

WHEN RECORDED RETURN TO:

City of Ankeny
Attn: City Clerk
410 West First Street
Ankeny, IA 50023

Preparer Information: Adam L. Lust, City of Ankeny – Public Works, 220 West First Street, Ankeny, IA 50023 (515) 963-3537

TEMPORARY CONSTRUCTION EASEMENT

KNOW ALL BY THESE PRESENTS:

That Timothy W. Fessler and Patricia A. Fessler (hereinafter referred to as “Grantor”), in consideration of mutual benefit and other valuable consideration in hand paid by the City of Ankeny, Iowa upon final approval and acceptance of this easement do hereby convey unto the City of Ankeny, Iowa, a municipal corporation, in the County of Polk, State of Iowa (hereinafter referred to as “Grantee”), a temporary construction easement over, under, across, and through the following described real estate:

See Attached Exhibit “A”

That said easement is granted unto the City of Ankeny, Iowa, for the purpose of the access, construction, installation, and maintenance of the following described public improvement:

NW IRVINEDALE DRIVE AND NW 5TH STREET INTERSECTION IMPROVEMENTS

In connection herewith it is specifically agreed that by this easement, the Grantee shall have the right to enter upon said premises as shall be necessary to construct, inspect, and repair, any and all of said improvements and all appurtenances thereto, together with the right to use said improvements as it deems necessary.

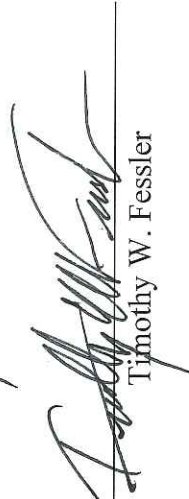
The Grantee shall restore said described land to a satisfactory condition after construction and/or repair in satisfactory condition pursuant to the plan for the public improvement.

This easement shall be for the period of time necessary to construct this improvement and will expire upon the date of final acceptance of the project by the City Council of the Grantee; provided, however, the Grantee shall have the right to access the real estate after said date for the sole purpose of seeding and surface restoration. Such access shall not interfere with the rights of the Grantor to the use and enjoyment of said real estate.

To the extent allowed by law, the City shall be liable for injury or property damage occurring in or to the Easement area and the property abutting said Easement area, caused by defects in the construction of the improvements. To the extent allowed by law, the City shall indemnify, defend, and hold Grantor harmless against any loss, damage, injury, or any claim or lawsuit for loss, damage, or injury arising out of or resulting from the negligent or intentional acts or omissions of the City or its employees, agents, or representatives.

The Grantor does hereby covenant with the said Grantee, that said Grantor holds said real estate by title and fee simple; that it has good and lawful authority to grant this Easement, subject to restrictive covenants, easements, encumbrances, and liens of record.

IN WITNESS WHEREOF, we have hereunto affixed our hands this 13th day of February, 2018.

By: 
Timothy W. Fessler

By: 
Patricia A. Fessler

STATE OF IOWA, COUNTY OF POLK, ss:

On the 13th day of February, 2018, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Timothy W. Fessler and Patricia A. Fessler, to me known to be the person(s) named in and who executed the foregoing instrument, and acknowledged that he/she/they executed the same as a voluntary act and deed.



