

MEMO Legal Department

To: Mayor Campbell and Members of the City Council
From: Victoria A. Feilmeyer, Assistant City Attorney VICTON & A. Fully
Date: November 15, 2017

Subject: Revision to 1995 Utility Easement for the Property at 1313 Jefferson Street

Recently, Paul and Megan Sodahl purchased the property locally known as 1313 Jefferson Street, and legally described as "Lot 8, First Addition, Glenview Heights Subdivision to Ames, Story County, Iowa." The attorney examining title for the Sodahls identified an easement granted to the City of Ames in 1995 over the East 5 feet of the property which did not state the purpose of the easement.

The Public Works Department has confirmed that the purpose of the easement was for "constructing and maintaining a permanent storm sewer easement." The property owner has requested that the City consent to an Amendment, prepared by the property owners' attorney, which modifies the 1995 Easement to expressly state the intended purpose of the easement. The requesting party has provided the City with the necessary recording fees for the Amendment. Copies of the 1995 Easement and proposed Amendment are attached.

We recommend approval of the Amendment, as requested by the property owner, to confirm the intended purpose and scope of the Easement.



RIGHT OF WAY PERMIT AND EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That (I/we), A. L. & C. J. Sodahl (do/does) hereby grant unto the City of Ames, Iowa, a municipal corporation its successors and assigns, the perpetual right to enter upon the land described and the perpetual right to construct, reconstruct, clean up, operate, maintain, and cover over and repair an easement upon, under, and across the land described as follows:

DESCRIPTION:

A permanent easement located in the E. 5' of Lot 8, Glenview Heights 1st Addn. all located in the City of Ames, Story County, Iowa and containing 0.02 acres more or less.

A temporary construction easement located in the E. 7' of Lot 8, Glenview Heights 1st Addn. all located in the City of Ames, Story County, Iowa and containing 0.02 acres more or less.

See attached plat marked and made a part hereof.

The foregoing rights are granted upon the express condition that the City of Ames, Iowa, will assume all liability for all damages to the above described property caused by the City's failure to use due care in its exercise of the rights granted.

Dated at Ames, Iowa, this day	of October , 1995.
Alen Z. Sodall	Cindy Sodahl

)ss

STATE OF IOWA

COUNTY OF Story

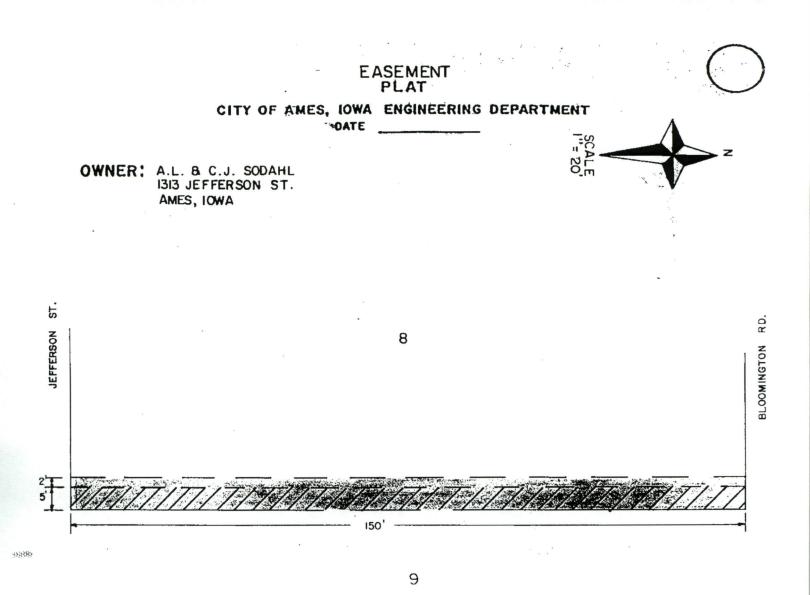
On this 5 day of $0ct_{bbc}$, $19\frac{95}{5}$ before me the undersigned, a notary public in and for said County, in said State, personally appeared <u>Arlen + Cindy 50 dahl</u> to me known to be the identical (person/persons) named in and who executed the within and foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

NET NO 95- 09018
NST. NO. 95- 09018 STORY COUNTY, IOWA
AM OCT 1 1 1995, PM
AM OCT 1 1 1995, Paul AWAAN M. VANDE KAUNP SUSAN L. VANDE KAMP, ROCORDER (SS)
Recording Fee \$
Auditor's Fee \$

H H	MY COMMISSION EVERTES

Steve Stephan

Notary Public in and for the State of Iowa.



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RECORDED:

DATE

95-09018 (2)

Space above for recording data			
Prepared By: Timothy L. Gartin, Att'y at Law, 409 Duff, Ames, IA 50010 515-232-2501			
Return Document To: Timothy L. Gartin, Att'y at Law, 409 Duff, Ames, 1A 50010			

Amendment to Right of Way Permit and Easement involving the following described real estate in Story County, Iowa:

Lot 8, First Addition, Glenview Heights Subdivision to Ames, Story County, Iowa. MARRIED COUPLE

AND MEGANJ. SODAHL KNOW ALL PERSONS BY THIS INSTRUMENT that Paul Sodahl, currently of 1313 Jefferson St., Ames, IA 50010, a single person, does hereby amend the Right of Way Permit and Easement (hereafter Easement), filed October 11, 1995 as Inst. No. 95-09018 of the county records, as follows:

Amendment. The Easement is hereby amended to provide for a specific 1. purpose because the original Easement was silent as to the type of easement conveyed. The first sentence in the Description section of said Easement shall be modified by adding the following provision:

> The easement shall be for the purpose of constructing and maintaining a permanent storm sewer easement.

Affirmation of Easement. In all other respects, the Easement is hereby 2. affirmed and remains in full force and effect.

Approval of amendment. The City of Ames, Iowa, hereby approves this 3. amendment to the Easement.

PJIM Paul Sodahl

legan Sodeme

10-22-17 Date

10/23/17

State of Iowa, Story County) SS.

This record was acknowledged before me on October 23, 2017 by Paul Sodahl and Megan J. Sondahl. $\boxed{\begin{array}{c} t \\ t \\ t \end{array}}$

	Sign name here 🖝	(mut h) at
	Print name here 🖛	Notary Public in and for said State and County
NRIAL OFFICE	Timothy L. Gartin Commission Number 185505 My Commission Expires July 10, 2020	Notary Public in and for said State and County My commission expires:
City of Ames	, Iowa	
By		
	pbell, Mayor	Date
State of Iowa	, Story County) SS.	

This record was acknowledged before me on _____, 2017 by Ann Campbell as Mayor of the City of Ames, Iowa.

Sign name here 🖝 Print name here 🖝

Notary Public in and for said State and County My commission expires: _____

2