Prepared by and return to: Kirk Maxfield 712-277-7580
MIDAMERICAN ENERGY ATTN: RIGHT-OF-WAY SERVICES 401 DOUGLAS STREET SIOUX CITY, IA 51101

MIDAMERICAN ENERGY COMPANY
RELEASE OF EASEMENT

		State of	Iowa
Folder No.	2024-103300	County of	Pottawattamie
Work Req. No.	2024-2874405	Section	11
Project No.	D59QJ	Township	74 North
		Range	44 West of the 5th P.M.

This MidAmerican Energy Company Release of Easement ("Release") is made this ____ day of _____, _____, by MidAmerican Energy Company, an Iowa Corporation.

RECITALS

- WHEREAS, The City of Council Bluffs, Iowa, a municipal corporation in the County of Pottawattamie and State of Iowa, ("Grantor") signed as grantor that certain Underground Electric Easement dated January 24, 2022, ("Easement"), whereby Grantor granted easement rights to MidAmerican Energy Company over certain property then owned by Grantor and described in the Easement.

WHEREAS, the Easement was filed in the official records of Pottawattamie County, Iowa, as document number 2022-02653, and a copy of the Easement is attached to this Release as Exhibit A.

NOW THEREFORE, MidAmerican Energy Company as the owner of the Easement, does hereby release and vacate any right, title, or interest created by the Easement.

Signature Page Follows

IN WITNESS WHEREOF, MidAmerican Energy Company has caused this Release to be executed as of the date first above written.

MIDAMERICAN ENERGY COMPANY

By:_____
Jason Ewers
Vice President, Electric Distribution

By:_____
Mark Lowe
Vice President, General Counsel
and Assistant Secretary

ACKNOWLEDGEMENTS

STATE OF IOWA)
) SS
COUNTY OF POLK)

This record was acknowledged before me on _____, 2024, by Jason Ewers as Vice President, Electric Distribution for MidAmerican Energy Company.

_____
Signature of Notary Public

STATE OF IOWA)
) SS
COUNTY OF POLK)

This record was acknowledged before me on _____, 2024, by Mark Lowe as Vice President, General Counsel and Assistant Secretary for MidAmerican Energy Company.

_____
Signature of Notary Public

8606669
Tx:5013258

R FEE $40.00 RMA $1.00

A FEE $_____ ECOM $1.00

T TAX $_____

2022-02653
RECORDER MARILYN HEBING
POTTAWATTAMIE COUNTY, IA
FILE TIME: 02/23/2022 12:45:27 PM

RECORDING FEE	40.00
RMA FEE	1.00
ECM FEE	1.00

Return to: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503 – Phone: (712) 890-5261
Prepared by: Legal Dept., 209 Pearl Street, Council Bluffs, IA 51503 – Phone: (712) 890-5317

RESOLUTION NO. 22-25

RETURN ENVELOPE

A RESOLUTION TO GRANT A PERPETUAL, NON-EXCLUSIVE EASEMENT FOR UTILITIES LOCATED UNDER AND ON: THE NORTH TEN (10) FEET OF A PARCEL OF LAND LOCATED IN THE SE1/4 SW1/4 AND SW1/4 SE1/4 OF SECTION 11, TOWNSHIP 74 NORTH, RANGE 44, WEST OF THE 5th P.M., NOW IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA TO MIDAMERICAN ENERGY COMPANY.

WHEREAS, The City has previously expressed its intent to grant a perpetual, non-exclusive easement for utility purposes on this property; and

WHEREAS, A public hearing has been held in this matter on January 24, 2022 at 7:00 p.m.; and

WHEREAS, Following public hearing and having given careful study to the proposal, the City Council determines that the perpetual, non-exclusive easement for utility purposes should be granted to Midamerican Energy Company across: The north ten (10) feet of the following parcel of land legally described as:

A PARCEL OF LAND, BEING A PORTION OF THE SOUTHEAST QUARTER SOUTHWEST QUARTER (SE1/4SW1/4) AND THE SOUTHWEST QUARTER SOUTHEAST QUARTER (SW1/4SE1/4) OF SECTION 11, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH P.M., CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BOUNDED AND ESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 11; THENCE NORTH 01°43'19" EAST ALONG THE WEST LINE OF SAID SECTION 11, 520.87 FEET; THENCE SOUTH 88°16'41" EAST, 1320.62 FEET TO THE WEST LINE OF SAID SE1/4SW1/4, A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 275, AND THE TRUE POINT OF BEGINNING; THENCE ALONG SAID WEST LINE, NORTH 01°52'50" EAST, 58.98 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE SOUTHERLY, TO WHICH POINT A RADIAL LINE BEARS NORTH 07°30'15" WEST, 3108.00 FEET; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 10°33'41", 572.90 FEET; THENCE SOUTH 86°56'35"EAST, 1056.86 FEET; THENCE SOUTH 02°03'49" WEST, 62.63 FEET TO A POINT ON SAID NORTHERLY RIGHT-

