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Carol "Cindy" Hol, Recorder
Dallas County IOWA

MTG.
REF.

Prepared by Paul Huscher / C. Paardekooper, City of Waukee, 230 Highway 6, Waukee, Iowa 50263

**PERMANENT EASEMENT CONVEYANCE
WATER MAIN AND GAS MAIN
JOE BRICK INDUSTRIAL/BUSINESS PARK**

KNOW ALL MEN BY THESE PRESENTS:

That Joe Brick, owner of Joe Brick Industrial/Business Park (hereinafter called "Grantor"), for the sum of One Dollar (\$1.00), and other good and valuable consideration in hand paid by the City of Waukee, the receipt of which is hereby acknowledged by the Grantor, do hereby grant, bargain, sell and convey unto the CITY OF WAUKEE, IOWA, a municipal corporation, (hereinafter called "City") a perpetual Easement for water and gas mains, under, over, through and across the following described real estate:

A parcel of land located in the Northwest ¼ of Section 35, Township 79 North, Range 26 West of the 5th P.M., Dallas County, Iowa, being more particularly described as follows:

Commencing at the Northwest corner of said Section 35; thence S89°51'22"E along the North line of the Northwest ¼ of said Section 35, a distance of 1272.88 feet;
Thence S00°06'19"W, a distance of 49.93 feet to the South right of way line of U.S. Highway 6 and the point of beginning;
Thence S89°52'27"E, along said South right of way line a distance of 100.00 feet;
Thence S00°08'00"W, a distance of 156.36 feet;
Thence S03°56'51"W, a distance of 82.21 feet;
Thence Southeasterly 49.12 feet along a 30.00 foot radius curve concave Southwesterly having a long chord of 43.81 feet bearing S42°57'35"E;
Thence S89°52'00"E, a distance of 698.45 feet;
Thence S00°03'55"W, a distance of 474.86 feet;
Thence N89°51'22"W, a distance of 100.00 feet;
Thence N00°03'55"E, a distance of 374.88 feet;
Thence Northwesterly 47.09 feet along a 30.00 foot radius curve concave Southwesterly having a long chord of 42.40 feet bearing N44°54'03"W;
Thence N89°52'00"W, a distance of 578.06 feet;
Thence Southwesterly 47.12 feet along a 30.00 foot radius curve concave Southeasterly having a long chord of 42.43 feet bearing S45°08'00"W;
Thence S00°08'00"W, a distance of 2221.20 feet to the South line of said Northwest quarter;
Thence N89°55'49"W, along said South line a distance of 70.00 feet;
Thence N00°08'00"E, a distance of 1196.23 feet;
Thence Northwesterly 47.12 feet along a 30.00 foot radius curve concave Northeasterly having a long chord of 42.43 feet bearing N44°52'00"W

Return to: Mark Arentsen, City of Waukee, 230 Highway 6, Waukee, Iowa 50263

Thence N89°52'00"W, a distance of 480.00 feet to the East line of Hickman West Ind. Park Plat 1;
Thence N00°08'00"W, along said East line a distance of 70.00 feet;
Thence S89°52'00"E, a distance of 480.00 feet;
Thence Northeasterly 47.12 feet along a 30.00 foot radius curve concave Southeasterly having a long chord of 42.43 feet bearing N45°08'00"E;
Thence N00°08'00"E, a distance of 884.06 feet;
Thence N03°40'51"W, a distance of 225.50 feet;
Thence N00°08'00"E, a distance of 156.35 feet to said South right of way line of U.S. Highway 6 and the point of beginning, containing 317,909 square feet more or less, subject to all easement and restrictions of record,

(hereinafter called "Easement Area") for the purpose of water main and gas main construction together with necessary appurtenances thereto, under, over, through and across said Easement Area.

