

RESOLUTION NO. 006 (2024/2025)

**A RESOLUTION ACCEPTING EASEMENT TO CONSTRUCT AND MAINTAIN
DRAINAGE BETWEEN THE CITY OF NEVADA, IOWA AND JAMES G. FREVERT
AND CLARE E. FREVERT**

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, James G. Frevert and Clare E. Frevert, 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 James G. Frevert and Clare E. Frevert 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 **JAMES G. FREVERT AS TRUSTEE OF THE JAMES G. FREVERT REVOCABLE TRUST DATED NOVEMBER 5, 2002, AS MAY BE AMENDED FROM TIME TO TIME, AND CLARE E. FREVERT AS TRUSTEE OF THE CLARE E. FREVERT REVOCABLE TRUST DATED NOVEMBER 5, 2002, AS MAY BE AMENDED FROM TIME TO TIME, AS TENANTS IN COMMON**, does 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 May 21, 2024.

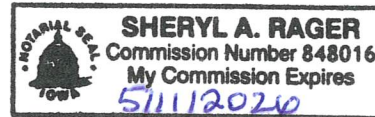
JAMES G. FREVERT AS TRUSTEE OF THE JAMES G. FREVERT REVOCABLE TRUST DATED NOVEMBER 5, 2002, AS MAY BE AMENDED FROM TIME TO TIME, AND CLARE E. FREVERT AS TRUSTEE OF THE CLARE E. FREVERT REVOCABLE TRUST DATED NOVEMBER 5, 2002, AS MAY BE AMENDED FROM TIME TO TIME, AS TENANTS IN COMMON:

James G. Frevert
James G. Frevert, Trustee

Clare E. Frevert
Clare E. Frevert, Trustee

STATE OF Iowa)
COUNTY OF Story) ss:

This instrument was acknowledged before me by James G. Frevert and Clare E. Frevert, as Trustees of the James G. Frevert Revocable Trust on this 21 day of May, 2024



Notary Public in and for said State

Sheryl Rager

Index Legend	
Location:	Lot 23, Miller-Leadbetter Addition to Nevada, Story County, IA
Requester:	City of Nevada, Iowa
Proprietor:	James G. & Clare E. Frevert
Surveyor:	Matthew J. Vobr, P.L.S.
Surveyor:	Vobr Niemeyer, LLC
Company:	5340 N. Park Place NE, Suite 105 Cedar Rapids, IA 52402 (319) 377-5099
Return To:	info@msurveying.com

