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BRANDY MACUMBER, COUNTY RECORDER  
MADISON COUNTY IOWA

CHEK

Prepared by and return to:

EV Jane E. Rosien  
Flander Rosien, P.C.  
P.O. Box 67  
Winterset, IA 50273-0067  
(515) 462-4912

#### CERTIFICATION

The undersigned duly appointed and acting City Administrator of the City of Winterset, Iowa, does hereby certify the following described documents as true and authentic copies of the official records in the custody of the Office of the Clerk of the City of Winterset, Iowa:

1. Resolution 2025-31 approving the Municipal Utility Easement Agreement with JKA Enterprises, LLC (including Exhibits "A" and "B" attached thereto).

The undersigned further certifies that the Resolution described above was duly passed by the Council and approved by the Mayor on the date shown thereon.

Dated this 17<sup>th</sup> day of June 2025 at Winterset, Madison County, Iowa.

Andrew J. Barden  
City Administrator  
City of Winterset, Iowa

SEAL



## **RESOLUTION 2025-32**

### **RESOLUTION APPROVING MUNICIPAL UTILITY EASEMENT AGREEMENT WITH JKA ENTERPRISES, LLC FOR THE WEST EIGHT FEET (8') OF THE SOUTH FOURTEEN FEET (14') OF LOT TWO (2) IN BLOCK ELEVEN (11), ORIGINAL TOWN OF WINTERSSET, MADISON COUNTY, IOWA (LOCALLY KNOWN AS 60 E. GREEN STREET, WINTERSSET, IOWA).**

**WHEREAS**, in an effort to improve the City of Winterset electrical system and service, the Winterset Municipal Utilities Electric Department has undertaken the process of converting all overhead electric facilities into underground facilities;

**WHEREAS**, as part of the underground conversion process the Winterset Municipal Utilities Electric Department will install pad-mounted transformers;

**WHEREAS**, in certain circumstances the pad-mounted transformers must be placed on private property, not owned by the City of Winterset;

**WHEREAS**, the installation and maintenance of the pad-mounted transformers on private property requires the property owner to grant the City of Winterset an Easement;

**WHEREAS**, the City of Winterset has requested an Easement over, along, across and under the following described real estate, to-wit:

**The West Eight Feet (8') of the South Fourteen Feet (14') of Lot Two (2) in Block Eleven (11) of the Original Town of Winterset, Madison County, Iowa (hereinafter "Easement Area").**

**WHEREAS**, the legal titleholder and owner of the above described Easement Area is JKA Enterprises, LLC;

**WHEREAS**, the property was surveyed and the Easement Area was agreed upon by both Winterset Municipal Utilities and the property owner (See Exhibit "A" attached hereto); and,

**WHEREAS**, Winterset Municipal Utilities and the property owner both have approved the form of Municipal Utility Easement agreement attached hereto as Exhibit "B".

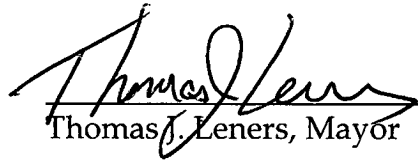
**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the City Council of the City of Winterset, Iowa as follows:

The City of Winterset shall enter into a Municipal Utility Easement agreement with JKA Enterprises, LLC as set forth in Exhibit "B" attached hereto for an easement over, along, across and under the following described real estate:

**The West Eight Feet (8') of the South Fourteen Feet (14') of Lot Two (2) in Block Eleven (11) of the Original Town of Winterset, Madison County, Iowa.**

The city clerk shall affix the city seal and record this document with the Madison County Recorder.

Passed and approved this 16<sup>th</sup> day of June 2025.

