

Recorded: 6/13/2023 at 10:59:42.0 AM
County Recording Fee: \$27.00
Iowa E-Filing Fee: \$3.00
Combined Fee: \$30.00
Revenue Tax:
Delaware County, Iowa
Daneen Schindler RECORDER
BK: 2023 PG: 1322

This information prepared by:

Ryan M. Wicks, PE, Fehr Graham, 221 E. Main St., Suite 301, Manchester, IA 52087; 563-927-2060

SPACE ABOVE THIS LINE FOR RECORDER

**PERMANENT STORM DRAINAGE AND MANAGEMENT EASEMENT
PERMANENT ACCESS EASEMENT**

KNOW ALL BY THESE PRESENTS:

That Kluesner Real Estate, LLC an Iowa Limited Liability Company (hereinafter called "Grantor") in consideration of the sum of three thousand and no/100 Dollars (\$3,000.00) and other valuable consideration to be paid by the City of Manchester, Iowa, do hereby convey unto the City of Manchester, Iowa, a municipal corporation, (hereinafter called "City") a perpetual Easement for Storm Water Drainage and Management and Access under, over, through and across the following described real estate:

The West 400 feet of that part of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section 33, Township 89 North, Range 5 West of the 5th P.M., lying North of the Illinois Central Railroad right of way, except the North 233 feet of the East 100 feet thereof, in Delaware County.

And said easement being as follows:

Storm Water Drainage and Management

The west 20 feet of above described parcel.

Containing 0.42± Acre, subject to other easements of record.

Easement Access

The west 85 feet of the north 183 feet of the above described parcel.

Containing 0.36± Acre, subject to other easements of record.

See attached Permanent Easement Exhibit (hereinafter called "Easement Area") for the purpose of the permanent right to construct, reconstruct, repair, alter, maintain and operate a public utility together with necessary appurtenances thereto, under, over, through and across said Easement Area.

This easement shall be subject to the following terms and conditions:

1. Erection of Structures Prohibited. Grantor shall not erect any landscaping or structure over or within the easement area without obtaining the prior written approval of the City Engineer.
2. Change of Grade Prohibited. Grantor shall not change the grade, elevation or contour of any part of the easement area without obtaining the prior written consent of the City Engineer.
3. Right of Access. The City shall have the right of access to the easement area and have all rights of ingress and egress reasonably necessary for the use and enjoyment of the easement area as herein described, including but not limited to, the right to remove any unauthorized obstructions or structures placed or erected on the easement area.
4. Easement Runs With Land. This easement shall be deemed to run with the land and shall be binding on Grantor and on Grantor's successors and assigns.
5. Approval By the City. This easement shall not be binding until it has received the final approval and acceptance by the City.
6. Duties of City. City will repair any field tiles (if any existed prior to commencement of construction) damaged by City during construction of this public improvement. City will maintain the storm sewer outlet by removing sediment from the channel and keeping the seeded area south of the concrete storm sewer channel free of shrubs, saplings, and other brush.

Grantee hereby gives notice of Grantors' five-year right to renegotiate construction or maintenance damages not apparent at the time of the signing of this contract as required by § 6B.52 of the Code of Iowa.

Grantor does HEREBY COVENANT with the City that Grantor holds said real estate described in this easement by title in fee simple; that grantor has good and lawful authority to convey the same; and said Grantor covenant to WARRANT AND DEFEND the said premises against the lawful claims of all persons whomsoever.

GRANTEE:



CITY OF MANCHESTER

By: Connie Behnken
Connie Behnken, Mayor

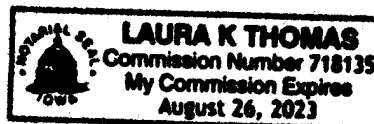
ATTEST:

