

Prepared by/Return to: Fehr Graham, 221 E. Main St., Suite 301, Manchester, IA 52057; 563-927-2060

**PERMANENT SIDEWALK EASEMENT
PUBLIC SIDEWALK ACCESS EASEMENT**

KNOW ALL BY THESE PRESENTS: That in consideration of the lump sum of Three Hundred Dollars (\$300.00) and other valuable consideration paid to Michael and Kathleen Greve, hereinafter referred to as Grantor, by the City of Manchester hereinafter referred to as Grantee, the receipt of which is hereby acknowledged, the Grantor does hereby grant, bargain, sell, transfer and convey unto the Grantee, its successors and assigns, a perpetual easement – said easement being a sidewalk easement. The Grantee shall have the right to construct, operate, inspect, repair, maintain, and replace Sidewalk over, across, and through the land of the Grantor, situated in the City of Manchester, Delaware County, Iowa, said land being as follows:

In part of Lot 13, in A. Loves Addition, and in the NW 1/4 of the NW 1/4 of Section 33-T89N-R5W, in Delaware County, Iowa.

And said easement being as follows:
See "Exhibit A".

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 Grantee.
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 Grantee.
3. **RIGHT OF ACCESS.** The Grantee 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. Further, the general public will be able to use the sidewalk as any other public sidewalk in the City.
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 GRANTEE.** This Easement shall not be binding until it has received the final approval and acceptance by the Grantee.
6. **DUTY OF THE GRANTEE.** Grantee's use of the subject property shall be subject to a duty to return the property to a condition reasonably similar to its condition prior to use by the Grantee.

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 ACKNOWLEDGEMENT:

CITY OF MANCHESTER

By: 
Connie Behnken, Mayor

ATTEST:


Erin Learn, City Clerk



STATE OF IOWA, COUNTY OF DELAWARE) ss

On this 7th day of FEBRUARY, 2023⁴, 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. 117-2023 of the City Council on the 11th day of DECEMBER, 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.

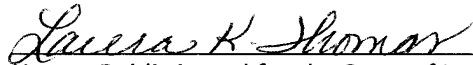

Notary Public in and for the State of Iowa



EXHIBIT "A"
PERMANENT SIDEWALK EASEMENT IN PART OF LOT 13 IN A. LOVES ADDITION,
AND IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER, SECTION 33,
TOWNSHIP 89 NORTH, RANGE 5 WEST
CITY OF MANCHESTER, DELAWARE COUNTY, IOWA

SURVEYOR:

FEHR GRAHAM
 221 E. MAIN STREET
 SUITE 301
 MANCHESTER IA, 52057

PROPRIETOR/OWNER:

MICHAEL & KATHLEEN GREVE
 839 EAST MAIN STREET
 MANCHESTER, IOWA 52057

REQUESTED BY:

CITY OF MANCHESTER
 208 E. MAIN ST
 MANCHESTER IA, 52057

TEMPORARY EASEMENT:

0.016 ACRE (701 SF)

PERMANENT EASEMENT:

0.003 ACRE (150 SF)

LEGAL DESCRIPTION

PERMANENT SIDEWALK EASEMENT IN PART OF LOT 13 IN A. LOVES ADDITION, AND IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER, SECTION 33, TOWNSHIP 89 NORTH, RANGE 5 WEST OF THE 5TH P.M., CITY OF MANCHESTER, DELAWARE COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 13 OF SAID A. LOVES ADDITION;

THENCE **SOUTH 89°42'10" WEST (ASSUMED BEARING), 16.00 FEET** ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF EAST MAIN STREET AND THE NORTHERLY LINE OF SAID LOT 13 TO THE POINT OF BEGINNING;




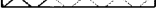
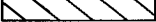
THENCE **SOUTH 52°56'10" WEST, 25.06 FEET** TO THE EAST RIGHT-OF-WAY LINE OF BAILEY DRIVE AND WEST LINE OF SAID LOT 13;

THENCE **NORTH 00°00'39" WEST, 15.00 FEET** ALONG SAID WEST LINE TO THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF EAST MAIN STREET AND THE NORTHERLY LINE OF LOT 13;