OF-WAY LINE, OF U.S. HIGHWAY 275; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, NORTH 87°31' 20" WEST, 297.18 FEET, THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, NORTH 87°30'48" WEST, 942.89 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 2384.41 FEET; THENCE CONTINUING WESTERLY ALONG SAID RIGHT-OF-WAY LINE AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 09°20'12" 388.56 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPT:

A PARCEL OF LAND LOCATED IN THE SE¼ SW¼ AND SW¼ SE¼ OF SECTION 11, TOWNSHIP 74 NORTH, RANGE 44, WEST OF THE 5TH P. M., NOW IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SW CORNER OF THE SE¼ SW¼ OF SAID SECTION 11; THENCE N1°53'18"E, 537.91 FEET ALONG THE WEST LINE OF SAID SE¼ SW¼ TO A POINT ON THE PRESENT NORTHERLY RIGHT OF WAY LINE OF PRIMARY ROAD NO. U. S. 275/IA 92, THE POINT OF BEGINNING; THENCE CONTINUING N1°53'18"E, 8.14 FEET ALONG THE WEST LINE OF SAID SE¼ SW¼; THENCE EASTERLY 571.81 FEET ALONG A 3058.00-FOOT RADIUS CURVE, CONCAVE SOUTHERLY AND HAVING A CHORD BEARING N87°42'01"E, 570.98 FEET; THENCE S86°56'35"E, 1108.06 FEET; THENCE S1°59'54"W, 11.87 FEET TO A POINT ON THE PRESENT NORTHERLY RIGHT OF WAY LINE OF PRIMARY ROAD NO. U. S. 275/IA 92; THENCE WESTERLY ALONG SAID PRESENT NORTHERLY RIGHT OF WAY LINE FOR THE FOLLOWING TWO (2) COURSES: N87°31'23"W, 1286.16 FEET; THENCE WESTERLY 392.67 FEET ALONG A 2359.26-FOOT RADIUS CURVE, CONCAVE SOUTHERLY AND HAVING A CHORD BEARING S87°42'32"W, 392.21 FEET TO THE POINT OF BEGINNING; CONTAINING 28,301 SQUARE FEET.

EASEMENT AREA:

An underground electric easement described as follows:

THE NORTH TEN (10) FEET OF THE ABOVE-DESCRIBED PARCEL OF LAND. AS SHOWN ON EXHIBIT "A" ATTACHED HERE TO AND MADE A PART HEREOF BY REFERENCE; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA

This perpetual, non-exclusive easement is hereby granted and the Mayor and City Clerk are hereby empowered and directed to execute a quit claim deed and all necessary documents conveying this easement to Midamerican Energy Company; and

BE IT FURTHER RESOLVED

That the City Clerk is directed to deliver this resolution and attached documents to the County Recorder according to Iowa Code Section 354.23.

ADOPTED
AND
APPROVED: January 24, 2022.

Matthew J. Walsh, Mayor

ATTEST:
Jodi Quakenbush, City Clerk

STATE OF IOWA)
COUNTY OF) ss
POTTAWATTAMIE)

On this 25th day of January, 2022, before me the undersigned, a Notary Public in and for said County and said State, personally appeared Matthew J. Walsh and Jodi Quakenbush, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk respectively, of the said City of Council Bluffs, Iowa, a Municipal Corporation, that the seal affixed hereto is the seal of said Municipal Corporation; that said instrument was signed and sealed on behalf of the said City of Council Bluffs, Iowa, by authority of its City Council; and that said Matthew J. Walsh and said Jodi Quakenbush, as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said City, by it and by them voluntarily executed.

Notary Public in and for said State

ALLISON HEAD
Commission Number 804392
MY COMMISSION EXPIRES
5.16.23

PREPARED BY AND RETURN TO: COLBY HANNASCH 712-277-7581
MIDAMERICAN ENERGY ATTN: RIGHT-OF-WAY SERVICES 401 DOUGLAS STREET, SIOUX CITY, IA 51101

MIDAMERICAN ENERGY COMPANY
UNDERGROUND ELECTRIC EASEMENT

RETURN COPY

Folder No. 103306
Work Req. No. 2874405
Project No. D59QJ

State of Iowa
County of Pottawattamie
Section 11 SW ¼
Township 74 North
Range 44 West of the 5th P.M.

