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TEMPORARY CONSTRUCTION EASEMENT

This instrument is made this 18th day of May, 2016, by **JAMI L. & KINCH W. DONITHAN.**, Owner, (hereinafter referred to as GRANTOR) of the following described property,

Parcel 'A', Plat of Survey #181, a Parcel of land located in Lot 'B', Auditor's Plat 281, Linn County, Iowa

and

WHEREAS, the GRANTOR states he is the titleholder in fee simple of the real property known and described as set out above, and

WHEREAS, the City of Hiawatha proposes to grade, shape and seed improvements upon portions of the above real property owned by the GRANTOR, and

WHEREAS, the GRANTOR has agreed to give the City of Hiawatha, Iowa, a Temporary Construction Easement for the purpose of construction of the **"North Center Point Road/Emmons/Robins Road Intersection Project** including storm sewer construction, grading, tree removal, shaping, driveway removal and replacement, fence removal and replacement, and seeding, as applicable, upon portions of the real property of the GRANTOR, for consideration of $1.00 and other valuable consideration duly paid and acknowledged.

See attached Exhibit 'A'

THEREFORE, for the above consideration the GRANTOR hereby grants unto the City of Hiawatha, Iowa the Easement and rights herein described, which Easement and rights shall be binding upon the GRANTOR and successors and assigns of the GRANTOR.

GRANTEE agrees to restore the easement area in a timely manner including, but not limited to, the restoration of lawns by seeding, complete restoration of any driveways, fences or other structures modified as a requirement of the construction, upon completion of the construction or repairs.

Words and phrases herein shall be construed as in the singular or plural number, and as masculine, feminine or neuter gender, according to the context.

By: Kinch Donithan

By: Jami Donithan

On this 18 day of May, 2016, before me a Notary Public in and for the County of Linn, State of Iowa, personally appeared Kinch + Jami Donithan to me known to be the person(s) named in and who executed the foregoing instrument, and acknowledged that they have executed the same as their voluntary act and deed.

IN WITNESS WHEREOF I hereunto sign my name and affix my notarial seal the day and year last above written.

Debra J Larson

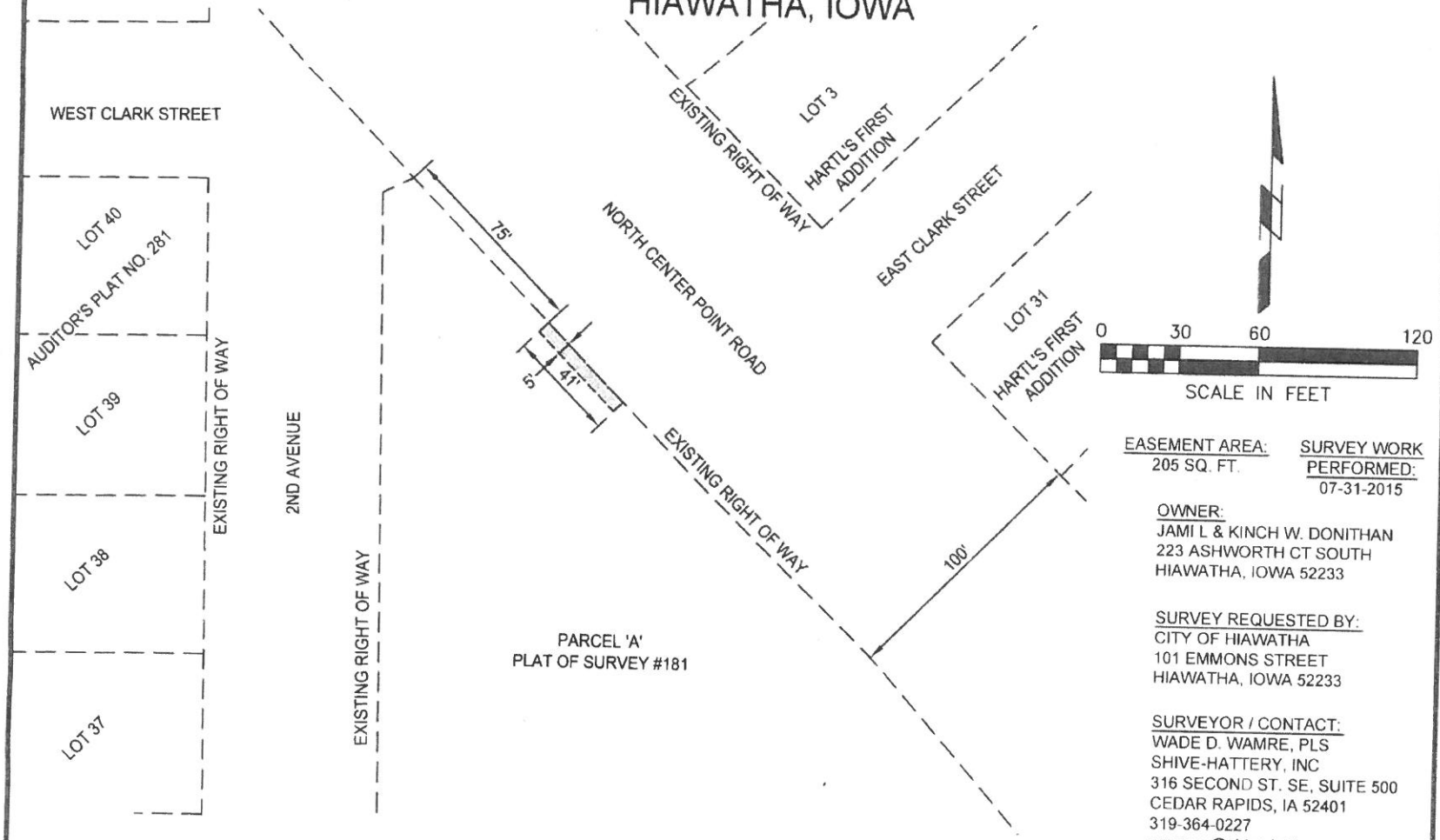
Notary Public in and for Linn County, Iowa

