

RESOLUTION NO. 004 (2024/2025)

A RESOLUTION ACCEPTING EASEMENT TO CONSTRUCT AND MAINTAIN DRAINAGE BETWEEN THE CITY OF NEVADA, IOWA AND RHETT FAABORG AND DENISE M. FAABORG

WHEREAS, the City of Nevada is undertaking a SRF Sponsored Project (Project A – West Indian Creek) to construct and maintain drainage to address erosion concerns; and

WHEREAS, IT IS NECESSARY FOR THE City to obtain a permanent easement from certain property owners in and around West Indian Creek to begin and complete this project; and

WHEREAS, Rhett Faaborg and Denise M. Faaborg, do hereby grant to the City of Nevada, Iowa a permanent easement to construct and maintain drainage in, to, on, over and across real estate in Story County, Iowa, as described in Exhibit A of the attached easement; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Nevada, Iowa, that:

1. The Easement to Construct and Maintain Drainage by and between the City of Nevada, Iowa, and Rhett Faaborg and Denise M. Faaborg in the forms attached hereto is hereby accepted.

PASSED AND APPROVED this 8th day of July, 2024.

Brett Barker, Mayor

ATTEST:

Kerin Wright, City Clerk

EASEMENT TO CONSTRUCT AND MAINTAIN DRAINAGE

For the consideration of one dollar and no/100 --(\$1.00) -- and other valuable consideration in hand paid by the **RHETT FAABORG AND DENISE M. FAABORG, HUSBAND AND WIFE**, do hereby grant to the City of Nevada, Iowa a permanent easement to construct and maintain drainage in, to, on, over and across real estate in Story County, Iowa:

THE EASEMENT GRANTED TO CONSTRUCT AND MAINTAIN DRAINAGE IS TO LAND DESCRIBED AS FOLLOWS:

See real estate description attached hereto and by this reference made a part hereof. Acquisition Plat - Exhibit "A" Permanent Drainage Easement is attached to said legal description.

No buildings, obstructions, or other improvements are to be erected upon or under the property covered by this Easement which would interfere with the construction, reconstruction, or maintenance of said sanitary sewer without first obtaining permission from the City of Nevada, Iowa.

This easement and transfer is exempt from transfer tax. Iowa Code Sec. 428A.2(17).

Grantors do hereby covenant with grantees, and successors in interest, that grantors hold the real estate by title in fee simple; that they have good and lawful authority to sell and convey the real estate; that the real estate is free and clear of all liens and encumbrances except as may be above stated; and grantors covenant to warrant and defend the real estate against the lawful claims of all persons except as may be above stated. Each of the undersigned hereby relinquishes all rights of dower, homestead and distributive share in and to the easement.

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

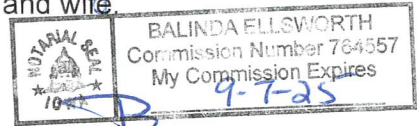
Dated 5-29, 2024.

Rhett Faaborg
Rhett Faaborg

Denise M. Faaborg
Denise M. Faaborg

STATE OF Iowa)
COUNTY OF Story) ss:

This instrument was acknowledged before me on May 29th, 2024, by Rhett Faaborg and Denise Faaborg, husband and wife.



Balinda Ellsworth
Notary Public in and for said State

Index Legend	
Location:	Sub Lot 2 of Lots 8 and 10 of the West Fraction Half (W. Fr 1/2) of the NW1/4 Sec. 7-T83N-R22W
Requestor:	City of Nevada, Iowa
Proprietor:	Rhett & Denise M. Faaborg
Surveyor:	Matthew J. Vobr, P.L.S.
Surveyor Company:	Vobr Niermeyer, LLC 5340 N. Park Place NE, Suite 105 Cedar Rapids, IA 52402 (319) 377-5099
Return To:	info@vnsurveying.com

