

03529-95

1995 FEB 23 P 2:04

FEE

\$26.00

paid

RECORDED OF DEEDS
SCOTT COUNTY, IOWA

DEED AND TEMPORARY EASEMENT

Transfer Fee \$

5.00

Recording Fee \$

21.00

AUDITOR

In consideration of the City, as part of the Project described herein, reconstructing Owner's driveway entrance as is necessary and as wide as allowed by City Ordinance, in order to accommodate three lanes of traffic, and other good and valuable consideration, Weerts Funeral Home, Inc., an Iowa corporation, as Owner, does hereby convey unto the City of Davenport, Iowa, an Iowa municipal corporation, 226 West Fourth Street, Davenport, Iowa, the following described Scott County, Iowa real estate:

Tract "I": R.O.W. Acquisition. A parcel of land located in part of the SE 1/4 of Section 18, T78N, R4E of the 5th P.M., Scott County, Iowa, more particularly described as follows:

Commencing at the NW corner of the SE 1/4 of said Section 18; thence S.01°46'54"E. along the west line of said SE 1/4 a distance of 744.00 feet; thence

N.88°13'06"E. a distance of 30.00 feet to the Point of Beginning, said P.O.B. being on the existing easterly right-of-way line of Jersey Ridge Road; thence

S.01°46'54"E. along said right-of-way line a distance of 209.00 feet; thence

N.88°13'06"E. along said right-of-way line a distance of 5.50 feet to the intersection with the new easterly right-of-way line of Jersey Ridge Road; thence

N.01°46'54"W. along said new easterly right-of-way line a distance of 209.00 feet; thence S.88°13'06"W. a distance of 5.50 feet to the Point of Beginning.

Containing 1,150 square feet, more or less.

Owner also conveys unto the City of Davenport a temporary construction easement for the purpose of such encroaching, grading, sloping, shaping, cutting, filling and constructing as may be required for the proper construction of the Jersey Ridge Road Paving Project from Kimberly Road to East 46th Place over, across, through and under the following described Scott County, Iowa real estate:

Tract "II": Temporary Grading and Construction Easement. A parcel of land located in part of the SE 1/4 of Section 18, T78N, R4E of the 5th P.M., Scott County, Iowa, more particularly described as follows:

A strip of land being 10 feet in width lying easterly of and adjoining the above described Tract I.

The temporary easement shall terminate when the City approves and accepts said project or on September 1, 1996, whichever is earlier.

This Right-of-Way and easement is conveyed upon the following express understandings and conditions that on the completion of any and all construction work by the City of Davenport, the affected real estate shall be restored by the City to substantially the same condition it was in prior to such work, except for the removal (and replacement thereof) of 836 square feet of sidewalk and the projected changes in use, sloping, grading and changes in grade to the temporary easement area. It is also understood that the City shall assure responsibility of paving the fifth lane of Jersey Ridge Road adjacent to said Owner's property conveyed above, which releases said Owner's responsibility per a 1988 street construction agreement with the

City. The City of Davenport shall also guarantee to Weerts Funeral Home and the general public the ability to ingress and egress said Owner's property at all times. All denuded areas will be sodded by the City's contractor.

Owner shall have five (5) years from the date of this document to renegotiate construction or maintenance damages not apparent at the time this document is signed.

Owner covenants that it holds the above described real estate by title in fee simple, that it has good and lawful authority to sell and convey the same, and that it will warrant and defend the real estate against the lawful claims of all persons whomsoever.

Signed this 13th day of February, 1995.

WEERTS FUNERAL HOME, INC.

42-0921872
Federal I.D. Number

by James F. Weerts
James F. Weerts
President
(Title) President

by _____

(Title)




STATE OF IOWA)
) ss:
COUNTY OF SCOTT)

On this 13th day of February, 1995, before me, the undersigned, a Notary Public in and for said County and State, personally appeared James F. Weerts and _____, to me personally known, who being by me duly sworn did say that they are President and _____ respectively, that (the seal affixed to said instrument is the seal of said no seal has been procured by the said) corporation and that said instrument was signed and sealed

on behalf of the said corporation by authority of its board of directors and the said _____ and _____ acknowledged the execution of said instrument to be the voluntary act and deed of said corporation by it voluntarily executed.

WITNESS my hand and notarial seal on the day and year last above written.



Notary Public in and for
State of Iowa
Lillian E. Mink