Town Lot Deed Record, No. 39

Robert B. Osborn & wife
To
Town of Earlham, Iowa

#1276

Fee $6.50

Filed for record the 3 day of October A. D. 1969 at 4:25 o'clock P.M.

Mary E. Welty, Recorder

RESOLUTION AND EASEMENT

At this time motion was made by Councilman Peterson seconded by Councilman Orr the following Resolution be adopted:

RESOLUTION

RESOLUTION APPROVING WATER PIPELINE EASEMENT AGREEMENT BY THE TOWN OF EARLHAM, IOWA, WITH MR. AND MRS. ROBERT B. OSBORN

WHEREAS, Robert B. Osborn and Elsie Osborn, husband and wife, of Earlham, Madison County, Iowa, in consideration of the sum of One Dollar ($1.00) has executed an easement agreement to the Town of Earlham, Iowa, authorizing the Town of Earlham, Iowa, to construct, reconstruct, maintain, repair and operate a water pipe line across certain real property as set forth in said water pipeline easement agreement, and

WHEREAS, it is desirable for the Town of Earlham, Madison County, Iowa, to accept said water pipeline easement agreement on behalf of the Town of Earlham, Iowa,

NOW,THEREFORE, BE IT RESOLVED by the Town Council of the Town of Earlham, Iowa, the water pipeline easement agreement as executed by Robert B. Osborn and Elsie Osborn, husband and wife, of Earlham, Madison County, Iowa, for and in consideration of the sum of One Dollar ($1.00) and other valuable consideration paid by the Town of Earlham, Madison County, Iowa, authorizing the Town to construct, reconstruct, repair, maintain, and operate a water pipeline as now laid, installed, and constructed in and across the following described real property:

> commencing at a point Nine (9) Feet West of the Northwest corner of Lot Six (6), Block Ten (10) Original Town of Earlham, Madison County, Iowa, thence running in a Southwesterly direction to a point approximately two and three-fourths (2 3/4) to Three (3) Feet South of the Northwest corner of said Lot Six (6), all on Lot Six (6), Block Ten (10) Original Town of Earlham, Madison County, Iowa.

be and the same is hereby approved by the Town Council of the Town of Earlham, Iowa.

That Raymond S. Flinn, Mayor of the Town of Earlham, Iowa, and John J. Moreland, Town Clerk, of the Town of Earlham, Iowa, be and they are hereby authorized and directed to make and execute, on behalf of the Town of Earlham, Iowa, said water pipeline easement for the right to construct, reconstruct, repair, maintain and operate a water pipeline as now laid, installed, and constructed in and across the following described real property:

> Commencing at a point Nine (9) Feet West of the Northwest corner of Lot Six (6), Block Ten (10) Original Town of Earlham, Madison County, Iowa, thence running in a Southwesterly direction to a point approximately two and three-fourths (2 3/4) to Three (3) Feet South of the Northwest corner of said Lot Six (6), all on Lot Six (6), Block Ten (10) Original Town of Earlham, Madison County, Iowa

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on behalf of the Town of Earlham, Iowa, and that this Town Council authorizes the Town Clerk of Earlham, Iowa, and directs him to certify to the County Recorder of Madison County, Iowa, a copy of this Resolution, together with a copy of the record of its adoption for filing and recording in the office of the county recorder of Madison County, Iowa, together with the water pipeline easement agreement.

On roll call the members of the Town Council voted as follows:

AYES: Anker, Orr, Peterson, Schardein, Welch

NAYS: None

ABSENT OR NOT VOTING None

Approved by me this 25th day of September, A. D., 1969.

Raymond S. Flinn
RAYMOND S. FLINN, MAYOR

(TOWN SEAL)

ATTEST: John J. Moreland
JOHN J. MORELAND, TOWN CLERK

WATER PIPELINE EASEMENT

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, Robert B. Osborn and Elsie Osborn, husband and wife, of Earlham, Madison County, Iowa, for and in consideration of the sum of One Dollar ($1.00) and other valuable consideration hereinafter stated paid and performed by the Town of Earlham, Madison County, Iowa, do hereby grant unto the Town of Earlham, Iowa, the right to construct, reconstruct, repair, maintain and operate a water pipeline as now laid, installed and constructed in and across the following described real property:

> Commencing at a point Nine (9) Feet West of the North west corner of Lot Six (6), Block Ten (10) Original Town of Earlham, Madison County, Iowa, thence running in a Southwesterly direction to a point approximately two and three fourths (2 3/4) to Three (3) Feet South of the Northwest corner of said Lot Six (6), all on Lot Six (6), Block Ten (10) Original Town of Earlham, Madison County, Iowa.

The right is further granted to the Town of Earlham, Iowa to enter upon said real estate for the purpose of constructing, reconstructing, maintaining, repairing and operating said water pipeline. In consideration of such grant, together with the right of ingress and egress, the Town of Earlham, Iowa, agrees that it will repair or pay for any damage which may be caused to the property of the undersigned occasioned by the constructing, reconstructing, maintaining, repairing and operating or removal of said line. If such damages are not mutually agreed upon, the same shall be ascertained by three disinterested persons, one of whom shall be selected by the grantors, one of whom shall be selected by the grantee, and the third by the two so selected. The damages determined by such persons or a majority of them shall be conclusive upon all parties.

It is further understood that this agreement shall be binding upon the parties hereto, their heirs, successors, and assigns, until canceled by mutual consent or by the removal or abandonment of said line.

This easement shall be subject to any and all prior easements heretofore granted and of record in the office of the County Recorder in and for Madison County, Iowa.

Dated at Earlham, Iowa, this 25 day of September, A. D. 1969.

Robert B. Osborn
(Robert B. Osborn)
Elsie Osborn
(Elsie Osborn)

STATE OF IOWA COUNTY OF MADISON: SS

On this 25 day of September A. D., 1969, before me, the undersigned, a Notary Public in and for said County, in said State, personally appeared Robert B. Osborn and Elsie Osborn, 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.

(Notarial Seal)

Marian A. Mark (Marian A. Mark)
Notary Public in and for Said County and State.

FIDLAR & CHAMBERS CO., DAVENPORT, IOWA 52804

ACCEPTANCE OF WATER PIPELINE EASEMENT AGREEMENT
BY TOWN OF EARLHAM, IOWA

The foregoing Water Pipeline Easement Agreement having been on the 25 day of September, 1969, presented to the Town Council of the Town of Earlham, Madison County, Iowa, and the same having been accepted and approved by said Council by proper resolution on the aforesaid date and by the authority and under the direction and on behalf of said Town Council of the Town of Earlham, Iowa, I herewith accept the same in the name of the Town of Earlham, Iowa.

(TOWN SEAL)

TOWN OF EARLHAM, MADISON COUNTY, IOWA
By Raymond S. Flinn
(Raymond S. Flinn)
Mayor of Earlham, Iowa.

Attested by: John J. Moreland
(John J. Moreland) Town Clerk

CERTIFICATE

STATE OF IOWA MADISON COUNTY: SS

I, John J. Moreland, being the duly appointed, qualified and acting Clerk of the Town of Earlham, Iowa, do hereby certify that the above is a true, correct copy of the minutes of the meeting held as the minutes pertain to the approval of the Water Pipeline Easement.

(TOWN SEAL) COMPARED John J. Moreland
TOWN CLERK.