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FILED DENISON, IOWA  
CRAWFORD COUNTY

This document prepared by:

Mundt, Franck & Schumacher  
D.R. Franck, Attorney at Law  
1321 Broadway  
Denison, IA 51442  
Telephone: 712/263-3159

1999 JUN 25 PM 2:17

INST. NO. 99-1827  
DENISE MEEVES, RECORDER  
*Denise Meeves*  
FEE \$21.00  
*Mary Citen, Deputy*

### STORM SEWER AND UTILITY EASEMENT

**IT IS HEREBY AGREED** by and between **McCLELLAN ELECTRIC, INC.**, hereinafter referred to as Grantors, and the **CITY OF DENISON, IOWA**, hereinafter referred to as Grantee, in consideration of One Dollar (\$1.00) and other valuable consideration, as follows:

The Grantors do hereby grant, bargain, sell, transfer and convey unto the Grantee, its successors and assigns, an affirmative and perpetual easement in, to and running with the real estate described herein, together with a general and perpetual right of ingress and egress upon such real estate, on the following described real property with the right to construct, install, lay and thereafter use, operate, inspect, maintain, replace and remove a storm sewer line and utilities over, under, across and through the land of Grantors situated in Crawford County, State of Iowa, legally described as follows:

A parcel of land located in the SE 1/4 NE 1/4 of Section 10, Township 83 North, Range 39 West of the 5<sup>th</sup> P.M., Crawford County, Iowa described as follows:

Commencing at the SE Corner of the SE 1/4 NE 1/4 of Section 10-83-39, thence S 88° 14' 00" W 352.2 feet along the South line of said SE 1/4 NE 1/4 to a point on the West right of way of 7<sup>th</sup> Street (formerly U.S. Highway No. 59), thence N 14° 35' 00" E 481.67 feet along said right of way, thence Northeasterly 82.4 feet along a 1,959.86 foot radius curve concave Southeasterly with a long chord bearing N 15° 46' 00" E 82.4 feet along said right of way as presently established, thence continuing Northeasterly 62.0 feet along a 1,959.86 foot radius curve concave Southeasterly with a long chord bearing N 17° 55' 40" E 62.0 feet, thence continuing Northeasterly 403.9 feet along a 1,959.86 foot radius curve concave Southeasterly with a long chord bearing N 24° 42' 35" E 403.2 feet along said right of way as presently established to the point of beginning, thence N 68° 34' 00" W 173.20 feet to a point on the East right of way of the Chicago Central and Pacific Railroad, thence S 20° 22' 00" E 5.00 feet along said right of way, thence S 68° 34' 00" E 174.10 feet to a point on the Westerly right of way of 7<sup>th</sup> Street, thence Southwesterly 5.07 feet along a 1,959.86 foot radius curve concave Southeasterly with a long chord bearing S 30° 36' 48" W 5.06 feet along said right of way to the point of beginning.

Said parcel contains 0.02 acres more or less;  
together with rights of ingress and egress over the adjacent land or buildings of the Grantors, their  
successors and assigns, for the purposes of this easement.

The Grantee covenants to maintain the easement in good repair so that no unreasonable  
damage will result from its use to the adjacent land of the Grantors, its successors and assigns. The  
grant and other provisions of this easement shall constitute a covenant running with the land for the  
benefit of the Grantee, its successors and assigns.

Unless specific permission is given by Grantors, the Grantee agrees to place all utility  
facilities a minimum of 36 inches below the surface of the ground.

It is agreed that, during the period of initial construction and any maintenance of the  
easement thereafter, any damage will be paid by Grantee.

IN WITNESS WHEREOF, we have hereunto subscribed our signatures this 8th day  
of June, 1999.

CITY OF DENISON, IOWA

By: Loren Schultz  
Loren Schultz, Mayor

McCLELLAN ELECTRIC, INC.

By: Joe McClellan Sr  
Name: Joe McClellan Sr  
Title: President

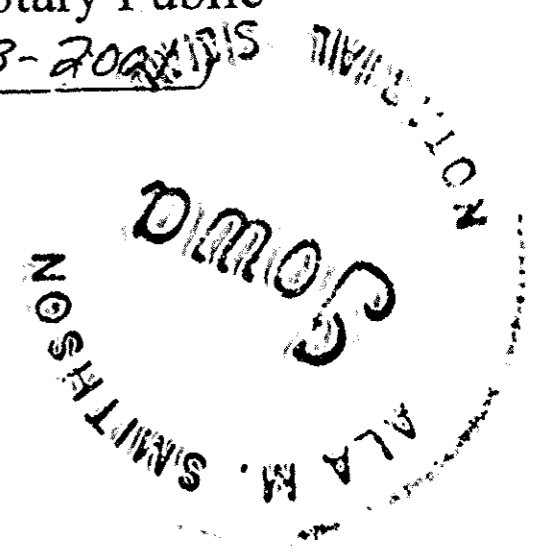
ATTEST:

Marcia Bretey  
Marcia Bretey, City Clerk

STATE OF IOWA, )  
 )ss:  
COUNTY OF CRAWFORD. )

On this 8<sup>th</sup> day of June, 1999, before me, the undersigned, a Notary Public in and for said state, personally appeared John McClellan, Sr of McClellan Electric, Inc., to me known to be the person named in and who executed the foregoing instrument, and acknowledged that he/she executed the same as his/her voluntary act and deed.

