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MICKI UTSLER
RECORDER
MADISON COUNTY, IOWA

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PREPARED BY: CITY OF ST. CHARLES, 113 SOUTH LUMBER STREET
ST. CHARLES, IOWA 50240 (641) 396-2545

TEMPORARY CONSTRUCTION EASEMENT

KNOW ALL MEN BY THESE PRESENCE:

The undersigned owner(s), Fred L. and Sandra J. Smith, hereinafter 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 St. Charles, Iowa, hereafter called the Grantee, a temporary construction easement for a period of two years for over, through and across the following described real estate:

The south twenty (20) feet at the home owner and/or the City's discretion of Lot 12 and Parcel G (RR ROW) behind N. Boundary of Lot 12 of Kephart's Addition II to St. Charles, Iowa, a Subdivision in Madison County, Iowa.

(hereinafter called "Easement Area") for the purpose of the Grantee grading, draining, reconstructing driveways and restoration of said Easement Area in a manner that will permit the free and unobstructed flow of surface water within limits of construction.

Grantor does HEREBY COVENANT with the Jurisdiction that Grantor holds said real estate described in this Easement by title in fee simple; that Grantor has good and lawful authority to convey the same; and said Grantor covenant to WARRANT AND DEFEND the said premises against the lawful claims of all persons whomsoever.

Each of the undersigned hereby relinquishes all rights of dower, homestead and distributive share, if any, in and to the interests conveyed in this Easement.

Words and phrases herein including acknowledgment hereof shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

Signed this 7th day of June, 2001

Grantor:

Grantee: CITY OF ST. CHARLES, IOWA

Sandra J. Smith

By Joan Brown
Joan Brown, Mayor

Fred L. Smith

By Darla Bush
Darla Bush, City Clerk

STATE OF IOWA)
) SS
COUNTY)

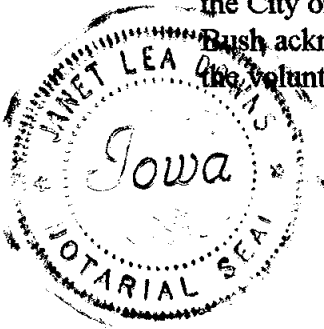
On this 7th day of June, A.D., 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared Fred Smith Sandra Smith and _____ to me known to be the identical persons named in and who executed the foregoing instrument, and acknowledged to me that they executed the same as their voluntary act and deed.



Darla Bush
Notary Public in and for said State

STATE OF IOWA)
) SS
MADISON COUNTY)

On this 11th day of June, A.D., 2001, before me, Janet Lea Dours, a Notary Public in and for said County and State, personally appeared Joan Brown and Darla Bush, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of St. Charles, Iowa; that the seal affixed thereto is the seal of said corporation; and that said authority of its City Council, as contained in the Resolution adopted by the City Council of the City on the _____ day of _____, 2001; and that Joan Brown and Darla Bush acknowledge 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.



Janet Lea Dours
Notary Public
5-14-02