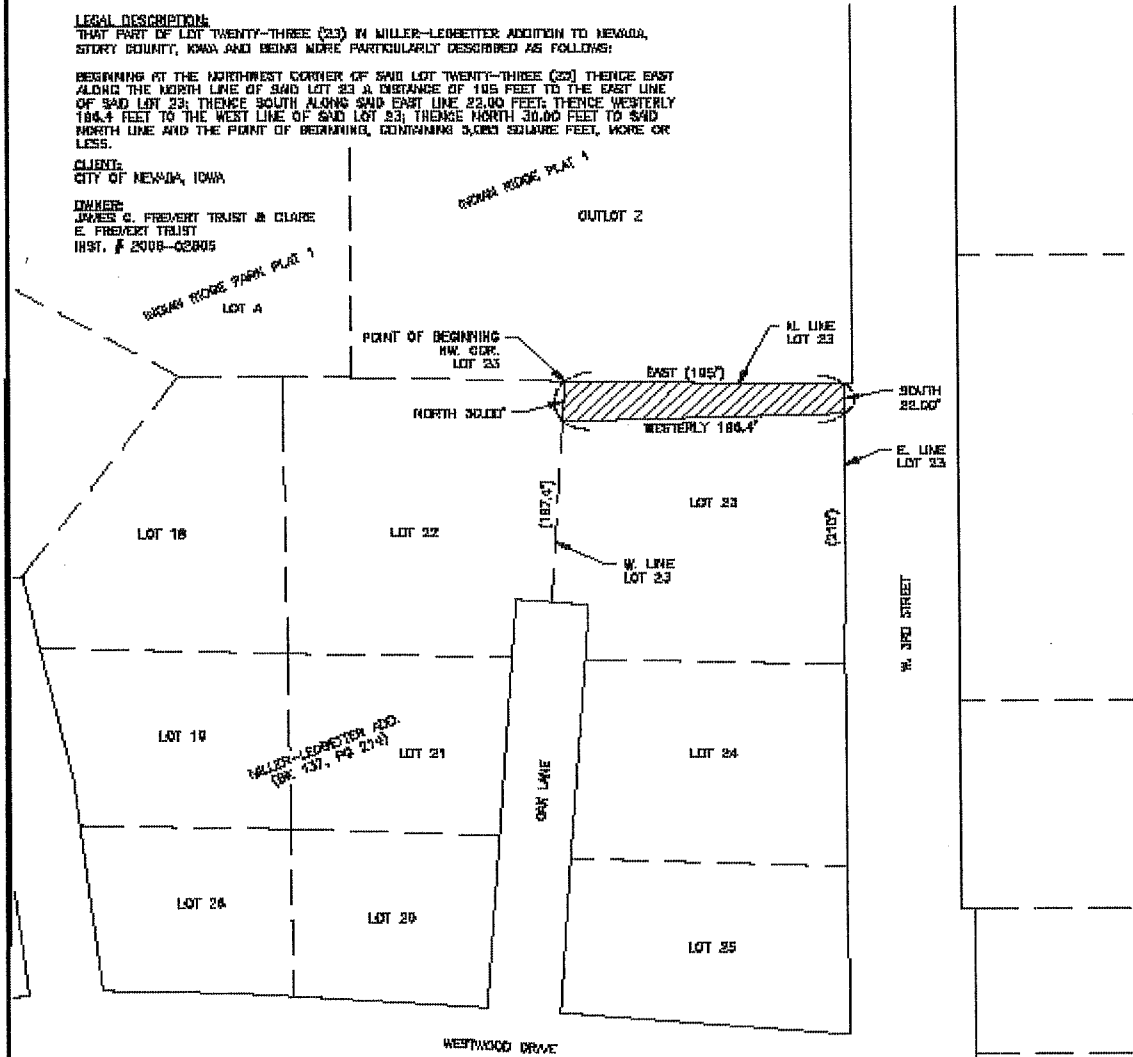
ACQUISITION PLAT - EXHIBIT 'A' PERMANENT DRAINAGE EASEMENT CITY OF NEVADA, STORY COUNTY, IOWA

LEGAL DESCRIPTION:
THAT PART OF LOT TWENTY-THREE (23) IN MILLER-LEADBETTER ADDITION TO NEVADA, STORY COUNTY, IOWA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

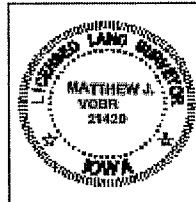
BEGINNING AT THE NORTHWEST CORNER OF SAID LOT TWENTY-THREE (23) THENCE EAST ALONG THE NORTH LINE OF SAID LOT 23 A DISTANCE OF 105 FEET TO THE EAST LINE OF SAID LOT 23; THENCE SOUTH ALONG SAID EAST LINE 23.00 FEET; THENCE WESTERLY 186.4 FEET TO THE WEST LINE OF SAID LOT 23; THENCE NORTH 30.00 FEET TO SAID NORTH LINE AND THE POINT OF BEGINNING, CONTAINING 5,095 SQUARE FEET, MORE OR LESS.

CLIENT:
CITY OF NEVADA, IOWA

OWNER:
JAMES G. FREVERT TRUST & CLARE
E. FREVERT TRUST
INST. # 2009-02005



LOT 4	LOT 3	LOT 2	LOT 1	LOT 28
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I hereby certify that the 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.
 This plat or plan is approved by the state.
THIS SHEET ONLY



V N
VOBR NIEMEYER, LLC
 Professional Surveying

0 100
 SCALE: 1" = 100'