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Book 2013 Page 3859

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DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

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Book 2013 Page 2557

Document 2013 2557 Type 03 006 Pages 6
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Rec Amt $32.00

DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Rerecorded to correct Exhibits

(K-tnJ)

Return to: Ty Mann – Universal Field Services, 3815 NW 109th Street, Urbandale, Iowa 50322 (515) 334-3334
Prepared By: Jeanne Archie – ITC Midwest LLC, 123 5th Street, SE, Cedar Rapids, Iowa 52401 (319) 297-6764

ELECTRIC LINE EASEMENT

For and in consideration of the sum of One Dollar ($1.00) and other valuable consideration, the receipt of which is hereby acknowledged, **The City of Hopkinton, Iowa,** 115 First Street SE, Hopkinton, Iowa 52237, ("Grantor(s)"), do(es) hereby warrant and convey unto ITC Midwest LLC, a Michigan limited liability company, 27175 Energy Way, Novi, MI 48377, its successor and assigns, ("Grantee"), a perpetual easement with the right, privilege and authority to construct, reconstruct, maintain, operate, repair, patrol and remove an electric and telecommunications line or lines, consisting of poles, towers, crossarms, insulators, wires, guy wires, anchors and other necessary fixtures, equipment and construction for transmitting electricity, communications and all Corporate purposes together with the power to extend to any other party the right to use, jointly with the Grantee, pursuant to the provisions hereof, upon, under, over and across the following described lands located in the County of Delaware, and the State of Iowa:

Legal Description: Lots One (1), Two (2), Three (3), and the North seventy-eight (78) feet of Lots Four (4), Five (5) and Six (6) Block Eight (8), Carter's Addition to Hopkinton, Iowa, and also a piece of land forty-five (45) feet square in Lot Four (4), said Block Eight (8) described as commencing seventy-eight (78) feet south of Northeast corner of said Lot Four (4) thence South forty-five (45) feet, West forty-five (45), North forty-five (45) feet, and East forty-five (45) feet, also that part of Lots Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), and Twelve (12), Block Seven (7), H. A. Carter's Addition to Hopkinton, Iowa, lying South of the Railroad

AND

PARCEL I, Part of the South one-half of the Southwest Quarter (SW1/4) of Section Eighteen (18), Township Eighty-Seven North (T87N), Range Three West (3W) of the Fifth Principal Meridian, Delaware County, Iowa, containing 1.07 acres, subject to easement of record, and more specifically described by mete and bounds as follows;

COMMENCING at the South Quarter Corner of Section Eighteen (18), Township Eighty-seven (T87N), Range Three West (R3W) of the Fifth Principal Meridian, Delaware county, Iowa; THENCE along the Southerly Line of the Southwest Quarter (SW1/4) of said Section eighteen (18), South 89°46'32" West, to the Northeasterly right of way line of the former Chicago, Milwaukee, and St. Paul Railroad, 597.24 feet, the POINT OF BEGINNING; THENCE continuing along the Southerly Line of the Southwest Quarter (SW1/4) of said Section Eighteen (18), South 89°46'32" West, to the Southwesterly right of way line of the former Chicago, Milwaukee, and St. Paul Railroad, 128.15 feet; THENCE along the Southwesterly right of way line of said former railroad, North 38°56'04" West, to the Easterly Line of East Street, 405.23 feet; THENCE along the Easterly Line of East Street and extension thereof, North 26°52'53" East, to the Northeasterly right of way line of said former railroad, 109.62 feet; THENCE along the Northeasterly right of way line of said former railroad, South 38°56'04" East, 530.28 feet, to the POINT OF BEGINNING; containing a 1.07 acres and subject to easements of record. The Southwesterly right of way line of the former Chicago, Milwaukee, and St. Paul Railroad, is assumed to bear North 38°56'04" West.

