

COMPUTER ✓
RECORDED ✓
COMPARED ✓

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

FILED NO. 3226
BOOK 60 PAGE 311
95 JUN 20 PM 4: 17

MICHELLE UTSLER
RECORDER
MADISON COUNTY, IOWA

STORM SEWER EASEMENT

KNOW ALL MEN BY THESE PRESENCE:

The undersigned owners, David S. Koehler and Quita Koehler, husband and wife, 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 lines including equipment and accessories for the same and all necessary appurtenances as may be reasonably necessary for the convenient construction, repair, maintenance, operation, inspection, patrolling and removal of this utility over, along, across and under the following described property situated in Madison County, Iowa, to-wit:

That part of the West Five and One-Half acres (except the North 160 feet thereof) of the East Thirteen and One-Half acres of the South One-Half of the Northwest Fractional Quarter of the Northwest Quarter of Section 6, Township 75 North, Range 27 West of the Fifth Principal Meridian, Winterset, Madison County, Iowa, for storm sewer construction and maintenance purposes, over, under and across, and being 12.00 feet either side of the following described centerline: Commencing at the northwest corner of the Northwest Quarter of the said Section 6; thence on an assumed bearing of South 00 degrees 11 minutes 53 seconds West 9.83 feet along the west line of the said Northwest Quarter; thence South 33 degrees 24 minutes 36 seconds East along the tangent line and centerline of the existing highway 1245.67 feet; thence North 00 degrees 25 minutes 23 seconds East 55.00 feet along the centerline of Third Street; thence South 89 degrees 34 minutes 37 seconds East 33.00 feet to the easterly line of Third Street and the point of beginning of said centerline; thence South 89 degrees 34 minutes 37 seconds East 67.00 feet to the point of termination of said centerline. Said tract contains 1608.00 square feet more or less and is subject to encumbrances of record.

The Grantor warrant and covenant 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.

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 to or overhanging 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 utility; and to renew, replace, and to otherwise change the utility or any part thereof and all appurtenances thereto and the location thereof within the easement property; and to pass along the easement property incident to these activities.

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In consideration of such grant, Grantee agrees it will repair or pay for any damage which may be caused to crops, fences or other property of the Grantor by the construction, operation, maintenance, inspection, patrolling or removal of 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 will be erected upon this 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 14 day of June, 1995.

Grantor: DAVID S. KOEHLER AND
QUITA KOEHLER

Grantee: CITY OF WINTERSET,
IOWA

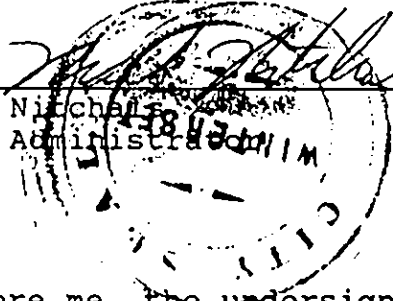
By David S. Koehler
David S. Koehler

By Jerry L. Schwertfeger
Jerry L. Schwertfeger, Mayor

By Quita Koehler
Quita Koehler

By Mark J. Nitchals
Mark Nitchals,
City Administrator

STATE OF IOWA)
) SS
MADISON COUNTY)



On this 14th day of June, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared David S. Koehler and Quita Koehler 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.



Cindy M. Bush
Notary Public in and for said State

STATE OF IOWA)
) SS
MADISON COUNTY)

On this 14th day of June, A.D., 1995, before me, _____, a Notary Public in and for said County and State, personally appeared Jerry L. Schwertfeger and Mark J. Nitchals, 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 19th day of June, 1995; and, that Mark J. Nitchals and Jerry L. Schwertfeger 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.