Ala M Smithson  
3-23-2001, Notary Public  
(My Commission Expires: 3-23-2001)  
Ala m. Smithson.



STATE OF IOWA, )  
 )ss:  
COUNTY OF CRAWFORD. )

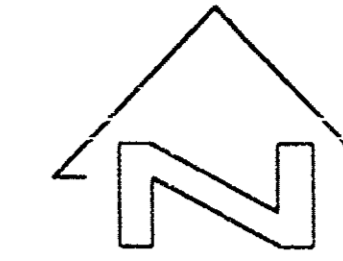
On this 8<sup>th</sup> day of June, 1999, before me, the undersigned, a Notary Public in and for said County, in said State, personally appeared Loren Schultz and Marcia L. Bretey, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Denison, Iowa, and that the seal affixed to the foregoing contract is the seal of said City, that said contract was signed and sealed on behalf of said City by authority of its City Council, and the said Loren Schultz and Marcia L. Bretey, acknowledged the execution of said instrument to be the voluntary act and deed of the City, by it and by them voluntarily executed.

Mary Springman  
Mary Springman, Notary Public  
(My Commission Expires: 1-23-2001)



# ACQUISITION PLAT

## 7TH STREET STORM WATER DRAINAGE PROJECT



352.20'-R RECORD DISTANCE  
351.14'-S SURVEY DISTANCE

**EASEMENT DESCRIPTION:**

A parcel of land located in the SE1/4 NE1/4 of Section 10, Township 83 North, Range 30 West of the 5th P.M., Crawford County, Iowa described as follows:

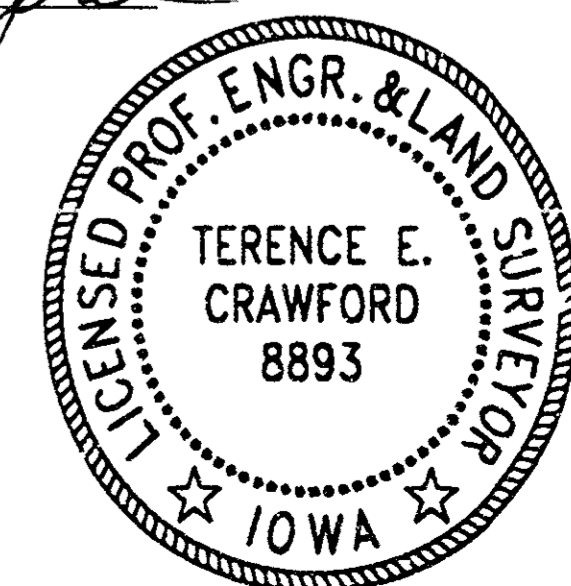
Commencing at the SE Corner of the SE1/4 NE1/4 of Section 10-83-39, thence S 88°14'00" W 352.2 feet along the South line of said SE1/4 NE1/4 to a point on the West right of way of 7th Street (formerly U.S. Highway No. 59), thence N 14°35'00" E 481.67 feet along said right of way, thence Northeastly 82.4 feet along a 1,959.86 foot radius curve concave Southeastly with a long chord bearing N 15°46'00" E 82.4 feet along said right of way as presently established, thence continuing Northeastly 62.0 feet along a 1,959.86 foot radius curve concave Southeastly with a long chord bearing N 17°55'40" E 62.0 feet, thence continuing Northeastly 403.9 feet along a 1,959.86 foot radius curve concave Southeastly with a long chord bearing N 24°42'35" E 403.2 feet along said right of way as presently established to the point of beginning, thence N 68°34'00" W 173.20 feet to a point on the East right of way of the Chicago Central and Pacific Railroad, thence N 20°22'00" E 5.00 feet along said right of way, thence S 68°34'00" E 174.10 feet to a point on the Westery right of way of 7th Street, thence Southwesterly 5.07 feet along a 1,959.86 foot radius curve concave Southeastly with a long chord bearing S 30°36'48" W 5.06 feet along said right of way to the point of beginning. Said parcel contains 0.02 acres more or less.

**CERTIFICATION**

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.