AND

PARCEL J, Part of the South one-half of the Southwest Quarter (SW1/4) of Section Eighteen (18), Township Eighty-Seven North (T87N), Range Three West (3W) of the Fifth Principal Meridian, Delaware County, Iowa, containing 0.63 acres, subject to easement of record, and more specifically described by mete and bounds as follows;

COMMENCING at the South Quarter Corner of Section Eighteen (18), Township Eighty-seven (T87N), Range Three West (R3W) of the Fifth Principal Meridian, Delaware County, Iowa; THENCE along the Southerly Line of the Southwest Quarter (SW1/4) of said Section Eighteen (18), South 89°46'32" West, to the Northeasterly right of way line of the former Chicago, Milwaukee, and St. Paul Railroad, 597.24 feet; THENCE along the Northeasterly right of way line of the former Chicago, Milwaukee, and St. Paul Railroad, North 38°56'04" West, to the extension of the Easterly Line of East Street, 530.28 feet, the POINT OF BEGINNING; THENCE along the extension of the Easterly Line of East Street, South 26°52'53" West to the Northerly Line of Cascade Street, 49.68 feet; THENCE along the Northerly Line of Cascade Street, North 62°52'27" West, to a line which is 20 feet normally distant from the centerline of the former Chicago, Milwaukee, and St. Paul Railroad, 60.82 feet; THENCE along said line which is 20 feet normally distant from the centerline of the former railroad, North 38°56'04" West, to the Easterly Line of First Street, 520.38 feet; THENCE along the Easterly line of First Street, North 27°29'52" East, to the Southwesterly Corner of Parcel D as recorded in Book 8 of Plats, Page 119 in the Office of the Delaware County Recorder, 41.36 feet; THENCE along the Southerly Line of said Parcel D, and Southerly Line of Lot 2 as recorded in Book 3 of Plats, Page 235 in the Office of the Delaware County Recorder, South 39°37'54" East, 309.95 feet; THENCE continuing along the Southerly Line of said Lot 2, South 45°57'39" East, to the Northeasterly right of way line of said former railroad, 231.51 feet; THENCE along the Northeasterly right of way line of the said former railroad, South 38°56'04" East, 32.46 feet to the POINT OF BEGINNING; containing 0.63 acres and subject to easement of record. The Southerly Line of Parcel D, as recorded in Book 8 of Plats, Page 119 in the Office of the Delaware County Recorder, is assumed to bear South 39°37'54" East.

The Easement Area being: Defined on attachment Exhibit A

Together with all the rights and privileges for the full enjoyment or use thereof for the aforesaid purpose.

The easement granted to ITC Midwest, LLC, is to be used consistent with and without interference to utility easements currently located on the above described property. The grant of easement herein is not exclusive and shall be available for other public utilities.

Grantor(s) agrees that it will not construct or place any buildings, structures, plants, or other obstructions on the property described above which would result in a violation of the minimum clearance requirements of the National Electric Safety Code or would interfere with the operation and maintenance of the line.

Grantor(s) also conveys the right and privilege to cut, trim, remove, destroy or otherwise control the growth of any trees or other vegetation on said described land and such other trees and vegetation adjacent thereto as in the judgment of the Grantee may interfere with construction, reconstruction, maintenance, operation, repair, use of, or which in falling might touch the said line or lines.

Grantee, its contractor or agent, may enter said premises for the purpose of making surveys and preliminary estimates immediately upon the execution of this easement.

The Grantor(s) also grants to the Grantee the right of ingress and egress to said line or lines, over/under lands now owned by the Grantor(s), for the purpose of constructing, reconstructing, maintaining, operating, patrolling, repairing and removing said line or lines, and the Grantee agrees to pay to the Grantor(s) or its tenants all damages done to the lands (except the cutting and trimming of trees or other vegetation), fences, livestock or crops of the Grantor(s) or its tenants, by the Grantee or its employees while constructing, reconstructing, patrolling or repairing said line or lines.

Signed this 11 day of July, 20 13.

GRANTOR(S)

By: Cathy Harris

Title: Mayor, City of Hopkinton

ALL PURPOSE ACKNOWLEDGMENT

STATE OF IOWA)

COUNTY OF DELAWARE) ss:

On this 11th day of July, AD. 2013, before me, the undersigned, a Notary Public in and for said State, personally appeared

Cathy Harris

XX to me personally known

or _____ provided to me on the basis of satisfactory evidence

to be the persons(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

NOTARY SEAL _____
(Sign in Ink)

Amy M. Ries
(Print/type name)

