PREPARED BY: City of Council Bluffs Public Works Department, 209 Pearl Street, Council Bluffs, IA 51503 (712) 890-5296
RETURN TO: Jeff Krist, Public Works, 209 Pearl Street, Council Bluffs, IA 51503

EASEMENT FOR LEVEE
RIGHT-OF-WAY

For the consideration of One and 00/100---$1.00---Dollars and other valuable consideration in hand paid by City of Council Bluffs, a municipal corporation of the State of Iowa, City of Council Bluffs Board of Water Works Trustees does hereby grant to City of Council Bluffs, a municipal corporation of the State of Iowa, and its agents, contractors and assigns, a permanent easement for the purpose of constructing, reconstructing, repairing, enlarging and maintaining a Levee together with necessary appurtenances thereto in, on, over, and across the following described real estate:

Parcel of land located Part of Lots E and F and the accretions thereto located in section 22 & 23, TWP. 75, R 44W of the 5th P.M., City of Council Bluffs, Pottawattamie County, Iowa, as shown on Easement Exhibit "A" – 2 pages attached hereto and Exhibit "B"-2 pages and by reference made a part hereof. Contains 221,513 Square feet or 5.086 Acres.

This easement shall be subject to the following terms and conditions:

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.

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 City Engineer.

3. SURFACE USE PROHIBITED: Grantor shall not use or alter the surface vegetation of the Easement Area for any purpose. There shall be no agricultural uses within the Easement Area, including but not limited to, the planting of crops, livestock grazing, erection of fences, and planting of trees and shrubs. The City shall mow the Easement Area as deemed necessary for levee maintenance purposes.

4. RIGHT OF ACCESS: City 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.

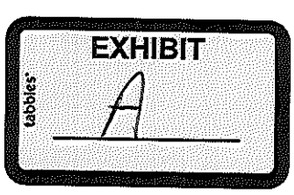
5. REMOVAL AND REPLACEMENT: The cost of removal and replacement of any unauthorized improvement or structures within the Easement Area, necessitated by the exercise of the rights under this easement, shall be borne by the Grantor or their successors or assigns.

6. SURFACE RESTORATION: City's liability to restore the surface within the Easement Area shall be limited only to grading and seeding.

7. DUTY TO REPAIR: City agrees that any drain tile, drive or access way, fence, or yard or other improvements outside of the Easement Area which may be damaged as a result of any entry made through an exercise of the City's right of access shall be repaired at no expense to Grantor.

8. 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.

Grantors do hereby covenant with grantees, and successors in interest, that grantors hold the real estate by title in fee simple; that they have good and lawful authority to sell and convey the real estate; that the real estate is free and clear of all liens and encumbrances except as may be above stated; and grantors covenant to warrant and defend the real estate against the lawful claims of all persons except as may be above stated. .



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

Date: _____

Seller: City of Council Bluffs Board of Water Works Trustees

By:_____

STATE OF IOWA)
) ss.
COUNTY OF POTTAWATTAMIE)

On this _____ day of _____, 202___, before me, a notary public in and for said county and said state, personally appeared_____ _____, to me known to be the identical person(s) whose name(s) affixed to the foregoing instrument as owner(s) and acknowledged the same to be a voluntary act and deed.

