Recorded: 2/23/2023 at 8:04:18.0 AM
County Recording Fee: $27.00
Iowa E-Filing Fee: $3.50
Combined Fee: $30.50
Revenue Tax:
Delaware County, Iowa
Daneen Schindler RECORDER
BK: 2023 PG: 390

RETURN TO: City of Manchester, Iowa, c/o Timothy Vick, City Manager, 208 East Main Street, Manchester, Iowa 52057

SURFACE AND OVERHEAD AVIGATION EASEMENT

WHEREAS, JAMES W. HILL, a single person, hereinafter called the GRANTORS are the fee owners of the following specifically described parcel of land situated in the City of Manchester, Delaware County, Iowa, hereinafter called "GRANTORS' property" and outlined on an attached **Exhibit "A"** map.

NOW, THEREFORE, in consideration of the sum of **FOUR THOUSAND and NO/100 DOLLARS ($4,000.00)** and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the GRANTORS, for themselves, their heirs, administrators, executors, successors and assigns do hereby grant the following appurtenant rights and benefits to the **CITY OF MANCHESTER, IOWA**, hereinafter called the "GRANTEE" for the use and benefit of the public. The appurtenant rights and benefits include the uses, rights and restrictions described as follows;

- The unobstructed use and passage of all types of aircraft in and through the airspace at any height or altitude above the surface of the land.

- The right of said aircraft to cause noise, vibrations, fumes, deposits of dust, fuel particles (incidental to the normal operation of aircraft); fear, interference with sleep or communication, and any other effects associated with the normal operation of aircraft taking off, landing or operating in the vicinity of the **Manchester Municipal Airport - Manchester, Iowa**.

- As used herein, the term "aircraft" shall mean any and all types of aircraft, whether now in existence or hereafter manufactured and developed, to include jet, propeller-driven, civil, military or commercial aircraft; helicopters, regardless of existing or future noise levels, for the purpose of transporting persons or property through the air, by whoever owned or operated.

- In granting this easement, the GRANTORS agree to make no modifications to the following "accepted" existing structures lying within the bounds of the easement area of the Grantors' property. septic system laterals near western line of permanent easement area

- The GRANTORS agree that during the life of this easement, they will not construct, erect, suffer to permit or allow any structure or trees on the surface of the burdened property.

- The GRANTORS may not permit any places of public assembly or gatherings within the easement area. (Examples: churches, schools, day care facilities, hospitals, restaurants, stadiums, office buildings, etc.)

- The GRANTORS are permitted to continue to grow and harvest crops or graze livestock in the easement area

- The GRANTORS agree to keep the easement area free of the following: structures (permanent or temporary) that might create glare or contain misleading lights; residences, fuel handling and storage facilities and smoke generating activities and creation of any means of electrical interference that could affect the movement of aircraft over the easement area.

- GRANTORS agree to waive all damages and claims for damages caused or alleged to be caused by the GRANTORS violation of any aspect of this easement document. The **Manchester Municipal Airport - Manchester, Iowa,** has a perpetual right of ingress/egress in the easement area and the right to remove any new structure or vegetation that is not specifically mentioned above as "accepted."

- This easement is being acquired for public purposes through eminent domain and a Declaration of Value is not required. Iowa Code Sec. 428A.1.

- This easement and transfer is exempt from transfer tax. Iowa Code Sec. 428A.2(17).

- The Seller states and warrants that, to the best of the Seller's knowledge, there is no burial site, well, solid waste disposal site, private sewage disposal systems, hazardous substance or underground storage tank on the premises, except: septic system laterals near western line of permanent easement area

TO HAVE AND TO HOLD said easement and right of way, and all rights appertaining thereto unto the GRANTEE, its successors, and assigns, until said **Manchester Municipal Airport - Manchester, Iowa,** shall be abandoned and shall cease to be used for public airport purposes. It is understood and agreed that all provisions herein shall run with the land and shall be binding upon the Grantors, their heirs, administrators, executors, successors and assigns until such time that the easement is extinguished.

GRANTORS

JAMES W. HILL

STATE OF IOWA)
) ss
COUNTY OF DELAWARE)

IN WITNESS WHEREOF, the grantors have hereunto set their hands and seals this 14th day of December, 2022, before me, a General Notary Public, duly commissioned and qualified, personally came JAMES W. HILL, to me known to be the identical person(s) whose name(s) are affixed to the foregoing instrument as Grantor(s) and acknowledged the same to be a voluntary act and deed.

