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LISA SMITH, COUNTY RECORDER
MADISON COUNTY IOWA

Andrew J. Barden
City Administrator
124 W. Court Avenue
Winterset IA 50273
(515) 462-1422

CERTIFICATION OF RELEASE A PORTION OF EASEMENT AGAINST LOT SEVEN (7)
NW DEVELOPMENT, PLAT ONE (1) LOT

I, the undersigned City Clerk of the City of Winterset, Iowa, hereby certifies that the following described documents attached hereto are true and authentic copies of the official records in the custody of the Office of the City Clerk of the City of Winterset, Iowa.

1. RESOLUTION 2022-33 A RESOLUTION TO RELEASE A PORTION OF EASEMENT AGAINST LOT SEVEN (7) NW DEVELOPMENT, PLAT ONE (1)
 - a. The East seven and one-half feet (7.5') of Lot Eight (8), of Northwest Development - Plat One (1), an Addition to the City of Winterset, Madison County, Iowa;
 - b. The City of Winterset will release its easement over, along, across and under the following described real estate:
 - c. All that part of Lot Seven (7), Northwest Development - Plat One (1), Addition to the City of Winterset, Madison County, Iowa EXCEPT the west seven and one-half feet (7.5) thereof.
 - d. The City of Winterset will retain its easement in full over, along, across and under the west seven and one-half feet (7.5') of Lot Seven (7), Northwest Development - Plat One (1), to the City of Winterset, Madison County, Iowa.
2. Map of the properties showing their relationship to the existing parcel lines.

Witness my hand and the City Seal this 2nd Day of August 2022



Andrew J. Barden, City Clerk

SEAL:



RESOLUTION 2022-33

RESOLUTION TO RELEASE A PORTION OF EASEMENT AGAINST LOT SEVEN (7), NORTHWEST DEVELOPMENT, PLAT ONE (1), CITY OF WINTERSSET, IOWA

WHEREAS, the real property owners, Gary W. Emmert and Nancy T. Emmert (hereinafter "Emmert"), petitioned the City planning and zoning official to release a portion of the current easement in favor of the City of Winterset over, along, across and under the following described property:

Lot Seven (7), of Northwest Development - Plat One (1), an Addition to the City of Winterset, Madison County, Iowa.

(Tax Parcel ID no. 820006200071000).

WHEREAS, the City of Winterset acquired a perpetual Utility Line Easement over, along, across and under the above-described parcel, along with the right of ingress and egress, as part of the "Mills Street Storm Sewer Improvement Project"; such Utility Line Easement is dated October 7, 2001 and is recorded in the office of the Madison County, Iowa, Recorder as part of the proceedings recorded at Book 2001, Page 5061; at that time the above-described parcel was deemed as unbuildable; and, the owners were compensated for restricting the use of and free enjoyment of their parcel; and,

WHEREAS, the above-described property was recently investigated for purposes of locating the sanitary sewer line located on the western boundary of such parcel; and, such sewer line was found at the depth of ten (10) feet underground; and,

WHEREAS, such recent investigation confirmed that no other utility lines, except the sanitary sewer line, are located on the above-described parcel;

WHEREAS, the release of the current easement, except as is necessary to maintain the sanitary sewer line, will allow the above-described parcel to be developed;

WHEREAS, Veenstra & Kimm, Inc. engineering services firm has stated that a fifteen foot (15') wide easement area, together with a right of ingress and egress, is sufficient to maintain the sanitary sewer line located on the above-described parcel;

WHEREAS, Emmert, the current owners of the above-described property, also own the following described adjacent property:

Lot Eight (8), of Northwest Development - Plat One (1), an Addition to the City of Winterset, Madison County, Iowa.

WHEREAS, in exchange for the City's partial release of its easement to allow Lot Seven (7) to become buildable, Emmert will agree to grant the City of Winterset an easement, with the same terms and provisions as the easement previously granted to the City by them on October 7, 2021, together with the right of ingress and egress, over, along, across and under a portion of Lot Eight (8);

WHEREAS, in exchange for the new easement granted by Emmert over, along, across and under Lot Eight (8), together with the right of ingress and egress, the City will release all but a portion of its easement over, along, across and under Lot Seven (7):

WHEREAS, the easement areas have agreed upon by both the city and Emmert; and,

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Winterset, Iowa as follows:

Upon receipt of a fully executed Utility Line Easement agreement from Emmert, with the same terms and provision as the easement previously granted to the City by them in the Easement dated October 7, 2021, together with the right of ingress and egress, over, along, across and under the following described parcel:

The East seven and one-half feet (7.5') of Lot Eight (8), of Northwest Development - Plat One (1), an Addition to the City of Winterset, Madison County, Iowa;


The City of Winterset will release its easement over, along, across and under the following described real estate:

All that part of Lot Seven (7), Northwest Development - Plat One (1), Addition to the City of Winterset, Madison County, Iowa EXCEPT the west seven and one-half feet (7.5) thereof.

