

RESOLUTION NO. 004 (2026/2027)

**A RESOLUTION ACCEPTING A TEMPORARY EASEMENT TO CONSTRUCT AND
MAINTAIN DRAINAGE BETWEEN THE CITY OF NEVADA, IOWA AND JEFFREY M.
CLENDENEN AND APRIL D. CLENDENEN**

WHEREAS, the City of Nevada is undertaking a SRF Sponsored Project (Project E – West Indian Creek Improvement Project) to restore and improve the stream channel and address erosion concerns; and

WHEREAS, it is necessary for the City to obtain temporary construction easements from certain property owners adjacent to West Indian Creek in order to complete the project; and

WHEREAS, Jeffrey M. Clendenen and April D. Clendenen have granted the City of Nevada, Iowa, a temporary easement to construct in, to, on, over, and across real estate located in Story County, Iowa, as more particularly described in the attached Easement and Exhibit A, for the purpose of constructing and restoring drainage improvements associated with the West Indian Creek Improvement Project; and

WHEREAS, the temporary easement shall terminate upon completion of construction and restoration of the affected area in accordance with the approved project plans and specifications.

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

- 1. The Temporary Easement to Construct and Maintain Drainage** by and between the City of Nevada, Iowa, and **Jeffrey M. Clendenen and April D. Clendenen**, in the form attached hereto, is hereby accepted.

PASSED AND APPROVED this 13th day of July, 2026.

Ryan Condon, Mayor

ATTEST:

Erin Mousel, City Clerk

EASEMENT TO CONSTRUCT AND MAINTAIN DRAINAGE

JEFFREY M. CLENDENEN and APRIL D. CLENDENEN, AS JOINT TENANTS WITH FULL RIGHTS OF SURVIVORSHIP, AND NOT AS TENANTS IN COMMON, do hereby grant to the City of Nevada, Iowa a temporary easement to construct in, to, on, over and across real estate in Story County, Iowa:

THE EASEMENT GRANTED TO CONSTRUCT IS TO LAND DESCRIBED AS FOLLOWS:

See real estate description attached hereto and by this reference made a part hereof. Acquisition Plat – "TEMPORARY 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 is exempt from transfer tax. Iowa Code Sec. 428A.2(17).

This easement shall terminate upon completion of construction and restoration of the channel. Upon completion of construction activities within the temporary easement area, the City of Nevada, Iowa, or its contractors shall restore the affected area in accordance with the approved project plans and specifications for the stream restoration project. Restoration shall include regrading of the stream channel and adjacent disturbed areas to the designed contours and elevations, stabilization of disturbed soils, and installation of erosion control measures as shown in the project documents.

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, 4/27 2026.

Jeffrey M. Clendenen

April D. Clendenen

STATE OF IA)

) ss:

COUNTY OF STORY)

This instrument was acknowledged before me on 4/27
20 2026 by Jeffrey M. Clendenen and April D. Clendenen

Index Legend	
City:	Nevada
County:	Story County
Parcel ID:	11-07-340-100
Description:	Part of Lots Two (2) and Six (6) in the Northeast Quarter (NE1/4) of the Southwest Quarter (SW1/4) of Section 7-83-22
Proprietor:	Jeffrey M. Clendenen, April D. Clendenen
Surveyor:	John Bollne
Company:	HRGreen, Inc.
Return To:	5525 Merle Hay Road Suite 200 Johnston, IA 50131

