Compared

FILED NO 1768
BOOK 119 PAGE 396

3pgs 1985 APR 22 AM 11:12

MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA

File 15.00

STORM SEWER EASEMENT

Earl D. & Sharon K. Capps of Winterset, Iowa, hereinafter called the Grantor, grants unto the City of Winterset, Iowa hereinafter called the Grantee, the temporary and perpetual right and easement, as indicated, to construct, install, repair, maintain and operate a storm sewer upon the real estate legally described as:

TEMPORARY EASEMENT

A temporary easement for storm sewer construction across the West 10.0 feet of Lot 4 and the West 10.0 feet of the North 20.0 feet of Lot 5, all in Block 4 of Kirkwood's Addition to Winterset, Iowa.

This grant includes the right to enter upon the premises above described in order to construct said storm sewer.

In consideration of this grant, Grantee agrees to pay Grantor the sum of One Dollar (1.00), receipt of which Grantor hereby acknowledges. Grantee further agrees that it will repair or pay for any damage which may be caused to fences or other property of the Grantor by the construction, operation, or maintenance of this storm sewer line.

Wherever the surface of the easement property is disturbed by the actions of the Grantee, either at the present time or in the future at such times as Grantee may exercise its rights in connection with the easement property, the Grantee will be responsible for seeding, or if necessary in the judgment of the Grantee, sodding the easement property.

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 hanging over the same, and the right to remove from the above described easement property any brush or other obstructions which will interfere with or endanger the construction, operation, or maintenance of this storm sewer and to have reasonable access to this storm sewer line from Grantor's abutting lands in the event other reasonable access is unavailable.

This grant of easement shall run with the land and bind the heirs, successors, and assigns of the parties hereto.

The Grantor covenants with Grantee that it is the owner of the above described real estate and has the full right and authority to validly grant this easement in order that the Grantee may quietly enjoy the easement premises.

IN WITNESS HEREOF, the Grantor and Grantee have executed this instrument at the place and on the date hereinafter set forth.

GRANTOR

By Earl D. Capps

By Sharon K. Capps

CITY OF WINTERSET, IOWA, GRANTEE

By Bernard Morrissey
Bernard Morrissey, Mayor

By Mark Nitchals
Mark Nitchals, Clerk

STATE OF IOWA

SS

Madison COUNTY

ON THIS 4 DAY OF December, 1984, before me, a Notary Public in and for the State, personally appeared Earl D. Capps & Sharon K. Capps to me known to be the identical person or persons named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed for the purposes therein set forth.

LORRAINE KILE

Lorraine Kile
Notary Public in and for Iowa

STATE OF IOWA

SS

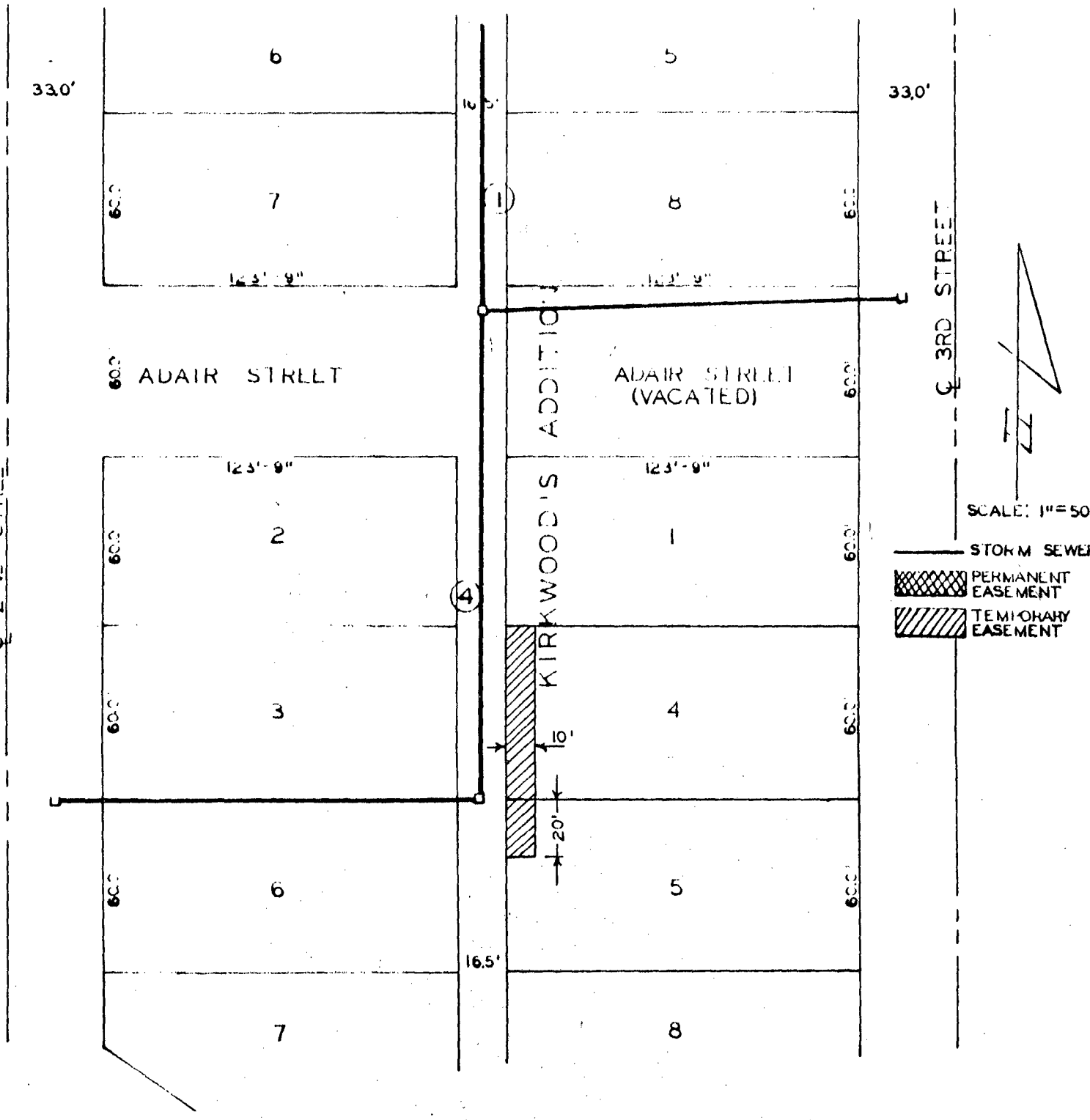
MADISON COUNTY

On the 15 day of April, 1985, before me a Notary Public in and for said State, personally appeared Bernard Morrissey and Mark J. Nitchals, who being duly sworn on oath did depose and state that they are the Mayor and Clerk, respectively, of the City of Winterset, Madison County Iowa, and that said instrument was signed on behalf of said City by authority of the Council; and that the said Bernard Morrissey and Mark Nitchals acknowledged the execution of said instrument to be the voluntary act and deed of the said City of Winterset, Madison County, Iowa, by it and by them voluntarily executed.

LORRAINE KILE

Lorraine Kile
Notary Public in and for Iowa

PLAT OF AN EASEMENT FOR STORM SEWER CONSTRUCTION
ACROSS LOT 4 AND LOT 5, BLOCK 4, KIRKWOOD'S ADDITION
TO WINTERSET, IOWA. OWNED BY: EARL D. & SHARON K. CAPPS



Easement Description:

A temporary easement for storm sewer construction across the West 10.0 feet of Lot 4 and the West 10.0 feet of the North 20.0 feet of Lot 5, all in Block 4 of Kirkwood's Addition to Winterset, Iowa.