

Recorded: 8/29/2023 at 10:39:56.0 AM
County Recording Fee: \$22.00
Iowa E-Filing Fee: \$3.00
Combined Fee: \$25.00
Revenue Tax:
Delaware County, Iowa
Daneen Schindler RECORDER
BK: 2023 PG: 2085

Prepared by/Return to: Burrington Group, Inc. 105 West Main Street, Manchester, IA 52057 563-927-2434

20-foot-Wide Permanent Underground Sanitary Sewer Easement And 20-Foot-Wide Ingress/Egress Easement

KNOW ALL MEN BY THESE PRESENT: That in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration paid to Margaret Earlene Houlihan, Revocable Trust Margaret Earlene Houlihan, Trustee hereinafter referred to as Grantor, by City of Manchester hereinafter referred to as Grantee, the receipt of which is hereby acknowledged. The Grantor does hereby grant, transfers, and conveys unto the Grantee, its successors, and assigns, a 20-foot-wide Underground Sanitary Sewer and Utility Easement and a 40-foot-wide temporary Construction Easement as shown on Exhibit 'A' and 20-foot-wide Ingress/Egress Easement all as described below.

Grantor does hereby control:

- The 20-Foot-Wide Ingress/Egress Easement will be replaced to a like as found state after the completion of construction process in a favorable condition to be determined by the Grantor or their agent.
- The 40-Foot-Wide Temporary Construction Easement will be replaced to a like as found state after the completion of construction process in a favorable condition to be determined by the Grantor or their agent.
- The 20-Foot-Wide Permanent Underground Sanitary Sewer Easement will be replaced to a like as found state after the completion of construction process in a favorable condition to be determined by the Grantor or their agent.
- The location of all above ground fixtures as agreed upon by the Grantor's Engineer and the Grantor.
- Manholes ring and covers to be buried four-foot depth, within the 20-foot-wide permanent underground sanitary sewer easement.
- All inspection of improvements to be completed by the City of Manchester's City Street Superintendent and the City of Manchester's Water Systems Superintendent.
- Locations of all structures, piping, and facilities to be shown on as construction record drawing and located in the field by global positioning system equipment.
- All tile lines to be repaired and reconnected at time of construction.
- Crop damage location and area shall be paid to the grantor's tenant if inspection and maintenance is conducted after official completion of the project. Area and location and soil condition and compaction suitable to grow a crop to be determined by the Grantor's Engineer and the Grantor and the Grantor's Tenant. The City shall have 30 days to pay all damages and losses within 30 days of receipt of the invoice. After 30 days \$250 per day will be assessed and added to damages until the invoice is paid in full.

The Grantee shall have the right to enjoy, construct, operate, inspect, repair, maintain and replace existing surfacing over, access and through the land of the Grantor, for the life of said easement over land of the Grantor, its successors, and assignees.

And said easements being as follows:

20-foot-Wide Permanent Underground Sanitary Sewer Easement area being a strip of land 20 feet in width, being 10 feet each side of the centerline of facilities, or extensions thereof; a Temporary Construction

Easement 40-foot strip of land, 20 foot on each side of the centerline of facilities, or extensions thereof, on Grantor's property described below and more particularly described by placement of the facilities at the time of construction on or adjacent to the following described property. Commencing at the Southeast Corner of the West Half of the Southeast Quarter in Section 31, Township 89 North, Range 5 West of the 5th P.M. Manchester, Delaware County, Iowa

Thence North 00°27'34" West 1038.24 feet along the East Line of said Quarter Section to the Point of Beginning;

Thence South 89°22'46" West 1422.59 feet to the East Right-of-Way Line of Iowa Highway 13 and the Point of Termination.

