

RESOLUTION #31-19
Designation of Utility Easement

Whereas, the Board of Supervisors of Floyd County, Iowa desire to create an easement area for the purposes of relocating certain utilities on county-owned property necessary for the future expansion of a new law enforcement center adjacent to the courthouse; and

Whereas, as a preliminary step to conveying a utility easement, the Board provided timely notice as published in the Charles City Press on August 7, 2019 for a public hearing and held said hearing on August 13 at 9:15 a.m. to gain as much information as possible from residents of the County before granting and conveying the County's interest to certain utilities; and

NOW, THEREFORE, Be It Resolved by the Board of Supervisors of Floyd County, Iowa, as follows:

Section 1. Floyd County hereby agrees to enter into an Easement Agreement to grant and convey unto CenturyLink, Inc, MidAmerican Energy Company, Wisconsin Independent Network, LLC, and Unite Private Networks, LLC, and each of their successors, assigns, lessees, licensees, agents, and affiliates, a perpetual, non-exclusive easement for the purpose of constructing, reconstructing, operating, maintaining, expanding, and repairing their respective systems and services in vacated Jackson Street between Block 28 and Block 29, Kelley & Company's Addition, City of Charles City, Floyd County, Iowa;

Section 2. The Board authorizes the Board Chair and County Auditor to sign said Easement Agreement and to do all acts necessary to record and convey said easement to the grantees;

Section 3. The Easement Agreement becomes effective upon the County Auditor having said document recorded with the Floyd County Recorder's Office.

Vote taken resulted as follows:

Ayes - Tjaden, Schworobgerath, Kamm

Nays - _____

Absent - _____

PASSED, ADOPTED AND APPROVED this 13th day of August, 2019.

ATTEST:



Gloria A. Carr, Auditor

FLOYD COUNTY BOARD OF SUPERVISORS



Douglas A. Kamm, Chair

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DEBORAH K ROBERTS, COUNTY RECORDER
FLOYD COUNTY IOWA

SPACE ABOVE LINE FOR RECORDER'S USE

Prepared by: Randall J. Tilton, 101 South Main, Suite 202, Charles City, IA 50616, (641) 228-7571
Grantor: Floyd County, Iowa, 101 South Main, Charles City, IA 50616
Grantees: CenturyLink, Inc., 100 CenturyLink Drive, Monroe, Louisiana 71203
MidAmerican Energy Company, 666 Grand Ave., Des Moines, Iowa 50303-0657
Wisconsin Independent Network, LLC, 4955 Bullis Farm Road, Eau Claire, WI, 54701
Unite Private Networks, LLC, 7200 NW 86th Street, Suite M, Kansas City, MO 64153
Taxpayer Is: Floyd County, Iowa, 101 South Main, Charles City, IA 50616
Return Document to: Gloria Carr, 101 South Main, Suite 302, Charles City, IA 50616

EASEMENT AGREEMENT

The undersigned, **Floyd County, Iowa, (Grantor)**, in consideration of One dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant and convey unto **CenturyLink, Inc., (Grantee)**, , its successors, assigns, lessees, licensees, agents and affiliates, a perpetual, non-exclusive easement ("Easement") to construct, operate, maintain, repair, expand, replace and remove a communication system that Grantee from time to time may require, consisting of but not limited to, cables, wires, conduits, manholes, drains, splicing boxes, vaults, surface location markers, equipment cabinets and associated wooden or concrete pads and other facilities and structures, including utility service if required to operate such system, (collectively, the "Facilities") over, under and across the following property located in the County of Floyd, State of Iowa, which the Grantor owns or in which Grantor has an interest to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

The undersigned, **Floyd County, Iowa, (Grantor)**, in consideration of One dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant and convey unto **MidAmerican Energy Company, (Grantee)**, its successors, assigns, lessees, licensees, agents and affiliates, a perpetual, non-exclusive easement ("Easement") to construct, reconstruct, operate, maintain, replace or remove underground conduits, wires and cables for the transmission and distribution of electric energy and for communication and electrical controls, including other reasonably necessary equipment incident thereto (collectively "Facilities") under and on the surface of the ground, together with the right of ingress and egress to and from the same, and all the rights and privileges incident and necessary to the enjoyment of this easement ("Easement Area"). over, under and across the following property located in the County of Floyd, State of Iowa, which the Grantor owns or in which Grantor has an interest to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

The undersigned, **Floyd County, Iowa, (Grantor)**, in consideration of One dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant and convey unto **Wisconsin Independent Network, LLC, (Grantee)**, , its successors, assigns, lessees, licensees, agents and affiliates, a perpetual, non-exclusive easement ("Easement") for the purpose of constructing, reconstructing, operating, maintaining and repairing underground raceway system containing fiber optic cable, including all appurtenances required therefore (collectively, the "Facilities") over, under and across the following property located in the County of Floyd, State of Iowa, which the Grantor owns or in which Grantor has an interest to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

