Recorded: 1/3/2017 at 12:03:33.0 PM
Fee Amount: $17.00
Revenue Tax:
Delaware County, Iowa
Daneen Schindler RECORDER
BK: 2017 PG: 25

Prepared by/Return to: Nathan P. Kass, P.E. & L.S.I, Project Manager
TeKippe Engineering, P.C., P.O. Box 357, Manchester, IA 52057, 563-927-2060

PUBLIC UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS: That in consideration of the sum of One Dollar ($1.00) and other good and valuable consideration paid to Dyersville Ready Mix, Inc. d/b/a Bard Materials, and Iowa business corporation, hereinafter referred to as Grantor, by the City of Manchester, hereinafter referred to as Grantee, the receipt of which is hereby acknowledged, the Grantor does hereby grant, bargain, sell, transfer and convey unto the Grantee, its successors and assigns, a perpetual easement - said easement being a thirteen-foot wide utility easement. The Grantee shall have the right to construct, operate, inspect, repair, maintain and replace sanitary sewer over, across and through the land of the Grantor, situated in the City of Manchester, Delaware County, Iowa, said land being as follows:

Parcel H; Lot 2 of Fink's Addition & Part Of Parcel G, All in Sec. 6, T88N, R5W Of The Fifth P.M., Delaware County, Iowa, according to the plat recorded in Book 2008, Page 1893. See deed recorded in Book 2011, Page 3825.

And said easement being as follows:

Beginning at the Northeast corner of said Parcel H;

Thence **South 00°43'55" West 13.00 feet** along the East Line of Parcel H;

Thence **South 89°28'37" West 586.10 feet** to a Northerly Line of Parcel H;

Thence **North 81°01'20" East 88.06 feet**;

Thence **North 89°28'37" East (Assumed Bearing) 499.00 feet**, all along said Northerly Line, to the Point of Beginning.

See EXHIBIT A attached.

The consideration recited above shall constitute payment in full for any damage to the land of the Grantor, the estate's successors assigns and heirs, by reason of the installation, operation, and maintenance of the structures or improvements herein referred to. The Grantee covenants to maintain the easement in good repair so that no unreasonable damage will result from its use to the adjacent land of the Grantor, the successors and assigns. The provisions of this easement shall constitute a covenant running with the land for the benefit of the Grantee, its successors and assigns.

An additional Temporary Construction Easement, as shown on the attached easement plat, is granted during the initial construction period of the improvements. Grantee's use of the subject property shall be subject to a duty to return the property to a condition reasonably similar to its condition prior to use by the Grantee.

Dated this 23 day of January 2012.

GRANTOR ACKNOWLEDGEMENT

Tax Payer:
Dyersville Ready Mix d/b/a Bard Materials
P.O. Box 246
Dyersville, IA 52040

Dale Mescher, Area Manager

Michael Orcutt, Manchester Plant Manager

CORPORATE ACKNOWLEDGMENT

State of Iowa)
) SS.
County of Delaware)

On this 23 day of January, 2012, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Dale Mesher and Michael Ornitz, to me known, who, being by me duly sworn, did say that they are the Area Manager, and Manhole Plant Manager respectively, of the corporation executing the foregoing instrument; that said instrument was signed on behalf of the corporation by authority of this Board of Directors; that Dale Mesher and Michael Ornitz acknowledged the execution of the instrument to be the voluntary act and deed of the corporation, by it and by them voluntarily executed.

TIMOTHY J. VICK
Commission Number 713731
My Commission Expires
November 20, 2013

Notary Public in and for the State of Iowa

GRANTEE ACKNOWLEDGEMENT

CITY OF MANCHESTER

By: Milt Kramer
Milt Kramer, Mayor

By:
Erin Rempe, City Clerk

(MUNICIPAL SEAL)

State of Iowa)
) SS.
County of Delaware)

On this 24 day of January, 2012, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Milt Kramer and Erin Rempe, to me personally known, did say that they are the Mayor and City Clerk, respectively, of the City of Manchester, Iowa; a municipal corporation; 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 authority of its City Council, as contained in Resolution No. 013-2012 passed by Resolution of the City Council under Roll Call No. ——— of the City Council on the 23 day of January, 2012, and Milt Kramer and Erin Rempe acknowledged 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.