NOTARIAL SEAL IOWA

DEBRA J LARSON
COMMISSION NUMBER 734247
MY COMMISSION EXPIRES
May 2, 2017

EXHIBIT 'A'

TEMPORARY CONSTRUCTION EASEMENT
PART OF PARCEL 'A', PLAT OF SURVEY #181
HIAWATHA, IOWA



EASEMENT AREA:
205 SQ. FT.

SURVEY WORK PERFORMED:
07-31-2015

OWNER:
JAMI L & KINCH W. DONITHAN
223 ASHWORTH CT SOUTH
HIAWATHA, IOWA 52233

SURVEY REQUESTED BY:
CITY OF HIAWATHA
101 EMMONS STREET
HIAWATHA, IOWA 52233

SURVEYOR / CONTACT:
WADE D. WAMRE, PLS
SHIVE-HATTERY, INC
316 SECOND ST. SE, SUITE 500
CEDAR RAPIDS, IA 52401
319-364-0227
wwamre@shive-hattery.com

EASEMENT DESCRIPTION:

Part of Parcel 'A', Plat of Survey # 181, a Parcel of land located in Lot 'B', Auditor's Plat 281, Linn County, Iowa, recorded in Volume 2177, Page 86, dated September 28, 1993 more particularly described as follows:

The Easterly 5 feet of the Northerly 116 feet of Parcel 'A', Plat of Survey # 181, Volume 2177, Page 86, dated September 28, 1993, except the Northerly 75 feet.

Said easement contains 205 SQ.FT., subject to easements and restrictions of record.

SURVEY LEGEND

- EXISTING LOT LINE
- EASEMENT LINE
- EASEMENT AREA

PROJECT NO. 2151330	SHEET NO. 1 OF 1
TEMPORARY CONSTRUCITON EASEMENT PART OF PARCEL 'A', PLAT OF SURVEY #181 HIAWATHA, IOWA	
DATE 2/07/2016	SCALE 1"=60'
DRAWN cgn	FIELD BOOK 1227
APPROVED	REVISION

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ARCHITECTURE + ENGINEERING
Iowa | Illinois | Indiana | Missouri
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DRAFT

RESOLUTION NO. 16-
City Council

RESOLUTION ACCEPTING TEMPORARY CONSTRUCTION EASEMENT ON A PORTION OF PROPERTY LOCATED AT 100 CENTER POINT ROAD IN CONNECTION WITH THE 2015-2017 EMMONS STREET/NORTH CENTER POINT ROAD/ROBINS ROAD INTERSECTION IMPROVEMENTS PROJECT

WHEREAS, the City of Hiawatha and Kinch and Jami Donithan, (Owners/Grantors) of the real property located at 100 Center Point Road and legally described as follows:

See Attached Exhibit 'A'

have entered into an agreement for a Temporary Construction Easement with the purpose of the construction of the 2015-2017 Emmons Street/North Center Point Road/Robins Road Intersection Improvements Project including storm sewer construction, grading, tree removal, shaping, driveway removal and replacement, fence removal and replacement, and seeding upon portions of the real property owned by the above listed Owners / Grantors, and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIAWATHA, IOWA, to accept the Temporary Construction Easement and restoration requirements as described in the attached Agreement between the City of Hiawatha and the Owners / Grantors listed above, for the purpose of storm sewer construction, grading, tree removal, shaping, driveway removal and replacement, fence removal and replacement, and seeding upon portions of the real property legally described as shown in attached Exhibit labeled 'A,' for consideration of $1.00 duly paid and acknowledged and further authorize the Mayor and City Clerk to execute the Temporary Construction Easement and thereafter file with the City Engineer.

AYES:
NAYS:
ABSENT:

PASSED AND APPROVED this 1st day of June, 2016.

_____
Bill Bennett, Mayor

ATTEST:

_____
Kelly Kornegor, City Clerk