Cindy M. Bush
Notary Public

RIGHT OF WAY ACQUISITION PLAT

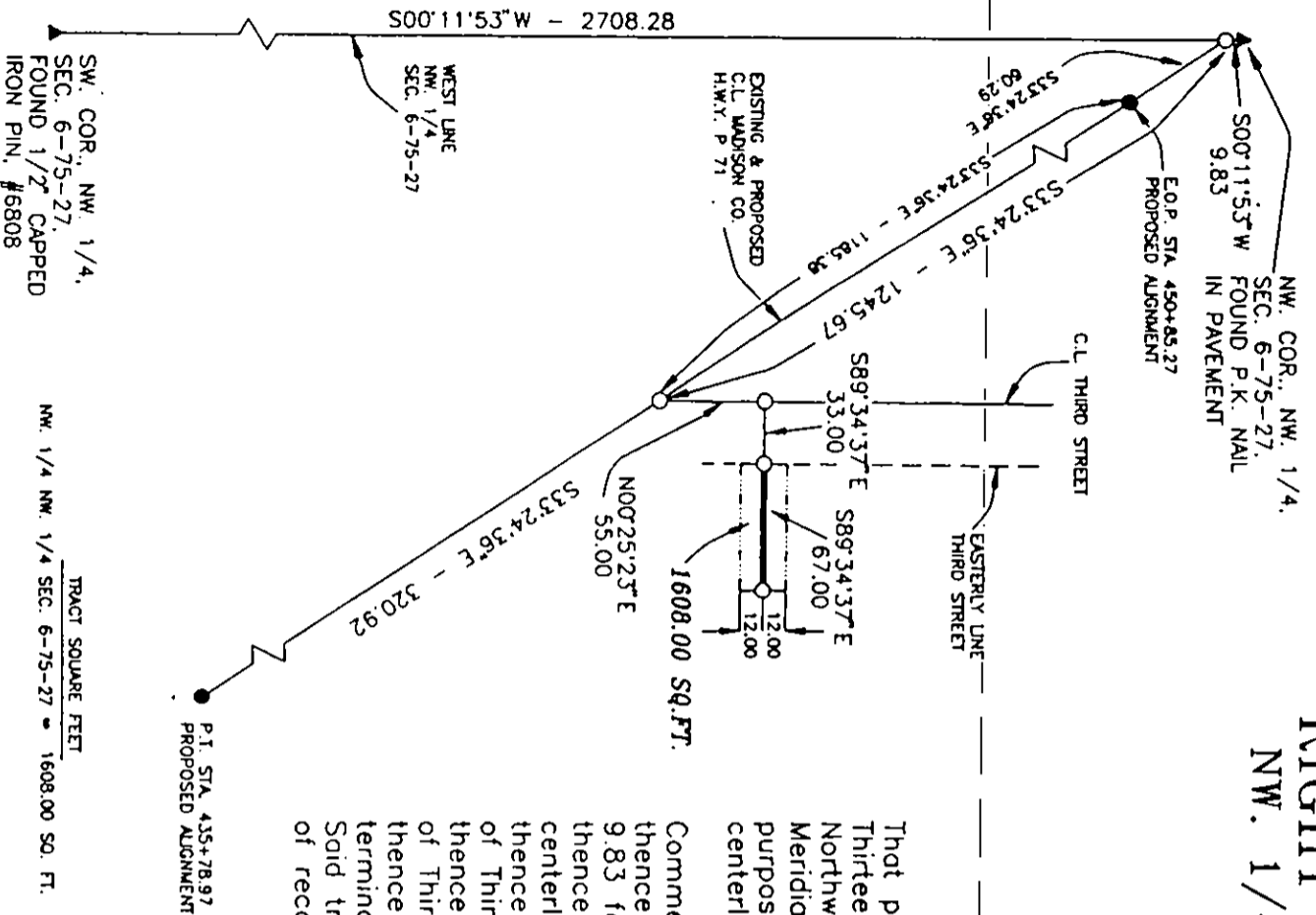
NW. 1/4, NW. 1/4 SEC. 6, T-75N, R-27W MADISON COUNTY, IOWA PARCEL 18A



DESCRIPTION FOR STORM SEWER EASEMENT

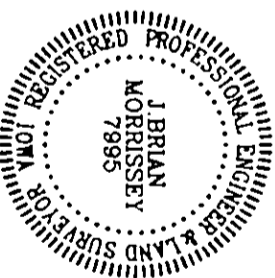
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MONUMENTS

- ▲ - found sec. cor. (pipe, stone, etc.)
- - monument to be set at completion of H.W.Y. construction with 5/8" rebar with cap R.L.S. 7995
- - no monument found or set
- - found lot cor. (pipe, stone, etc.)



I hereby certify that this plan, specification, plat, map, survey, or report was prepared by me or under my direct personal supervision and that I am a duly Registered Professional Engineer and Land Surveyor under the laws of the State of Iowa.

My registration renewal date is December 31, 1995.

Signed *J. Brian Morrissey* Date June 7, 1995
Iowa Reg. No. 7995

SURVEY FOR: STORM SEWER R.O.W., DAVID S. KOEHLER, RR. #3 BOX 213, WINTERSSET, IA. 50273
MADISON COUNTY ENGINEER WINTERSSET, IOWA PROJ. # STP-S-TSF-0061(34)--5P-61 PAGE 1 OF 1