

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 Five Hundred Dollars (\$500.00) and other valuable consideration paid to Richard Brunsmann, and with Richard Brunsmann and Roger McDowell 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 the SE 1/4 of the SW 1/4 of Section 28-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*
Connie Behnken, Mayor

ATTEST:

Erin Learn
Erin Learn, City Clerk



STATE OF IOWA, COUNTY OF DELAWARE) ss

On this 7th day of FEBRUARY, 202⁴~~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. 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.

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



**EXHIBIT "A" - EASEMENT #1
A PERMANENT SIDEWALK EASEMENT
IN PART OF A WARRANTY DEED
IN THE SE 1/4 OF THE SW 1/4 OF SECTION 28-T89N-R5W
CITY OF MANCHESTER, DELAWARE COUNTY, IOWA**

NOTE: A PERMANENT SIDEWALK EASEMENT IS FOR THE CITY OF MANCHESTER. SAID EASEMENT IS IN A WARRANTY DEED RECORDED JULY 19, 1989 IN BOOK 124, PAGE 302, ON FILE IN THE DELAWARE COUNTY RECORDER'S OFFICE, MANCHESTER, IOWA.

EASEMENT DESCRIPTION:

A PERMANENT SIDEWALK EASEMENT IN PART OF A WARRANTY DEED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, 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 SOUTHWEST CORNER OF SAID QUARTER-QUARTER SECTION;

THENCE NORTH 01°16'09" WEST (ASSUMED BEARING), 33.01 FEET ALONG WEST LINE OF SAID QUARTER-QUARTER SECTION TO THE EXTENSION OF THE NORTH RIGHT-OF-WAY LINE OF EAST MAIN STREET;

THENCE NORTH 89°43'38" EAST, 7.50 FEET ALONG SAID NORTH EXTENSION RIGHT-OF-WAY LINE TO THE EAST RIGHT-OF-WAY LINE OF ANDERSON STREET AND TO THE POINT OF BEGINNING;

THENCE NORTH 01°16'09" WEST, 116.09 FEET ALONG SAID EAST RIGHT-OF-WAY LINE AND EAST LINE OF A WARRANTY DEED RECORDED JULY 19, 1989, IN BOOK 124, PAGE 302, ON FILE IN THE DELAWARE COUNTY RECORDER'S OFFICE, MANCHESTER, IOWA TO THE NORTH LINE THEREOF;

THENCE NORTH 89°43'28" EAST, 2.00 FEET ALONG SAID NORTH LINE;







THENCE SOUTH 01°16'09" EAST, 105.98 FEET;

THENCE SOUTH 77°30'39" EAST, 45.75 FEET TO THE NORTH RIGHT-OF-WAY OF EAST MAIN STREET AND SOUTH LINE OF SAID WARRANTY DEED;

THENCE SOUTH 89°43'38" WEST, 44.45 FEET ALONG SAID RIGHT-OF-WAY AND ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING;

CONTAINING 457 SQUARE FEET, SUBJECT TO OTHER EASEMENTS AND RESTRICTIONS OF RECORD.

LEGEND

-  SECTION CORNER AS DESCRIBED
-  CALCULATED POSITION
-  1/4-1/4 SECTION LINE
-  EXISTING PROPERTY LINE
-  TEMPORARY CONSTRUCTION EASEMENT
-  PERMANENT SIDEWALK EASEMENT

SURVEYOR:

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

REQUESTED BY:

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

PROPRIETOR/OWNER:

