

Prepared by/Return to: Fehr Graham, 221 E MAIN ST, SUITE 301, MANCHESTER, IA 52057 - Ph. 563.927.2060

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**PERMANENT SIDEWALK AND UTILITY EASEMENT  
PUBLIC SIDEWALK AND UTILITY ACCESS EASEMENT**

KNOW ALL MEN BY THESE PRESENTS: That in consideration of the lump sum of Six Hundred Thirty Dollars (\$630) and other good and valuable consideration paid to Gloria Ann Kluesner, 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 4-foot wide sidewalk and public utility 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, and franchise utilities shall have the right to bore utilities under the sidewalk as approved by the Grantee, situated in the City of Manchester, Delaware County, Iowa, said land being as follows:

In a Part of Parcel C 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.

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.



GRANTEE ACKNOWLEDGEMENT



CITY OF MANCHESTER

By: Connie Behnken  
Connie Behnken, Mayor

ATTEST:

By: Erin Learn  
Erin Learn, City Clerk

(MUNICIPAL SEAL)

State of Iowa )  
 ) SS.  
County of Delaware )

On this 23 day of FEBRUARY, 2026, 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, did say that they are the Mayor and City Clerk, respectively, of the City of Manchester, Iowa; a municipal corporation; 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, on the 26 day of JANUARY, 2026, and 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"**  
**A 4 FOOT WIDE PERMANENT SIDEWALK AND PUBLIC UTILITY EASEMENT,**  
**IN A PART OF PARCEL C IN THE SE 1/4 OF THE SW 1/4**  
**OF SECTION 28-T89N-R5W,**  
**CITY OF MANCHESTER, DELAWARE COUNTY, IOWA**

NOTE: THIS IS A 4 FOOT WIDE PERMANENT SIDEWALK AND PUBLIC UTILITY EASEMENT FOR THE CITY OF MANCHESTER.

**EASEMENT DESCRIPTION:**

A 4 FOOT WIDE PERMANENT SIDEWALK AND PUBLIC UTILITY EASEMENT IN A PART OF PARCEL C 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 THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION;

THENCE NORTH 01°16'12" WEST (ASSUMED BEARING), 368.16 FEET ALONG THE WEST LINE OF SAID QUARTER-QUARTER SECTION TO THE EXTENSION OF THE NORTH LINE OF PARCEL C;

THENCE NORTH 89°40'36" EAST, 5.86 FEET ALONG SAID NORTH LINE;

THENCE CONTINUING NORTH 89°40'36" EAST, 4.00 FEET ALONG SAID NORTH LINE;

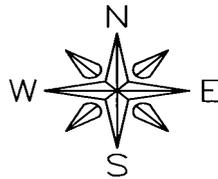
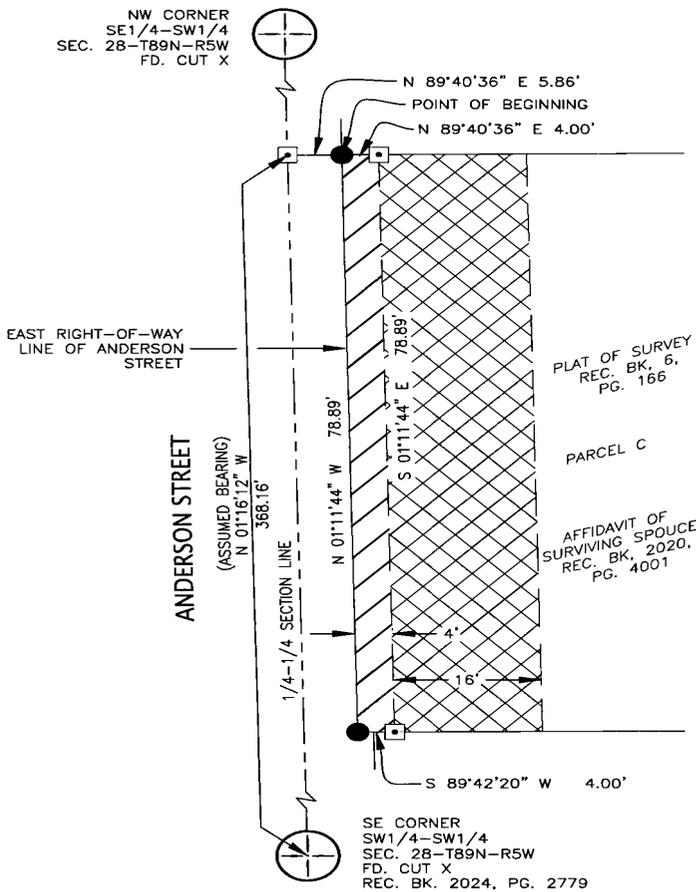
THENCE SOUTH 01°11'44" EAST, 78.89 FEET TO THE TO THE SOUTH LINE OF SAID PARCEL;

THENCE SOUTH 89°42'20" WEST, 4.00 FEET ALONG SAID SOUTH LINE TO THE WEST LINE OF SAID PARCEL;

THENCE NORTH 01°11'44" WEST (ASSUMED BEARING), 78.89 FEET ALONG THE SAID WEST LINE TO THE NORTH LINE THEREOF AND THE POINT OF BEGINNING;

CONTAINING 316 SQUARE FEET, SUBJECT TO OTHER EASEMENTS AND RESTRICTIONS OF RECORD.

REFERENCE IS HEREBY MADE TO A PLAT OF SURVEY MADE BY J. BAILEY, RECORDED JANUARY 4, 1875, IN BOOK A, PAGE 4; TO A SURVEY AND PLAT MADE BY J. DAVID GIBBS, RECORDED NOVEMBER 6, 1991, IN BOOK 6, PAGE 166, BOTH ON FILE IN THE DELAWARE COUNTY RECORDER'S OFFICE, MANCHESTER, IOWA.



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

**PROPRIETOR/OWNER:**  
 KLUESNER, GLORIA ANN  
 205 ANDERSON ST  
 MANCHESTER IA, 52057

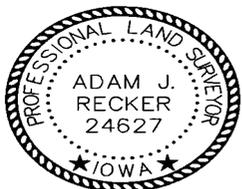
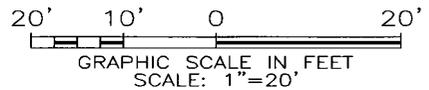
**REQUESTED BY:**  
 CITY OF MANCHESTER  
 208 E. MAIN ST  
 MANCHESTER IA, 52057

**PERMANENT EASEMENT:**  
 316 SQ. FT.

**TEMPORARY EASEMENT**  
 1263 SQ. FT.

**LEGEND**

-  SECTION CORNER AS DESCRIBED
-  FOUND 1/2"Ø REBAR W/YPC
-  FOUND CUT "X"
-  CALCULATED POSITION
-  1/4-1/4 SECTION LINE
-  EXISTING PROPERTY LINE
-  PERMANENT SIDEWALK & PUBLIC UTILITY EASEMENT
-  TEMPORARY CONSTRUCTION EASEMENT



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*  
 Adam J. Recker, P.L.S.  
 License Number: 24627  
 My license renewal date is December 31, 2025.  
 Sheets covered by this seal: THIS SHEET ONLY

08/19/2025  
 Date

**FEHR GRAHAM**  
 ENGINEERING & ENVIRONMENTAL  
 © 2025 FEHR GRAHAM

ILLINOIS  
 IOWA  
 WISCONSIN

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JOB NUMBER:  
 25-546

SHEET NUMBER:  
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