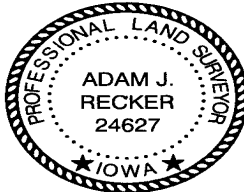
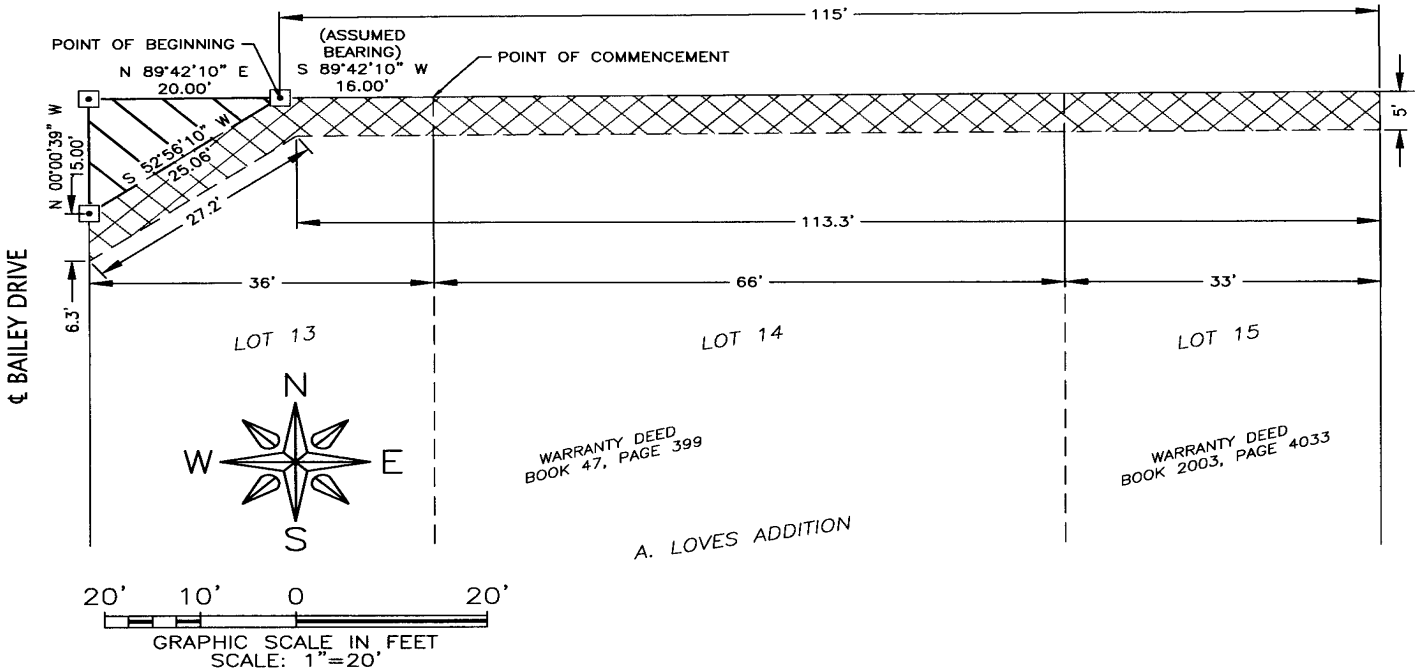
THENCE **NORTH 89°42'10" EAST, 20.00 FEET** ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND NORTHERLY LINE OF LOT 13 TO THE POINT OF BEGINNING;

CONTAINING **0.003 ACRES (150 SQUARE FEET)**, SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

LEGEND

-  CALCULATED POSITION
-  EXISTING PROPERTY LINE
-  ORIGINAL LOT LINES, A. LOVES ADDITION
-  TEMPORARY CONSTRUCTION EASEMENT
-  PERMANENT SIDEWALK EASEMENT

E. MAIN ST.



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

Adam J. Recker 12-6-2023
 Adam J. Recker, P.L.S. Date
 License Number: 24627
 My license renewal date is December 31, 2023.
 Sheets covered by this seal: THIS SHEET ONLY

FEHR GRAHAM ILLINOIS
 ENGINEERING & ENVIRONMENTAL IOWA
 © 2023 FEHR GRAHAM WISCONSIN

G:\C3D\23\23-017 2024 St Imp\23-017 Easement.dwg

JOB NUMBER:
23-017

SHEET NUMBER:
1 of 1