CONTRACT
RICHARD BRUNSMANN
900 EAST MAIN STREET
MANCHESTER, IOWA 52057

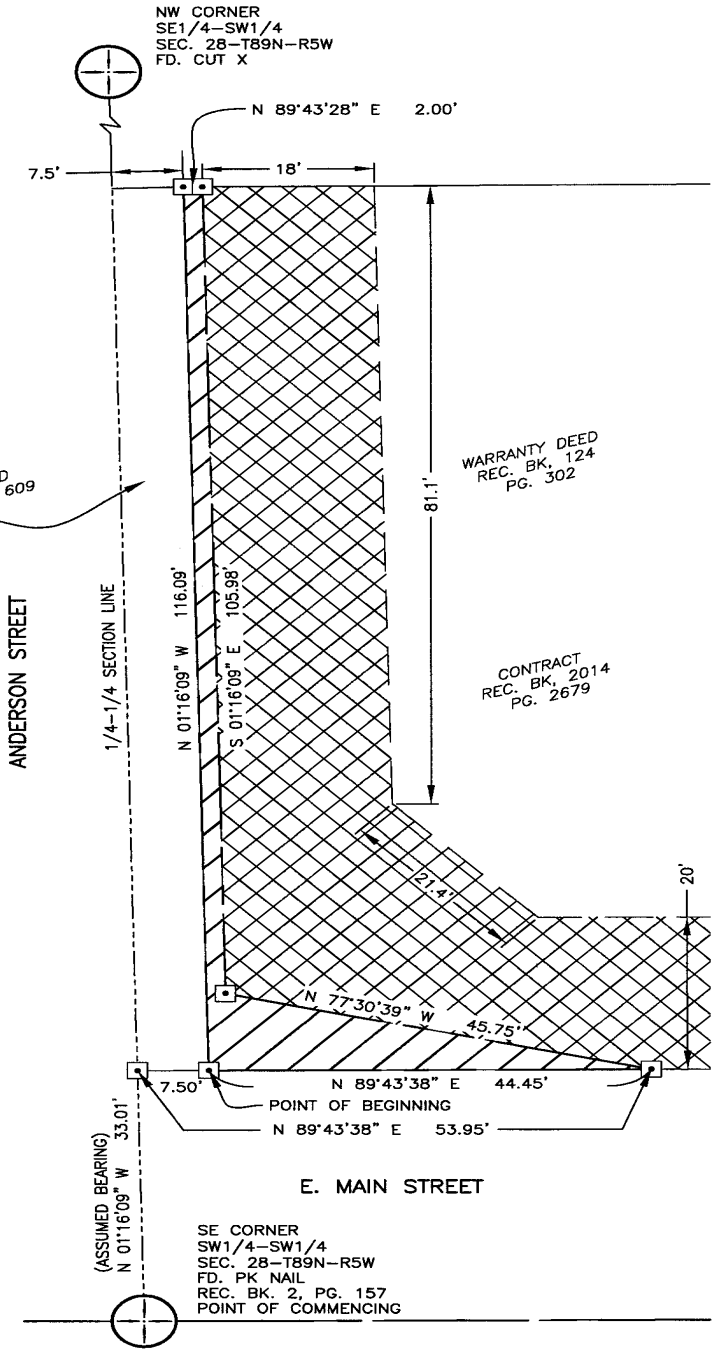
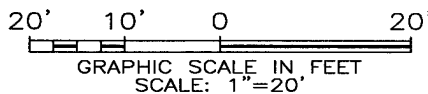
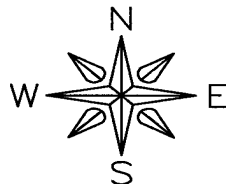
TEMPORARY EASEMENT

0.082 ACRE (3572.443 SQ. FT.)

PERMANENT EASEMENT:

457 SQ. FT.

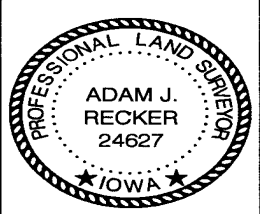
OWNER
ROGER L. MCDOWELL
1515 190TH ST.
MANCHESTER, IA 52057



WARRANTY DEED BOOK 82, PAGE 609

WARRANTY DEED REC. BK. 124 PG. 302

CONTRACT REC. BK. 2014 PG. 2679



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 8-18-2023
 Adam J. Recker, P.L.S.
 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
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JOB NUMBER: 23-017

SHEET NUMBER: 1 of 1