The undersigned, **Floyd County, Iowa, (Grantor)**, in consideration of One dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant and convey unto **Unite Private Networks, LLC, (Grantee)**, , its successors, assigns, lessees, licensees, agents and affiliates, a perpetual, non-exclusive easement ("Easement") for the purpose of constructing, reconstructing, operating, maintaining and repairing underground raceway system containing fiber optic cable, including all appurtenances required therefore (collectively, the "Facilities") over, under and across the following property located in the County of Floyd, State of Iowa, which the Grantor owns or in which Grantor has an interest to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

THE FOLLOWING PROVISIONS APPLY TO ALL EASEMENTS:

Grantor further conveys to Grantee the right of ingress and egress to and from the Easement Area during all periods of construction, maintenance, installation, reinforcement, repair and removal over and across Grantor's lands with the right to clear and keep cleared all trees and other obstructions as may be necessary for Grantee's use and enjoyment of the Easement Area.

Grantee shall indemnify Grantor for all damages caused to Grantor as a result of Grantee's negligent exercise of the rights and privileges herein granted. Grantee shall have no responsibility for environmental contamination, which is either preexisting or not caused by Grantee.

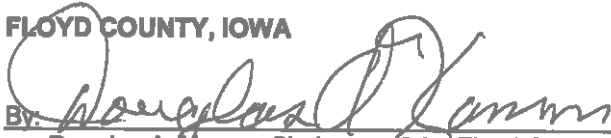
Grantor reserves the right to occupy and use the Easement Area for all purposes not inconsistent with the rights herein granted.

Grantor covenants that Grantor is the fee simple owner of the Easement Area or has an interest in the Easement Area. Grantor will warrant and defend title to the Easement Area against all claims.

Grantor hereby covenants that no excavation, structure or obstruction will be constructed, or permitted on the Easement Area and no change will be made by grading or otherwise that would adversely affect Grantee's use and enjoyment of the Easement Area.

The rights, conditions and provisions of this Agreement shall run with the land and shall inure to the benefit of and be binding upon Grantor and Grantee and their respective successors and assigns.

FLOYD COUNTY, IOWA

By: 

Douglas A. Kamm, Chairman of the Floyd County Board of Supervisors

ATTEST:



Gloria A. Carr, Floyd County Auditor

**STATE OF IOWA
COUNTY OF FLOYD**

On this 13 day of August, 2019, before me, a Notary Public in and for the State of Iowa, personally appeared Douglas A. Kamm and Gloria A. Carr, to me personally known, and who, being by me duly sworn, did say that they are the Chairperson of the Board of Supervisors and County Auditor, respectively, of Floyd County, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the County, and that the instrument was signed and sealed on behalf of the County, by authority of its Board of Supervisors, as contained in Resolution No. 31-19 passed by the Board of Supervisors on the 13th day of August, 2019, and Douglas A. Kamm and Gloria A. Carr acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the County, by It voluntarily executed.



Tracy Sindt
Notary Public

EXHIBIT "A"

Easement Descriptions:

Utility Easement #4 in Vacated Jackson Street between Block 28 & Block 29, Kelly & Company's Addition, City of Charles City, Floyd County, Iowa, and more particularly described as follows:

Beginning at the Northeastly Corner of Block 29, Kelly & Company's Addition to Charles City, and a Corner of Utility Easement #3, Recorded July 9, 2019, Document #2019-1366, on file in the Floyd County Recorder's Office, Charles City, Iowa;

Thence **South 57° 11' 59" East, 66.00 feet** along the Southerly Right-of-Way Line of Court Street to the Northwestly Corner of Block 28 of said Addition and a Corner of Utility Easement #1, Recorded July 9, 2019, Document #2019-1366, on file in the Floyd County Recorder's Office, Charles City, Iowa;

Thence **South 32° 48' 33" West, 10.00 feet** along the Westerly Line of said Block 28 and the Westerly Line of said Utility Easement #1 to a Corner thereof;

Thence **North 57° 11' 59" West, 66.00 feet** to the Easterly Line of Block 29 in said Addition and a Corner of Utility Easement #3, Recorded July 9, 2019, Document #2019-1366, on file in the Floyd County Recorder's Office, Charles City, Iowa;

Thence **North 32° 48' 33" East, 10.00 feet** along the Easterly Line of said Block 29 and the Easterly Line of said Utility Easement #3 to the Point of Beginning.

Containing **660 Square Feet**, subject to any other easements recorded or unrecorded.