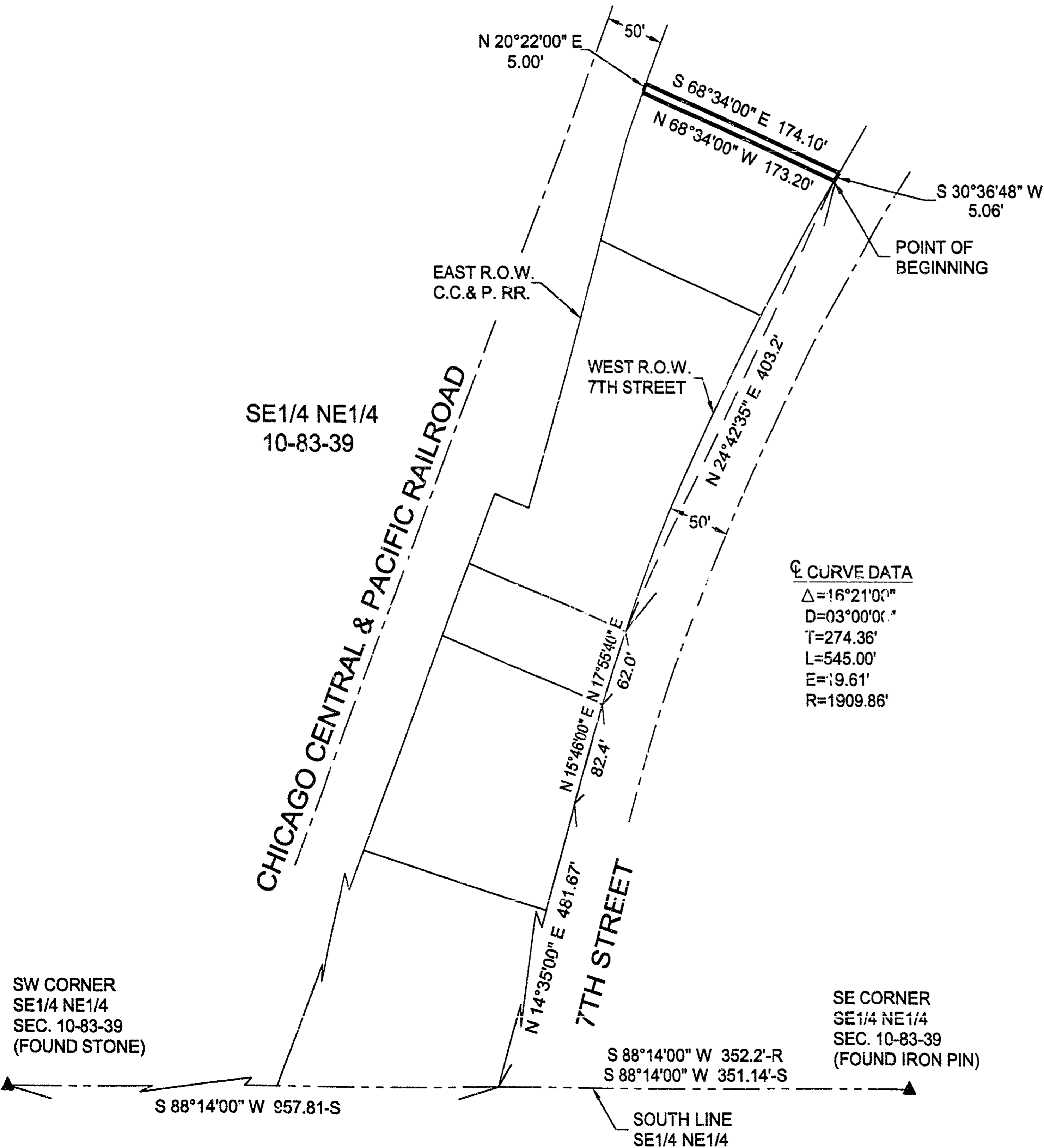
JUN 03 1999  
Date

*Terence E. Crawford*  
Terence E. Crawford, P.E. & L.S.  
Iowa License No. 8893  
Exp. Date 12-31-99



This Survey was requested by: City of Denison, Iowa

Record Owner: McClellan Electric, Inc.



PROJECT NO.: 5158	DATE: 5-21-99	REV:
CLIENT: CITY OF DENISON, IOWA	APPROVED BY: TEC	SHEET
DRAWN BY: LLL	REVIEWED BY: TJG	1 OF 1
DESCRIPTION: EASEMENT ON McCLELLAN ELECTRIC, INC. PROPERTY ALONG 7TH STREET DENISON, IOWA		

**SUNDQUIST ENGINEERING, P.C.**  
 CONSULTING ENGINEERS  
 HIGHWAYS • MUNICIPAL • MAPPING • SURVEYING  
 120 S. MAIN, P.O. BOX 220, DENISON, IOWA 51442  
 PHONE: (712)263-8118 FAX: (712)263-2181