

Recorded: 4/27/2022 at 2:27:35.0 PM
County Recording Fee: \$17.00
Iowa E-Filing Fee: \$3.00
Combined Fee: \$20.00
Revenue Tax:
Delaware County, Iowa
Daneen Schindler RECORDER
BK: 2022 PG: 1348

PREPARED BY AND RETURN TO: Myia E. Steines, CWC&H Law Firm, 2080 Southpark Court, Dubuque, IA 52003; (563) 582-2926 Facsimile: (563) 582-2998

**ASSIGNMENT OF PERMANENT SANITARY SEWER EASEMENT AND
TEMPORARY CONSTRUCTION EASEMENT**

THIS AGREEMENT made and entered into by and between Delaware County, Iowa (hereinafter "ASSIGNOR") and Eastern Iowa Regional Utility Services System (hereinafter "ASSIGNEE").

FOR THE PARTIES' JOINT AND MUTUAL CONSIDERATION IT IS HEREBY AGREED AS FOLLOWS THAT:

1. THE UNDERSIGNED ASSIGNOR states that the ASSIGNOR lawfully acquired a permanent sanitary sewer easement and temporary construction easement (hereinafter collectively referred to as "EASEMENT") by eminent domain, filed January 10, 2022, as Book 2022, Page 106, of the records of Delaware County, Iowa. ASSIGNOR has the lawful right to assign the EASEMENT described herein.
2. Said EASEMENT lies within Westside Street of Mormann Subdivision, as recorded in Plat Book 2, Page 60, Delaware county, Iowa, more particularly described as follows;

Beginning at the Southwest Corner of Said Westside Street; thence North 03 Degrees, 31 minutes, 06 seconds East along the West line of said Westside Street, 549.38 feet to the North line of said Westside Street; thence North 86 degrees, 17 minutes, 15 seconds East along said North line, 34.97 feet; thence South 46 degrees, 53 minutes, 05 seconds West, 21.39 feet; thence South 03 degrees, 31 minutes, 06 seconds West, 537.00 feet to the South line of said Westside Street; thence North 89 degrees, 59 minutes, 37 seconds West along said South line, 20.04 feet to the point of beginning.

3. Said EASEMENT provides:

- A. An exclusive permanent public utility easement for the purposes of constructing, operating, maintaining, repairing, using, and reconstructing a sanitary sewer main.
- B. An exclusive temporary construction easement for the purpose of constructing the Project, which shall terminate and become nonexistent after the construction is fully completed.
- C. The right to make excavations and to grade as it may reasonable be necessary for the construction, installation, operation, repair, maintenance, and reconstruction of the sanitary sewer main in the permanent easement area.
- D. The right to trim and remove all trees and bushes which may interfere with Applicant's use of the easement.
4. The ASSIGNOR does hereby assign, transfer, and convey to the ASSIGNEE, all of ASSIGNOR'S title, right, obligations, and interest in the EASEMENT.
5. ASSIGNEE agrees by acceptance and recordation of this Assignment of Easement, that those terms and conditions set forth in the EASEMENT shall be binding upon ASSIGNEE. The ASSIGNEE hereby assumes all of ASSIGNOR'S obligations and duties relating to the EASEMENT.
6. The provisions hereof shall inure to the benefit of and bind the heirs, successors, personal representatives and assigns of the respective parties hereto, and all covenants shall apply to and run with the land.
7. The ASSIGNOR'S compensation for this assignment of easement, is \$1.00, to be paid in full at time of signing and ASSIGNOR hereby confirms receipt of said payment in full.

Dated this 28th day of March, 2022.

ASSIGNOR:

Shirley E. Helmrichs
Delaware County, by
Shirley Helmrichs, Board Chairperson

ASSIGNEE:

Eastern Iowa Regional Utility Services System

[Signature]

ASSIGNEE:

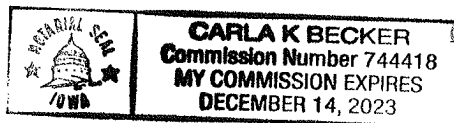
Eastern Iowa Regional Utility Services System

[Signature]

STATE OF IOWA, COUNTY OF Delaware

This record was acknowledged before me on March 28, 2022, by Shirley

Helmrichs, as Board Chairperson, who represented that she is authorized to act on behalf of Delaware County.



Carla K Becker
Signature of Notary Public

STATE OF IOWA, COUNTY OF Dubuque ss:

On this 27th day of April, 2022, before me, the undersigned,

a Notary Public in and for said County and State, personally appeared Larry McDevitt and Kelley H. Deutmeyer to me personally known, who being by me duly sworn, did say that

they are the EIRUSS Chair and Board Secretary respectively, of said

corporation; that (no seal has been procured by the said) ~~(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 Board of Directors; and that the said EIRUSS and Board as

Chair Secretary
such officers, acknowledged the execution of said instrument to be the voluntary act and deed of
said corporation, by it and by them voluntarily executed.

Sharon R. Nesteby
Notary Public in and for said State

