Recorded: 1/3/2017 at 12:39:12.0 PM
Fee Amount: $22.00
Revenue Tax:
Delaware County, Iowa
Daneen Schindler RECORDER
BK: 2017 PG: 29

Prepared by/Return to: Ryan M. Wicks, Fehr Graham, 1919 210th Street, Manchester, IA 52057, Ph. 563.927.2060.

EASEMENT CONVEYANCE

This Easement is made this 16 day of October, 2015, by and between Three Rivers FS Company, an Iowa corporation, and the City of Manchester, Iowa.

WITNESSETH

WHEREAS, Three Rivers FS Company (hereinafter "Grantor") is the owner of the following described real estate:

> Lot 11 of the subdivision of the East ¾ of the South ½ of Section 32, Township 89 North, Range 5 West of the 5th P.M., City of Manchester, Delaware County, Iowa (hereinafter "Grantor's Property"); and

WHEREAS, the City of Manchester (hereinafter "Grantee") wishes to secure an easement from Grantor over the above-described property for purposes of the installation and maintenance of a water main.

NOW, THEREFORE, in consideration of the sum of One Dollar ($1.00) and other valuable consideration, the receipt of which is hereby acknowledge, Grantor does give, grant, and convey unto Grantee, its heirs and assigns, the following described easement over Grantor's Property:

1. Easement Description. The easement provided herein shall consist of a 10 ft. strip of land over Grantor's Property more particularly described as follows:

> Commencing at the Southwest Corner of Lot 11 of the Subdivision of the East ¾ of the South ½ of Section 32, T89N, R5W of the 5th P.M. in Manchester, Iowa, as recorded in Plat Book A Page 5 in the office of the Delaware County Recorder; thence North 88°32'20" East (Assumed Bearing), 33.00 Feet to the East Right-of-way Line of South 5th Street and the Point of Beginning; thence North 02°03'47" West, 250.00 Feet along the East Right-of-way Line of South 5th Street; thence North 88°32'20" East, 10.00 Feet; thence South 02°03'47" East, 250.00 Feet; thence South 88°32'20" West, 10.00 Feet to the East Right-of-way Line of south 5th Street and to the Point of Beginning.
>
> As noted on the Easement Plat attached hereto (containing 0.057 Acre), subject to other easements of record (hereinafter "Permanent Easement").

2. Temporary Construction Easement. During the period of construction of the water main, Grantee is granted an easement of an additional 20 ft. in width along the eastern boundary of the Permanent Easement, as noted on the attached Easement Plat. The term of this temporary construction easement is limited to the time period during which the water main is constructed, at the end of which time said temporary easement is terminated.

3. Purpose and Limitations of Easement. This easement is granted solely for the purposes of construction and maintenance of a water main giving Grantee the right to construct, operate, inspect, repair, maintain and replace said water main within the above-described easement area, and granting access over, across, and through the Grantor's Property for such

purposes. Grantor retains the rights to construct and/or maintain any structures over and across the Permanent Easement area. 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, its 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.

4. Damages. Grantee shall hold Grantor harmless from any and all damage done to Grantor's Property, including any structures located thereon, in connection with the construction and maintenance of the water main as provided herein.

IN WITNESS WHEREOF, the parties hereto have executed this agreement to be effective as of the first date written above.

[SIGNATURES ON FOLLOWING PAGE]

THREE RIVERS FS COMPANY

By: Gary Lahr

Title: President

By: Richard L Damuth

Title: Secretary

CITY OF MANCHESTER

By: Milt L Kramer
Milt Kramer, Mayor

By: Erin Learn
Erin Learn, City Clerk

CITY OF MANCHESTER CITY SEAL MANCHESTER, IOWA

STATE OF IOWA, COUNTY OF DELAWARE, ss:

On this 16 day of October, 2015, before me, the undersigned, a Notary Public in and for said state, personally appeared Gary Lahr and Richard Damuth, to me personally known, who being by me duly sworn, did say that they are the President and Secretary of the corporation executing the within and foregoing instrument to which this is attached (that no seal has been procured by the) ~~(the seal affixed thereto is the seal of the)~~ corporation; that the instrument was signed (and sealed) on behalf of the corporation by authority of its Board of Directors; and that Gary Lahr and Richard Damuth, as President and Secretary, acknowledge the execution of the foregoing instrument to be the voluntary act and deed of the corporation, by it and by them voluntarily executed.

MARK FELDMAN
Commission Number 752499
My Commission Expires
4-28-17

Mark Feldman - Iowa
Notary Public in and for the State of Iowa

STATE OF IOWA, COUNTY OF DELAWARE, ss:

On this 3 day of January, 2017, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Milt Kramer and Erin Learn, 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. 15-206 passed by Resolution of the City Council under Roll Call No. ---- of the City Council on the 12 day of October, 2015, and Milt Kramer and Erin Learn 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.

