MEMORANDUM OF UNDERSTANDING
GEOTECHNICAL MR 8 PROJECT
BETWEEN CITY OF COUNCIL BLUFFS, IOWA
AND
MIDAMERICAN ENERGY COMPANY

This Memorandum of Understanding (hereafter, "MOU") is entered into by and between the City of Council Bluffs, Iowa (City) and MidAmerican Energy Company (MEC), an Iowa corporation. City and MEC are hereinafter individually referred to as a "Party" and collectively as the "Parties".

WHEREAS, MEC owns property located in the Northeast Quarter of Section 25, Township 74 North, Range 44 West of the 5th P.M., Pottawattamie County, Iowa, and has granted a Levee Easement over a portion of the above-described property.

WHEREAS, the City is the levee sponsor for the United States Army Corps of Engineers (USACE) and, as such, is obligated to maintain and operate flood control levees and channels including the Geotechnical MR 8 Project which conveys through MEC land.

WHEREAS, MEC and the City wish to arrive at an understanding regarding the future operations and maintenance of these altered/modified Seepage/Stability Berm levee that co-exist in, on, under, or over land as shown on Exhibit "B" attached hereto and made a part hereof by reference.

NOW THEREFORE, the Parties hereby make the following statements concerning their understanding with respect to the said final levee easement:

1. This Memorandum of Understanding shall be in effect from date it is last signed below until terminated by mutual agreement of the parties.
2. MEC will be responsible for mowing the seepage blanket located within the area shown on Exhibit "A" attached hereto and incorporated herein by this reference.
3. City will be responsible for performing periodic annual inspections and repairing any major erosion of the berm or seepage blanket located within the area shown on Exhibit "A" attached hereto and incorporated herein by this reference.
4. City will have ongoing levee operations responsibilities within their easement area as shown on Exhibit " B" .
5. Each Party shall follow the applicable USACE flood control regulations that apply to it, if any, and the following portions of the attached O & M Manual Section IV- Levees: Section 4.2.(1), (3), (6), (7), and (8) as shown on Exhibit "C"
6. 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 MEMORANDUM OF UNDERSTANDING. 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.

IN WITNESS of these understandings, and as authorized representatives of our respective entities, we have affixed our signature below effective as of _____, 2022

Dated this ___ day of _____, 2022

City of Council Bluffs

By:_____

Name:_____

Title:_____

ACKNOWLEDGMENT

STATE OF _____)
) ss
COUNTY OF _____)

This record was acknowledged before me on _____, 2022, by

_____ as _____

Of The City of Council Bluffs.

_____
Signature of Notary Public

(Signatures Continue on Following Page)

Dated this ____ day of _____, 2022

MidAmerican Energy Company,

_____
James Dougherty
Vice President, Generation

ACKNOWLEDGMENT

STATE OF _____)
) ss
COUNTY OF _____)

This record was acknowledged before me on _____, 2022, by James Dougherty as Vice President, Generation for MidAmerican Energy Company.

