

EASEMENT FOR SIDEWALK AND UTILITIES

The DECORAH COMMUNITY SCHOOL DISTRICT (referred to as the “District”), being the owner in fee simple of the premises described as:

Lot 1 of Decorah Schools First Addition, in the City of Decorah,
Winneshiek County, Iowa,

(the “Property”).

does grant to the City of Decorah, Iowa (the “City”), a perpetual easement for a public sidewalk and utilities upon and across the following described land located in Winneshiek County, Iowa, to-wit:

See Decorah Schools First Addition Plat, recorded as Document No. 2026-_____ for the location of the “Sidewalk and Utilities Easements” described and shown as ① and ② on said plat. This easement agreement does not apply to the Storm Sewer Easements shown as ④ on said plat.

(hereinafter referred to as the “Easement Areas”)

These easements shall be governed by the following terms:

1. The District shall pay for all costs of installing new sidewalks with the sidewalk Easement Areas, said sidewalks to be built to the City’s specifications and subject to City approval.
2. The District grants the City and the general public a non-exclusive easement and the right to use for pedestrian purposes the sidewalks installed in the Easement Areas shown as easement ② on said plat.
3. There shall be no construction or erection of any building or structure on the above-described Easement Areas, except the repair, maintenance, or replacement of sidewalks and driveways.
4. On acceptance of this Easement, the City vacates the 10 feet wide sidewalk and 10 feet wide utility easements set forth in the reserved easements recorded as Document No. 2023-2662 and Document No. 2023-2665 of the Winneshiek County Records.
1. The owner of the Property shall maintain and repair all sidewalks in accordance with the requirements of the Municipal Code of the City of Decorah, Chapter 12.28 - Sidewalk Specifications and Construction, and Iowa Code Section 364.12(2)(b), and as both may be amended in the future. This easement does not relieve the owner of the Property of any other duties imposed by the City Code, state law, or other authorities regarding the maintenance of the sidewalk.
2. All designated utility easements described and shown as ① and ② on the Decorah Schools First Addition Plat, recorded as Document No. 2026-_____, are conveyed to the City, its successors and assigns, and said easements convey the perpetual right within the designated easement area to construct, reconstruct, install, operate, maintain and remove sanitary sewers, storm sewers, water mains, communication, fiber optic, internet, electric, telephone, natural gas, cable television, and other similar utility lines, consisting of above or below ground pipes, conduits, cable, poles, wires, anchors and necessary appurtenances, including the right to trim or remove

vegetation within such easement areas where necessary to secure a clearance of not less than four (4) feet from wires or poles, together with the right to extend to any private utility company, the right to use, separate or jointly with the City, the areas included in the easement for the purposes above enumerated. The City shall also have the right to eliminate any unused utility easement.

- 3. This easement shall be perpetual, shall run with the Property, is binding on the owner of the Property, and all successors in interest of the land, and shall not merge with fee simple title to the property.

IN WITNESS WHEREOF, the undersigned have set their hands and seals this _____ day of _____, 2026.

THE DECORAH COMMUNITY SCHOOL DISTRICT

By: _____
Cindy Goodner, School Board President

ATTEST: _____
Denise Gulrud, Board Secretary

STATE OF IOWA, COUNTY OF WINNESHIEK, ss:

On this ____ day of _____, 2026, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Cindy Goodner and Denise Gulrud, to me personally known, and, who, being by me duly sworn, did say that they are the School Board President and Secretary, respectively, of the Decorah Community School District; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its School Board, and that Cindy Goodner and Denise Gulrud, acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the Decorah Community School District, by it voluntarily executed.

Notary Public in and for the State of Iowa

ACCEPTANCE OF EASEMENT

The City of Decorah, Iowa, for valuable consideration, accepts the above-described easement, and agrees to the terms and conditions contained herein.

City of Decorah, Iowa

Frederic A. Carlson, Mayor

ATTEST:

Keri Sand, City Clerk-Finance Officer

STATE OF IOWA, COUNTY OF WINNESHIEK, ss:

On this ____ day of _____, 2026, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Frederic A. Carlson and Keri Sand, to me personally known, and, who, being by me duly sworn, did say that they are the Mayor and City Clerk-Finance Officer, respectively, of the City of Decorah, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council, pursuant to City Council Resolution, and that Frederic A. Carlson and Keri Sand acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

Notary Public in and for the State of Iowa