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Revenue Tax: \$0.00
Polk County Iowa
TIMOTHY J. BRIEN RECORDER
File# 2007-00025715

BK **11857** PG **941-943**

RETURN TO:

Preparer: When recorded, Return to: Brett T. Osborn, 974 - 73rd Street, Suite 20, Des Moines, IA 50312 (515) 223-6000

**DECLARATION OF RECIPROCAL NON-EXCLUSIVE EASEMENTS
FOR
ACCESS AND PARKING PURPOSES**

WHEREAS, A Development Company, L.C., an Iowa limited liability company, ("Owner") is the titleholder to the following described parcels of property in Polk County, Iowa, to-wit:

Parcel 1:

The South 210 feet of the North 241 feet of Lots 1 and "A" in KEMPER ESTATES (except the West 429 feet) and a triangular tract adjacent to the above tract described as follows: Beginning at a point on the East line of said Lot "A" that is 241 feet South of the Northeast corner thereof; then South along the East line of Lot "A" 200 feet; thence North 36°59' West 249.4 feet more or less to a point on the South line of the North 241 feet of said Lot 1; thence East 150 feet to the point of beginning, Polk County, Iowa.;

Parcel 2:

Beginning at the Northwest corner of the North boundary line of Lot 1 KEMPER ESTATE, extending a distance of 241 feet South therefrom along the West line of said Lot 1; thence East 1,269 feet South of the Northeast corner of Lot A measured along the East line of said Lot A which lies immediately East of and adjoining Lot 1; thence South on the East line of said Lot A, 340 feet, thence West 1,269 feet; thence North 340 feet along the West line of said Lot 1 to place of beginning (except a triangular piece of ground located in the Northeast corner described as follows: Beginning at a point 241 feet South of the Northeast corner of said Lot A;

thence South on the East line of said Lot A, 200 feet; thence North 36°59' West, 249.25 feet to a point on the South line of the North 241 feet of Lots 1 and A, KEMPER ESTATES; thence East 150 feet to the place of beginning); also beginning at a point 581 feet South of the Northeast corner of said Lot A; thence South on the East line of said Lot A, 200 feet; thence North 36 °59' West, 249.25 feet to a point on the South line of the North 581 feet of said Lots 1 and A, KEMPER ESTATES; thence East 150 feet to the place of beginning, all in the Southwest 1/4 of the Southwest 1/4 of Section 13, Township 79 North, Range 24 West of the 5th P.M., Polk County, Iowa, excepting therefrom that part taken by condemnation by the Iowa State Highway Commission as shown in Book 3304, Page 387 of the records of the Polk County Recorder.

Parcel 3:

The West 429 feet of the South 210 feet of the North 241 feet of Lot 1 in KEMPER ESTATES, an Official Plat, in Polk County, Iowa (except that part conveyed to the State of Iowa by Warranty Deed recorded in Book 3101, Page 393), situated in Polk County, Iowa.

and

WHEREAS, Polk County Iowa and the City of Des Moines have indicated a requirement of certain parking easements prior to an approval of a site plan for proposed construction to be developed on Parcel 3; and

WHEREAS, the Owner of said parcels desires to comply with such requirements.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the receipt and sufficiency of which is hereby acknowledged, A Development Company, L.C., does hereby establish an easement over and across Parcels 1 and 2, described above, for the right of access from NE 14th Street to Parcel 3 and for parking of overflow parking or what has been designated offsite parking for the benefit of Parcel 3 upon Parcels 1 and 3 identified above and areas to be designated by the owner and not to exceed forty (40) spaces, an area large enough to accommodate tractor trailers not exceeding the length of fifty three (53) feet. This easement shall be a burden on Parcel 1 and 2 and shall be for the benefit of Parcel 3, all as described above.

A Development Company, L.C., does hereby further declare an additional easement for benefit of Parcel 3 for access hereby granting access rights acquired and vested in the owners of Parcels 1 and 2 for the benefit of Parcel 3 which will be needed by necessity should Parcel 3 be conveyed to a third party.