  
Thomas J. Leners, Mayor

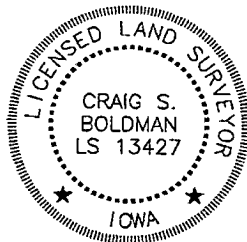
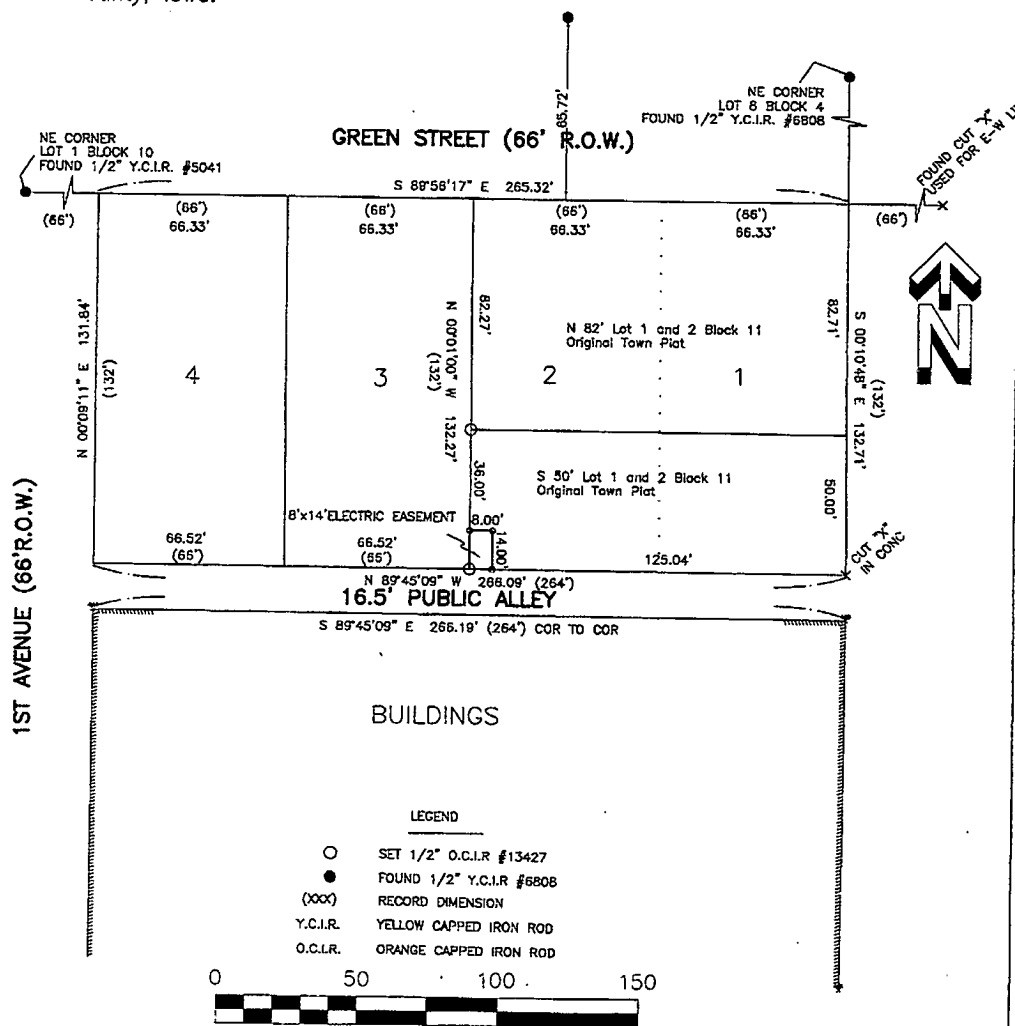
ATTEST:

  
Andrew J. Barden, City Administrator

# INDEX LEGEND

Location: S 50' Lot 2 Block 11 O.T.P. Winterset  
 Requestor: City of Winterset  
 Proprietor: JKA Enterprises  
 Project: 25022 Date of Survey: 4/29/2025  
 Surveyor Co: Boldman Surveying & Consulting  
 Prepared by/Return to: Craig S. Boldman  
 521 West Green Street, Winterset, Ia 50273  
 Phone/fax: 515-462-9242

Partial Boundary Retracement Survey showing an Easement to the City of Winterset in part of South 50' of Lot 2 Of the Original Town of Winterset, Iowa, described as the West 8.00' of the South 14.00' of Lot 2 in Block 11 of the Original Town of Winterset, Madison County, Iowa.