_____
Notary Public in and for the State of Iowa

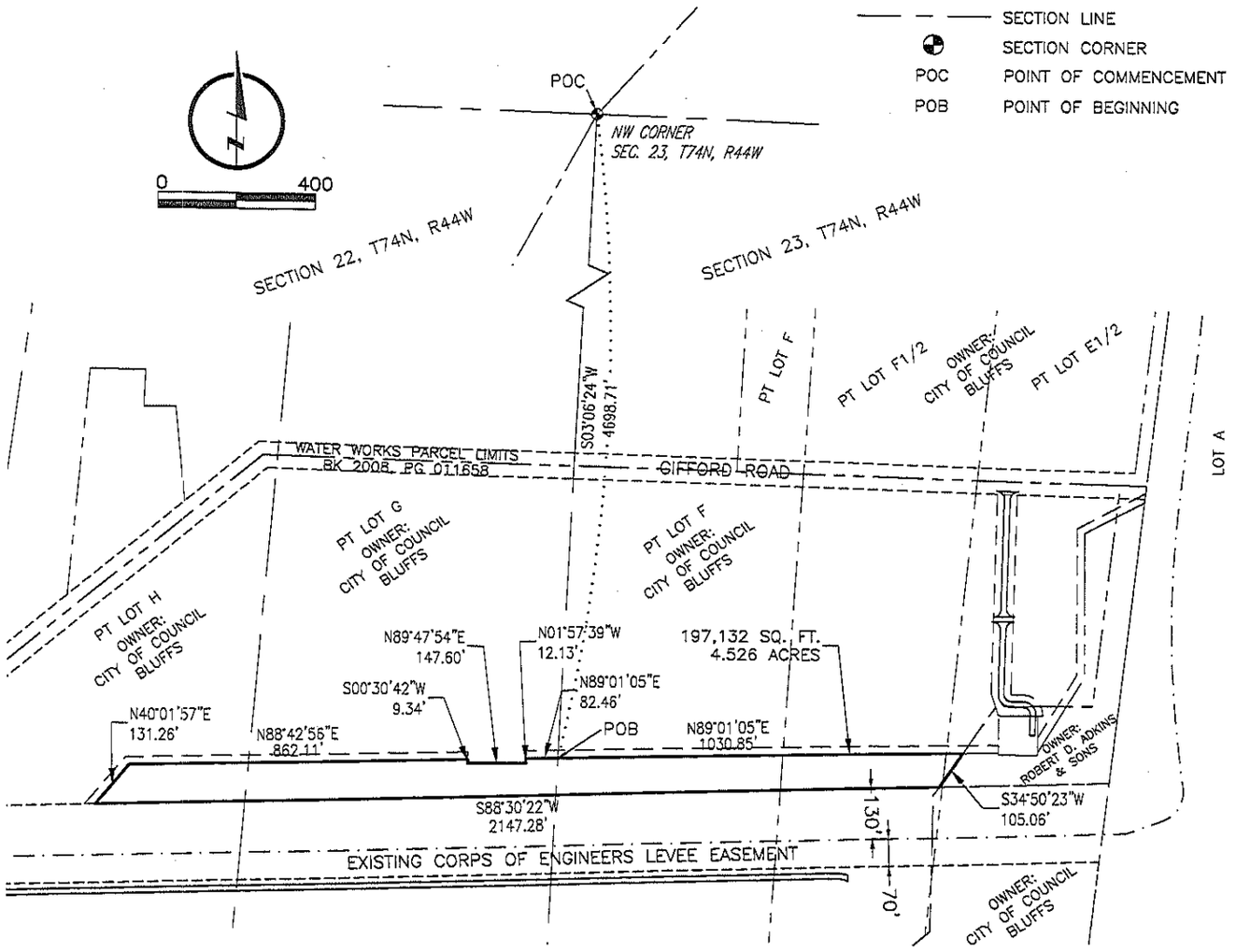
EASEMENT EXHIBIT
EXHIBIT "A"

LEGAL DESCRIPTION

A PERMANENT EASEMENT FOR CONSTRUCTION AND MAINTENANCE OF LEVEE OVER PART OF LOTS F, F 1/2 AND E 1/2 AND THE ACCRETIONS THERETO LOCATED IN SECTION 23, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH P.M., POTTAWATTAMIE COUNTY, IOWA, TOGETHER WITH PART OF LOT G AND LOT H AND THE ACCRETIONS THERETO LOCATED IN SECTION 22, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH P.M., POTTAWATTAMIE COUNTY, IOWA, DESCRIBED AS FOLLOWS: (SEE ATTACHED SHEET)

LEGEND

———	EASEMENT LINE
- - - - - -	EXISTING EASEMENT LINE
— - - —	LOT LINE
— - - - —	PERMANENT EASEMENT
— — — —	TEMPORARY EASEMENT
— · — · —	℄ OF LEVEE
— - —	SECTION LINE
⊕	SECTION CORNER
POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING