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

1. **ERECTION OF STRUCTURES PROHIBITED.** Grantor shall not erect any structure, building, or fence over or within the Easement Area.
2. **OBSTRUCTION PROHIBITED.** Grantor SHALL NOT ERECT or cause to be placed on the easement area any structure, material, device, thing or matter, or plant or permit to grow any hedge or other vegetative growth which could obstruct, impede, or otherwise interfere with the usage of the Easement Area as a vehicle turnaround.
3. **CHANGE IN GRADE PROHIBITED.** Grantor, (his, her, its) successors or assigns 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 of City.
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 to the use and enjoyment of the Easement Area as herein described, including, but not limited to, the right to remove any unauthorized obstruction or structures placed or erected on the Easement area and the right to improve, repair, and maintain the Easement Area in whatever manner necessary to protect the public health, safety and general welfare.
5. **EASEMENT RUNS WITH LAND.** This Easement shall be deemed to run with the land and shall be binding on Grantor and on Grantor's heirs, successors and assigns until such time that this easement is released by the City of Waukee, provided that this easement shall be deemed to have been released if property in which City has title is extended to include the Easement Area.

6. PROPERTY TO BE RESTORED. Upon completion of any construction, reconstruction, repair, enlargement or maintenance on the water main or gas main, the Easement Area shall be restored by the entity causing such work to be done, to its condition prior to such work

7. COVENANTS OF TITLE. Grantor does HEREBY COVENANT with the City that Grantor holds said real estate described herein as the Easement Area, by title in fee simple; that Grantor has good and lawful authority to convey the same; and said Grantor covenants to WARRANT AND DEFEND the said premises against the lawful claims of all persons whomsoever.

8. ENJOYMENT OF LAND. Grantor their heirs or assigns, may cultivate, use and enjoy the land over said public utilities, provided such use shall not, in the judgment of the Grantee, interfere with or endanger the construction, operation or maintenance of said public utilities.

9. PERMANENT EASEMENT. Grantee shall have and hold this easement together with all appurtenances and immunities thereto belonging or appending forever.

10. WORDS AND PHRASES. Words and phrases used herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender according to the context.

In Witness Whereof, the parties herein have set their hands on this 6th day of July, 2003.

GRANTORS:

[Signature]
[Signature] Spouse

GRANTEE:

[Signature]
Tony Oberman, Mayor

Attest: [Signature]
Mark J. Arentsen, City Administrator/Clerk

STATE OF IOWA

SS:

COUNTY OF DALLAS

On this 6th day of July, 2003, before me, the undersigned, a Notary Public in and for said County, in said State, personally appeared, Joseph Bruch, and Janet Bruch, to me known to

be the identical persons named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

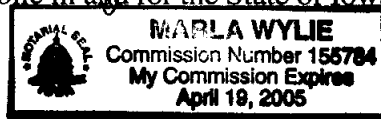
Marla Wylie

Notary Public in and for the State of Iowa

STATE OF IOWA

SS:

