Easement Restrictions

1. ERECTION OF STRUCTURES PROHIBITED: Grantor shall not erect any structure over or within the Easement Area without obtaining the prior written consent of the City Engineer, City of Council Bluffs, IA.

2. CHANGE OF GRADE PROHIBITED: Grantor shall not change the grade, elevation or contour of any part of the Easement Area without obtaining the prior written consent of the parties.

3. RIGHT OF ACCESS: Private parties shall have the right of access to the Easement Area and have all rights of ingress and egress reasonably necessary for the use and enjoyment of the Easement Area as herein described, including but not limited to the right to remove any unauthorized obstructions or structures placed or erected on the Easement Area.

4. EASEMENT RUNS WITH LAND: This Easement shall be deemed to run with the land and shall be binding on Grantor and on Grantor's successors and assigns.

5. DUTY TO REPAIR: Parties agrees that any drain tile, drive or access way, fence, yard or other improvement which may be damaged as a result of any entry made through an exercise of the Private Parties right of access shall be repaired at no expense to Grantor.

6. APPROVAL BY CITY COUNCIL: This Easement shall not be binding until it has received the final approval and acceptance by the Council Bluffs City Council by Resolution, which approval and acceptance shall be noted on this Easement by the City Clerk.

7. NONEXCLUSIVE: This grant of Easement for access shall be nonexclusive. Grantor reserves the right to use said access, and incorporate said access into any development plan proposed by grantor in the future.