_____
Signature of Notary Public

MidAmerican Energy Company,

_____
Mark Lowe
Vice President, General Counsel

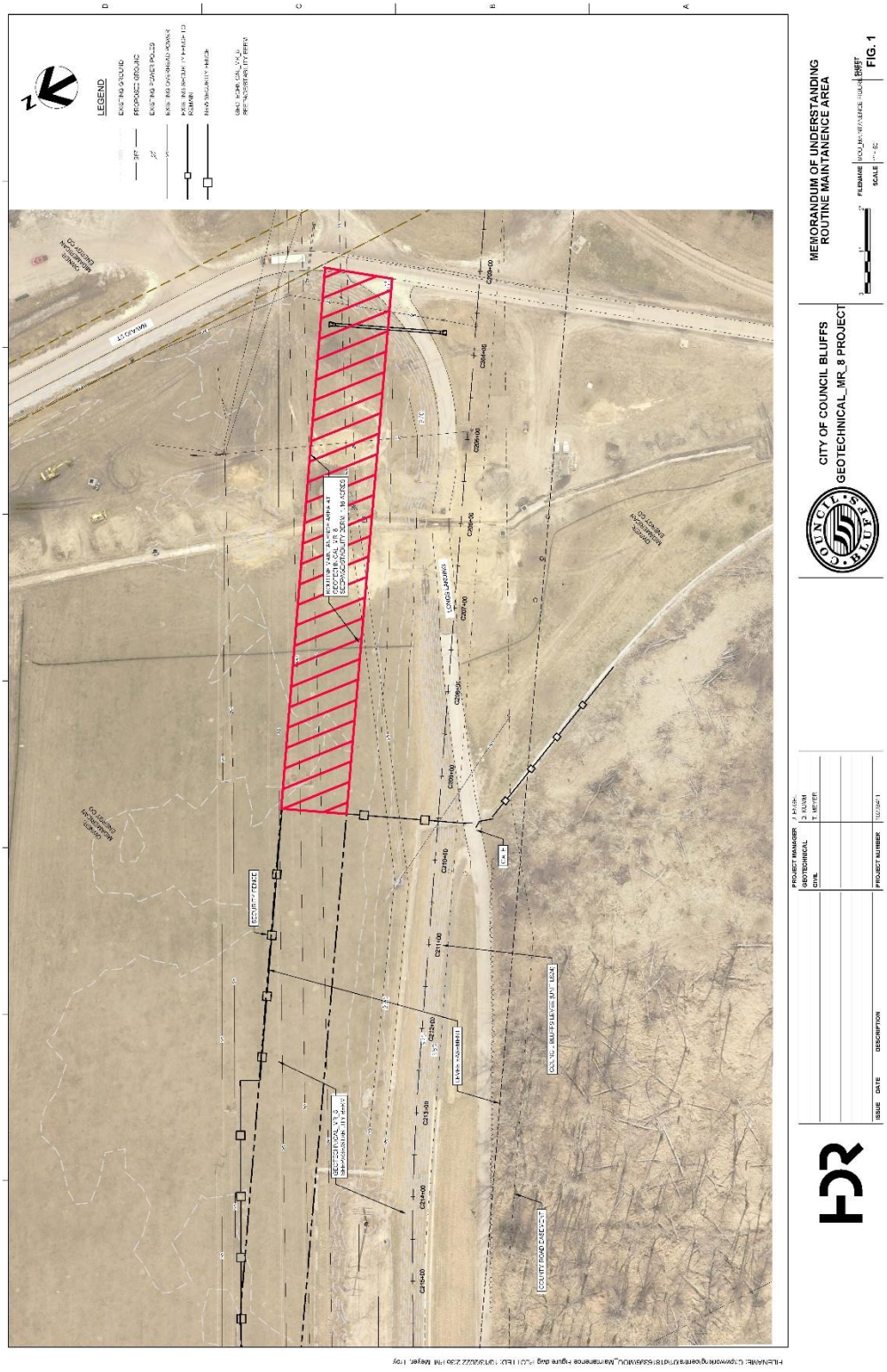
ACKNOWLEDGMENT

STATE OF _____)
) ss
COUNTY OF _____)

This record was acknowledged before me on _____, 2022, by Mark Lowe as Vice President, General Counsel for MidAmerican Energy Company.

_____
Signature of Notary Public

Exhibit “A”



CUSTOM KJA

Exhibit “B”