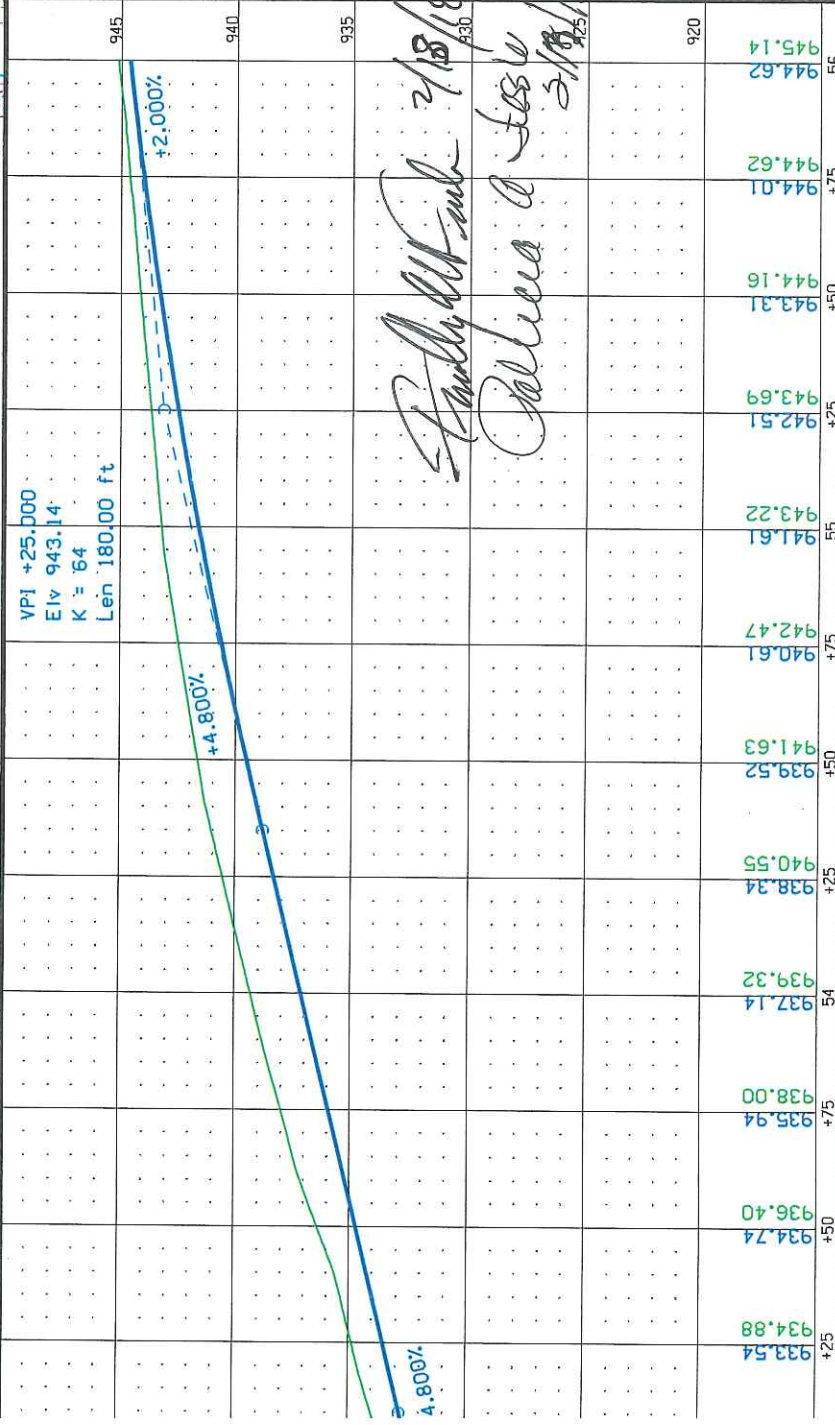