1. For and in consideration of the sum of One and no/100---Dollar ($1.00), and other valuable consideration, in hand paid by MIDAMERICAN ENERGY COMPANY, an Iowa corporation, receipt of which is hereby acknowledged, the undersigned owner(s) **The City of Council Bluffs, Iowa, a municipal corporation in the County of Pottawattamie and State of Iowa**, its successors and assigns ("Grantor"), does hereby grant to MIDAMERICAN ENERGY COMPANY, its successors and assigns ("Grantee"), a perpetual, non-exclusive easement to construct, reconstruct, operate, maintain, replace or remove underground conduits, wires and cables for the transmission and distribution of electric energy and for communication and electrical controls, including other reasonably necessary equipment incident thereto (collectively "Facilities") under and on the surface of the ground, through and across certain property described below, together with the right of ingress and egress to and from the same, and all the rights and privileges incident and necessary to the enjoyment of this easement ("Easement Area").

DESCRIPTION OF PROPERTY CONTAINING EASEMENT AREA:

A PARCEL OF LAND, BEING A PORTION OF THE SOUTHEAST QUARTER SOUTHWEST QUARTER (SE1/4SW1/4) AND THE SOUTHWEST QUARTER SOUTHEAST QUARTER (SW1/4SE1/4) OF SECTION 11, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH P.M., CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BOUNDED AND ESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 11; THENCE NORTH 01°43'19" EAST ALONG THE WEST LINE OF SAID SECTION 11, 520.87 FEET; THENCE SOUTH 88°16'41" EAST, 1320.62 FEET TO THE WEST LINE OF SAID SE1/4SW1/4, A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 275, AND THE TRUE POINT OF BEGINNING; THENCE ALONG SAID WEST LINE, NORTH 01°52'50" EAST, 58.98 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE SOUTHERLY, TO WHICH POINT A RADIAL LINE BEARS NORTH 07°30'15" WEST, 3108.00 FEET; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 10°33'41", 572.90 FEET; THENCE SOUTH 86°56'35"EAST, 1056.86 FEET; THENCE SOUTH 02°03'49" WEST, 62.63 FEET TO A POINT ON SAID NORTHERLY RIGHT-OF-WAY LINE, OF U.S. HIGHWAY 275; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, NORTH 87°31' 20" WEST, 297.18 FEET, THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, NORTH 87°30'48" WEST, 942.89 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 2384.41 FEET; THENCE CONTINUING WESTERLY ALONG SAID RIGHT-OF-WAY LINE

AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 09°20'12" 388.56 FEET TO THE TRUE POINT OF BEGINNING.
EXCEPT:
A PARCEL OF LAND LOCATED IN THE SE¼ SW¼ AND SW¼ SE¼ OF SECTION 11, TOWNSHIP 74 NORTH, RANGE 44, WEST OF THE 5TH P. M., NOW IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
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EASEMENT AREA:

An underground electric easement described as follows:

THE NORTH TEN (10) FEET OF THE ABOVE DESCRIBED PARCEL OF LAND. AS SHOWN ON EXHIBIT "A" ATTACHED HERE TO AND MADE A PART HEREOF BY REFERENCE.

2. Additionally, Grantee shall have the right to remove from the Easement Area described above, any obstructions, including but not limited to, trees, plants, undergrowth, buildings, fences and structures that interfere with the proper operation and maintenance of said Facilities and equipment.

3. Grantor agrees that it will not construct or place any permanent or temporary buildings, structures, fences, trees, plants or other objects on the Easement Area described above or make any changes in ground elevation without written permission from Grantee indicating that said construction or ground elevation changes will not result in inadequate or excessive ground cover, or otherwise interfere with the Grantee's rights to operate and maintain its Facilities.

4. In consideration of such grant, Grantee agrees that it will repair or pay for any damage which may be caused to crops, fences, or other property, real or personal of the Grantor by the construction, reconstruction, maintenance, operation, replacement or removal of the Facilities (except for damage to property placed subsequent to the granting of this easement) that Grantee determines interferes with the operation and maintenance of the Facilities and associated equipment. The cutting, recutting, trimming and removal of trees, branches, saplings, brush or other vegetation on or adjacent to the Easement Area is expected and not considered damage to the Grantor.

5. Additionally, when Grantor provides or installs duct/conduit for said Facilities, this grant shall cover and include all Facilities installed as a part of the Easement Area.

6. Grantor certifies that it is not acting, directly or indirectly, for or on behalf of any person, group, entity or nation named by any Executive Order or the United States Treasury Department as a terrorist, "Specially Designated National and Blocked Person" or any other banned or blocked person, entity, nation or transaction pursuant to any law, order, rule or regulation that is enforced or administered by the Office of Foreign Assets Control; and are not engaged in this transaction, directly or indirectly, on behalf of, any such person, group, entity or nation. Grantor hereby agrees to defend, indemnify and hold harmless the Grantee from and against any and all claims, damages, losses, risks, liabilities and expenses (including attorney's fees and costs) arising from or related to any breach of the foregoing certification.