Erin Learn
Erin Learn, City Clerk

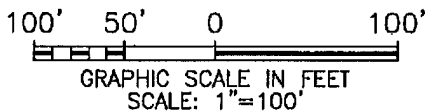
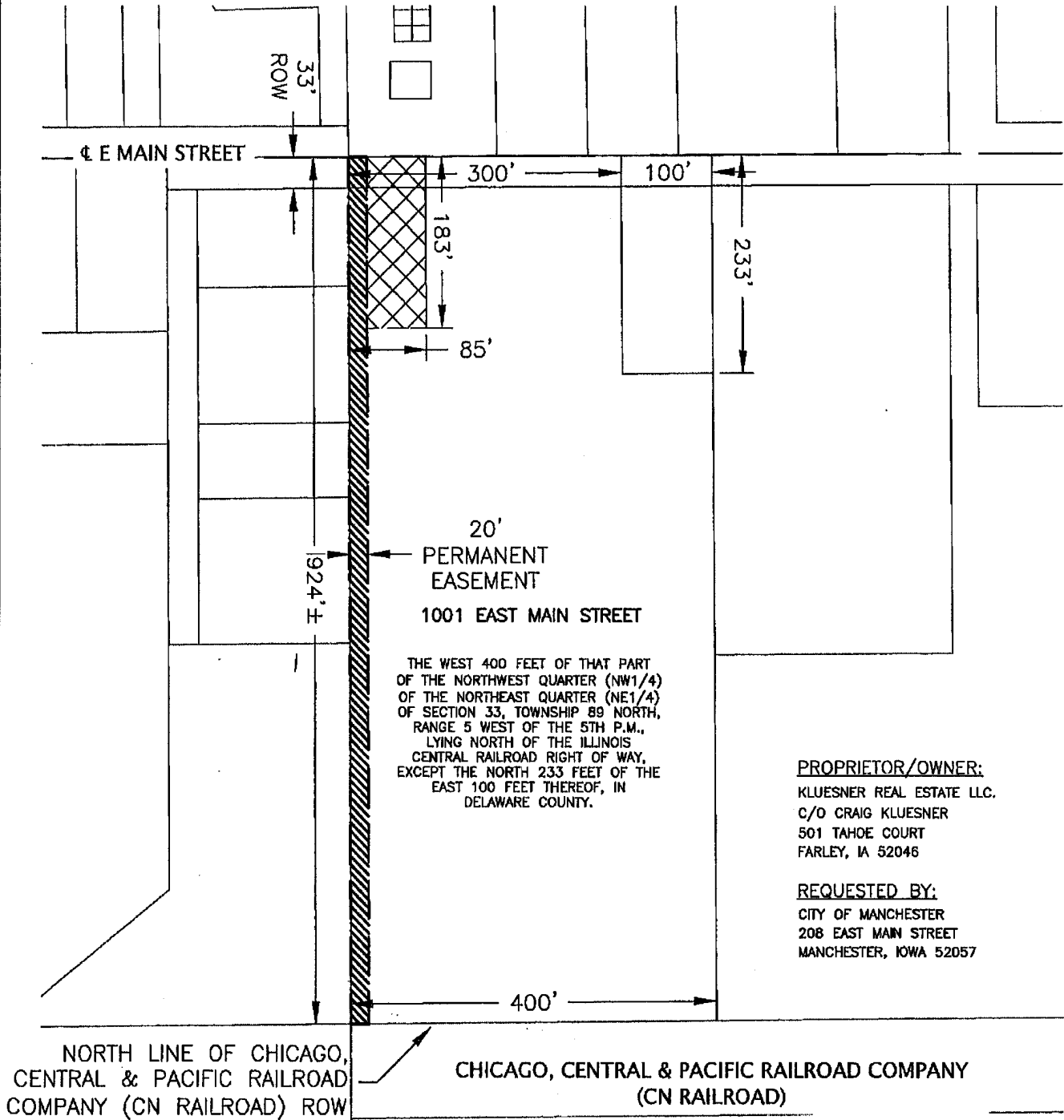
STATE OF IOWA, COUNTY OF DELAWARE) ss

On this 13th day of JUNE, 202~~2~~³, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Connie Behnken and Erin Learn, to me personally known, and, who, being by me duly sworn, did say that they are Mayor and City Clerk, respectively of the CITY OF MANCHESTER, IOWA; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council, as contained in the Resolution adopted by the City Council, under Roll Call No. 3.9 of the City Council on the 13th day of JUNE, 2022, and that Connie Behnken and Erin Learn acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation by it voluntarily executed.

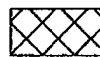
Laura K. Thomas
Notary Public in and for the State of Iowa



PERMANENT STORM WATER DRAINAGE & MANAGEMENT EASEMENT
 PERMANENT INGRESS/EGRESS EASEMENT
 CITY OF MANCHESTER, DELAWARE COUNTY, IOWA



STORM WATER DRAINAGE & MANAGEMENT EASEMENT



INGRESS/EGRESS EASEMENT

JOB NUMBER:
 21-288

SHEET NUMBER:
 1 of 1

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 ENGINEERING & ENVIRONMENTAL
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ILLINOIS
 IOWA
 WISCONSIN