LAMP RYNEARSON & ASSOCIATES
14710 West Dodge Road, Suite 100 402.496.2498 | P
Omaha, Nebraska 68154-2027 402.496.2730 | F
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RER		TLW	0115103.03-421	4/27/18		

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EASEMENT EXHIBIT

EXHIBIT "A"

LEGAL DESCRIPTION

A PERMANENT EASEMENT FOR CONSTRUCTION AND MAINTENANCE OF LEVEE OVER PART OF LOTS F, F 1/2 AND E 1/2 AND THE ACCRETIONS THERETO LOCATED IN SECTION 23, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH P.M., POTTAWATTAMIE COUNTY, IOWA, TOGETHER WITH PART OF LOT G AND LOT H AND THE ACCRETIONS THERETO LOCATED IN SECTION 22, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH P.M., POTTAWATTAMIE COUNTY, IOWA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 23;

THENCE SOUTH 03°06'24" WEST (ASSUMED BEARINGS) FOR 4698.71 FEET ON THE WEST LINE OF SAID SECTION 23 TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 89°01'05" EAST FOR 1030.85 FEET;

THENCE SOUTH 34°50'23" WEST FOR 105.06 FEET TO THE NORTH EASEMENT LINE OF THE CORPS OF ENGINEERS LEVEE;

THENCE SOUTH 88°30'22" WEST FOR 2147.28 FEET ON SAID EASEMENT LINE;

THENCE NORTH 40°01'57" EAST FOR 131.26 FEET;

THENCE NORTH 88°42'56" EAST FOR 862.11 FEET;

THENCE SOUTH 00°30'42" WEST FOR 9.34 FEET;

THENCE NORTH 89°47'54" EAST FOR 147.60 FEET;

THENCE NORTH 01°57'39" WEST FOR 12.13 FEET;

THENCE NORTH 89°01'05" EAST FOR 82.46 FEET TO THE POINT OF BEGINNING.

CONTAINS 197,132 SQUARE FEET OR 4.526 ACRES.

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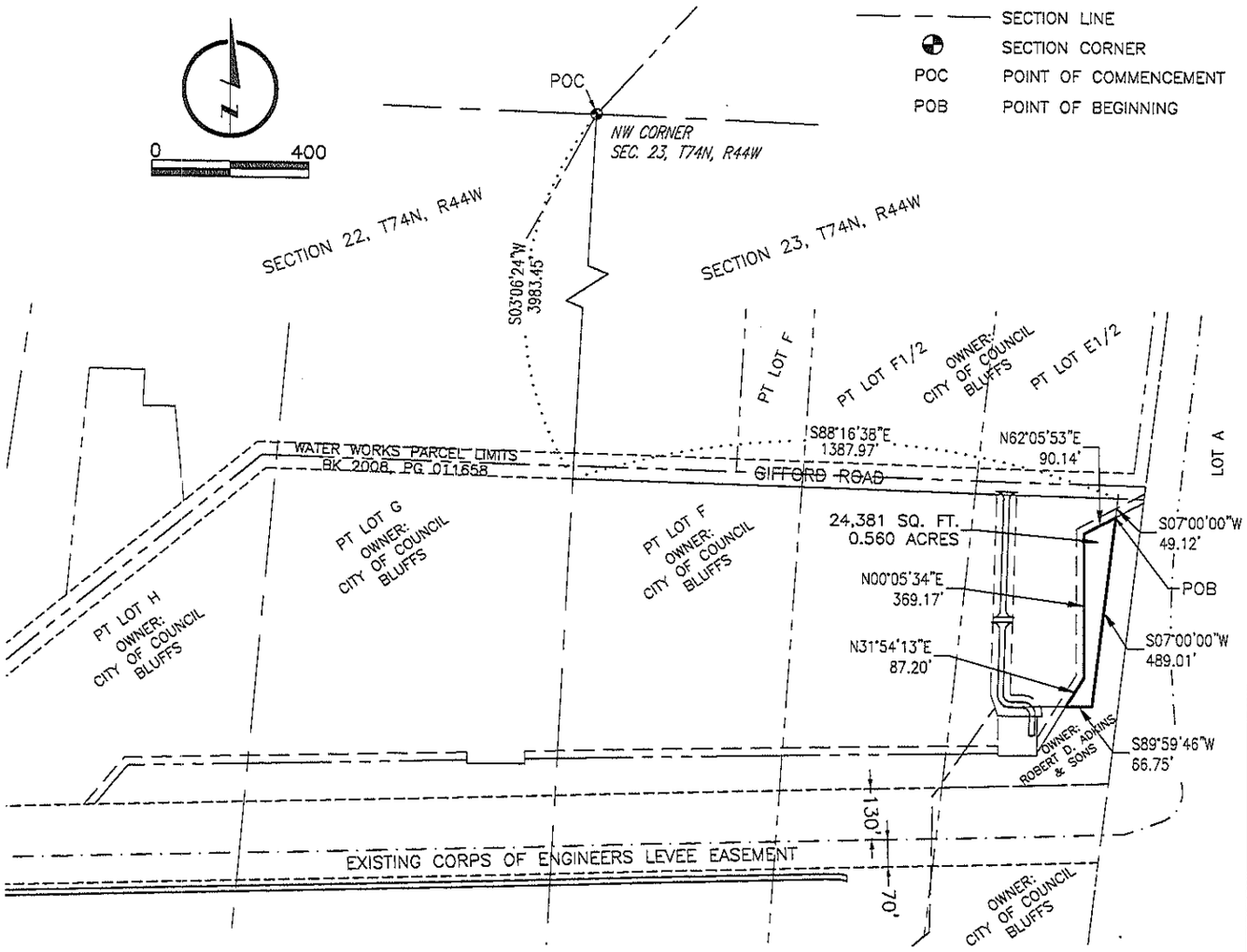
EASEMENT EXHIBIT
EXHIBIT "B"

