

## STORM SEWER LINE RIGHT OF WAY EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of the payment of One Dollar and other good and valuable consideration to Richard L. Werts and Kay A. Werts, husband and wife, herein referred to as Grantors, by the City of Earlham, Madison County, Iowa, herein referred to as Grantee, receipt of which is hereby acknowledged, the Grantors hereby grant, sell and convey unto Grantee, its successors and assigns, a perpetual easement with the right to construct, install, lay and thereafter use, operate, inspect, repair, maintain and, if necessary, replace and remove a storm sewer pipeline. Grantors further grant to the Grantee the right of ingress and egress over the adjacent land of Grantors, their successors and assigns, for the purpose of this easement.

Grantee herewith covenants with the Grantors, their successors and assigns, to compensate Grantors for any damage sustained by Grantors, their successors and assigns, as a result of the use of this easement by the Grantee.

The permanent storm sewer line easement is described as follows, to-wit:

A 20.0 foot wide easement for storm sewer purposes over, under and across that part of Block 5, OUTLOTS TO ACADEMY ADDITION, an Official Plat, City of Earlham, Madison County, Iowa, said easement being 12.0 feet West and Northwesterly and 8.0 feet East and Southeasterly of a centerline described as follows:

Commencing as a point of reference at the SW corner of said Block 5, said point also being the intersection of the East right-of-way line of Elm Street with the North right-of-way line of Academy Avenue, as they now exist; thence N 88°57' E (bearing assumed for the purpose of this description only and all subsequent bearings referenced thereto), along the South line of said Block 5, 185.4 feet to the point of beginning; thence N 00°00' E, 68.0 feet; thence N 30°46'28" E, 75.9 feet to the terminus point of said easement centerline.

Grantee covenants to maintain the easement in good repair so that no unreasonable damage will result from its use to adjacent land of Grantors', their successors and assigns.

The grant and other provisions of this easement shall constitute a covenant running with the land for the benefit of the Grantee, its successors and assigns.

IN WITNESS WHEREOF, the Grantors have executed this instrument this 28<sup>th</sup> day of August, 1984.

Richard L. Werts  
(Richard L. Werts)

Kay A. Werts  
(Kay A. Werts)

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BOOK 121 PAGE 28

1987 SEP 14 PM 2:48

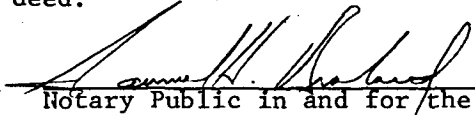
MARY E. WELTY  
RECORDER  
MADISON COUNTY, IOWA

Fee \$15.00

#2. Storm Sewer Line Right Of Way Easement

STATE OF IOWA :  
                  : SS  
MADISON COUNTY :

On this 28 day of August, 1984, before me, the under-  
signed, a Notary Public in and for the State of Iowa, personally  
appeared Richard L. Werts and Kay A. Werts to me known to be the  
identical persons named in and who executed the within and  
foregoing instrument, and acknowledged that they executed the  
same as their voluntary act and deed.