The City of Winterset will retain its easement in full over, along, across and under the west seven and one-half feet (7.5') of Lot Seven (7), Northwest Development - Plat One (1), to the City of Winterset, Madison County, Iowa.

The city clerk shall affix the city seal and record this document with the Madison County Recorder.

Passed and approved this 1st day of August 2022.

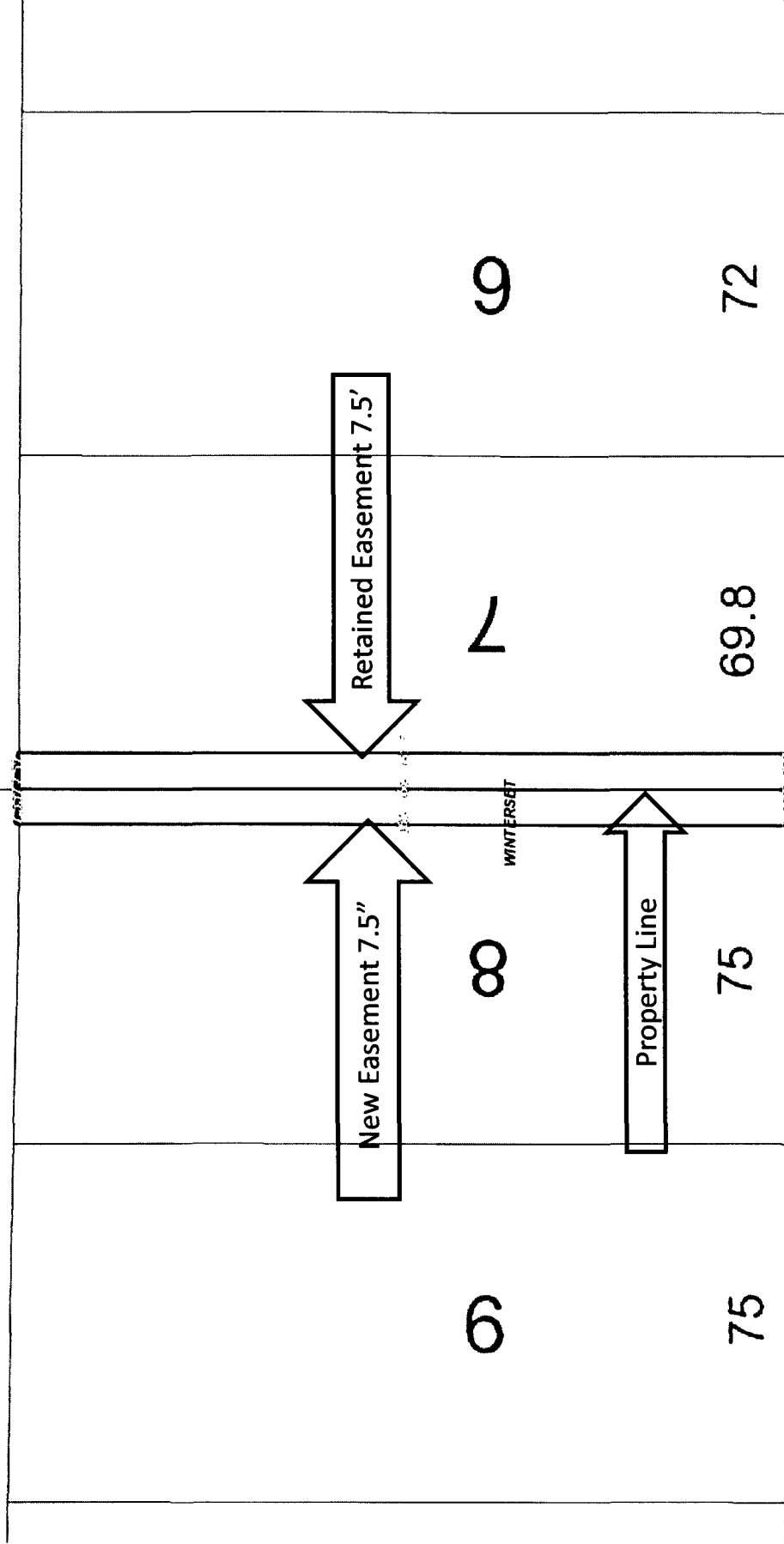

Philip A Macumber, Mayor

ATTEST:



Andrew J. Barden, City Administrator





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