6-21-78 sd

STORM SEWER EASEMENT

James E. and Alice J. Lemon, hereinafter called the Grantor, does hereby grant to the City of Winterset, Iowa, hereafter referred to as Grantee, the perpetual right and easement to construct, install, repair, replace, maintain and operate a storm sewer upon the real estate legally described as:

The West Twenty (W 20) feet of the South 158.5 feet of Lot One (1), Depot Addition to the City of Winterset, Iowa.

This grant includes the right to enter onto Grantor's premises adjoining that described above for purposes of this easement.

In consideration of this grant, Grantee agrees to pay Grantor the sum of $1.00, receipt of which Grantor hereby acknowledges. This consideration recited shall constitute payment in full for any damages to the land of the Grantor, his successors and assigns, by reason of the installation, operation and maintenance of the structures or improvements referred to herein. The Grantee covenants to maintain the improvement in good repair so that no unreasonable damage will result from its use to the adjacent land of the Grantor, his successors and assigns.

The Grantor covenants that no act will be permitted which is inconsistant with the rights hereby conveyed to the Grantee including but not limited to, the erection of buildings or other structures upon the easement 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 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 Agreement 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 full right and authority to validly grant this easement and the Grantee may quietly enjoy the easement premises.

STATE OF IOWA, MADISON COUNTY, ss.

Inst. No. 133 Filed for Record this 17 day of July 19 78 at 12:30 PM

Book 112 Page 431 Recording Fee $4.50 Mary E. Welty, Recorder, By Shirley D. Henry Deputy

2931

IND. ✓
REC. ✓
PAGE ✓

Storm Sewer Easement Page -2-

Dated this 5th day of July, 1978 at Winterset, Iowa.

GRANTOR:

James E. Lemon
JAMES E. LEMON

Alice J. Lemon
ALICE J. LEMON

GRANTEES:

CITY OF WINTERSET, IOWA

By Bernard M. Morrissey
Bernard M. Morrissey, Mayor

Mark J. Nitchals
Mark J. Nitchals, Clerk

STATE OF IOWA)
)ss
MADISON COUNTY)

On this 7th day of July, 1978, before me, the undersigned, a Notary Public in and for said County, in said State, personally appeared Bernard M. Morrissey and Mark J. Nitchals, to me personally known, who, being by me duly sworn, did say that they are the Mayor and Clerk, respectively of said Corporation executing the within and foregoing instrument to which this is attached; the seal affixed thereto is the seal of said Corporation; that said instrument was signed and sealed on behalf of said Corporation by authority of its City Council and that the said Mayor and Clerk acknowledged the execution of said instrument to be their voluntary act and deed as such officers, of said Corporation, by it and by them voluntarily executed.

JOHN E. CASPER
MY COMMISSION EXPIRES
7-31-82

James E. Casper
Notary Public in and for Said County

STATE OF IOWA)
) ss
MADISON COUNTY)

On this 12th day of July, 1978 before me, the undersigned, a Notary Public in and for said County and State, personally appeared James E. Lemon and Alice J. Lemon, 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.

BETH FLANDER
Iowa
NOTARIAL SEAL

Beth Flander
Notary Public in and for Said County