TEMPORARY EASEMENT

TEMPORARY CONSTRUCTION EASEMENT BEING CONVEYED TO THE CITY OF NEVADA
WEST INDIAN CREEK IMPROVEMENT PROJECT

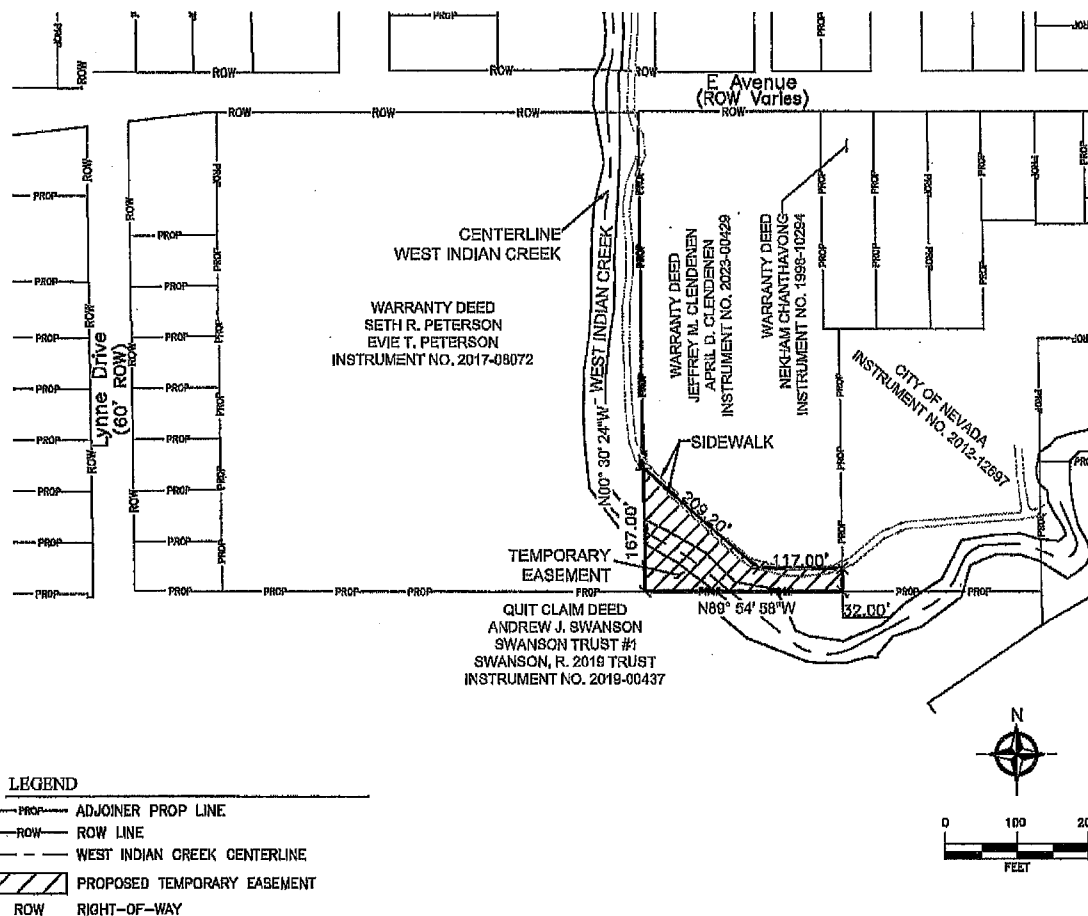
PROPERTY OWNER: JEFFREY M. CLENDENEN
APRIL D. CLENDENEN
INSTRUMENT NO. 2023-00429

MAILING ADDRESS
324 E AVE
NEVADA IA 50201-2518

LEGAL DESCRIPTION:

A PARCEL OF LAND FOR TEMPORARY CONSTRUCTION EASEMENT PURPOSES BEING A PART OF A PARCEL OF LAND DESCRIBED IN A WARRANTY DEED TO JEFFREY M. CLENDENEN AND APRIL D. CLENDENEN RECORDED JANUARY 20, 2023 AS DOCUMENT NO. 2023-00429 IN STORY COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A STRIP OF LAND BEING THE SOUTHERLY 32.00' OF SAID PARCEL AND APPROXIMATELY A 60' OFFSET IN THE NORTHEAST DIRECTION FROM THE CENTERLINE OF WEST INDIAN CREEK TO THE SOUTHERLY EDGE OF A SIDEWALK OVER THE PROPOSED CONSTRUCTION LIMITS OF THE WEST INDIAN CREEK IMPROVEMENT PROJECT, ALL IN THE NE 1/4 OF THE SW 1/4 OF SECTION 7, TOWNSHIP 83 NORTH, RANGE 22 WEST OF THE 6TH P.M. IN THE CITY OF NEVADA, STORY COUNTY, IOWA.



SURVEY FOR:
CITY OF NEVADA
1209 6TH ST
NEVADA, IA 50201
PHONE: (515) 382-5466

HRG PROJECT NO. 191900.04 DATE: 04/17/2026



5525 MERLE HAY ROAD
JOHNSTON, IOWA 50131
PHONE 515-278-2913
www.hrgreen.com

SHEET
1 OF 1