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

# TEMPORARY CONSTRUCTION EASEMENT FOR LEVEE CONSTRUCTION

For the consideration of One Dollar ($1.00) and other valuable consideration in hand paid by the City of Council Bluffs, a municipal corporation of the State of Iowa ("City"), City of Council Bluffs Board of Water Works Trustees , does hereby grant to City of Council Bluffs, and its agents, contractors and assigns, a temporary construction easement for the purpose of constructing levee improvements in, on, over, and across the following described real estate:

See Temporary Construction Easement Exhibit "A" & "B" & "C" Attached

LOCATION SECTION 22 & 23 T74N-R44W OF THE FIFTH P.M. POTTAWATTAMIE COUNTY, COUNCIL BLUFS, IOWA. CONTAINS APPROX. 117960 SQUARE FEET.

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

1. RIGHT OF ACCESS: City shall have the right of access to the Easement Area and have all right of ingress and egress reasonably necessary for the use and enjoyment of the Easement Area as herein described
2. SURFACE RESTORATION: City's agrees to restore the surface within the Easement Area to a condition similar to what existed prior to construction including grading, seeding, and landscaping as necessary.
3. DUTY TO REPAIR: City agrees that any drain tile, drive or access way, fence or fence column, landscaping or yard improvements either protected inside or not protected 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.
4. TERM: The rights under this temporary construction easement will cease to exist upon successful completion and acceptance by the city of Council Bluffs, Iowa, of the project, provided however, that in any event the rights under this temporary construction easement will cease to exist on or before the 1ST day of JANUARY 2023.

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 temporary easement; and grantors covenant to warrant and defend the temporary easement 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 in number, and as masculine or feminine gender, according to the context.

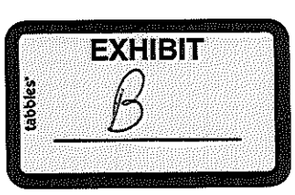
Date:_____

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.



# TEMPORARY EASEMENT EXHIBIT

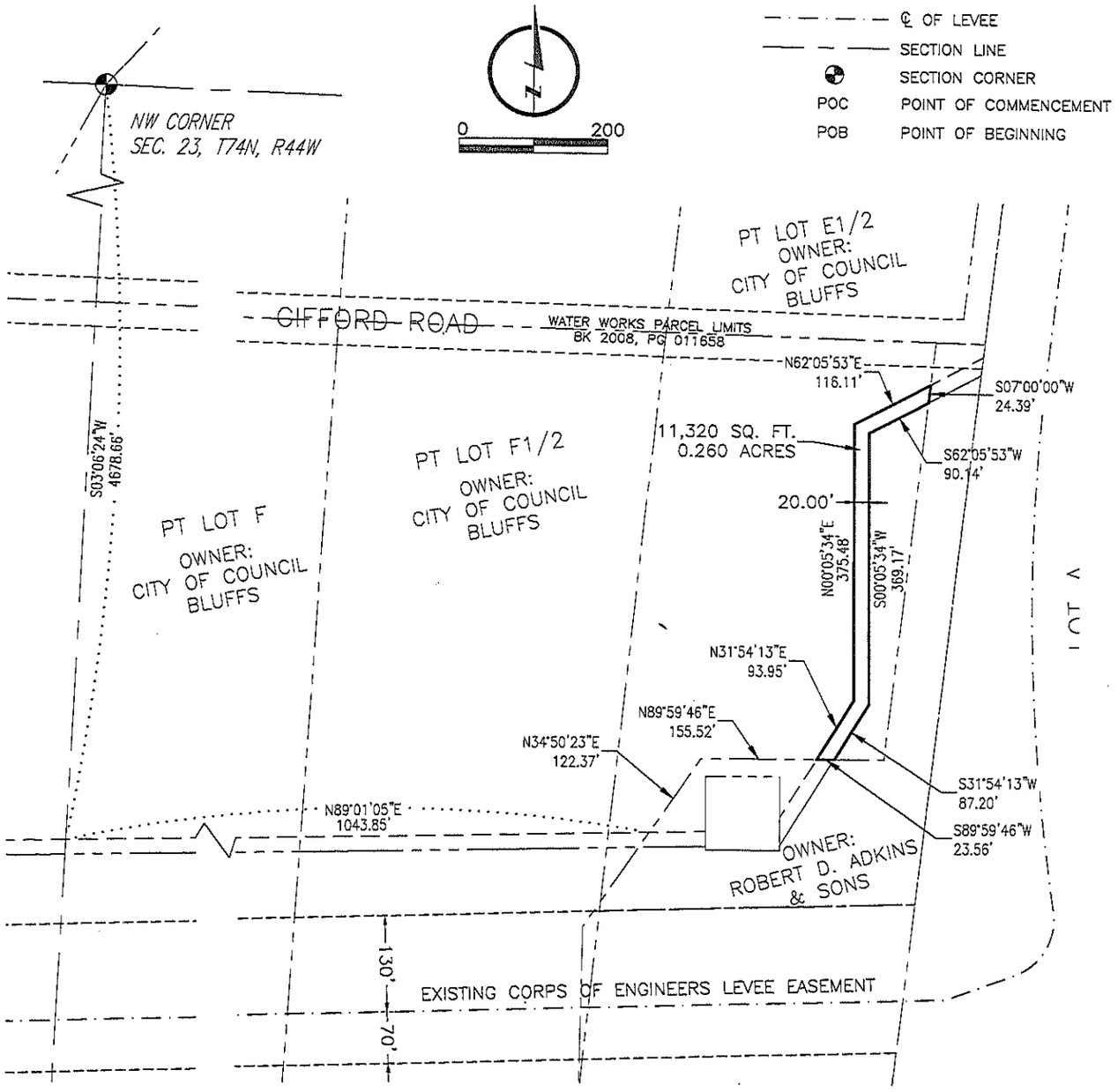
## EXHIBIT "A"