COUNTY OF DALLAS

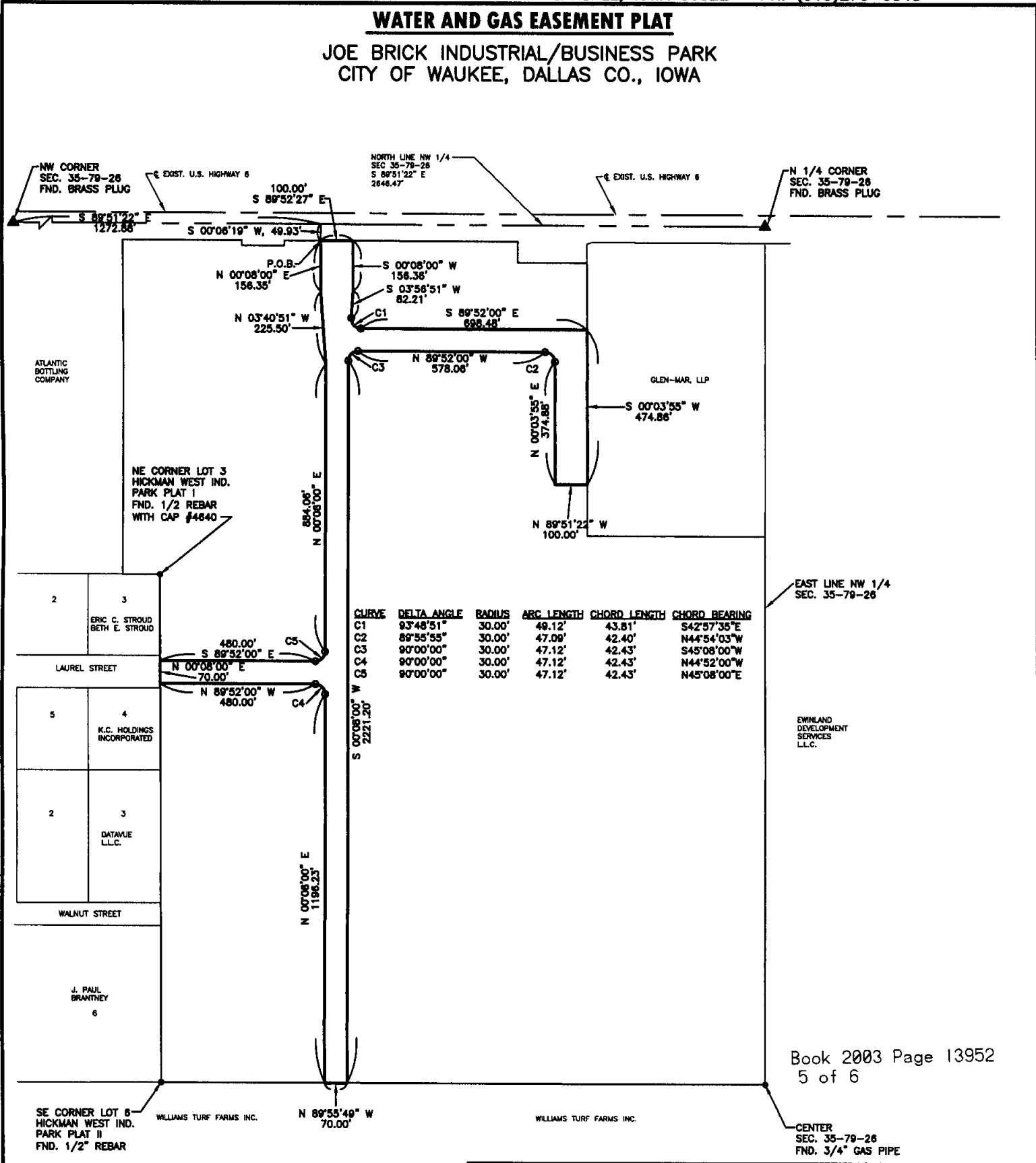


On this 14th day of July, 2003, before me, the undersigned, a Notary Public in and for said County, in said State, personally appeared Tony Oberman and Mark J. Arentsen, to me personally known who being by me duly sworn, did say that they are the Mayor and City Administrator/Clerk, respectively, of said corporation; that said instrument was signed (and sealed) on behalf of said corporation by authority of its City Council, as contained in the ~~Resolution No. _____ adopted by the City Council on the _____ day of _____, 2003;~~ and that Tony Oberman and Mark J. Arentsen acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary6 act and deed of the corporation, by it voluntarily executed.

Catherine A Paardokoper
Notary Public in and for the State of Iowa
Commission Expires 11/20/03
706982

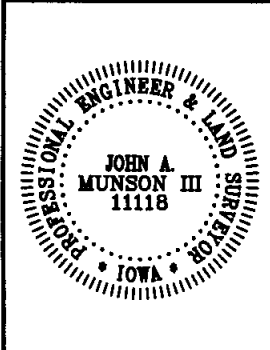
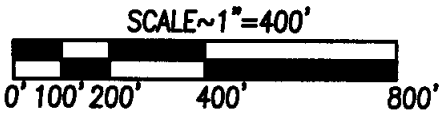
WATER AND GAS EASEMENT PLAT

JOE BRICK INDUSTRIAL/BUSINESS PARK
CITY OF WAUKEE, DALLAS CO., IOWA



CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	93°48'51"	30.00'	49.12'	43.81'	S42°57'35"E
C2	89°55'55"	30.00'	47.09'	42.40'	N44°54'03"W
C3	90°00'00"	30.00'	47.12'	42.43'	S45°08'00"W
C4	90°00'00"	30.00'	47.12'	42.43'	N44°52'00"W
C5	90°00'00"	30.00'	47.12'	42.43'	N45°08'00"E

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I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

John A. Munson III 6-27-03
 JOHN A. MUNSON III DATE
 LICENSE NUMBER 11118
 MY LICENSE RENEWAL DATE IS DECEMBER 31, 2004.
 PAGES OR SHEETS COVERED BY THIS SEAL:
 SHEET 1 THRU SHEET 2