Notary Public in and for the State of Iowa

NOTARIAL SEAL IOWA
AMY M. RIES
COMMISSION NUMBER 755792
MY COMMISSION EXPIRES
11-13-2014

CAPACITY CLAIMED BY SIGNER

_____ INDIVIDUAL
_____ CORPORATE
Title(s) of Corporate Officers(s):

_____ N/A
_____ Corporate Seal is affixed
_____ No Corporate Seal procured

_____ PARTNER(s)
_____ Limited Partnership
_____ General Partnership

_____ ATTORNEY-IN-FACT
_____ EXECUTOR(s),
_____ ADMINISTRATOR(s),
_____ or TRUSTEE(s):
_____ GUARDIAN(s)
_____ or CONSERVATOR(s)
_____ OTHER

_____

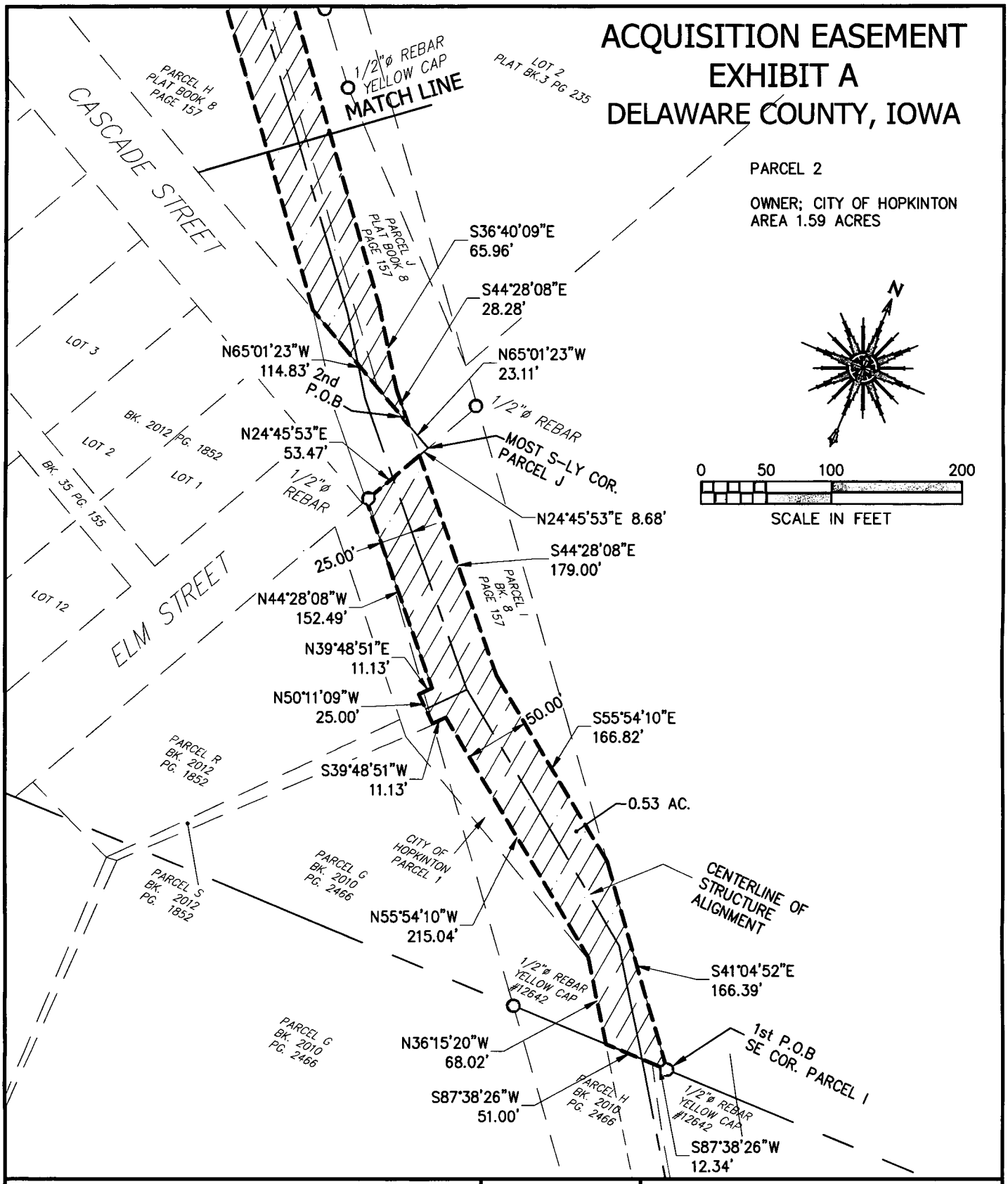
_____

SIGNER IS REPRESENTING:
List name(s) of persons(s) or entity(ies):

