

COMPARED

CITY OF AVOCA
P. O. BOX 246
AVOCA, IA 51521

STATE OF IOWA, Pottawattamie County
Filed for record at _____ day of Sept
1994 at _____ o'clock A. M. Rec'd _____
In book 95 page 7855
John Sciantino Recorder
By George A. Young Deputy

RECORDING FEE \$ 15.00
RMA FEE \$ 1.00
✓
3639

EASEMENT

THIS AGREEMENT, entered into at Avoca, Iowa on this
8th day of June, 1994, by and between Roger A.
Nelson, a single person, of Panora, Iowa, First Party, and the
City of Avoca, Iowa, Second Party;

WITNESSETH: That for good and valuable consideration,
receipt of which is hereby acknowledged, and payment of all costs
by City of Avoca, Iowa, and the grantors shall have the right to
hook into the sewer for the normal hookup fee. The First Party
has this day conveyed unto the City of Avoca, Iowa, a permanent
easement for the purposes of the construction of a sewer line
together with drainage improvements, including the perpetual
right to enter upon the real estate as hereinafter described at
any time it sees fit for the purpose of repair and maintenance of
said sewer line. That the City is allowed a temporary easement
over an area fifty (50) feet wide over the property (10 feet on
the west side of center of easement and 40 feet on east side of
sewer line as constructed) hereinafter described for the purposes
of construction; a permanent easement for the sewer line and for
purposes of maintenance over an area twenty (20) feet wide (ten
(10) feet on either side of the eight (8) inch sewer line as
constructed), and the right of ingress and egress to the said
sewer line for purposes of maintenance and construction.

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The full legal description of the land affected by the
granting of this easement and right of way is located in
Pottawattamie County, Iowa, and is more particularly described as
follows:

Part of Lot 5 of the Avoca Land and Loan Company's Addition to
the City of Avoca, Pottawattamie County, Iowa. More particularly
described as follows: Commencing at the southeast corner of the
NW1/4 NW1/4 NE1/4 of Section 9, Township 77 North, Range 39 West
of the 5th P.M. in Pottawattamie County, Iowa; thence S. 0
degrees 58.8' E. along the centerline of Willow Street 127.71
feet to the point of beginning; thence S. 88 degrees 37.5' W.
487.64 feet to a point on the east right of way line of Highway

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No. 59; thence along said right of way line S. 1 degree 18.3' W. 126.54 feet; thence along said right of way line S. 3 degrees 17' W. 408.37 feet to a point on the north line of Wood Street; thence S. 89 degrees 0' E. along the north line of Wood Street 515.25 feet to a point on the centerline of Willow Street; thence N. 0 degrees 05.8' W. along the centerline of Willow Street 554.95 feet to the point of beginning. The above described tract of land contains 6.25 acres more or less including Willow Street right of way. The east line of the NW1/4 NW1/4 NE1/4 of said Section 9 is assumed to bear N. 0 degrees 0' E. for this description.

The permanent easement hereby granted covers a strip of ground twenty (20) feet in width, which shall be located ten (10) feet on either side of the center of the sewer line after construction, the centerline which will be approximately 297.50 feet west of the west right of way line of Willow Street.

IT IS FURTHER AGREED that no buildings shall be place on the twenty (20) foot permanent easement.

Roger A. Nelson
Roger A. Nelson

CITY OF AVOCA, IOWA

BY: Barbara C. Befort
Barbara Befort, Mayor
BY: Marjorie L. Kobs
Marjorie L. Kobs, City Clerk

PARTY OF THE FIRST PART

PARTY OF THE SECOND PART

STATE OF IOWA, POTTAWATTAMIE COUNTY, SS

On this 8th day of June, 1994, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Roger A. Nelson, a single person, to me known to be the identical persons named in and who executed the foregoing instrument and acknowledged that such persons executed the same as such person's voluntary act and deed.



Milton L. Hanson
NOTARY PUBLIC IN AND FOR
STATE OF IOWA

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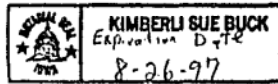
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STATE OF IOWA, POTTAWATTAMIE COUNTY, SS

On this 8 day of June, 1994, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Barbara Befort and Marjorie L. Kobs, to me personally known, who being by me duly sworn did say that the said Barbara Befort is Mayor and the said Marjorie L. Kobs is City Clerk of the City of Avoca, Iowa, a corporation duly organized and existing and executing the foregoing instrument; that the seal affixed thereto is the seal of said corporation;

That said instrument was signed and sealed on behalf of said corporation by authority of the City Council of the City of Avoca, Iowa, and the said Barbara Befort and Marjorie L. Kobs acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.

WITNESS my official signature and seal of the office at Avoca, Iowa, the day and year last above written.



Kimberli Sue Buck
NOTARY PUBLIC IN AND FOR
STATE OF IOWA

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