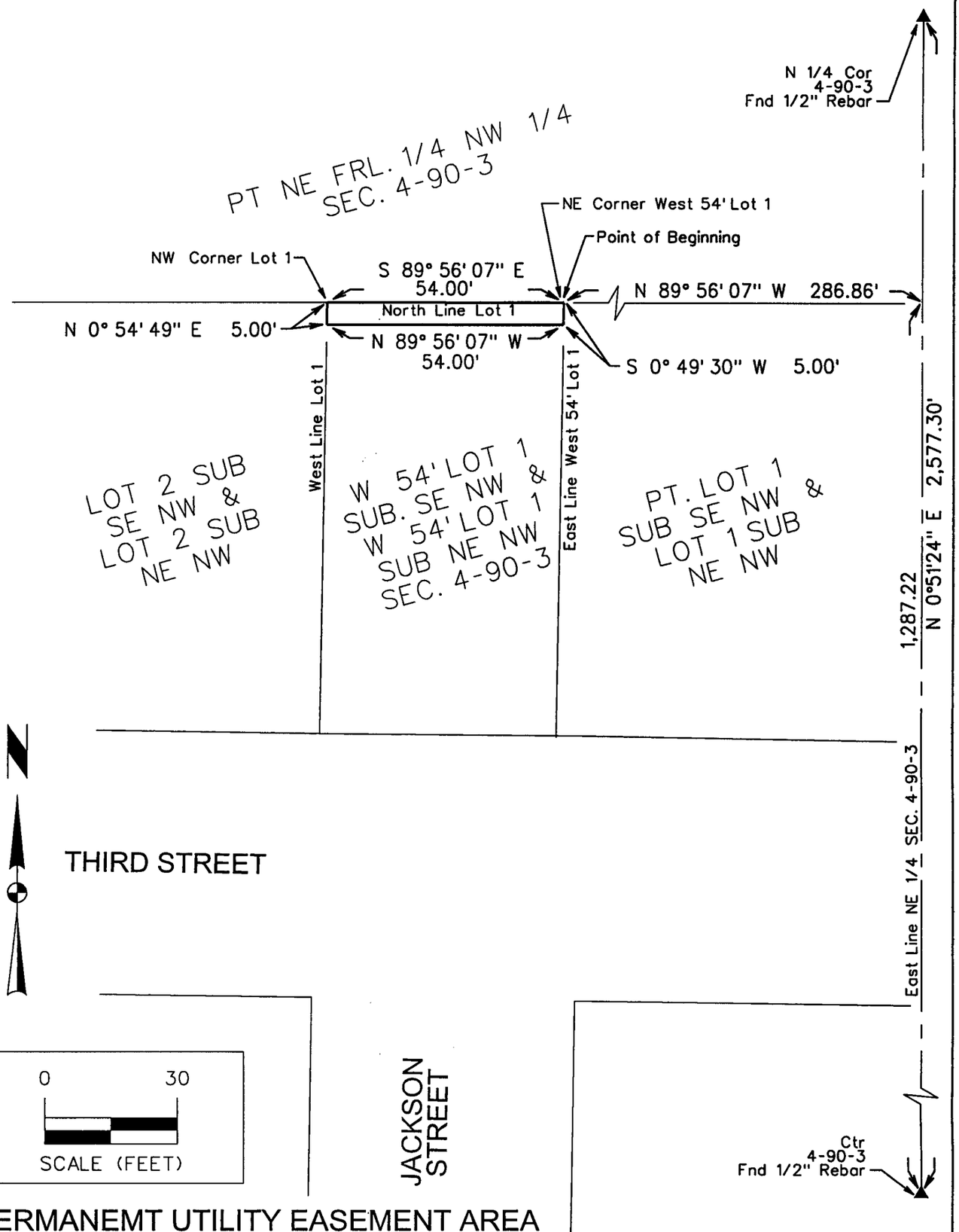
5005 BOWLING STREET S.W.
CEDAR RAPIDS, IA 52404 (319) 362-9394

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

Y:\print_drivers\Black_Gray\DirectBWHalfWeight.pltcfg
Y:\pen\date.tbl
Snyder

m:\2008_projects\108.0456\cadd\plats\5_funk.dgn
3/26/2013
TWF

PERMANENT UTILITY EASEMENT PLAT



PERMANEMT UTILITY EASEMENT AREA

270 SQUARE FEET

PERMANENT UTILITY EASEMENT PLAT

FUNK, CHARLES & SHARON

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

Y:\print_drivers\Black_Gray\DirectBWHalfWeight.pltcfg
Y:\pen\date.tbl
Snyder
m:\2008_projects\108.0456\cadd\plots\5_funk.acg
3/26/2013
TWF