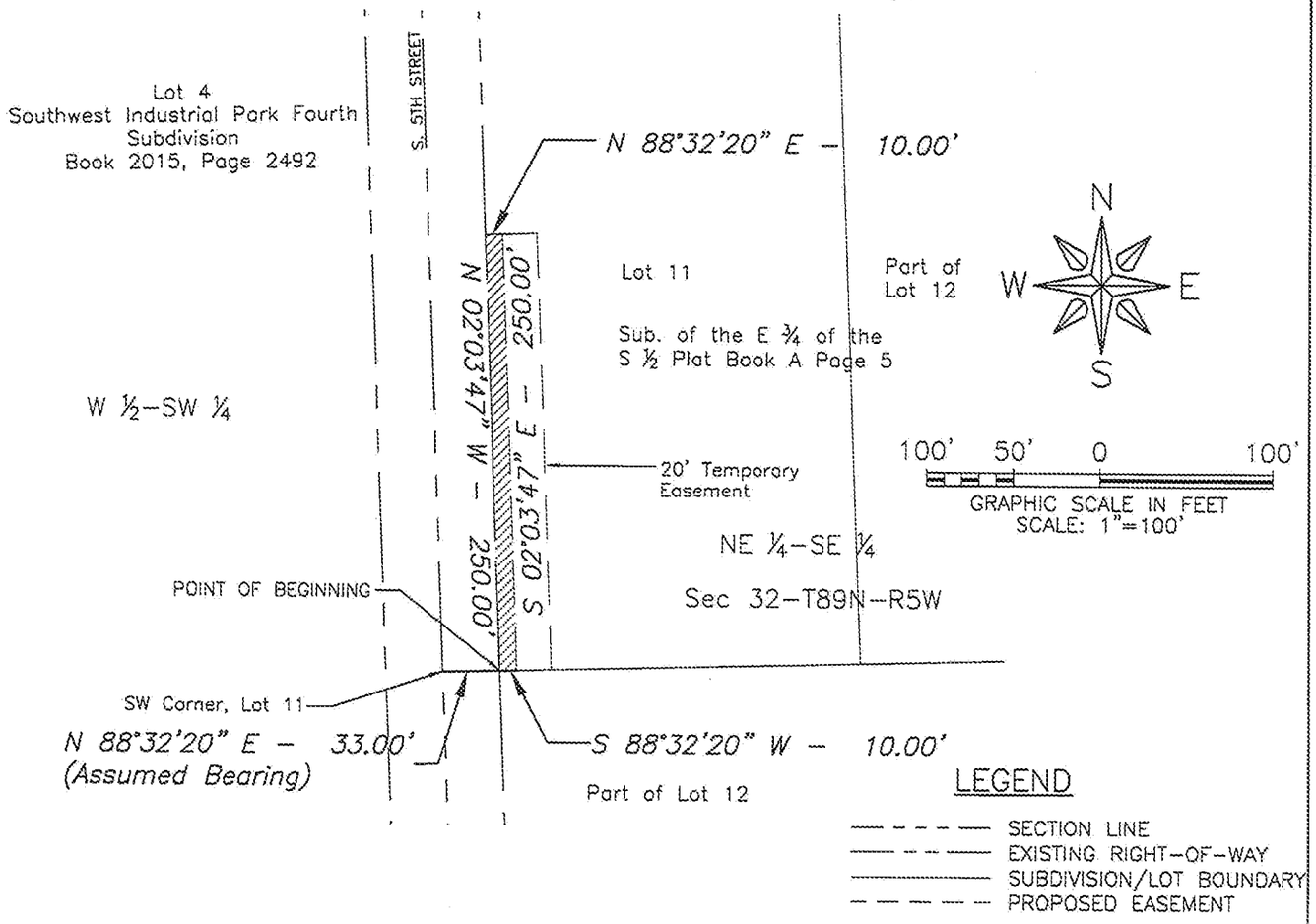
Laura K Thomas
Notary Public in and for the State of Iowa

LAURA K. THOMAS
Commission Number 718135
My Commission Expires
August 26, 2017

Prepared by/Return to: FEHR GRAHAM, 1919 210th Street, Manchester IA 52057 – Ph: (563)927–2060

Easement Plat

10' Permanent Water Main Easement in Lot 11 of the Subdivision of the East 3/4 of the South 1/2 of Section 32-T89N-R5W City of Manchester, Delaware County, Iowa



Permanent Water Main Easement, Being a 10 Foot strip of land located in the Northeast Quarter of the Southwest Quarter of Section 32, Township 89 North, Range 5 West of the 5th P.M., City of Manchester, Delaware County, Iowa, and more particularly described as follows:

Commencing at the Southwest Corner of Lot 11 of the Subdivision of the East 3/4 of the South 1/2 of Section 32, T89N, R5W of the 5th P.M. in Manchester, Iowa as Recorded in Plat Book A, Page 5 in the office of the Delaware County Recorder;

Thence North 88°32'20" East (Assumed Bearing), 33.00 Feet to the East Right–of–way Line of South 5th Street and the Point of Beginning;

Thence North 02°03'47" West, 250.00 Feet along the East Right–of–way Line of South 5th Street;

Thence North 88°32'20" East, 10.00 Feet;

Thence South 02°03'47" East, 250.00 Feet;

Thence South 88°32'20" West, 10.00 Feet to the East Right–of–way Line of South 5th Street and to the Point of Beginning;

Containing 0.057 Acre, subject to other easements of record.

PROF. ENGINEER & LAND SURVEYOR
LYLE G. TeKIPPE 7060
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.

Lyle G. TeKippe, P.E. & P.L.S. — 10-19-15 Date
License Number: 7060
My license renewal date is December 31, 2016.
Sheets covered by this seal: This Sheet Only

FEHR GRAHAM
ENGINEERING & ENVIRONMENTAL
2014 FEHR GRAHAM

ILLINOIS
IOWA
WISCONSIN

G:\C3D\15\15–768\13–875 Survey.dwg

PROPRIETOR:
Three Rivers FS Co. Inc.
REQUESTED BY:
City of Manchester

JOB NUMBER: 15–768

SHEET NUMBER: 1