Containing 0.65 Acre
Subject to other Easements of Records

AND

20-Foot-Wide Ingress/Egress Easement area being a strip of land 20 feet in width, being 10 feet each side in the West Half of the Southeast Quarter in Section 31, Township 89 North, Range 5 West of the 5th P.M. Manchester, Delaware County, Iowa;

Commencing at the said Center Line of a field Entrance along at the East Right-of-Way Line of Iowa Highway 13 at Mile Post 40.12 (Right);

Thence North 08°00'10" East 37.08 feet along the said East Line;

Thence South 89°59'50" East 10.00 feet to the Center Line of a 20-foot-Wide Ingress/Egress Easement being 10 foot on either side of existing facilities and the Point of Beginning;

Thence South 08°00'10" West 37.08 feet along the said Center Line;

Thence South 08°00'10" East 59.73 feet along the said Center Line

Thence South 08°11'25" East 116.85 feet along the said Center Line to the North Line of a permanent 20-Foot-Wide Permanent Sanitary Sewer Easement to the Point of Termination.

Containing 0.09 Acre
Subject to other Easements of Records.

The consideration recited above shall constitute payment in full for any damage to the land of the Grantor, the estate's successors, assigns and heirs, by reason of the installation, operation and maintenance of the structure or improvements herein referred to. The grantee covenants to maintain the easement in good repair so that no unreasonable damage will result from its use to the adjacent land of the Grantor, the successors, and assigns. The 20-foot-wide Ingress/Egress Easement shall cease at which time a public Right-of-Way Extends from Iowa Highway 13 to Enterprise Drive. The provisions of this easement shall constitute a covenant running with the land for the benefit of the Grantee, its successors, and assigns.

Dated the 25th day of July, 2023.

GRANTOR ACKNOWLEDGEMENT

I, Margaret Earlene Houlihan Revocable Trust, Margaret Earlene Houlihan, Trustee does hereby acknowledge and approve the above Description.

M. Earlene Houlihan, Trustee
Margaret Earlene Houlihan Revocable Trust,
Margaret Earlene Houlihan, Trustee

State of Iowa)
County of Delaware) ss:



On this 25th day of July, 2023, before me a Notary Public in and for said County, personally appeared Margaret Earlene Houlihan Revocable Trust, Margaret Earlene Houlihan,

Trustee to me known to be the persons named and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

[Signature]
Notary Public in and for said State.

GRANTEE ACKNOWLEDGEMENT



CITY OF MANCHESTER

BY [Signature]
Connie Behnken, Mayor

ATTEST:

[Signature]
Erin learn, City Clerk

STATE OF IOWA, COUNTY OF DELAWARE) ss

On this 29th day of August, 2023, 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 the 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. 3.10 of the City Council on the 14th day of August, 2023, 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.

