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LISA SMITH, COUNTY RECORDER
MADISON COUNTY IOWA

CHEK

UTILITY LINE EASEMENT

Recorder's Cover Sheet

Preparer Information: (name, address and phone number)

Jane E. Rosien, 114 E. Jefferson Street, P.O. Box 67, Winterset, IA 50273-0067
(515) 462-4912

Taxpayer Information: (name and complete address)

City of Winterset, Iowa, c/o Winterset City Hall, 124 W. Court Avenue, Winterset, IA 50273

Return Document To: (name and complete address)

Jane E. Rosien, 114 E. Jefferson Street, P.O. Box 67, Winterset, IA 50273-0067

Grantors:

Gary W. Emmert
Nancy T. Emmert

Grantees:

City of Winterset, Iowa

Legal Description: See Page 2

Document or instrument number of previously recorded documents: N/A

UTILITY LINE EASEMENT

KNOW ALL MEN BY THESE PRESENCE:

The undersigned owners, Gary W. Emmert and Nancy T. Emmert, Husband and Wife, hereafter called the Grantors, do hereby grant to the City of Winterset, Iowa, hereafter called the Grantee, the perpetual right and easement to construct, install, use, repair, maintain, operate, inspect, patrol and remove public right-of-way and public utilities including gas, water, sanitary sewer, storm sewer, electrical and other utilities including the equipment and accessories for the same and all necessary appurtenances and the right of ingress and egress as may be reasonable necessary for the convenient construction, use, repair, maintenance, operation, inspection, patrolling, replacement and removal of these public uses over, along, across and under the following described property situated in Madison County, Iowa, to-wit:

The East Seven and One-Half Feet (7.5') of Lot Eight (8), of Northwest Development - Plat One (1), City of Winterset, Madison County, Iowa.

The Grantors warrant and covenant to the Grantee that, subject to liens and encumbrances of record at the date of this Easement, they are the owners of the above-described land and have full right and authority to validly grant this Easement and the Grantee may quietly enjoy its estate in the premises.

Grantee is given the right to trim, cut and clear away any trees, limbs and brush, whether located on the above-described easement property, or adjacent thereto, which overhang the same, and the right to remove from the above-described easement property any obstruction, including inflammable materials, brush, structures of any kind or other obstructions wherever in its judgment such will interfere with or endanger the construction, operation or maintenance of the right-of-way utilities; and to renew, replace, and to otherwise change the utilities or any part thereof and all appurtenances thereto and the location thereof within the easement property.

In consideration of such grant, Grantee agrees it will restore to grade the real estate, reseed and repair any damage which may be caused to this real estate by the construction, operation, maintenance, inspection, patrolling, repairing, replacement or removal of the right-of-way or the utilities.

The Grantors covenant that no act will be permitted within the easement property which is inconsistent with the rights hereby granted; that no buildings or structures or other improvements will be erected upon the easement property; and, that the present grade or ground level thereof will not be changed by excavation or filling.

This Agreement shall run with the land and bind and inure to the benefit of the heirs, successors and assigns of the parties.

Dated this 22 day of August, 2022.

Grantors:

Grantee: City of Winterset, Iowa

Gary W. Emmert
Gary W. Emmert

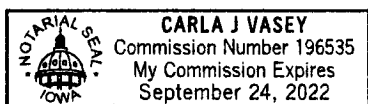
Philip A. Macumber
By: Philip A. Macumber, Mayor

Nancy T. Emmert
Nancy T. Emmert

Andrew J. Barden
By: Andrew J. Barden, City Administrator

STATE OF IOWA :
: SS
MADISON COUNTY :

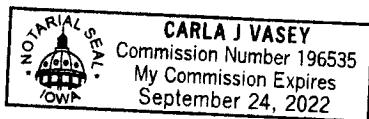
On this 12th day of August, 2022, before me, Carla J. Vasey, a Notary Public in and for said County and State, personally appeared Philip A. Macumber and Andrew J. Barden, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Administrator, respectively, of the City of Winterset, Iowa; that the seal affixed thereto is the seal of said corporation; and that said instrument was signed and sealed on behalf of said corporation by authority of its City Council, as contained in the Resolution adopted by the City Council of the City on the 1st day of August, 2022; and, that Philip A. Macumber and Andrew J. Barden 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.



Carla J. Vasey
Notary Public

STATE OF IOWA :
: SS
MADISON COUNTY :

On this 22 day of August, 2022, before me, the undersigned, a Notary Public in and for said State, personally appeared Gary W. Emmert and Nancy T. Emmert to me known to be the identical persons named in and who executed the foregoing instrument and acknowledged to me that they executed the same as their voluntary act and deed.



Carla J. Vasey
Notary Public