Utility Easement #5 in Vacated Jackson Street between Block 28 & Block 29, Kelly & Company's Addition, City of Charles City, Floyd County, Iowa, and more particularly described as follows:

Beginning at the Southeastly Corner of Block 29, Kelly & Company's Addition to the City of Charles City, Floyd County, Iowa, and a Corner of Utility Easement #3, Recorded July 9, 2019, Document #2019-1366, on file in the Floyd County Recorder's Office, Charles City, Iowa;

Thence **North 32° 48' 33" East, 21.48 feet** along the Easterly Line of said Block 29 and the Easterly Line of said Utility Easement #3 to a Corner thereof;

Thence **South 61° 54' 41" East, 66.22 feet** to the Westerly Line of Block 28 in said Addition and a Corner of Utility Easement #2, Recorded July 9, 2019, Document #2019-1366, on file in the Floyd County Recorder's Office, Charles City, Iowa;

Thence **South 32° 48' 33" West, 15.82 feet** along the Westerly Line of said Block 28 and the Westerly Line of said Utility Easement #2 and a Corner thereof and the Northerly Right-of-Way Line of Gilbert Street;

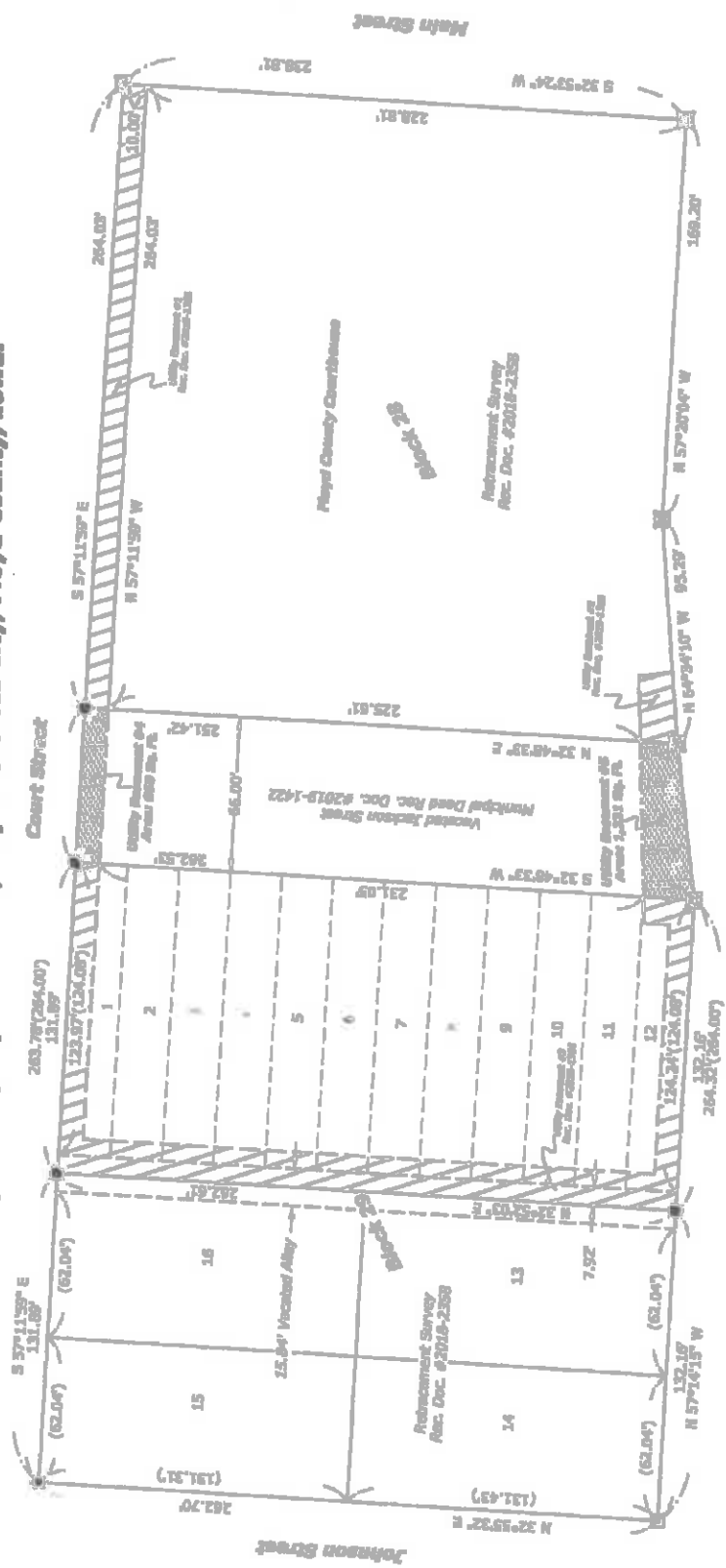
Thence **North 66° 44' 44" West, 66.93 feet** along said Northerly Right-of-Way Line to the Point of Beginning.

Containing **1,231 Square Feet**, subject to any other easements recorded or unrecorded.

