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1992 SEP 24 AM 11:53

FEE \$1500 paid
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Easement Agreement

In consideration of the sum of One Dollar (\$1.00) and other valuable consideration, Dan W. Smith, Edna M. Smith, and Samuel L. Smith do hereby grant, bargain and convey to the City of Bettendorf, Iowa, a perpetual easement for the construction and repair of a sanitary sewer and appurtenances across, through and under the following described Scott County, Iowa real estate and do also grant, bargain and convey the right to maintain, renew, enlarge, extend or reconstruct said sanitary sewer and appurtenances:

Part of the north half of Section 24, Township 78 North, Range 4 East of the 5th P.M., Scott County, Iowa, being more particularly described as follows:

Commencing, as a point of reference, at the northwest corner of the southwest quarter of Section 13, Township 78 North, Range 4 East of the 5th P.M.; thence South $36^{\circ} 45' 00''$ East 2513.9 feet along the original westerly right-of-way line of Moenck's Road to the centerline of Valley Drive (Davenport-LeClaire Road) as now established; thence North $50^{\circ} 15' 00''$ East 540.28 feet along the centerline of said Valley Drive to the westerly most corner of Stafford Industrial Park First Addition to the City of Bettendorf, Iowa; thence South $37^{\circ} 23' 45''$ East 1306.42 feet along the westerly line (and westerly line extended) of said Stafford Industrial Park First Addition to the northerly right-of-way line of U.S. Highway 67, as now established; thence South $46^{\circ} 29' 35''$ West 262.54 feet along the northerly right-of-way of said U.S. Highway 67 to the Point of Beginning; thence North $43^{\circ} 30' 25''$ West 25 feet; thence South $46^{\circ} 29' 35''$ West 20 feet parallel to the northerly right-of-way of said U. S. Highway 67; thence South $43^{\circ} 30' 25''$ East 25 feet; thence North $46^{\circ} 29' 35''$ East 20 feet along the northerly right-of-way of said U.S. Highway 67 to the Point of Beginning.

The above tract contains 500 square feet more or less.

It is agreed by the undersigned not to erect, construct, maintain or allow any permanent structure or building along, on or under said easement without the expressed written permission of the City of Bettendorf. It is further agreed not to plant or maintain any trees or do any earth work that changes the ground elevation over the sewer on or within said easement without the expressed written permission of the City of Bettendorf.

The undersigned also conveys unto the City of Bettendorf a temporary construction easement for the purpose of such encroaching, grading, sloping, shaping, cutting, filling and constructing as may be required in connection with the project over, across, through and under the following described Scott County, Iowa real estate:

Part of the north half of Section 24, Township 78 North, Range 4 East of the 5th P.M., Scott County, Iowa, being more particularly described as follows:

Commencing, as a point of reference, at the northwest corner of the southwest quarter of Section 13, Township 78 North, Range 4 East of the 5th P.M.; thence South $36^{\circ} 45' 00''$ East 2513.9 feet along the original westerly right-of-way line of Moenck's Road to the centerline of Valley Drive (Davenport-LeClaire Road) as now established; thence North $50^{\circ} 15' 00''$ East 540.28 feet along the centerline of said Valley Drive to the westerly most corner of Stafford Industrial Park First Addition to the City of Bettendorf, Iowa; thence South $37^{\circ} 23' 45''$ East 1306.42 feet along the westerly line (and westerly line extended) of said Stafford Industrial Park First Addition to the northerly right-of-way line of U.S. Highway 67, as now established; thence South $46^{\circ} 29' 35''$ West 247.54 feet along the northerly right-of-way of said U.S. Highway 67 to the Point of Beginning; thence North $43^{\circ} 30' 25''$ West 35 feet; thence South $46^{\circ} 29' 35''$ West 50 feet parallel to the northerly right-of-way of said U. S. Highway 67; thence South $43^{\circ} 30' 25''$ East 35 feet; thence North $46^{\circ} 29' 35''$ East 15 feet along the northerly right-of-way of said U.S. Highway 67; thence North $43^{\circ} 30' 25''$ West 25 feet; thence North $46^{\circ} 29' 35''$ East 20 feet parallel to the northerly right-of-way of U.S. Highway 67; thence South $43^{\circ} 30' 25''$ East, 25 feet; thence North $46^{\circ} 29' 35''$ East 15 feet along the northerly right-of-way of U.S. Highway 67 to the Point of Beginning.

The above tract contains 1,250 square feet more or less.

The temporary easement shall terminate when the City approves and accepts the project or on January 1, 1993, whichever is earlier.

This easement and rights herein described shall be binding upon the grantors, their heirs, successors and assigns.

Signed this 17 day of July, 1992.

Dan W. Smith
Dan W. Smith

Edna M. Smith
Edna M. Smith

Samuel L. Smith
Samuel L. Smith

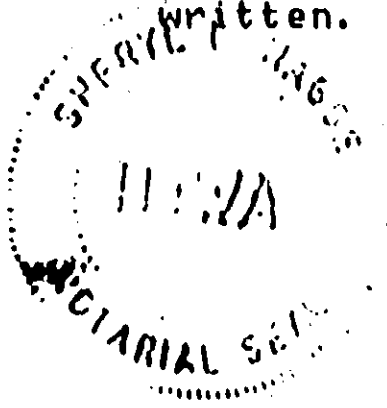
This easement and rights herein described shall be binding upon the grantors, their heirs, successors and assigns.

Signed this 17th day of July 1992.

STATE OF IOWA)
) ss.
COUNTY OF SCOTT)

On this 17th day of July, A.D., 1992, before me, the undersigned, a Notary Public in and for the County of Scott, State of Iowa, personally appeared Dan W. Smith, Edna M. Smith, and Samuel L. Smith to me known to be the person or persons named in and who executed the foregoing instrument and acknowledged that he (they) executed the same as his (their) voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed my Notarial Seal the day and year last above written.



Sheryl L. Hagge
Notary Public in and for
Scott County, Iowa
Sheryl L. Hagge