KIRKHAM MICHAEL
CONSULTING ENGINEERS

TITLE WATER AND GAS EASEMENT JOE BRICK INDUSTRIAL/BUSINESS PARK CITY OF WAUKEE, DALLAS CO., IOWA		PROJECT NO.
DATE MAY 2003	SCALE 1"=400'	SHEET NO. 1
DRAWN W.D.H.	FIELD BOOK	
APPROVED J.A.M.	REVISION ADDED 100' TO EAST (06-09-03)	

WATER AND GAS EASEMENT PLAT

**JOE BRICK INDUSTRIAL/BUSINESS PARK
CITY OF WAUKEE, DALLAS CO., IOWA**

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 35, TOWNSHIP 79 NORTH, RANGE 26 WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 35; THENCE S89°51'22"E ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 35, A DISTANCE OF 1272.88 FEET;

THENCE S00°06'19"W, A DISTANCE OF 49.93 FEET TO THE SOUTH RIGHT OF WAY LINE OF U.S. HWY. 6 AND THE POINT OF BEGINNING;

THENCE S89°52'27"E, ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 100.00 FEET;

THENCE S00°08'00"W, A DISTANCE OF 156.36 FEET;

THENCE S03°56'51"W, A DISTANCE OF 82.21 FEET;

THENCE SOUTHEASTERLY 49.12 FEET ALONG A 30.00 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY HAVING A LONG CHORD OF 43.81 FEET BEARING S42°57'35"E;

THENCE S89°52'00"E, A DISTANCE OF 698.48 FEET;

THENCE S00°03'55"W, A DISTANCE OF 474.86 FEET;

THENCE N89°51'22"W, A DISTANCE OF 100.00 FEET;

THENCE N00°03'55"E, A DISTANCE OF 374.88 FEET;

THENCE NORTHWESTERLY 47.09 FEET ALONG A 30.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY HAVING A LONG CHORD OF 42.40 FEET BEARING N44°54'03"W;

THENCE N89°52'00"W, A DISTANCE OF 578.06 FEET;

THENCE SOUTHWESTERLY 47.12 FEET ALONG A 30.00 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY HAVING A LONG CHORD OF 42.43 FEET BEARING S45°08'00"W;

THENCE S00°08'00"W, A DISTANCE OF 2221.20 FEET TO THE SOUTH LINE OF SAID NORTHWEST QUARTER;

THENCE N89°55'49"W, ALONG SAID SOUTH LINE A DISTANCE OF 70.00 FEET;

THENCE N00°08'00"E, A DISTANCE OF 1196.23 FEET;

THENCE NORTHWESTERLY 47.12 FEET ALONG A 30.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY HAVING A LONG CHORD OF 42.43 FEET BEARING N44°52'00"W;

THENCE N89°52'00"W, A DISTANCE OF 480.00 FEET TO THE EAST LINE OF HICKMAN WEST IND. PARK PLAT 1;

THENCE N00°08'00"E, ALONG SAID EAST LINE A DISTANCE OF 70.00 FEET;

THENCE S89°52'00"E, A DISTANCE OF 480.00 FEET;

THENCE NORTHEASTERLY 47.12 FEET ALONG A 30.00 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY HAVING A LONG CHORD OF 42.43 FEET BEARING N45°08'00"E;

THENCE N00°08'00"E, A DISTANCE OF 884.06 FEET;

THENCE N03°40'51"W, A DISTANCE OF 225.50 FEET;

THENCE N00°08'00"E, A DISTANCE OF 156.35 FEET TO SAID SOUTH RIGHT OF WAY LINE OF U.S. HWY. 6 AND THE POINT OF BEGINNING, CONTAINING 317,909 SQUARE FEET MORE OR LESS, SUBJECT TO ALL EASEMENT AND RESTRICTIONS OF RECORD.

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TITLE		PROJECT NO.
WATER AND GAS EASEMENT JOE BRICK INDUSTRIAL/BUSINESS PARK CITY OF WAUKEE, DALLAS CO., IOWA		
DATE	MAY 2003	SCALE
DRAWN	W.D.H.	FIELD BOOK
APPROVED	J.A.M.	REVISION
		REVISED LEGAL (06-09-03)
		SHEET NO.
		2