(SEAL)

NOTARIAL SEAL IOWA
ANN MEYER
Commission Number 112719
My Commission Expires
March 1, 2025

Notary Public

INDEX LEGEND
COUNTY: DELAWARE
CITY: MANCHESTER
PARCEL ID: 130250001900
LEGAL DESCRIPTION: PART OF THE W1/2 SW1/4 SE1/4 SEC. 25-T89N-R6W
PROPRIETOR: JAMES W. HILL
SURVEYOR: CHAD W. MARSH
COMPANY: KIRKHAM MICHAEL
12700 WEST DODGE ROAD
OMAHA, NE 68154 402-393-5630

Recorded: 11/4/2022 at 8:10:47.0 AM
County Recording Fee: $17.00
Iowa E-Filing Fee: $3.32
Combined Fee: $20.32
Revenue Tax:
Delaware County, Iowa
Daneen Schindler RECORDER
BK: 2022 PG: 3321

PLAT OF SURVEY

PARCEL 2022-111

IN THE W1/2 SW1/4 SE1/4 OF SECTION 25, TOWNSHIP 89 NORTH, RANGE 6 WEST OF THE 5TH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA

LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN THE W1/2 OF THE SW1/4 OF THE SE1/4 OF SECTION 25, TOWNSHIP 89 NORTH, RANGE 6 WEST OF THE 5TH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE SOUTHWEST CORNER OF SAID SE1/4; THENCE N 88°13'17" E (ASSUMED BEARING), 302.13 FT. ON THE SOUTH LINE OF SAID SE1/4 TO THE POINT OF BEGINNING; THENCE N 01°46'49" W, 280.45 FT. TO THE CENTERLINE OF EARLY STAGECOACH ROAD; THENCE S 68°05'58" E, 698.30 FT. ON SAID CENTERLINE TO SAID SOUTH LINE; THENCE S 88°13'17" W, 639.50 FT. ON SAID SOUTH LINE TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 2.06 ACRES MORE OR LESS OF WHICH 0.69 ACRES PREVIOUSLY USED AS ROAD RIGHT OF WAY.

PARCEL 2022-112

IN THE W1/2 SW1/4 SE1/4 OF SECTION 25, TOWNSHIP 89 NORTH, RANGE 6 WEST OF THE 5TH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA

LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN THE W1/2 OF THE SW1/4 OF THE SE1/4 OF SECTION 25, TOWNSHIP 89 NORTH, RANGE 6 WEST OF THE 5TH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SE1/4; THENCE N 01°46'49" W (ASSUMED BEARING), 412.94 FT. ON THE WEST LINE OF SAID SE1/4 TO THE CENTERLINE OF EARLY STAGECOACH ROAD; THENCE S 68°05'58" E, 329.91 FT. ON SAID CENTERLINE; THENCE S 01°46'49" E, 280.45 FT. TO THE SOUTH LINE OF SAID SE1/4; THENCE S 88°13'17" W, 302.13 FT. ON SAID SOUTH LINE TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 2.40 ACRES MORE OR LESS OF WHICH 0.48 ACRES PREVIOUSLY USED AS ROAD RIGHT OF WAY.

PROFESSIONAL LAND SURVEYOR
CHAD W. MARSH
17340
IOWA

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT 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.