LEGAL DESCRIPTION

A PERMANENT EASEMENT FOR CONSTRUCTION AND MAINTENANCE OF LEVEE OVER PART OF LOT E 1/2 AND THE ACCRETIONS THERETO LOCATED IN SECTION 23, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH P.M., POTTAWATTAMIE COUNTY, IOWA, DESCRIBED AS FOLLOWS: (SEE ATTACHED SHEET)

LEGEND

- EASEMENT LINE
- EXISTING EASEMENT LINE
- LOT LINE
- PERMANENT EASEMENT
- TEMPORARY EASEMENT
- ℄ OF LEVEE
- SECTION LINE
- SECTION CORNER
- POC — POINT OF COMMENCEMENT
- POB — POINT OF BEGINNING



SHEET 1 OF 2

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EASEMENT EXHIBIT
EXHIBIT "B"

LEGAL DESCRIPTION

A PERMANENT EASEMENT FOR CONSTRUCTION AND MAINTENANCE OF LEVEE OVER PART OF LOT E 1/2 AND THE ACCRETIONS THERETO LOCATED IN SECTION 23, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH P.M., POTTAWATTAMIE COUNTY, IOWA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 23;

THENCE SOUTH 03°06'24" WEST (ASSUMED BEARINGS) FOR 3983.45 FEET ON THE WEST LINE OF SAID SECTION 23 TO THE SOUTH RIGHT OF WAY LINE OF GIFFORD ROAD;

THENCE SOUTH 88°16'38" EAST FOR 1387.97 FEET ON SAID RIGHT OF WAY LINE;

THENCE SOUTH 07°00'00" WEST FOR 49.12 FEET TO THE TRUE POINT OF BEGINNING;

THENCE SOUTH 07°00'00" WEST FOR 489.01 FEET;

THENCE SOUTH 89°59'46" WEST FOR 66.75 FEET;

THENCE NORTH 31°54'13" EAST FOR 87.20 FEET;

THENCE NORTH 00°05'34" EAST FOR 369.17 FEET;

THENCE NORTH 62°05'53" EAST FOR 90.14 FEET TO THE POINT OF BEGINNING.

CONTAINS 24,381 SQUARE FEET OR 0.560 ACRES.

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