EASEMENT EXHIBIT

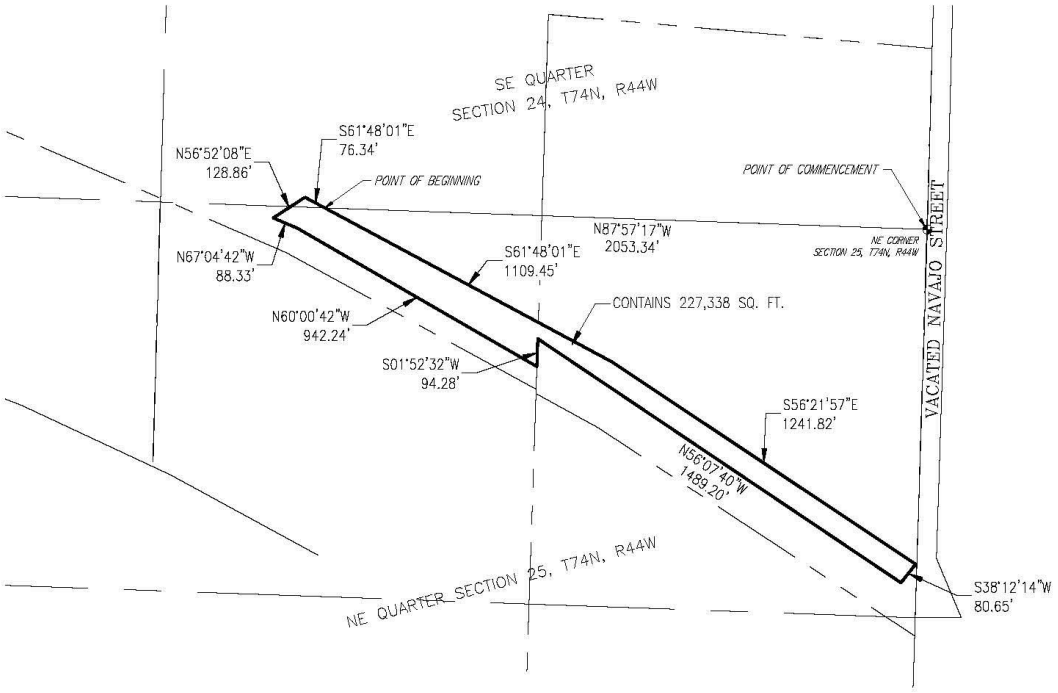
LEGAL DESCRIPTION

A PERMANENT BERM EASEMENT OVER THAT PART OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH P.M., POTTAWATTAMIE COUNTY, IOWA, TOGETHER WITH PART OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH P.M., POTTAWATTAMIE COUNTY, IOWA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 25;
THENCE NORTH 87°57'17" WEST (BEARINGS REFERENCED TO IOWA STATE PLANE –SOUTH ZONE NAD83) FOR 2053.34 FEET ON THE NORTH LINE OF SAID SECTION 25 TO THE TRUE POINT OF BEGINNING;
THENCE SOUTH 61°48'01" EAST FOR 1109.45 FEET;

THENCE SOUTH 56°21'57" EAST FOR 1241.82 FEET;
THENCE SOUTH 38°12'14" WEST FOR 80.65 FEET;
THENCE NORTH 56°07'40" WEST FOR 1489.20 FEET;
THENCE SOUTH 01°52'32" EAST FOR 94.28 FEET;
THENCE NORTH 60°00'42" WEST FOR 942.24 FEET;
THENCE NORTH 67°04'42" WEST FOR 88.33 FEET;
THENCE NORTH 56°52'08" EAST FOR 128.86 FEET;
THENCE SOUTH 61°48'01" EAST FOR 76.34 FEET TO THE POINT OF BEGINNING.

CONTAINS 227,338 SQUARE FEET.



LAMP RYNEARSON

LAMPRYNEARSON.COM

OMAHA, NEBRASKA
14710 W. DODGE RD, STE. 100 (402)496-2498
FORT COLLINS, COLORADO
4715 INNOVATION DR., STE. 100 (970)226-0342
KANSAS CITY, MISSOURI
9001 STATE LINE RD., STE. 200 (816)361-0440

DESIGNER / DRAFTER	RACHEL E. RENNECKER
REVIEWER	TODD L. WHITFIELD
PROJECT NUMBER	0120083.01-422
DATE	10/12/2022
SURFACE LOCATION	
BOOK AND PAGE	

EASEMENT EXHIBIT

L:\Engineering\0120083 HDR CB Levee MRB\SURVEY\DRAWINGS\EXHIBITS\0120083-EAS-04.dwg, 10/12/2022 1:37:24 PM, RACHEL RENNECKER, LAMP RYNEARSON

CUSTOM KJA

(1) Maintain and promote growth of sod cover. Reseed as required.

(3) Mowing. All project areas which depend on a sod cover for erosion protection should be mowed at least once annually. The time of year mowing is accomplished may be adjusted to accommodate conservation of desirable wildlife, i.e. bird nesting season, and to control undesirable vegetation.

(6) Maintain Access. All access ramps, turnouts and the levee crown should be inspected to assure the sponsor that they are in a suitable condition to support needed travel during wet periods. They may require the addition of surfacing material which has been lost or displaced due to any cause.

(7) Control of trees, brush and weeds. There are certain areas of the project where power mowing is impractical. Such areas (i.e., riprap areas, outlet ditches, etc.) are subject to developing detrimental and unwanted vegetative growth. Such growth can be controlled by hand cutting. Herbicides can also be beneficial in controlling such growth. Use of herbicides should conform to all applicable local, state and federal regulations current at the time of use.

(8) Other: The entire levee crown and slopes should be kept free of trash, debris, and similar objectionable materials.