

DEPARTMENT OF ENGINEERING
CITY OF DES MOINES, IOWA

JUN 16 1986

Project Name: IMMC -
Methodist Medical Plaza II
W.O. No.: 0207-85-103
Fund Code: 360743

EASEMENT FOR SANITARY SEWER RIGHT-OF-WAY

KNOW ALL PERSONS BY THESE PRESENTS:

That Iowa Methodist Medical Center

(hereinafter called "Grantor") in consideration of the sum of Five Cent

to be paid by the City of Des Moines upon final approval and acceptance of this Easement by the Des Moines City Council, do hereby convey unto the CITY OF DES MOINES, IOWA, a municipal corporation, (hereinafter called "City"), a perpetual Easement for Sanitary Sewer Right-of-Way under, over, through, and across the following described real estate:

See attached.

INST. NO. 064538
POLK COUNTY, IOWA
FILED FOR RECORD

JUN 20 1986
AT 8:38 A.M.
KATIE SHUNSTINE HOLSCHUH, Recorder
By Haggerty Deputy

(hereinafter called "Easement Area") for the purpose of the City constructing, reconstructing, repairing, enlarging and maintaining a sanitary sewer, 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 over or within the Easement Area without obtaining the prior written approval 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. 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, 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 THE 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. APPROVAL BY CITY COUNCIL. This Easement shall not be binding until it has received the final approval and acceptance by the Des Moines City Council by Resolution which approval and acceptance shall be noted on this Easement by the City Clerk.

Grantor does HEREBY COVENANT with the City that Grantor holds said real estate described in this Easement by title in fee simple; that Grantor has good and lawful authority to convey the same; and said Grantor covenant to WARRANT AND DEFEND the said premises against the lawful claims of all persons whomsoever.

Each of the undersigned hereby relinquishes all rights of dower, homestead and distributive share, if any, in and to the interests conveyed by this Easement.

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.

Signed this 1 day of April, 19 85.

X IOWA METHODIST MEDICAL CENTER

By: David S. Ramsey
David S. Ramsey, President
Chas. F. Farnum Midland Financial

STATE OF IOWA, COUNTY OF POLK, ss Monte Blaird P. Graham President

On this 1 day of April, 19 85, before me the undersigned, a Notary Public in and for the State of Iowa, personally appeared

David S. Ramsey as President of Iowa Methodist Medical Center

to me known to be the identical persons named in and who executed the same as their voluntary act and deed.

Luth E. Carlson
Notary Public in and for Polk County, Iowa

I, Donna V. Boetel-Baker, City Clerk of the City of Des Moines, Iowa, do hereby certify that the within and foregoing Easement was duly approved and accepted by the City Council of said City of Des Moines by Resolution and Roll Call No. 2872, passed on the 16th day of June, 19 86, and this certificate is made pursuant to authority contained in said Resolution.

Signed this 18th day of June, 19 86

Donna V. Boetel-Baker
Donna V. Boetel-Baker, City Clerk
of the City of Des Moines, Iowa

DESCRIPTION APPROVED

Edith J. Hall

LEGAL DESCRIPTION OF PROPOSED SAN. SEWER EASEMENT

Part of Lots 7, 8 and 9 in Holland's Subdivision, part of Lots "J" and 21 in Oakridge Plat II, part of Lot 9 in George G. Wright's Subdivision and part of vacated Pleasant Street in the Southeast Quarter of Section 5, Township 78N., Range 24W of the 5th P.M., all now included in and forming a part of the City of Des Moines, Polk County, Iowa, more particularly described as being a 30-foot wide strip of ground with centerline described as follows:

Commencing at the northwest corner of Lot 12 in Methodist Plat No. 2, an O.P. now included in and forming a part of the City of Des Moines, Polk County, Iowa; thence N.89°24'W. along the westerly extension of the north line of said lot 12, 47.2 feet; thence N.0°36'E., 32.3 feet to the POINT OF BEGINNING; thence N. 25°18'E., 80.2 feet; thence S89°24'E., along a line that is 60.7 feet North of and parallel to the south line of Lots 7, 8 and 9 in Holland's Subdivision, 257.45 feet; thence S48°24'E., 53.85 feet.