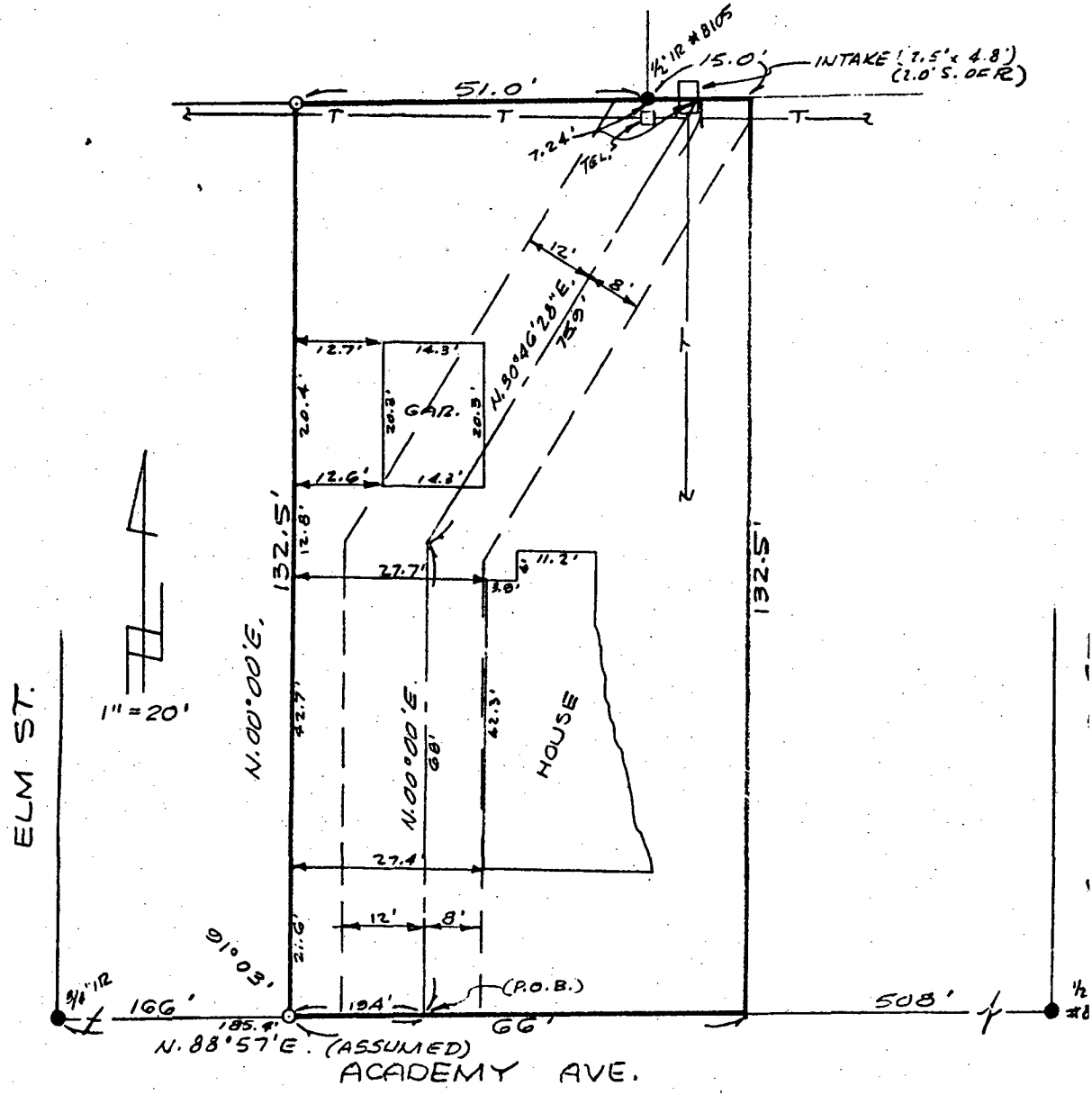
  
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Notary Public in and for the  
State of Iowa.



For: City of Earlham  
City Hall  
Earlham, Iowa 50072

**Storm Sewer Easement:** A 20.0 foot wide easement for storm sewer purposes over, under and across that part of Block 5, OUTLOTS TO ACADEMY ADDITION, an Official Plat, City of Earlham, Madison County, Iowa, said easement being 12.0 feet West and Northwesterly and 8.0 feet East and Southeasterly of a centerline described as follows:

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**CERTIFICATION**

I hereby certify that this Plat and Survey was made by me or under my direct personal supervision, and that I am a duly registered Land Surveyor under the laws of the State of Iowa.

*Richard D. Odenbach* 7.25.84  
Richard D. Odenbach, RLS#8105 Date

ANDERSON CONSULTANTS, INC.  
1440 Ingersoll Avenue  
Des Moines, Iowa 50309  
W.O. # 2198