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PREPARED BY: CITY OF ST. CHARLES, 113 SOUTH LUMBER STREET, ST. CHARLES
IA 50240 (641) 396-2545

MICKI UTSLER
RECORDER
MADISON COUNTY, IOWA

EASEMENT FOR SURFACE WATER FLOWAGE

KNOW ALL MEN BY THESE PRESENCE:

The undersigned owner(s), Jeff and Ranae Pontier, hereinafter called the Grantor, in consideration of the sum of one dollar and other valuable considerations, receipt of which is acknowledged, does hereby grant to the City of St. Charles, Iowa, hereafter called the Grantee, a temporary construction easement for a period of two years for grading to direct surface water flowage between lot lines on both sides of the house to extend past the foundation. This being approximately (50) fifty feet grading or as necessary to drain water away from described real estate:

The fifty (50) feet south of Lot 41 of Kephart's II Addition to St. Charles, Iowa, a Subdivision in Madison County, Iowa, and/or to the discretion

(hereinafter called "Easement Area") for the purpose of the Grantee grading, draining, reconstructing driveways and restoration of said Easement Area in a manner that will permit the free and unobstructed flow of surface water over the Easement Area.

Grantor does HEREBY COVENANT with the Jurisdiction 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 in this Easement.

Words and phrases herein including acknowledgement hereof shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context. Additional provisions for the Temporary Easement have been provided, please see the attached Exhibit "A".

Signed this 8th day of June, 2001

Grantor:

Jeff and Ranae Pontier

Grantee: CITY OF ST. CHARLES, IOWA

By

Joan Brown
Joan Brown, Mayor

Rene Pontier

By

Darla Bush
Darla Bush, City Clerk

STATE OF IOWA)
) SS
COUNTY)

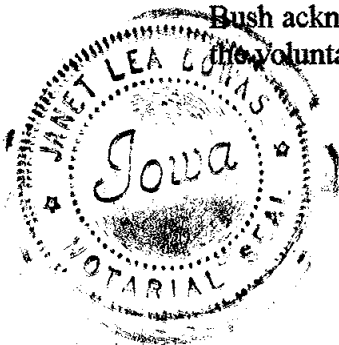
On this 8th day of June, A.D., 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared Rene Pontier and Jeff Pontier to me known to be the identical persons named in and who executed the foregoing instrument, and acknowledged to me that they executed the same as their voluntary act and deed.



Darla Bush
Notary Public in and for said State

STATE OF IOWA)
) SS
MADISON COUNTY)

On this 11th day of June, A.D., 2001, before me, Janet Lea Neuros, a Notary Public in and for said County and State, personally appeared Joan Brown and Darla Bush, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of St. Charles, Iowa; that the seal affixed thereto is the seal of said corporation; and that said authority of its City Council, as contained in the Resolution adopted by the City Council of the City on the _____ day of _____, 2001; and that Joan Brown and Darla Bush acknowledge 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.



Janet Lea Neuros
Notary Public 5-14-02

EXHIBIT "A"

The City of St. Charles and the Grantor have agreed to the following to elements as an addition to the Temporary Easement:

- 1. Replacing the grass removed between the houses with sod at the most cost effective to the City.**
 - a. with the option of the City cutting the sod and the property owner replacing the cut sod between the houses.**
 - 2. Replacing the grass removed from the front yard with athletic turf mix @ Earl May Nursery.**
 - a. with the option of the City supplying the property owner the money to by and maintain the seed.**
 - 3. Replacing any trees, shrubs, plants, landscaping rock, and weed block fabric of the same kind and size (work to be done by Miller Nursery of Johnston, IA) due to damage incurred during construction.**
 - 4. Positive drainage from front and side yard to flow away from house foundation and grading of drainage swell to be approved by the home owner.**
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