[Signature]
Notary Public in and for the State of Iowa

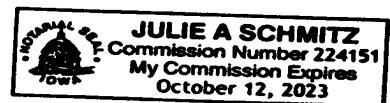
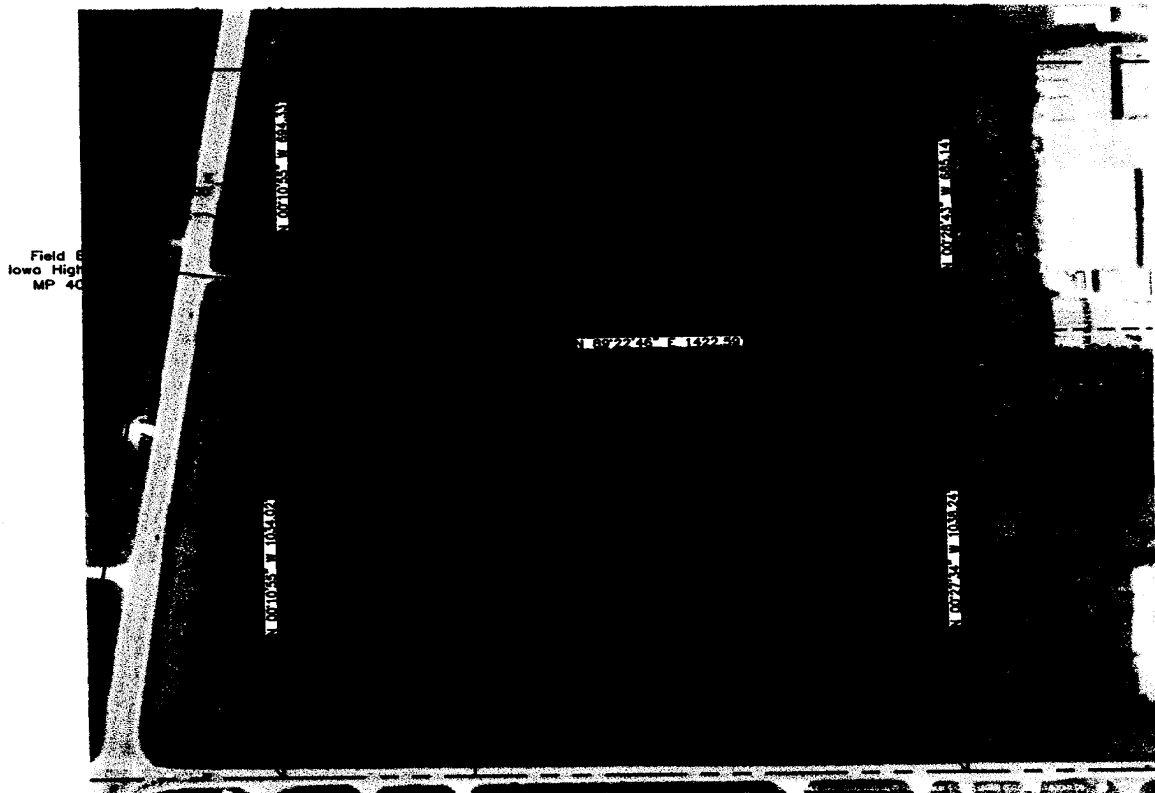


Exhibit 'A'



20-foot-Wide Permanent Underground Sanitary Sewer Easement area being a strip of land 20 feet in width, being 10 feet each side of the centerline of facilities, or extensions thereof; a Temporary Construction Easement 40 foot strip of land, 20 foot on each side of the centerline of facilities, or extensions thereof; on Grantor's property described below and more particularly described by placement of the facilities at the time of construction on or adjacent to the following described property.

Commencing at the Southeast Corner of the West Half of the Southeast Quarter in Section 31, Township 89 North, Range 5 West of the 5th P.M. Manchester, Delaware County, Iowa

Thence North 00°27'34" West 1038.24 feet along the East Line of said Quarter Section to the Point of Beginning;

Thence South 89°22'46" West 1422.59 feet to the East Right-of-Way Line of Iowa Highway 13 and the Point of Termination;

Containing 0.65 Acre
Subject to other Easements of Records

AND

20-foot-Wide Ingress/Egress Easement area being a strip of land 20 feet in width, being 10 feet each side of the center line of traveled way in the West Half of the Southeast Quarter in Section 31, Township 89 North, Range 5 West of the 5th P.M. Manchester, Delaware County, Iowa;

Commencing at the said Center Line of a field Entrance along at the East Right-of-Way Line of Iowa Highway 13 at Mile Post 40.12 (Right);

Thence North 08°00'10" East 37.08 feet along the said East Line;

Thence South 89°59'50" East 10.00 feet to the Center Line of a 20-foot Wide Ingress/Egress Easement being 10 foot on either side of existing facilities and the Point of Beginning;

Thence South 08°00'10" West 37.08 feet along the said Center Line;

Thence South 08°00'10" East 59.73 feet along the said Center Line

Thence South 08°11'25" East 116.85 feet along the said Center Line to the North Line of a permanent 20 foot Permanent Sanitary Sewer Easement to the Point of Termination;

Containing 0.09 Acre
Subject to other Easements of Records.



BURRINGTON GROUP, INC.
Civil Engineering | Land Surveying
105 W. Main Street Manchester, Iowa 52057

Phone 563-927-2434

Sheet 1
burringtongroup.com