Chad W. Marsh 10-13-22
CHAD W. MARSH DATE

LICENSE NUMBER 17340

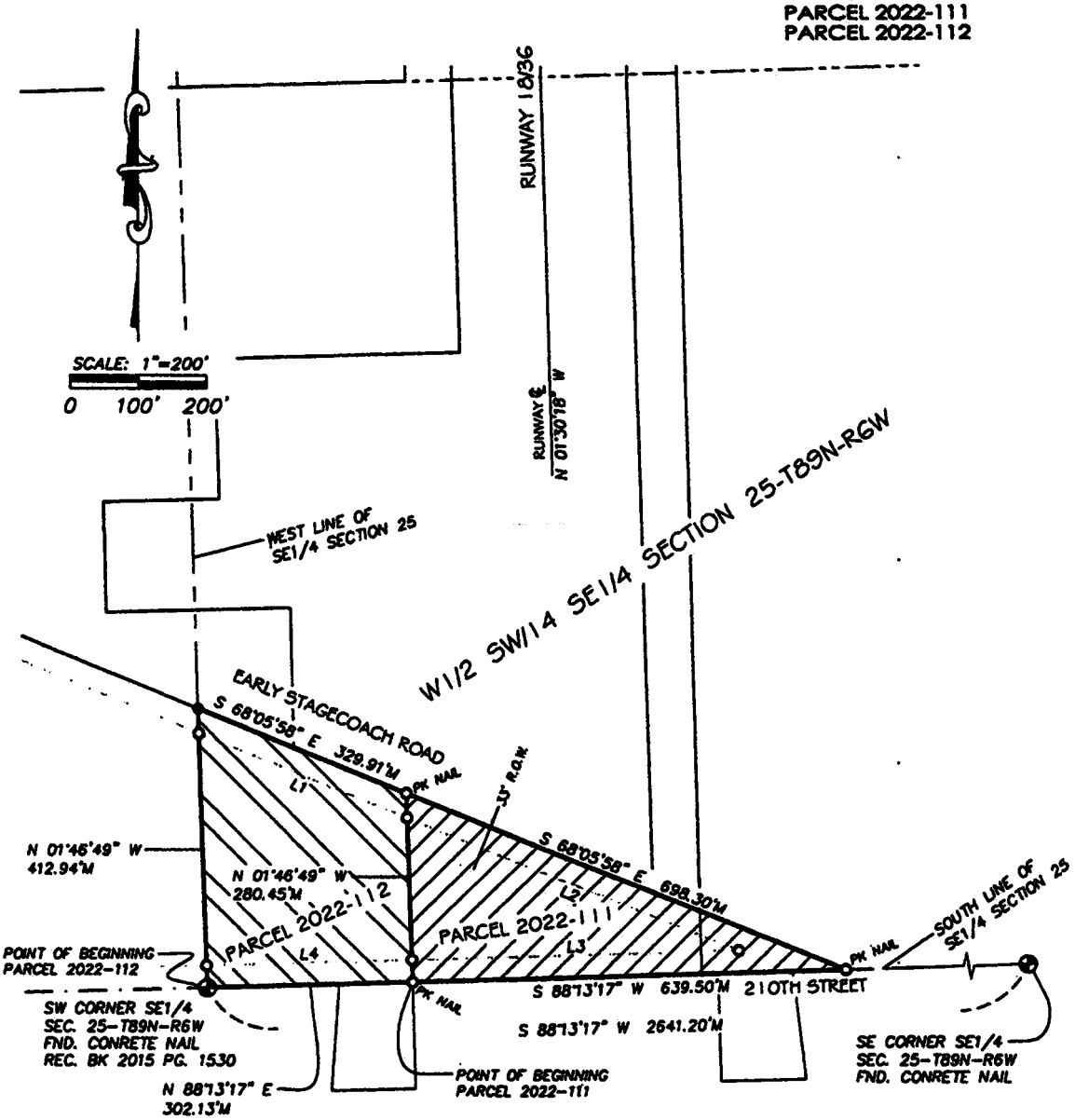
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2022.

PAGES OR SHEETS COVERED BY THIS SEAL:

SHEET 1 THRU SHEET 2

SURVEY FOR: CITY OF MANCHESTER

PLAT OF SURVEY
PARCEL 2022-111
PARCEL 2022-112



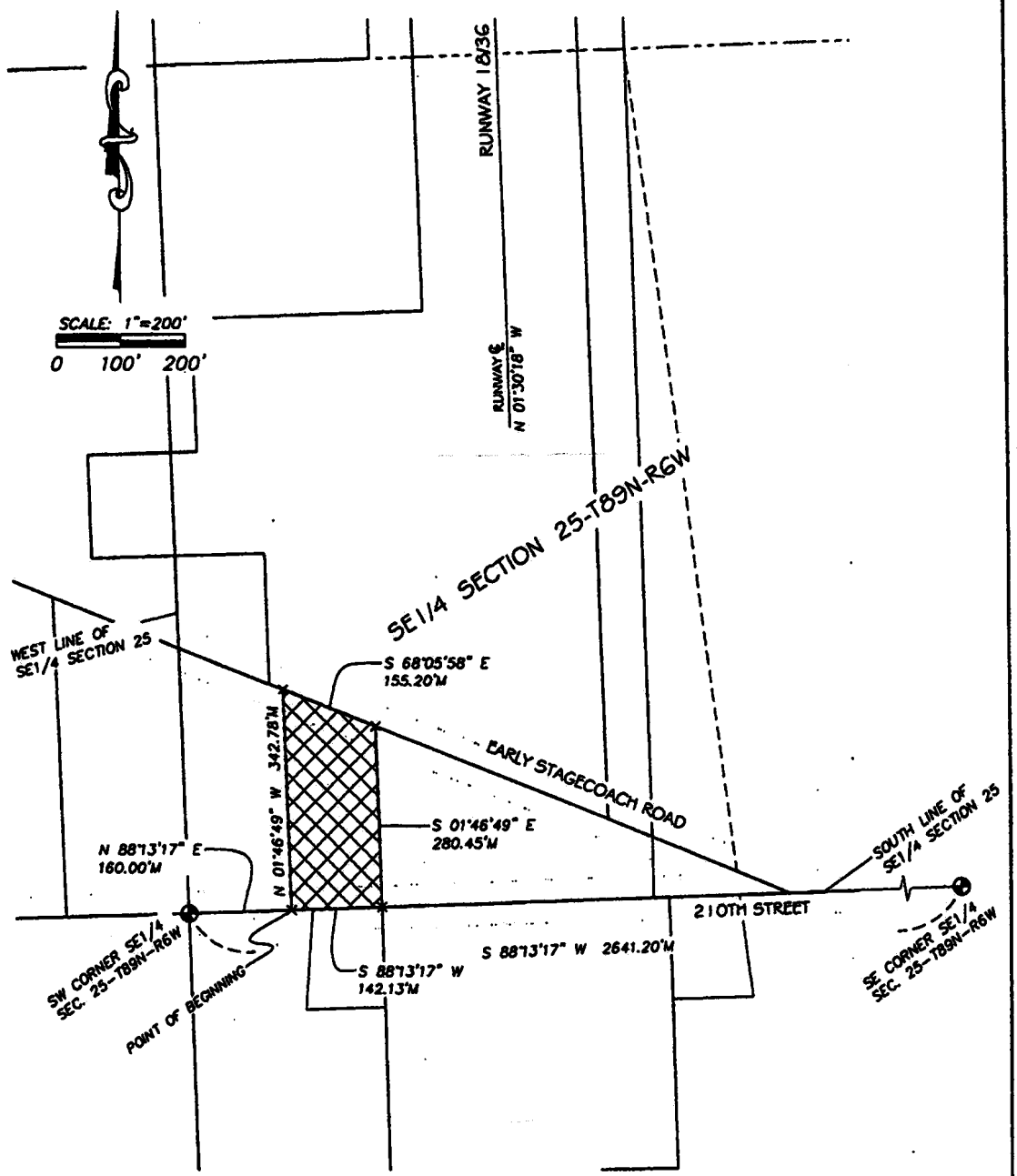
L1	S 68°05'58" E	329.91'M
L2	S 68°05'58" E	526.41'M
L3	S 88°13'17" W	482.09'M
L4	S 88°13'17" W	302.13'M

- SECTION CORNER
- SET 5/8" x 24" REBAR w/ YELLOW PLASTIC CAP (unless noted otherwise)
- FOUND 1/2" REBAR (BK 2015, PG 1530)
- PARCEL BOUNDARY LINE
- SECTION LINE
- QUARTER SECTION LINE
- QUARTER-QUARTER SECTION LINE
- RIGHT OF WAY LINE
- M MEASURED DISTANCE

SURVEY FOR: CITY OF MANCHESTER

SHEET				
1/2	LEGAL DESCRIPTION FEE TRACT #9B - HILL	PLAT OF SURVEY MANCHESTER MUNICIPAL AIRPORT MANCHESTER IOWA		KIRKHAM MICHAEL

EASEMENT



LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN THE SE1/4 OF SECTION 25, TOWNSHIP 89 NORTH, RANGE 6 WEST OF THE 5TH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE SOUTHWEST CORNER OF SAID SE1/4; THENCE N 88°13'17" E (ASSUMED BEARING), 160.00 FT. ON THE SOUTH LINE OF SAID SE1/4 TO THE POINT OF BEGINNING; THENCE N 01°46'49" W, 342.78 FT. TO THE CENTERLINE OF EARLY STAGECOACH ROAD; THENCE S 68°05'58" E, 155.20 FT. ON SAID CENTERLINE; THENCE S 01°46'49" E, 280.45 FT. TO SAID SOUTH LINE; THENCE S 88°13'17" W, 142.13 FT. ON SAID SOUTH LINE TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 1.02 ACRES MORE OR LESS OF WHICH 0.23 ACRES PREVIOUSLY USED AS ROAD RIGHT OF WAY.

SURVEY FOR: CITY OF MANCHESTER

1/2	LEGAL DESCRIPTION EASEMENT TRACT 19A - HILL	EASEMENT LEGAL DESCRIPTION MANCHESTER MUNICIPAL AIRPORT MANCHESTER IOWA	KIRKHAM MICHAEL