_____

_____

ACQUISITION EASEMENT
EXHIBIT A
DELAWARE COUNTY, IOWA



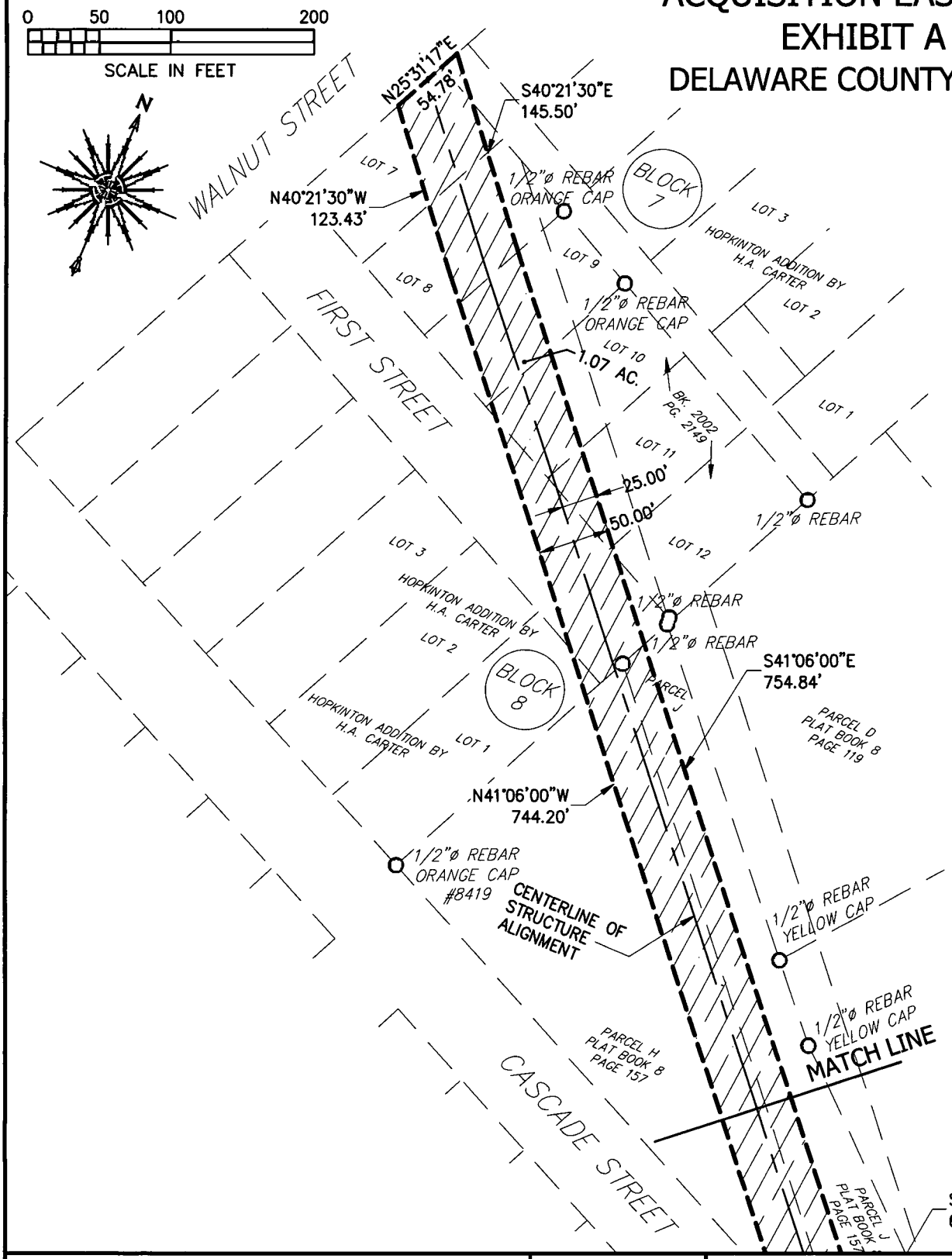
ACQUISITION EASEMENT
EXHIBIT A
DELAWARE COUNTY, IOWA
1 of 3