7. Each of the provisions of this easement shall be enforceable independently of any other provision of this easement and independent of any other claim or cause of action. In the event of any matter of

dispute arising out of or related to this easement, it is agreed between the parties that the law of the jurisdiction and location where this easement is recorded (including statute of limitation provisions) will govern the interpretation, validity and effect of this easement without regard to the place of execution or place of performance thereof, or any conflicts of law provisions. TO THE FULLEST EXTENT PERMITTED BY LAW, EACH OF THE PARTIES HERETO WAIVES ANY RIGHT IT MAY HAVE TO A TRIAL BY JURY IN RESPECT OF LITIGATION DIRECTLY OR INDIRECTLY ARISING OUT OF, UNDER OR IN CONNECTION WITH THIS EASEMENT. EACH PARTY FURTHER WAIVES ANY RIGHT TO CONSOLIDATE ANY ACTION IN WHICH A JURY TRIAL HAS BEEN WAIVED WITH ANY OTHER ACTION IN WHICH A JURY TRIAL CANNOT BE OR HAS NOT BEEN WAIVED.

8. Grantor hereby relinquishes all rights of dower, homestead and distributive share in and to the property and waives all rights of exemption as to any of the property. Grantor understands that homestead property is in many cases protected from the claims of creditors and exempt from judicial sale; and that by signing this easement, voluntarily gives up any right to this protection for this property with respect to claims based upon this easement.

9. Grantor warrants to Grantee that Grantor holds title to the Easement Area in fee simple and Grantor has good and lawful authority to grant the rights provided in this easement.

(Acknowledgement on following page)

Dated this 24th day of January, 2022.

The City of Council Bluffs, Iowa, a municipal corporation in the County of Pottawattamie and State of Iowa

By: Matthew J. Walsh

Printed: Matthew J. Walsh

Title: Mayor

By: Jodi Quakenbush

Printed: Jodi Quakenbush

Title: City Clerk

ACKNOWLEDGMENT

STATE OF Iowa)
) ss
COUNTY OF Pottawattamie)

On this 24th day of January, 2022, before me, the undersigned, a Notary Public in and for the State of Iowa personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Council Bluffs, Pottawattamie County, Iowa, a municipal corporation; 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, as contained in Resolution No. 22-25 of the City Council on the 24th day of January, 2022; and Matthew Walsh and Jodi Quakenbush 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.

NOTARIAL SEAL IOWA
ALLISON HEAD
Commission Number 804392
MY COMMISSION EXPIRES
5.16.23

Notary Public in and for said State

(Notarial Seal)

EXHIBIT "A"

Legend

——— - Subject Property Line & ROW

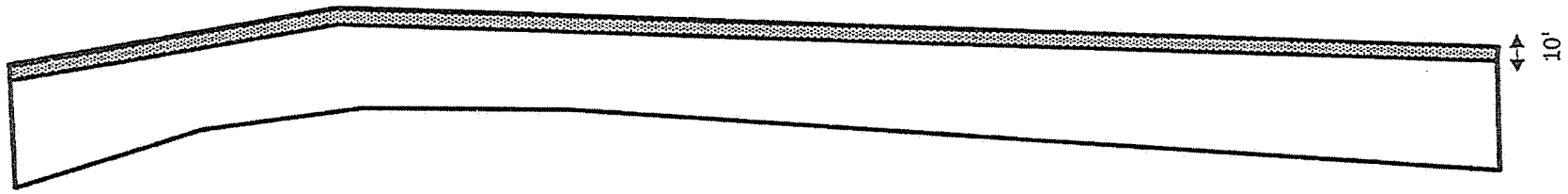
▨ - Easement area

Parcel Legal Description:

A PARCEL OF LAND, BEING A PORTION OF THE SOUTHEAST QUARTER SOUTHWEST QUARTER (SE1/4SW1/4) AND THE SOUTHWEST QUARTER SOUTHEAST QUARTER (SW1/4SE1/4) OF SECTION 11, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH P.M., CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BOUNDED AND ESCRIBED AS FOLLOWS:
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Easement Area:

THE NORTH TEN (10) FEET OF THE ABOVED DESCRIBED PARCEL OF LAND.



Veterans Memorial Hwy 275

MIDAMERICAN ENERGY COMPANY	Customer: City of Council Bluffs		Folder No. 103306	N
	Address: 209 Pearl St.	Scale: Not to Scale	Date: 12.3.21	
	City: Council Bluffs State: IA		Sec 11, Twp 74, Rng 44	

Job Desc: New underground electric.