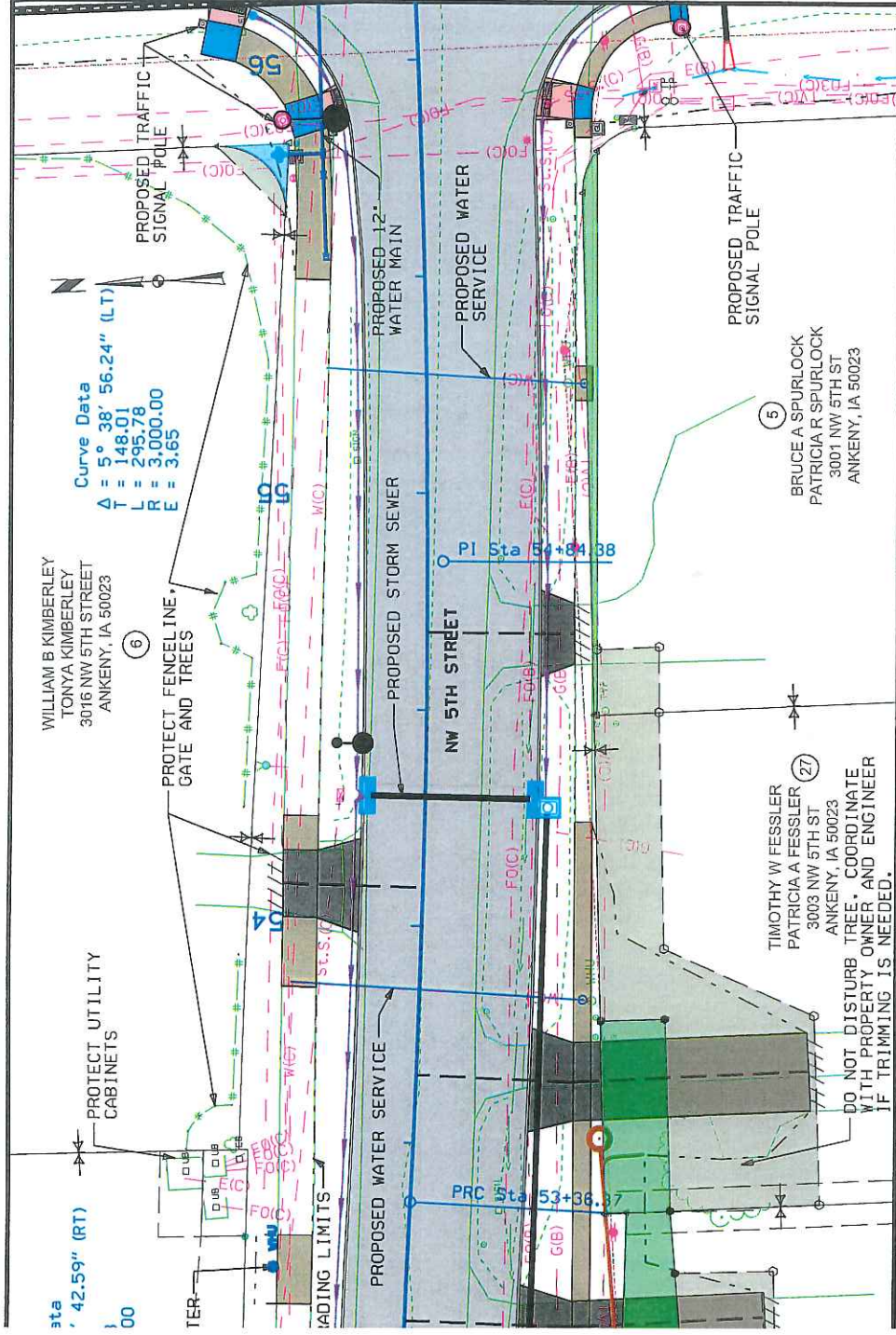