ACQUISITION PLAT - EXHIBIT 'A' PERMANENT DRAINAGE EASEMENT CITY OF NEVADA, STORY COUNTY, IOWA

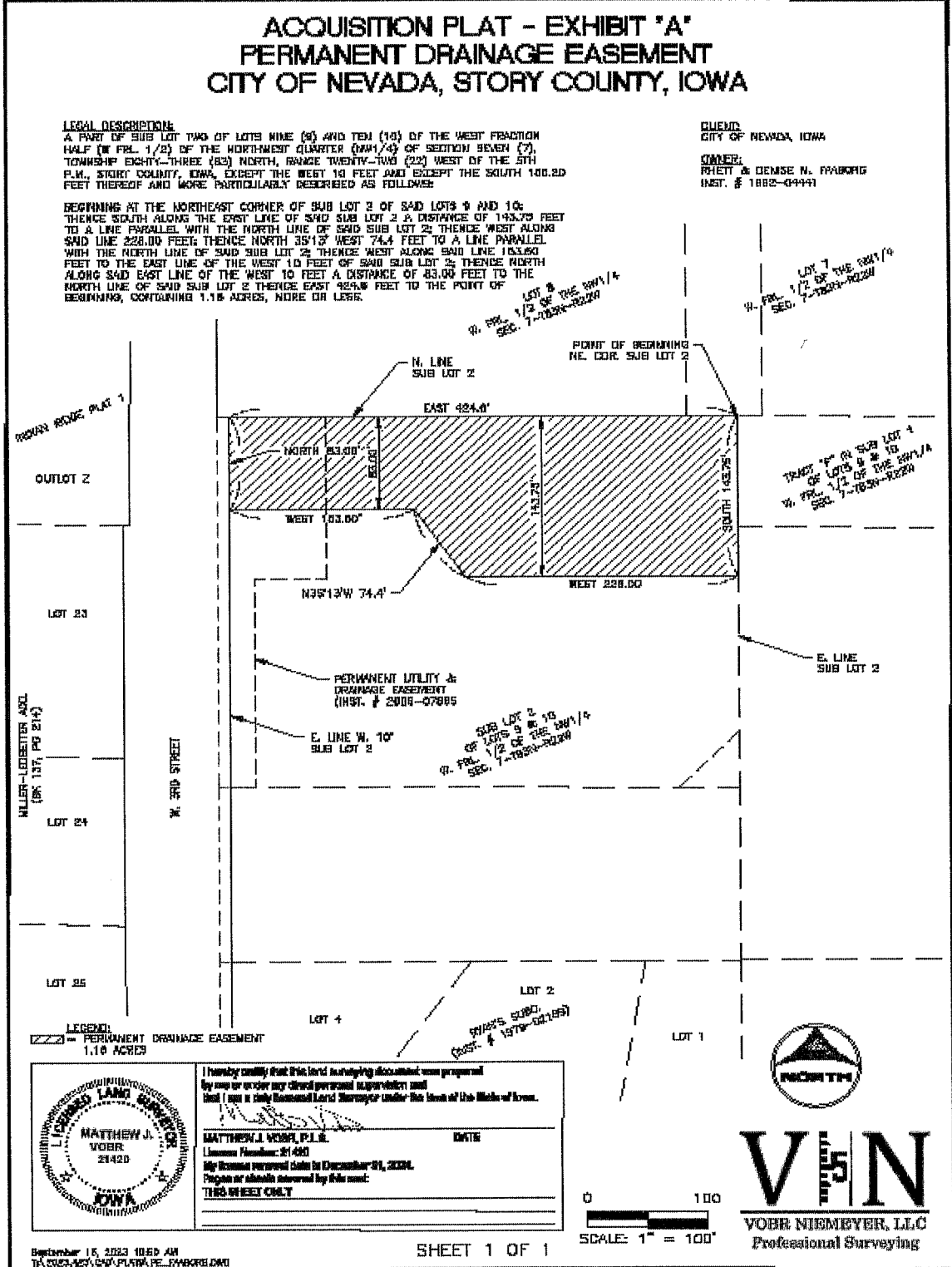
LEGAL DESCRIPTION:

A PART OF SUB LOT TWO OF LOTS NINE (9) AND TEN (10) OF THE WEST FRACTION HALF (W. FR. 1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION SEVEN (7), TOWNSHIP EIGHTY-THREE (83) NORTH, RANGE TWENTY-TWO (22) WEST OF THE 5TH P.M., STORY COUNTY, IOWA, EXCEPT THE WEST 10 FEET AND EXCEPT THE SOUTH 100.00 FEET THEREOF AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

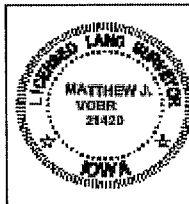
BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 2 OF SAID LOTS 9 AND 10; THENCE SOUTH ALONG THE EAST LINE OF SAID SUB LOT 2 A DISTANCE OF 143.70 FEET TO A LINE PARALLEL WITH THE NORTH LINE OF SAID SUB LOT 2; THENCE WEST ALONG SAID LINE 228.00 FEET; THENCE NORTH 35'13" WEST 74.4 FEET TO A LINE PARALLEL WITH THE NORTH LINE OF SAID SUB LOT 2; THENCE WEST ALONG SAID LINE 103.00 FEET TO THE EAST LINE OF THE WEST 10 FEET OF SAID SUB LOT 2; THENCE NORTH ALONG SAID EAST LINE OF THE WEST 10 FEET A DISTANCE OF 83.00 FEET TO THE NORTH LINE OF SAID SUB LOT 2; THENCE EAST 92.6 W FEET TO THE POINT OF BEGINNING, CONTAINING 1.10 ACRES, MORE OR LESS.

CLIENT:
CITY OF NEVADA, IOWA

OWNER:
RHETT & DENISE M. FAABORG
INST. # 1882-04441



LEGEND:
 PERMANENT DRAINAGE EASEMENT
 1.10 ACRES



I hereby certify that this land surveying document was prepared by me or under my direct personal supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Iowa.

Matthew J. Vobr
 MATTHEW J. VOBR, P.L.S. DATE
 License Number: 21420
 My license renewed date is December 31, 2024.
 Payment of license renewed by the state:
 THIS SHEET ONLY



0 100
 SCALE: 1" = 100'

