Prepared for Council Bluffs City Water Works, 2000 N. 25th St., P. O. Box 309, Council Bluffs, IA 51502, telephone (712) 328-1006 by Douglas P. Drummey General Manager. Reviewed and approved by legal counsel for the Board of Water Works Trustees of the City of Council Bluffs, Iowa.

EASEMENT AGREEMENT

* * * * * * * * * * *

KNOW ALL MEN BY THESE PRESENTS:

THAT the City of Council Bluffs, Iowa, for good and sufficient valuable consideration, receipt of which is hereby acknowledged, does hereby grant and convey unto the City of Council Bluffs, Iowa, for the use and benefit of The Board of Water Works Trustees of the City Of Council Bluffs, Iowa (the "City Water Works"), a permanent non-exclusive easement over, across and through the following described real estate situated in the City of Council Bluffs, Pottawattamie County, Iowa, to-wit:

See Exhibit "A"

including the perpetual right to enter upon said real estate, at any time that it may see fit, and construct, inspect, maintain, repair, replace and operate or remove underground pipe lines and/or mains for the purpose of conveying water over, across, through and under said real estate, together with the right to excavate and refill ditches and/or trenches for the location of said pipe lines and/or mains, and the further right to remove trees, bushes, undergrowth, and other obstructions interfering with the location, construction and maintenance of said pipe lines and/or mains.

The City Water Works shall properly and promptly refill any excavations made on said premises after the purpose of said excavation has been fulfilled and shall leave the premises in the same general condition as it was in before the City Water Works went upon the same; further, that if any fences or existing structures are moved for the purpose of laying, maintaining, operating or replacing said main, such fences and structures shall be promptly replaced by the City Water Works upon completion of the work requiring such removal.

In further consideration for the good and sufficient valuable consideration received by the

undersigned, the undersigned agrees that it will not place any permanent structures upon or over said easement without first obtaining the written consent of the City Water Works; further, the undersigned covenants with Grantee that it is lawfully seized and possessed of the real estate above described; that it has good and lawful right to convey it, or any part thereof, that it is free from all encumbrances, and that it will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.

Words and phrases herein, including the acknowledgement, shall be construed as in the singular or plural number, and as masculine, feminine or neuter gender, according to the context.

All provisions of this Agreement shall inure to the benefit of and be binding upon and applicable to the successors, personal representatives, heirs, and assigns of the parties hereto the same as if they were in all instances named herein.

DATED this _____ day of _____, 2018.

The City of Council Bluffs, Iowa

By:_____
Mathew J. Walsh, Mayor

By:_____
Jodi Quakenbush, City Clerk

STATE OF IOWA)
) ss
COUNTY OF POTTAWATTAMIE)

On this _____ day of _____, 2018, before me, a Notary Public in and for said county, personally appeared Mathew 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 City of Council Bluffs, Iowa; that said instrument was signed and sealed on behalf of the City of Council Bluffs by authority of the City Council of the City of Council Bluffs, as contained in Resolution Number _____ adopted and passed by the City Council on the ____ day of _____, 2018, and that Mathew J. Walsh and Jodi Quakenbush acknowledged the execution of said instrument to be the voluntary act and deed of said City Council by it voluntarily executed.

_____
NOTARY PUBLIC IN AND FOR SAID STATE

Exhibit “A”

The east twenty (20) feet of a parcel of land located in the NE¼ of Section 4, T74N, R44W of the 5th P.M., in the City of Council Bluffs, Pottawattamie County, Iowa, described as follows:

Commencing at the E¼ Corner of said Section 4; thence N86°33’56”W, 835.68 feet along the south line of the NE¼ of said Section 4; thence N3°26’04”E, 39.94 feet to a point on the present northerly right of way line of 23rd Avenue, the Point of Beginning; thence N86°34’09”W, 49.21 feet along said present northerly right of way line; thence N29°58’14”W, 682.05 feet; thence N32°06’44”W, 133.79 feet to a point on the present southerly right of way line of the Union Pacific Railroad; thence N54°46’50”E, 45.19 feet along said present southerly right of way line; thence S30°11’01”E, 641.48 feet; thence S29°36’27”E, 205.51 feet to the Point of Beginning; said parcel contains 34,706 square feet.