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Document 2004 2339

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✓ Mark Nitchals
City of Winterset
124 W. Court Avenue
Winterset IA 50273

MICHELLE "MICKI" UTSLER, COUNTY RECORDER
MADISON IOWA

CERTIFICATION

The undersigned, the duly appointed and acting City Administrator of the City of Winterset, Iowa, does hereby certify the following described documents as true and authentic copies of the official records in the custody of the Office of Clerk of the City of Winterset, Iowa.

1. Resolution 2004-29, a Resolution Approving Storm Sewer Easement Agreement
2. Utility Easement Agreement granted by Birchwood Estates L.L.C.

The undersigned further certifies the Resolution described above was duly passed by the Council and approved by the Mayor on the dates shown thereon.



Mark Nitchals
City Administrator
City of Winterset, Iowa

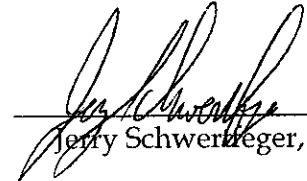
RESOLUTION NO. 2004-29

RESOLUTION APPROVING STORM SEWER EASEMENT AGREEMENT

BE IT RESOLVED by the City Council of the City of Winterset, Iowa that a storm sewer agreement with Birchwood Estates LLC is hereby approved.


BE IT FURTHER RESOLVED that the Mayor and City Administrator is hereby authorized and directed to execute this agreement on behalf of the City.

Passed and approved this 5th day of April 2004.



Jerry Schwerzeger, Mayor

Attest:



Mark Nitchals, City Administrator

UTILITY EASEMENT

KNOW ALL PERSONS BY THESE PRESENTS:

The undersigned owners, Birchwood Estates, L.L.C., hereafter called the Grantor, in consideration of the sum of one dollar and other valuable considerations, receipt of which is acknowledged, does hereby grant to the City of Winterset, Iowa, hereafter called the Grantee, the perpetual right and easement to construct, install, repair, maintain, operate, inspect, patrol and remove municipal storm sewer including the line with equipment and accessories for the same and all necessary appurtenances as may be reasonably necessary for the convenient construction, repair, maintenance, operation, inspection, patrolling, replacement and removal of these utilities services over, along, across and under the following described property situated in Madison County, Iowa, to-wit:

A 20 foot wide permanent easement for construction and maintenance of storm sewer main and necessary appurtenances being 10 feet each side of the following described centerline:

Beginning at a point on the East line of Parcel "N" in the Northwest Quarter and the Northeast Quarter of the Southwest Quarter of Section 36, Township 76 North, Range 28 West of the 5th P.M., City of Winterset, Madison County, Iowa which is 122.01 feet South 00°15'24" East of the Southwest Corner of Lot 2, Replat of Corkrean & Watts Addition Plat No. 1, City of Winterset, Madison County, Iowa; thence North 89°55'07" West 530.00 feet to the end of the easement.

The Grantor warrants and covenants to the Grantee that, subject to liens and encumbrances of record at the date of this easement, it is the owner of the above described land and has full right and authority to validly grant this easement, and the Grantee may quietly enjoy its estate in the premises.

The Grantor shall not erect any structure or improvement over or within the Easement Area without first obtaining the Grantee's written approval. The planting of trees, shrubs and other such plantings (e.g., flowers) may be placed in the Easement Area but are subject to removal by the Grantee without compensation if removal is required for sewer maintenance, repair or replacement.

