

Recorded: 11/18/2024 at 3:12:31.0 PM
County Recording Fee: \$22.00
Iowa E-Filing Fee: \$3.00
Combined Fee: \$25.00
Revenue Tax: \$0.00
Delaware County, Iowa
Daneen Schindler RECORDER
BK: 2024 PG: 2913

Prepared by/Return to: Fehr Graham, 221 E. Main St., Suite 301, Manchester, IA 52057; 563.927.2060

PERMANENT CITY UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS: That in consideration of the lump sum of Three Hundred Dollars (\$300.00) and other good and valuable consideration paid to Eastern Iowa Regional Housing Authority, 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, bargain, sell, transfer and convey unto the Grantee, its successors and assigns, a perpetual easement - said easement being a city utility easement. The Grantee shall have the right to construct, operate, inspect, repair, maintain and replace water main and sanitary sewer main 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 5 & 6, in Unga Subdivision of Lot One, 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.
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.

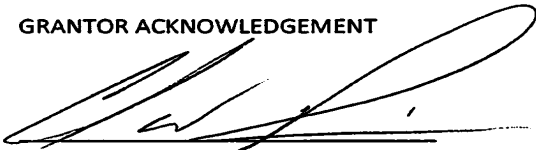
Grantor does HEREBY COVENANT with the Grantee that Grantor holds said real estate described in this Easement by title in fee simple; that grantor has good and lawful authority to convey the same; and said Grantor covenant to WARRANT AND DEFEND the said premises against the lawful claims of all persons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

Each of the undersigned hereby relinquishes all rights of dower, homestead and distributive share, if any, in and to the interests conveyed by this Easement.

Words and phrases herein including acknowledgment hereof shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

Dated this 27 day of FEB 2024.

GRANTOR ACKNOWLEDGEMENT



By:

By: _____

INDIVIDUAL ACKNOWLEDGMENT

State of Iowa)
) SS.
County of Delaware)

On this 27 day of February, 2024, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Carl W Reimer, to me known to be the identical person(s) named in and who executed the foregoing instrument, and acknowledged that (he) (she) (they) executed the instrument as (his) (her) (their) voluntary act and deed.


Notary Public in and for the State of Iowa





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 15 day of November, 202~~3~~⁴, 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. 3.8 of the City Council on the 11 day of March, 202~~3~~⁴, 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"
PERMANENT UTILITY EASEMENT IN PART OF LOT 5 AND 6,
IN UNGS SUBDIVISION OF LOT ONE
CITY OF MANCHESTER, DELAWARE COUNTY, IOWA




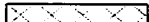


SURVEYOR:
 FEHR GRAHAM
 221 E. MAIN STREET
 SUITE 301
 MANCHESTER IA, 52057

PROPRIETOR/OWNER:
 EASTERN IOWA REGIONAL
 HOUSING AUTHORITY
 7600 COMMERCE PARK
 DUBUQUE, IOWA 52002

REQUESTED BY:
 CITY OF MANCHESTER
 208 E. MAIN ST
 MANCHESTER IA, 52057

PERMANENT EASEMENT:
 0.007 ACRE (284.5 SF)