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

Signature: *Craig S. Boldman* Date: *5/9/2025*

Name: Craig S. Boldman P.L.S. No. 13427

Renewal date is December 31, 2026

Pages or sheets covered by this seal: *this sheet*

## MUNICIPAL UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENCE:

The undersigned owner, JKA Enterprises, LLC, hereafter called the Grantor, does hereby grant to the City of Winterset, Iowa, hereafter called the Grantee, the perpetual right and easement to construct, install, repair, maintain, operate, inspect, patrol and remove municipal utilities including the equipment and accessories for the same and all necessary appurtenances and the right of ingress and egress as may be reasonably necessary for the convenient construction, repair, maintenance, operation, inspection, patrolling, replacement and removal of the municipal utilities over, along, across and under the following described property situated in Madison County, Iowa, to-wit:

**The West Eight Feet (8') of the South Fourteen Feet (14') of Lot Two (2) in Block Eleven (11) of the Original Town of Winterset, Madison County, Iowa.**

The Grantor warrants and covenants to the Grantee that, subject to liens and encumbrances of record at the date of this Easement, they are the owner of the above-described land and have full right and authority to validly grant this Easement and the Grantee may quietly enjoy its estate in the premises.

Grantee is given the right to trim, cut and clear away any trees, limbs and brush, whether located on the above-described easement property, or adjacent to or overhanging the same, and the right to remove from the above-described easement property any obstruction, including inflammable materials, brush, structures of any kind or other obstructions wherever in its judgment such will interfere with or endanger the construction, operation or maintenance of the municipal utilities; and to renew, replace, and to otherwise change the municipal utilities or any part thereof and all appurtenances thereto and the location thereof within the easement property; and to pass along the easement property.

In consideration of such grant, Grantee agrees it will restore the real estate to grade, reseed and repair any damage to any area of grass, and restore and replace any gravel and/or concrete which may be disturbed by the construction, operation, maintenance, inspection, patrolling, repairing, replacement or removal of the municipal utilities

The Grantor covenants that no act will be permitted within the easement property which is inconsistent with the rights hereby granted; that no buildings or structures or other improvements will be erected upon the easement property; and, that the present grade or ground level thereof will not be changed by excavation or filling. The Grantor, their successors and assigns, shall have no responsibility or liability for any claim, cause of action or demand for any damage to the Grantees's utility improvements from any cause including the acts of the Grantor, their successors and assigns, except for the intentionally wrongful act of the Grantor, their successors and assigns.

This Agreement shall run with the land and bind and inure to the benefit of the heirs, successors and assigns of the parties.



Dated this \_\_\_\_\_ day of June 2025.

Grantor: JKA Enterprises, LLC

Grantee: City of Winterset, Iowa

By: Joan Kay Acela a/k/a Joan K. Acela  
Member-Manager

By: Thomas J. Leners, Mayor

By: Andrew J. Barden, City Administrator

STATE OF IOWA :  
: ss  
MADISON COUNTY :

On this \_\_\_\_\_ day of \_\_\_\_\_ 2025, before me, the undersigned, a Notary Public in and for said State, personally appeared Thomas J. Leners and Andrew J. Barden, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Administrator, respectively, of the City of Winterset, Iowa; that the seal affixed thereto is the seal of said corporation; and that said instrument was signed and sealed on behalf of said corporation by authority of its City Council, as contained in the Resolution adopted by the City Council of the City on the \_\_\_\_ day of \_\_\_\_\_ 2025; and, that Thomas J. Leners and Andrew J. Barden 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

STATE OF IOWA :  
: ss  
MADISON COUNTY :

On this \_\_\_\_\_ day of \_\_\_\_\_ 2025, before me, the undersigned, a Notary Public in and for said State, personally appeared Joan Kay Acela, to me personally known, who, being by me duly sworn, did say that she is the Member Manager of JKA Enterprises, LLC; and, that Joan Kay Acela acknowledged the execution of the instrument to be her 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