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FILED NO. 4482  
BOOK 62 PAGE 455  
98 MAY 14 PM 1:44  
MICHELLE UTSLER  
RECORDER  
MADISON COUNTY, IOWA

REC \$ 15.00  
AUD \$ \_\_\_\_\_  
R.M.F. \$ 1.00

Prepared by : Samuel H. Braland, P.O. Box 370, Earlham, Iowa 50072, (515) 758-2267

**SIDEWALK EASEMENT**

KNOW ALL PERSONS BY THESE PRESENTS:

That FIVE STAR CARE CORPORATION, an Iowa corporation, herein referred to as "Grantor", in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, does hereby grant and convey to the CITY OF EARLHAM, MADISON COUNTY, IOWA, herein referred to as "City", a perpetual easement and right-of-way over, on, through, across and within the following described real estate, to-wit:

Commencing at the Southwest Corner of Lot 4 in Block 8 of Christopher Wilson's Addition to the Town of Earlham, Madison County, Iowa, thence North 9 feet and 3 inches to the point of beginning; thence North 6 feet, thence East 98 feet, thence South 6 feet, thence West 98 feet to the point of beginning; and

Commencing at the Southeast Corner of Lot 4 in Block 8 of Christopher Wilson's Addition to the Town of Earlham, Madison County, Iowa, thence North 15 feet and 3 inches, thence West 19 feet, thence South 15 feet and 3 inches, thence East to the point of beginning; and

Commencing at the Southeast Corner of Lot 4 in Block 8 of Christopher Wilson's Addition to the Town of Earlham, Madison County, Iowa, thence West 19 feet, thence North 9 feet and 3 inches to the point of beginning; thence West 38 feet, thence North 6 feet, thence East 38 feet, thence South 6 feet to the point of beginning,

(herein called the "Easement Area").

The easement shall be subject to the following terms and conditions:

1. Purpose of Easement. The City shall use the easement for construction reconstruction, repairing, replacing, enlarging, inspecting and maintaining a concrete sidewalk over, on, through, across and within the Easement Area.
2. Public Use of Sidewalk. The sidewalk constructed within the Easement Area shall benefit the City and the public, and may be used by the City and the public for pedestrian traffic.
3. Obstructions. Grantor shall not erect any fence or other structure under, over, on, through, across or within the Easement Area without obtaining the prior written consent of the City. Grantor shall not cause or permit any obstruction, planting or other material to be placed under, over, on, through, across or within the Easement Area without obtaining the prior written consent of the City.
4. Right of Access. The City shall have a right of ingress and egress over, under, through and across Grantor's real estate adjacent to the Easement Area that is reasonably necessary for the City's use and enjoyment of the Easement Area for the purposes

described in paragraph 1. The City shall have a right of ingress and egress over, under, through and across Grantor's adjacent real estate during sidewalk construction.

5. Damage. If exercise of the easement or right of access by the City results in damage to the surface of the ground or damage to other property of the Grantor, then the City shall restore the damaged surface and compensate Grantor for any damaged property.

6. Easement Benefit. The easement shall benefit the City, its successors in interest, assigns, licensees, permittees, contractors and agents.

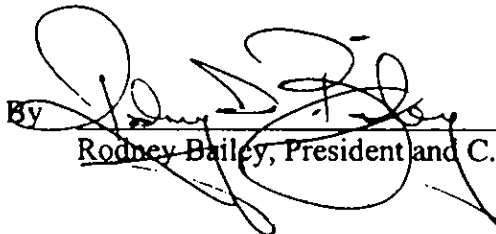
7. Easement Runs With Land. The easement shall run with the land and shall be binding on Grantor and Grantor's successors in interest.

8. Approval By City Council. The easement shall be binding upon its approval and acceptance by the City Council of Earlham, Iowa, by resolution, which approval and acceptance shall be noted on this document by the City Clerk.

IN WITNESS WHEREOF, this Sidewalk Easement is signed this 27<sup>th</sup> day of April, 1998.

GRANTOR

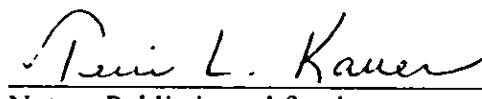
FIVE STAR CARE COPORATION

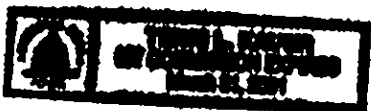
By  \_\_\_\_\_  
Rodney Bailey, President and C.O.O.

STATE OF IOWA :  
: SS  
POLK COUNTY :

On this 27<sup>th</sup> day of April, 1998, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Rodney Bailey to me personally known, who, being by me duly sworn, did say that he is the President and C.O.O. of said corporation executing the within and foregoing instrument, that no seal has been procured by the said corporation; that said instrument was signed on behalf of said corporation by authority of its Board of Directors; and that the said Rodney Bailey as such officers acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by him voluntarily executed.

(SEAL)

 \_\_\_\_\_  
Notary Public in and for the  
State of Iowa.



STATE OF IOWA :  
: SS  
MADISON COUNTY :

I, Marilyn Sesker, City Clerk of the City of Earlham, Iowa, do hereby certify that the within and foregoing easement was duly approved and accepted by the City Council of the City of Earlham, Iowa, pursuant to Resolution No. 98-4, passed on the 11 day of May, 1998, and this certificate is made pursuant to authority contained in said resolution.

Dated this 11 day of May, 1998.



Marilyn Sesker  
Marilyn Sesker, City Clerk

STATE OF IOWA :  
: SS  
MADISON COUNTY :

On this 11 day of May, 1998, before me, a Notary Public in and for the State of Iowa, personally appeared Marilyn Sesker, to me personally known, and, who, being by me duly sworn, did say that she is the City Clerk of the City of Earlham; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation by authority of its City Council, as contained in Resolution No. 98-6 passed by the City Council under Roll Call No. 2 of the City Council on the 11 day of May, 1998, and that Marilyn Sesker acknowledged the execution of instrument to be her voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.



Samuel H. Alford  
Notary Public in and for the  
State of Iowa.