DRAWN:	LARRISON
APPROVED:	BONIFAZI
SCALE:	1"=100'
DATE:	11-13-13
PROJECT NO.:	13028

SCHNOOR-BONIFAZI
ENGINEERING & SURVEYING, LC
431 Fifth AVE. SW
CEDAR RAPIDS, IA 52404
(319) 298-8888 (PHONE)
(319) 298-8889 (FAX)
s-b-engineering.com

Schnoor Bonifazi
Engineering & Surveying

ACQUISITION EASEMENT
EXHIBIT A
DELAWARE COUNTY, IOWA



ACQUISITION EASEMENT
EXHIBIT A
DELAWARE COUNTY, IOWA
2 of 3

DRAWN:	LARRISON
APPROVED:	BONIFAZI
SCALE:	1"=100'
DATE:	11-13-13
PROJECT NO.:	13028

SCHNOOR-BONIFAZI
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ACQUISITION EASEMENT
EXHIBIT A
DELAWARE COUNTY, IOWA

UTILITY EASEMENT DESCRIPTION

That part of Parcel I and Parcel J, Section 18, and a part of the un-platted land of the South Half of the Southwest Quarter of Section 18, Township 87 North, Range 3 West of the 5th P.M.,(Book 8, Page 157) and that part of Lot 1, Block 8, Hopkinton Addition by H.A Carter and a part of the First Street right of way and that part of Lots 7 through 12 and a portion of the alleyway of Block 7, said Hopkinton Addition by H.A. Carter, City of Hopkinton, Delaware County, Iowa, described as follows:

Beginning at the Southeast Corner of Parcel I of the South Half of the Southwest Quarter of said Section 18;
thence South 87° 38' 26" West (S89° 46' 32"W record) 51.00 feet along the South line of said Parcel I;
thence North 36° 15' 20" West 68.02 feet;
thence North 55° 54' 10" West 215.04 feet;
thence South 39° 48' 51" West 11.13 feet;
thence North 50° 11' 09" West 25.00 feet;
thence North 39° 48' 51" East 11.13 feet;
thence North 44° 28' 08" West 152.49 feet to the Southeasterly right of way line of Elm Street;
thence North 24° 45' 53" East (N26° 52' 53"E record) 53.47 feet along said Southeasterly line;
thence South 44° 28' 08" East 179.00 feet;
thence South 55° 54' 10" East 166.82 feet;
thence South 41° 04' 52" East 166.39 feet to the point of beginning, containing 0.53 acres.

Also:

Commencing at the most Southerly Corner of Parcel J of the South Half of the Southwest Quarter of said Section 18;
thence North 65° 01' 23" West (N 62° 52' 27" W record) 23.11 feet along the Southwesterly line of said Parcel J to the second point of beginning;
thence continuing North 65° 01' 23" West 114.83 feet along said Southwesterly line of Parcels J & H of the South Half of the Southwest Quarter of said Section 18;
thence North 41° 06' 00" West 744.20 feet;
thence North 40° 21' 30" West 123.43 to the Southeasterly right of way line of Walnut Street;
thence North 25° 31' 17" East (N 27° 39' 43" E record) 54.78 feet along said Southeasterly right of way line;
thence South 40° 21' 30" East 145.50 feet;
thence South 41° 06' 00" East 754.84 feet;
thence South 36° 40' 09" East 65.96 feet
thence South 44° 28' 08" East 28.28 feet to the second point of beginning, containing 1.07 acres, total acquisition area of parcel 2 comprising 1.60 acres.

For the purpose of this description, the Southwesterly line of Parcels J & H are assumed to bear North 65° 01' 23" West.

ACQUISITION EASEMENT
EXHIBIT A
DELAWARE COUNTY, IOWA
3 of 3

DRAWN:	LARRISON
APPROVED:	BONIFAZI
SCALE:	1"=100'
DATE:	11-13-13
PROJECT NO.:	13028

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Schnoor Bonifazi
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