

City of Algona

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HAROLD BENSCHOTER
RECORDER
SOUTH COUNTY, IOWA

Prepared by: Paul Doster, 107 N. Harlan, Algona, IA 50511, 515-297-0336

RESOLUTION NO. 00-58

RESOLUTION APPROVING EASEMENT

WHEREAS, the City of Algona, Iowa, finds it necessary to obtain an easement so that a sanitary sewer line can be extended to business property; and

WHEREAS, Roger L. Bell and Cathy E. Bell, husband and wife, have agreed to provide an easement to the City of Algona, Iowa; and

WHEREAS, the City Council for the City of Algona, Iowa, has determined that it would be in the best interests of the City to enter into said easement agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Algona, Iowa, as follows:

1. That the Easement with Roger L. Bell and Cathy E. Bell, husband and wife, a copy of which is attached hereto, is hereby approved.

2. That Mayor Lynn R. Kueck and City Clerk Rexann McEnroe be and they are hereby authorized and directed to execute, acknowledge and deliver for and on behalf of the City of Algona, Iowa, the attached Easement.

PASSED, ADOPTED AND APPROVED this 19th day of June, 2000.


Lynn R. Kueck, Mayor

ATTEST:


Rexann McEnroe, City Clerk

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Preparer

Information: Paul R. Doster, 107 N. Harlan Street, Algona, IA (515) 295-9361 ISBA#000001303

EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That Roger L. Bell and Cathy E. Bell, husband and wife, hereinafter referred to as Grantor, for and in consideration of good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant and convey unto the City of Algona, Iowa, a municipal corporation, hereinafter referred to as Grantee, its successors and assigns, a perpetual right, privilege, authority and easement to construct, reconstruct, lay, inspect, repair, maintain, operate, replace and remove a sanitary sewer line over, across and through the following described real estate situated in Kossuth County, Iowa, to-wit:

The Southerly 20 feet of the following described real estate:

Lot One (1) of Auditor's Plat of part of said Section Thirty-six (36) as recorded in Book 1, Page 6 of the Kossuth County records.

AND

The East Half of the Southeast Quarter of the Southwest Quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Thirty-six (36), Township Ninety-six (96) North, Range Twenty-nine (29), West of the 5th P.M., Kossuth County, Iowa,

EXCEPT tract described as commencing 39.9 feet North of the Southwest corner of the E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 36, on the North line of public Highway No. 18 as point of beginning,

thence in an Easterly direction on the North line of Highway No. 18, 200 feet,

thence North 733.25 feet,

thence in a Westerly direction 200 feet,

thence South 733.25 feet to the point of beginning.

EXCEPT public highways and any part acquired by the State of Iowa for highway purposes by condemnation,

to have and to hold said right-of-way, privilege, authority and easement in perpetuity, with full right of ingress and egress to and from the same for the purpose of construction, reconstruction, inspection, repair, maintenance, replacement or removal thereof.

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As further consideration for the Easement granted herein, it is mutually agreed between the parties as follows:

1. Grantor reserves the right to use the surface of said real estate for any legitimate use not inconsistent with the use thereof herein granted to Grantee. However, at no time shall Grantor or their heirs, successors and assigns build any structure over the easement area.

2. Grantee agrees that when it comes upon Grantor's land and causes a disruption of the easement area, then Grantee will restore the surface of the ground as near as possible to the same condition as when construction, maintenance, reconstruction, inspection, repair or replacement started.

3. This Easement shall be binding upon all parties hereto, their heirs, successors or assigns and shall be perpetual and shall run with the land.

Dated this 12th day of June, 2000.

GRANTOR:

Roger L. Bell
Roger L. Bell

Cathy E. Bell
Cathy E. Bell

GRANTEE:

CITY OF ALGONA, IOWA

By: Lynn R. Rueck
Lynn R. Rueck, Mayor

ATTEST:

Rexann McEnroe
Rexann McEnroe, City Clerk

(SEAL)



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STATE OF IOWA)
) ss:
COUNTY OF KOSSUTH)

On this 12th day of June, 2000, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Roger L. Bell and Cathy E. Bell, husband and wife, to me known to be the identical persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.



Paul R. Doster

Notary Public in and for the State of Iowa

STATE OF IOWA)
) ss:
COUNTY OF KOSSUTH)

On this 19th day of June, 2000, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Lynn R. Kueck and Rexann McEnroe, to me personally known, and who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Algona, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the City of Algona, Iowa, and that the foregoing instrument was signed and sealed on behalf of the City of Algona, Iowa, by authority of its City Council, as contained in Resolution No. 00-58 passed by the City Council of the City of Algona, Iowa, pursuant to a roll-call vote of the City Council on the 19th day of June, 2000, and that Lynn R. Kueck and Rexann McEnroe acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the City of Algona, Iowa, by it voluntarily executed.

Chas. O'Donnell

Notary Public in and for the State of Iowa

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