Notary Public in and for the State of Iowa

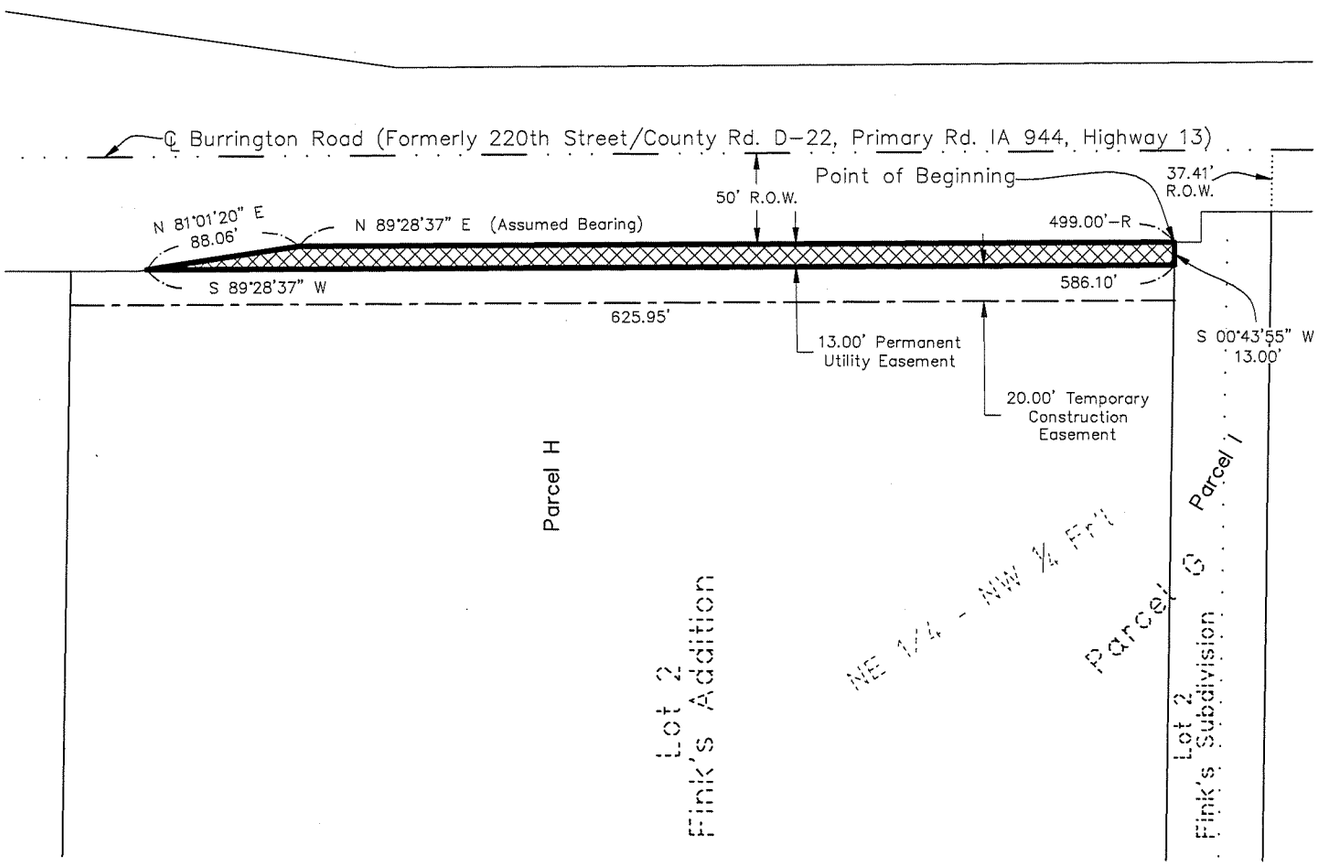
LAURA K. THOMAS
Commission Number 718135
My Commission Expires
August 26, 2014

Prepared by\Return to: TeKippe Engineering, P.C., PO Box 357, Manchester, Iowa 52057 Ph. (563)927-2060

EXHIBIT A

Utility Easement Plat

The North 13 Feet of Parcel H; Lot 2 of Fink's Addition & Part of Parcel G inSection 6 – T88N – R5W, Delaware County, Iowa



LEGEND

Recorded as.....R

Permanent Easement Area.....

Temporary Easement Line.....

Section Line.....

Proprietors:
Dyersville Ready Mix, Inc.
d.b.a. BARD Materials
Requested by:
City of Manchester

50' 0 50' 100' 200'

1 inch = 100 ft.

Drafting was completed on January 9, 2012.

TeKippe Engineering, P.C.

West Union
563-422-5131
Manchester 563-927-2060
Cedar Rapids 319-294-6909
www.tekippe.com

M:\Projects\2008\08659MS_dwg 2011\08659LS-Meyer.dwg

Project No. 08659.MS Sheet 3