FILED NO 848
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1986 OCT 27 AM 11:25

MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA
Fee $10.00

IND. 1
REC.
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EASEMENT AND CONVEYANCE

KNOW ALL MEN BY THESE PRESENT:

IT IS HEREBY AGREED by and between David W. Kuhns and Patricia E. Kuhns, husband and wife, hereinafter referred to as GRANTORS, and the City of Winterset, Iowa, by and through the Board of Trustees of the Waterworks, hereinafter referred to as GRANTEE, as follows:

In the consideration of the sum of one dollar ($1.00) and other good and valuable consideration hereinafter enumerated, the GRANTORS do hereby grant and convey unto the GRANTEE, its successors and assigns, a perpetual easement, with the right to enter in, upon and onto certain lands of the GRANTORS for the purpose of constructing, installing, operating, inspecting, repairing, maintaining, replacing and removing a water main which will be located on certain lands of the GRANTORS. Said land of the GRANTORS is legally described as follows:

> The South Ten (10) feet of a tract of real estate described as commencing at a point 176 feet North of the Southwest Corner of the South Half (S1/2) of the North Half (N1/2) of the Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4) of Section Thirty-Six (36), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., thence East 255 feet, thence North 154 feet, thence West 255 feet, thence South to the place of beginning.

The GRANTORS further grant unto the GRANTEE a temporary easement for the purpose of constructing the above mentioned water main across certain land of the GRANTORS described as follows:

> The South Twenty (20) feet and the West Seventy-five (75) feet of a tract of real estate described as commencing at a point 176 feet North of the Southwest Corner of the South Half (S1/2) of the North Half (N1/2) of the Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4) of Section Thirty-Six (36), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., thence East 255 feet, thence North 154 feet, thence West 255 feet, thence South to the place of beginning.

The GRANTEE further covenants as follows:

All areas located within the permanent easement and the temporary construction easement which may be disturbed by the construction procedures shall be restored to a condition comparable to the conditions existing prior to construction. The GRANTEE agrees to be responsible for the initial sodding or seeding of any grass area which is disturbed to such an extent as to require seeding or sodding. The existing fire hydrant located along the south fence line of the real estate described above shall be left in place.

The temporary construction easement granted herein shall continue for such reasonable time as is necessary for GRANTEE to complete the construction of the water main referred to herein, but in no event shall terminate not later than 60 days from the date of this agreement.

Except as otherwise provided herein, maintenance of the easement property will be the responsibility of the GRANTORS.

This grant of easement and the other provisions hereof shall constitute a conveyance running with the land for the benefit of the GRANTORS and GRANTEE, their successors and assigns, and shall be binding upon the successors and assigns of the GRANTORS and GRANTEE.

IN WITNESS WHEREOF, the GRANTEES have executed this instrument this 29th day of July, 1986.

BOARD OF TRUSTEES OF THE CITY OF WINTERSET, IOWA.

BY William J. Roach
Chairman

BY Mark Nitchals
Secretary

STATE OF IOWA
SS
MADISON COUNTY

On the 29th day of July, 1986, before me a Notary Public in and for the State, personally appeared William J. Roach and Mark J. Nitchals, who being duly sworn on oath did despose and state that they are the Chairman and Secretary, respectively, of the Board of Trustees of the City of Winterset, Madison County, Iowa, and that said instrument was signed on behalf of the City by authority of the Board; and that the said William J. Roach and Mark J. Nitchals acknowledge the execution of said instrument to be the voluntary act and deed of the said Board of Trustees of the City of Winterset, Madison County, Iowa, by it and by them voluntarily executed.

NOTARIAL SEAL LORRAINE KILE

Lorraine Kile
Notary Public in and for Iowa

IN WITNESS WHEREOF, the GRANTORS have executed this instrument this 27th day of October, 1986.

David W. Kuhns

Patricia E. Kuhns

STATE OF IOWA
SS
MADISON COUNTY

On this 27 day of October, 1986, before me a Notary Public in and for the state, personally appeared David W. Kuhns and Patricia E. Kuhns, to me known to be the identical persons named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed and for the purposes therein set forth.

NOTARIAL SEAL LORRAINE KILE

Lorraine Kile
Notary Public in and for Iowa