Note: The Bearings and Distances indicated in these Legal Descriptions are to the Monuments "Found or Set" as indicated on the attached "Plat of Survey" and the calls along the courses in this Description are to those Monuments as indicated.

And Reference is hereby made to the Recorded Documents as indicated on this Plat of Survey.

Utility Easement
Utility Easements #4 & #5 in Vacated Jackson Street between Block 28 & Block 29
In Kelly & Company's Addition, City of Charles City, Floyd County, Iowa.

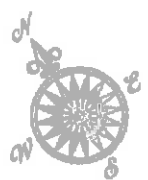
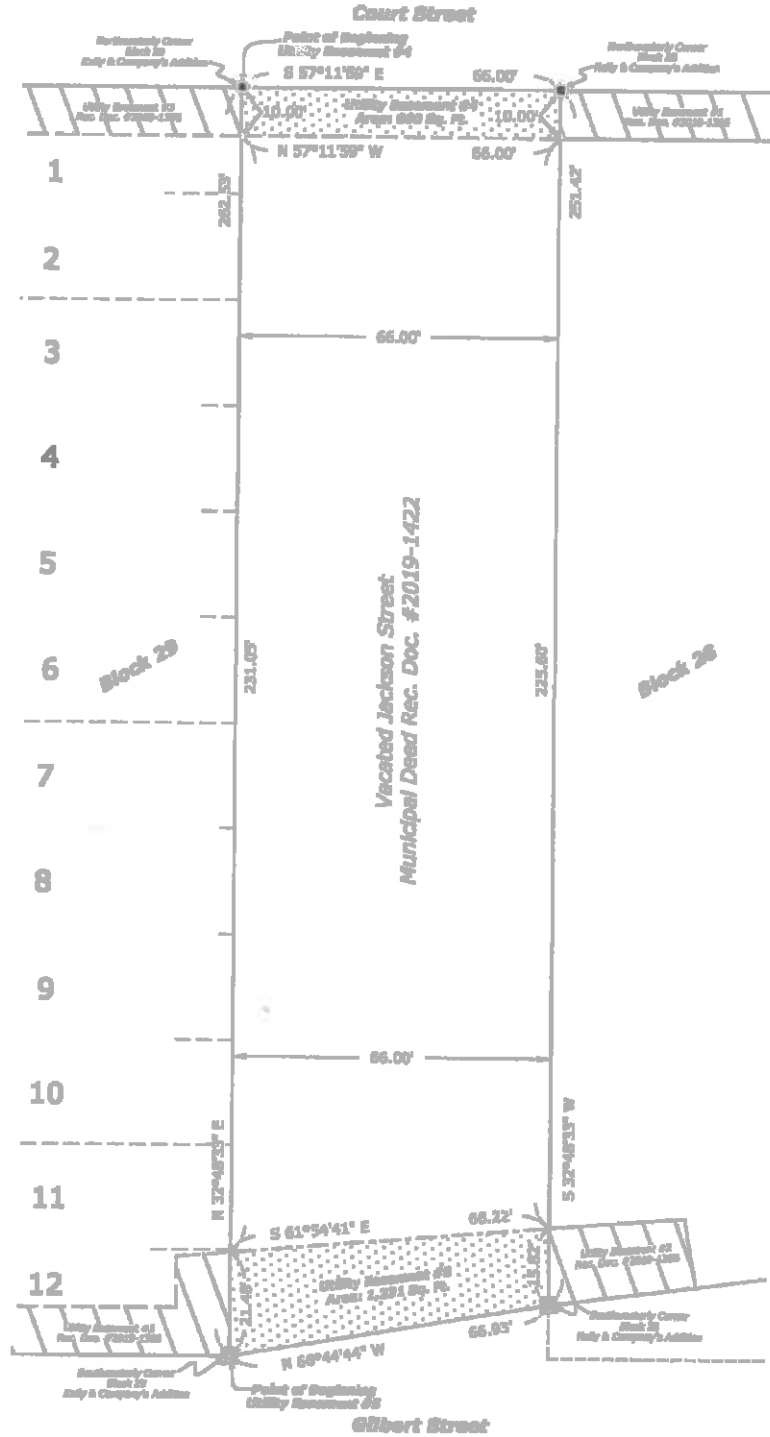


Notes:
 See Sheet 1 for Location Map.
 See Sheet 2 for Easement Control.
 See Sheets 3 & 4 for Easement Details.
 See Sheet 4 for Easement Description.



Utility Easement

Utility Easements #4 & #5 in Vacated Jackson Street between Block 28 & Block 29 in Kelly & Company's Addition, City of Charles City, Floyd County, Iowa.



Notes
 See Sheet 1 for Location Map.
 See Sheet 2 for Easement Control.
 See Sheets 3 Easement Details.
 See Sheet 4 for Easement Description.

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