### LEGAL DESCRIPTION

A TWENTY-FOOT (20.00') WIDE TEMPORARY EASEMENT FOR CONSTRUCTION AND REPAIR 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.
CONTAINS 11,320 SQUARE FEET.

### 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
Omaha, Nebraska 68154-2027
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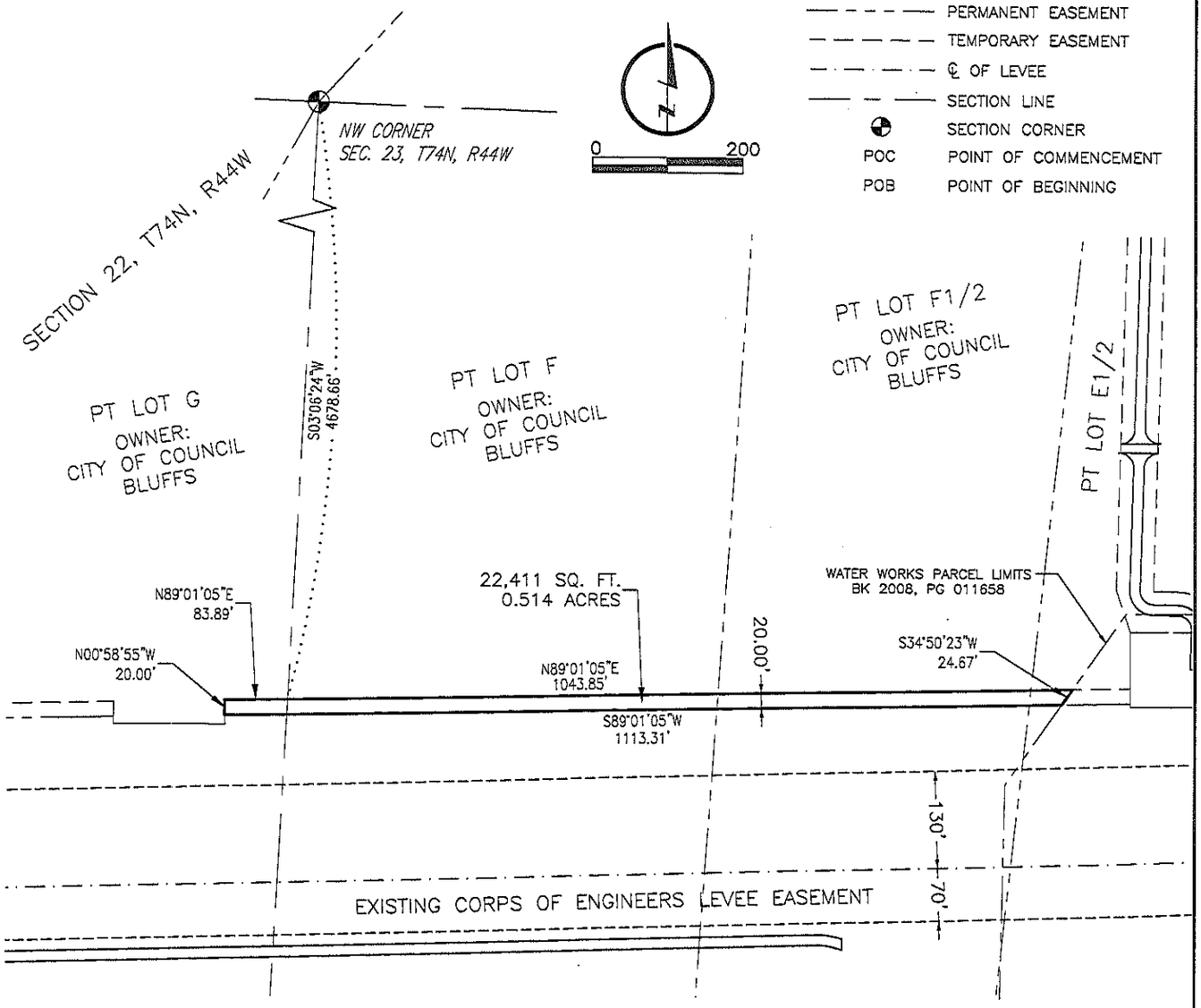
# TEMPORARY EASEMENT EXHIBIT
## EXHIBIT "B"

### LEGAL DESCRIPTION

A TWENTY FOOT (20.00') WIDE TEMPORARY EASEMENT FOR CONSTRUCTION AND REPAIR OF LEVEE OVER PART OF LOT 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 THE ACCRETIONS THERETO LOCATED IN SECTION 22, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH P.M., POTTAWATTAMIE COUNTY, IOWA.
CONTAINS 22,411 SQUARE FEET.

