

CITY OF ST. CHARLES, IOWA

EASEMENT FOR STORM SEWER AND SURFACE WATER FLOWAGE RIGHT-OF-WAY **999**  
FILED NO. \_\_\_\_\_

KNOW ALL PERSONS BY THESE PRESENTS:

BOOK 60 PAGE 515

That St. Charles Parish

95 OCT 10 PM 3:13

(hereinafter called "Grantor") in consideration of the

MICHELLE UTSLER  
RECORDER  
MADISON COUNTY, IOWA  
MADISON

one dollar and other considerations

to be paid by the City of St. Charles upon final approval and acceptance of this Easement by the St. Charles City Council, do hereby convey unto the CITY OF ST. CHARLES, IOWA, a municipal corporation, (hereinafter called "City") a perpetual easement for Storm Sewer Right-of-Way under, over, through and across the following described real estate:

See Attachment A

SEARCHED ✓  
INDEXED ✓  
CORRECTED ✓

REC \$ 5.00  
ADD \$ \_\_\_\_\_  
R.M.F. \$ 1.00

(hereinafter called "Easement Area") for the purpose of the City constructing, reconstructing, repairing, enlarging, and maintaining a storm sewer, together with necessary appurtenances thereto, under, over, through, and across said Easement Area.

This Easement shall be subject to the following terms and conditions:

1. ERECTION OF STRUCTURES PROHIBITED. Grantor shall not erect any structure over or within the Easement Area without obtaining the prior written approval of the City Council.
2. CHANGE OF GRADE PROHIBITED. Grantor shall not change grade, elevation or contour of any part of the Easement Area without obtaining the prior written consent of the City Council.
3. RIGHT OF ACCESS. City 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 as herein described, including, but not limited to, the right to remove any unauthorized obstructions or structures placed or erected on the Easement Area.
4. EASEMENT RUNS WITH LAND. This easement shall be deemed to run with the land and shall be binding on Grantor and on Grantor's successors and assigns.
5. APPROVAL BY CITY COUNCIL. This Easement shall not be binding until it has received the final approval and acceptance by the St. Charles City Council by Resolution which approval and acceptance shall be noted on this Easement by the City Clerk.

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Grantor does HEREBY COVENANT with the City 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 covenants 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 interest conveyed by this Easement.

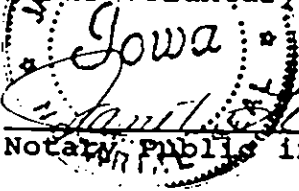
Words and phrases herein including acknowledgement hereof shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

Signed this 28 day of July, 1995.  
David Lathrum  
Gerald Slye

STATE OF IOWA, COUNTY OF MADISON, ss

On this 28<sup>th</sup> day of July, 1995, before me the undersigned, a Notary Public in and for the State of Iowa, personally appeared David Lathrum and Gerald Slye

to be known to be the identical persons named in and who executed the same as their voluntary act and deed.

  
Janet L. Downs  
Notary Public in and for Madison County, Iowa.

I, Janet Downs, City Clerk of the City of St. Charles, Iowa do hereby certify that the within and foregoing Easement was duly approved and accepted by the City Council of said City of St. Charles by Resolution and Roll Call No. 8B-95, passed on the 21<sup>st</sup> day of August, 1995, and this certificate is made pursuant to authority contained in said Resolution.

Signed this 21<sup>st</sup> day of August, 1995.

Janet L. Downs  
Janet Downs, City Clerk of the City of St. Charles, Iowa

ATTACHMENT A

LEGAL DESCRIPTION

THAT PART OF A 20.00 FOOT WIDE PERMANENT STORM SEWER EASEMENT LYING BETWEEN THE EAST RIGHT-OF-WAY LINE OF CLARK STREET AND THE WEST RIGHT-OF-WAY LINE OF MORGAN STREET WHOSE NORTH LINE BEGINS AT THE SOUTHWEST CORNER OF LOT 7 IN THE OFFICIAL PLAT OF AUSTIN'S ADDITION AND THENCE GOES EASTERLY IN A STRAIGHT LINE TO A POINT ON THE EAST LINE OF LOT 8 IN AUSTIN'S ADDITION, SAID POINT BEING 32.00 FEET NORTH OF THE SOUTHEAST CORNER OF SAID LOT 8, ALL LOCATED IN THE CITY OF ST. CHARLES, MADISON COUNTY, IOWA, THAT IS INCLUDED IN THE FOLLOWING DESCRIBED PROPERTY: LOT 7 IN THE OFFICIAL PLAT OF AUSTIN'S ADDITION, CITY OF ST. CHARLES, MADISON COUNTY, IOWA.

94-382\LEGALS\LOT7