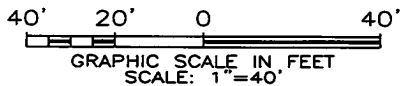
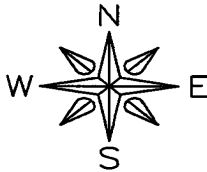
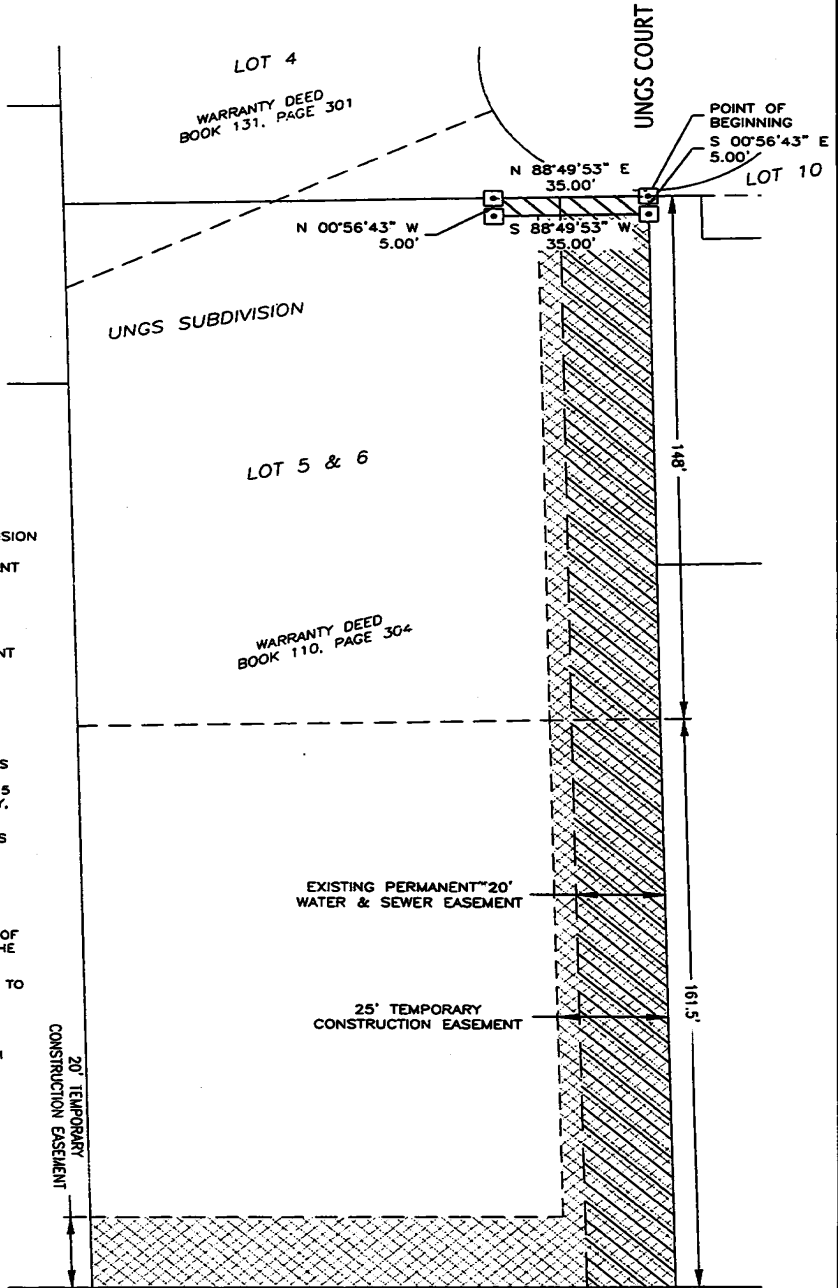
LEGEND

-  CALCULATED POSITION
-  EXISTING PROPERTY LINE
-  ORIGINAL LOT LINES, UNGS SUBDIVISION
-  TEMPORARY CONSTRUCTION EASEMENT
-  PERMANENT UTILITY EASEMENT
-  EXISTING WATER & SEWER EASEMENT

LEGAL DESCRIPTION

PERMANENT UTILITY EASEMENT IN PART OF LOT 5 AND 6, IN UNGS SUBDIVISION OF LOT ONE, IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, 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:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 10 OF SAID UNGS SUBDIVISION;
 THENCE SOUTH 00°56'43"-EAST (ASSUMED BEARING), 5.00 FEET ALONG THE EASTERLY LINE OF LOT 5 AND 6;
 THENCE SOUTH 88°49'53"-WEST, 35.00 FEET;
 THENCE NORTH 00°56'43"-WEST, 5.00 FEET TO THE SOUTH LINE OF A PARCEL AS DESCRIBED IN BOOK 131, PAGE 301 ON FILE IN THE DELAWARE COUNTY RECORDERS OFFICE;
 THENCE NORTH 88°49'53"-EAST, 35.00 FEET ALONG SAID PARCEL TO THE POINT OF BEGINNING;
 CONTAINING 0.004 ACRES (175 SQUARE FEET), SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
 BASIS OF BEARING IS NAD83, IOWA REGIONAL COORDINATE SYSTEM (ZONE 3 - ELKADER).



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, 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
 ENGINEERING & ENVIRONMENTAL
 © 2023 FEHR GRAHAM

ILLINOIS
 IOWA
 WISCONSIN

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JOB NUMBER:
 23-017

SHEET NUMBER:
 1 of 1