### 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





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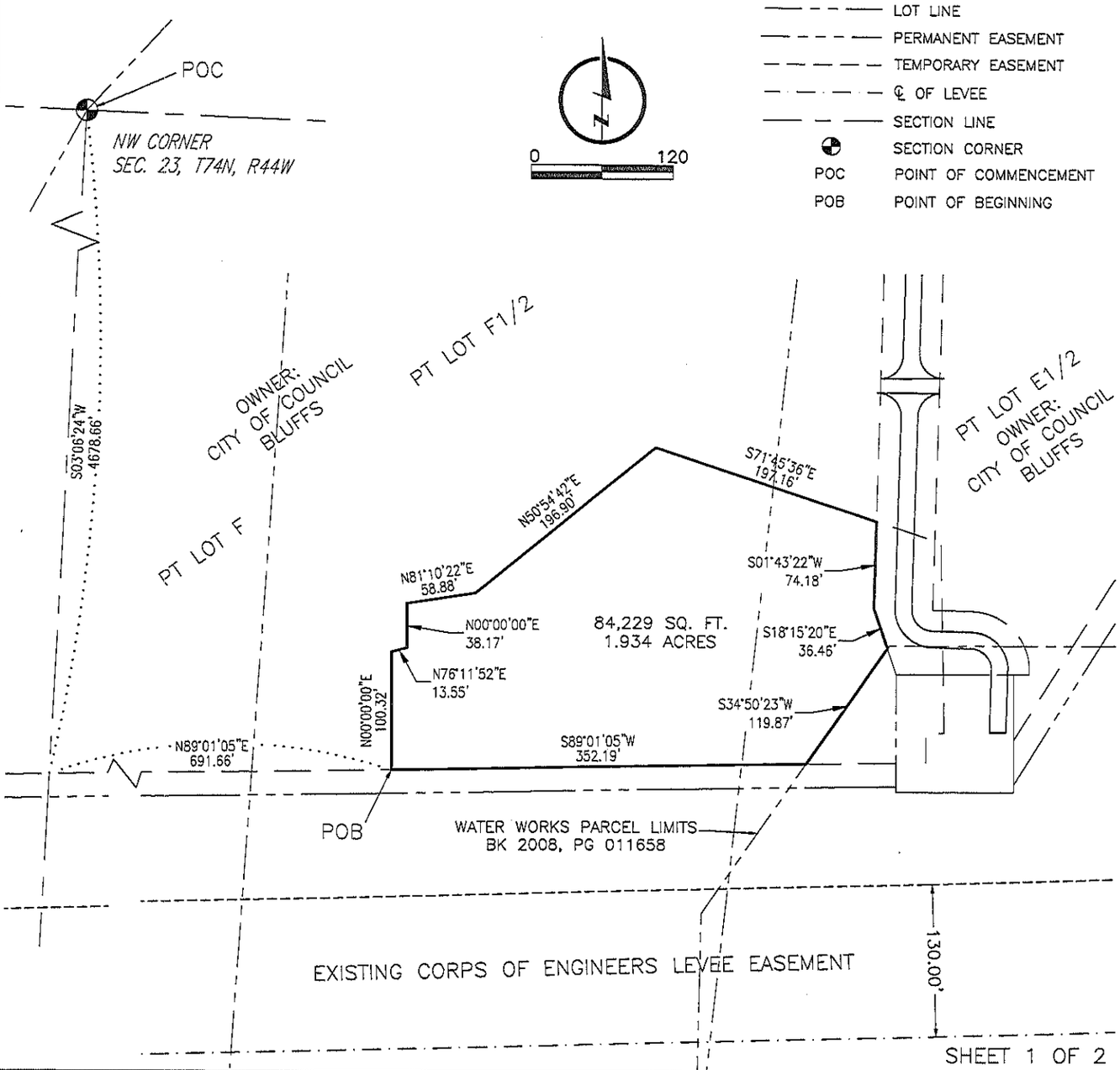

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# TEMPORARY EASEMENT EXHIBIT

## EXHIBIT "C"

### LEGAL DESCRIPTION

A TEMPORARY EASEMENT FOR CONSTRUCTION OF LEVEE OVER PART OF LOT F 1/2 AND 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)






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# TEMPORARY EASEMENT EXHIBIT
## EXHIBIT "C"

### LEGAL DESCRIPTION

A TEMPORARY EASEMENT FOR CONSTRUCTION OF LEVEE OVER PART OF LOT F 1/2 AND 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 4678.66 FEET ON THE WEST LINE OF SAID SECTION 23;

THENCE NORTH 89°01'05" EAST FOR 691.66 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 00°00'00" EAST FOR 100.32 FEET;
THENCE NORTH 76°11'52" EAST FOR 13.55 FEET;
THENCE NORTH 00°00'00" EAST FOR 38.17 FEET;
THENCE NORTH 81°10'22" EAST FOR 58.88 FEET;
THENCE NORTH 50°54'42" EAST FOR 196.90 FEET;
THENCE SOUTH 71°45'36" EAST FOR 197.16 FEET;
THENCE SOUTH 01°43'22" EAST FOR 74.18 FEET;
THENCE SOUTH 18°15'20" EAST FOR 36.46 FEET;
THENCE SOUTH 34°50'23" WEST FOR 119.87 FEET;

THENCE SOUTH 89°01'05" WEST FOR 352.19 FEET TO THE POINT OF BEGINNING.

CONTAINS 84,229 SQUARE FEET OR 1.934 ACRES.



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