

Prepared by and return to: R. L. Van Veldhuizen, PO Box 635, Oelwein IA 50662, (319) 283-3203
Grantor: City of Oelwein Grantees: Lee R. Buhr and Dorothy A. Buhr

EASEMENT FOR SANITARY SEWER

Agreement made this ____ day of _____, 2020, by and between the City of Oelwein, an Iowa Municipal Corporation, referred to as Grantor; and Lee R. Buhr and Dorothy A. Buhr, husband and wife, hereinafter referred to as Grantees.

WHEREAS, the Grantor is the owner of the public right-of-way known as 9th Ave SW, Oelwein, Fayette County, Iowa.

WHEREAS, the Grantees are the owners of certain real property commonly referred to as 400 9th Ave SW, Oelwein, Fayette County, Iowa, and legally described as:

LOTS 22, 23 AND 24, BLOCK 7, JAMISONS ADDITION TO OELWEIN, FAYETTE COUNTY, IOWA

WHEREAS the Grantor hereby grants to the Grantees their successors, heirs or assigns, for all times hereafter a permanent and perpetual right to install, repair, and maintain sanitary sewer system in, into, upon, over across and under a strip of land described as

“The West 10 feet of 9th Ave SW right-of-way adjacent to the South boundary line of Lot 23, Block 7, Jamisons Addition to Oelwein, Fayette County, Iowa, thence North to the boundary line of Lot 12, Block 4, Jamisons Addition to Oelwein, Fayette County, Iowa”

owned by the Grantor, together with the right to enter onto said real property to repair and maintain said sanitary sewer system whenever such repair and maintenance is necessary.

NOW THEREFORE, for the reasons set forth above, and in consideration of the mutual covenants and promises herein contained, it is hereby mutually agreed by and between the parties hereto as follows:

1. Grantor grants to Grantees, their heirs, successors, assigns, agents and employees, the perpetual right, privilege, authority and easement to install, repair, maintain and operate sanitary sewer lines in, into, upon, over, across and under a strip of land described as:

“The West 10 feet of 9th Ave SW right-of-way adjacent to the South boundary line of Lot 23, Block 7, Jamisons Addition to Oelwein, Fayette County, Iowa, thence North to the boundary line of Lot 12, Block 4, Jamisons Addition to Oelwein, Fayette County, Iowa”

together with the right of ingress and egress from said property at all reasonable times for the purpose of maintaining, repairing and replacing said sanitary sewer lines.

2. Grantees, their successors, heirs and assigns, shall at his sole cost and expense, maintain, repair and operate said sanitary sewer in compliance with all applicable federal state and local rules and regulations.

3. Grantees, their successors, heirs and assigns will restore the surface of the ground to the comparable condition as when entered upon by Grantees, and shall repair and compensate, Grantor, its successors, heirs, or assigns, for any damage done to the surface of said property by reason of such repair and maintenance to said sanitary sewer lines.

4. All terms of this Easement shall be binding on and shall inure to the benefit of the parties to this agreement, their respective heirs, successors and assigns.

5. This perpetual Easement shall run with the land and shall inure to the benefit of, and shall be binding upon the parties, their successors in interest and their heirs and assigns.

IN WITNESS WHEREOF, we have hereunto set our hands on the day and year first above written.

Brett DeVore, Mayor for the City of
Oelwein, Grantor

Lee R. Buhr, Grantee

Dylan Mulfinger, City Administrator
for the City of Oelwein, Grantor

Dorothy A. Buhr, Grantee

(notary attestations on following page)

STATE OF IOWA, COUNTY OF FAYETTE: ss

On this ____ day of _____, 2029, before me, the undersigned a Notary Public in and for the State of Iowa, personally appeared Brett DeVore and Dylan Mulfinger, 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 Oelwein, Iowa; a municipal corporation; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed on behalf of the corporation, by authority of its City council, and Brett DeVore and Dylan Mulfinger 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 seal)

Notary Public - State of Iowa

(city seal)

STATE OF IOWA, COUNTY OF FAYETTE, SS:

On this ____ day of _____, 2020, before me the undersigned, a Notary Public in and for the State of Iowa, personally appeared Lee R. Buhr and Dorothy A. Buhr, husband and wife, to me known to be the identical person(s) named in and who executed the foregoing instrument, and acknowledged that such person(s) executed the same as the voluntary act and deed of such person(s).

Notary Public - State of Iowa