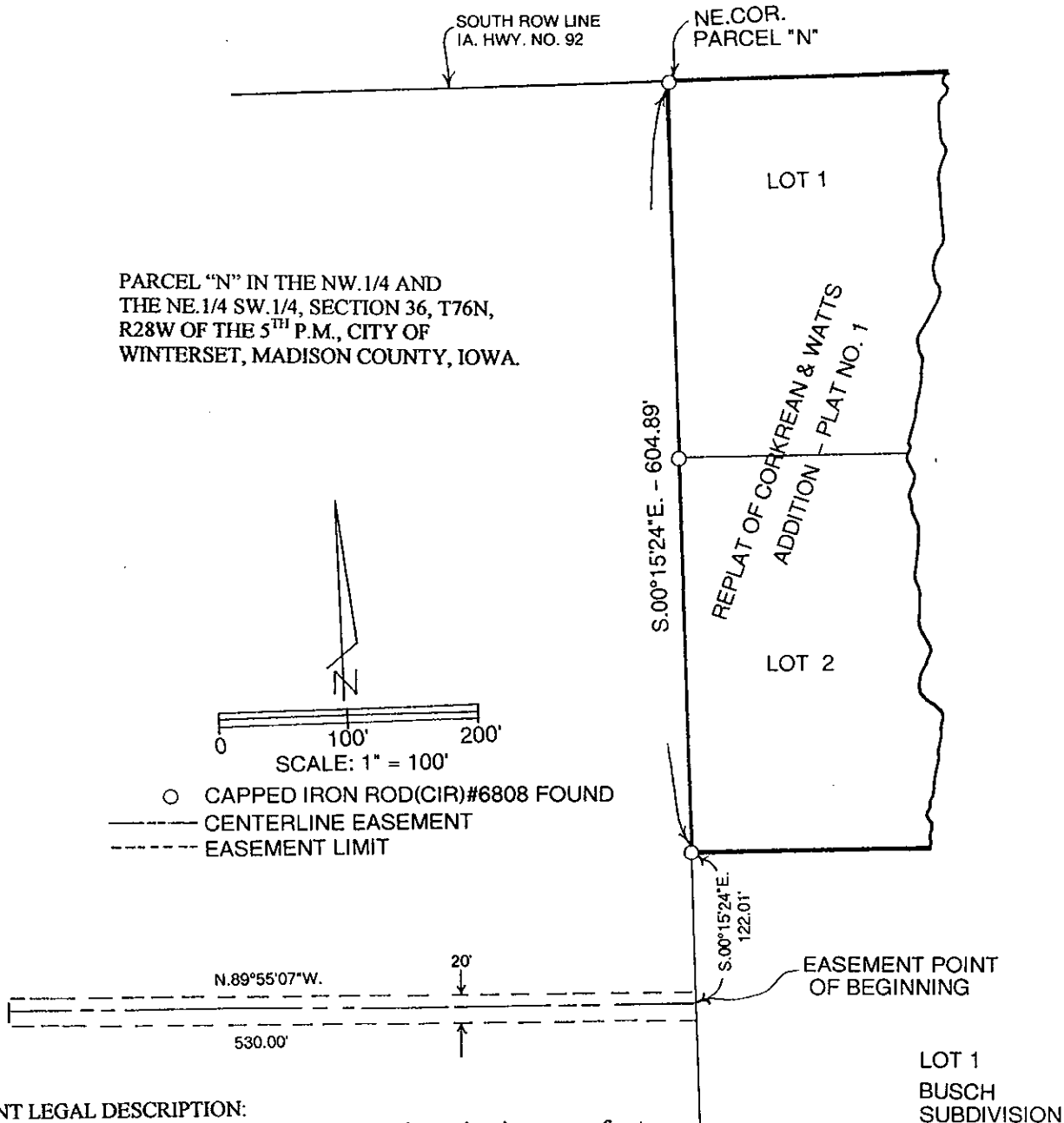
The Grantor shall not change the grade, elevation or contour of any part of the Easement Area without the prior, written consent of the Grantee.

The Grantee shall have the right of access to the Easement Area and have all rights of ingress and egress reasonably necessary for the use and enjoyment of the Easement Area described above including, but not limited to, the right to remove any unauthorized obstructions or structures placed or erected on the Easement Area.

In consideration of such Grant, the Grantee shall cause the Easement Area to be left in a reasonable and workmanlike condition without cost to the Grantor arising from the subsequent reconstruction, repair or replacement of the utility and will either repair or pay for any damage which may be caused to crops, fences or other property of the Grantor by the reconstruction, operation, maintenance, inspection, patrolling

VANCE & HOCHSTETLER, P.C. CONSULTING ENGINEERS, WINTERSET, IOWA (515) 462-3995
CHARLES T. VANCE, 110 WEST GREEN ST., WINTERSET, IOWA 50273
JAMES M HOCHSTETLER, 110 WEST GREEN ST., WINTERSET, IOWA 50273

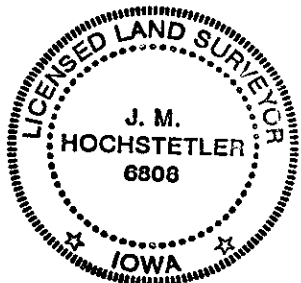
STORM SEWER EASEMENT PLAT EASEMENT ON PARCEL "N" IN THE NORTHWEST QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 76 NORTH, RANGE 28 WEST OF THE 5TH P.M., CITY OF WINTERSET, MADISON COUNTY, IOWA OWNED BY NEW BEGINNINGS DEVELOPMENT GROUP, L.L.C.



EASEMENT LEGAL DESCRIPTION:

A 20-foot wide permanent easement for construction and maintenance of a storm sewer main and necessary appurtenances being 10 feet each side of the following described centerline:

Beginning at a point on the East line of Parcel "N" in the Northwest Quarter and the Northeast Quarter of the Southwest Quarter of Section 36, township 76 North, Range 28 West of the 5th P.M., city of Winterset, Madison County, Iowa which is 122.01 feet South 00°15'24" East of the Southwest Corner of Lot 2, Replat of Corkrean & Watts Addition Plat No. 1, City of Winterset, Madison County, Iowa; thence North 89°55'07" West 530.00 feet to the end of the easement.



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.

J.M. Hochstetler
 J.M. HOCHSTETLER
 License number 6808 Date 12/2/03
 My license renewal date is December 31, 2003
 Pages or sheets covered by this seal: 1