Notary Public in and for the State of Iowa
My Commission Expires 8-22-19

ACCEPTANCE BY CITY STATE OF IOWA, COUNTY OF POLK, ss:

I, Pamela DeMouth, City Clerk of the City of Ankeny, Iowa, do hereby certify that the within and foregoing instrument was duly approved and accepted by the City Council of said City by Resolution No. _____, passed on the _____ day of _____, 2018, and this certificate is made pursuant to authority contained in said Resolution.

Signed this _____ day of _____, 2018.

City Clerk of the City of Ankeny, Iowa



Handwritten notes:
 2/18/18
 Patricia A Fessler

ACQUISITION PLAT
OF TEMPORARY EASEMENT BEING
CONVEYED TO THE CITY OF ANKENY
EXHIBIT "A"

PREPARED FOR

CITY OF ANKENY, IOWA
PUBLIC WORKS DEPARTMENT
220 W 1ST STREET
ANKENY, IOWA 50023

LEGEND

P.O.B.

POINT OF BEGINNING



SUBJECT ACQUISITION AREA



EXISTING BOUNDARY LINE



EXISTING EASEMENT LINE

PROPRIETOR

TIMOTHY W FESSLER
PATRICIA A FESSLER
3003 NW 5TH ST
ANKENY, IA 50023



NORTH

40 0 20

SCALE

SUBJECT PROPERTY LEGAL DESCRIPTION

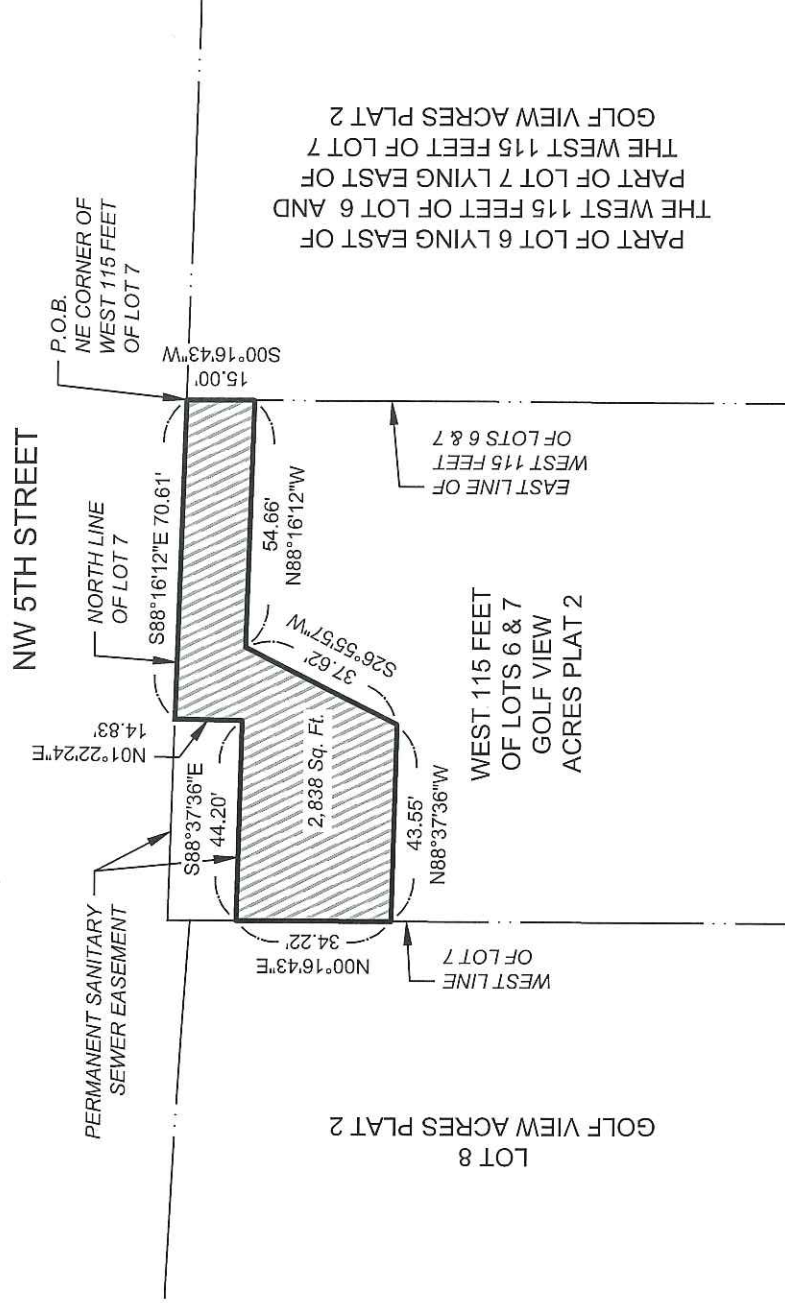
THE WEST 115 FEET OF LOTS 6 AND 7, GOLF VIEW ACRES PLAT 2, AN OFFICIAL PLAT, LOCATED IN THE CITY OF ANKENY, POLK COUNTY, IOWA.

DESCRIPTION OF TEMPORARY EASEMENT

THAT PART OF THE WEST 115 FEET OF LOT 7, GOLF VIEW ACRES PLAT 2, AN OFFICIAL PLAT, LOCATED IN THE CITY OF ANKENY, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID WEST 115 FEET OF LOT 7; THENCE SOUTH 00 DEGREES 16 MINUTES 43 SECONDS WEST, A DISTANCE OF 15.00 FEET; THENCE NORTH 88 DEGREES 16 MINUTES 12 SECONDS WEST, A DISTANCE OF 54.66 FEET; THENCE SOUTH 26 DEGREES 55 MINUTES 57 SECONDS WEST, A DISTANCE OF 37.62 FEET; THENCE NORTH 88 DEGREES 37 MINUTES 36 SECONDS WEST, A DISTANCE OF 43.55 FEET; THENCE NORTH 00 DEGREES 16 MINUTES 43 SECONDS EAST, A DISTANCE OF 34.22 FEET; THENCE SOUTH 88 DEGREES 37 MINUTES 36 SECONDS EAST, A DISTANCE OF 14.83 FEET; THENCE NORTH 01 DEGREES 22 MINUTES 24 SECONDS EAST, A DISTANCE OF 14.83 FEET; THENCE SOUTH 88 DEGREES 16 MINUTES 12 SECONDS EAST, A DISTANCE OF 70.61 FEET, TO THE POINT OF BEGINNING.

CONTAINING 2,838 SQUARE FEET MORE OR LESS.



1250 SW STATE STREET
SUITE A
ANKENY, IOWA
50023-2555
(515) 965-0123 phone
(515) 965-3322 fax
www.nilesinc.com

PROJECT: NW IRVINEDALE DRIVE & NW 5TH STREET
INTERSECTION IMPROVEMENTS
LOCATION: ANKENY, IOWA

NAI No.:
17029
DATE: 11/29/17

DRAWN BY:
TJH
CHECKED BY:
JPN
DWG No.:
1/1
SHEET TITLE:
EX-1

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