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C. H.
W. W.

INDEXED ☒ FILED ☒
FILED ☒ (COMPARED) ☒
MAILED ☒

Inst. No. 40653
POLK COUNTY, IOWA
FILED FOR RECORD
AT 17 13/17
KENNETH W. FENTON, RECORDER
M. C. ...

EASEMENT FOR WATER MAIN RIGHT-OF-WAY

KNOW ALL MEN BY THESE PRESENTS:

That Country Club Investment Co. and Jerry A. Gaddis of

_____ in consideration of the sum of
One Dollar and other valuable consideration Dollars (\$1.00),
receipt of which is hereby acknowledged, do hereby grant, sell,
release and convey to the Board of Waterworks Trustees, of the City
of West Des Moines, Polk County, Iowa, a municipal utility, hereinafter
referred to as the Waterworks, a permanent and perpetual easement,
right and privilege through and across the following described real
estate, and specifically described, as follows:

SEE ATTACHED EXHIBIT A AND EXHIBIT B

for the purpose of constructing a water feed main and such additional
main or mains either parallel or intersecting to the feed main,
including any and all property service mains under, along, through
and across said easement.

In connection herewith, it is specifically agreed that by
this easement the Waterworks shall have the right to enter upon said
premises as shall be necessary to construct, reconstruct, inspect,
repair, operate, maintain and service any and all of said mains and
all appurtenances thereto, together with the right to use and
operate said main or mains as the Waterworks, through its duly
authorized officials, deem necessary. It is further agreed that no
permanent improvement shall be built or placed upon the above
described easement and if any such improvements are built or
constructed, in violation of this easement, the Waterworks shall in
no way be responsible for any damages thereto resulting from the
construction, reconstruction, maintenance and repair of the water
feed main or mains.

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It is specifically provided as a term of this easement that after any excavation for construction or repair of the water feed main or mains, the Waterworks will restore the surface of the ground by machine finishing only, and there shall be no obligation on the part of the Waterworks to reseed or resod.

The undersigned owners hereby covenant with the Waterworks that we hold said premises by good title free and clear of liens and encumbrances, except as noted hereon, that they have good right and lawful authority to convey the easement rights herein granted and they hereby warrant to defend said easement rights against the lawful claims of all persons.

The within easement grant shall be binding upon the heirs, assigns and transferees of the owner herein and shall be perpetual unto the Board of Waterworks Trustees, of the City of West Des Moines, Iowa.

IN WITNESS WHEREOF, we have hereunto affixed our hands this 17th day of October, A.D., 1972.

Country Club Investment Co.

Partner

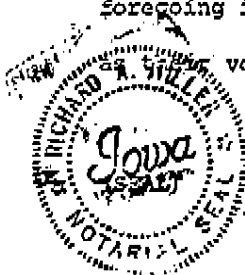
Robert E. Dreher

Jerry A. Gaddis by John E. Curtman

STATE OF IOWA, Polk

COUNTY, SS: attorney in fact

BE IT REMEMBERED, that on this 17th day of October, A.D., 1972, before me, a Notary Public within and for said County, personally appeared Robert E. Dreher and John E. Curtman, to me known to be the identical persons named in and who executed the foregoing instrument and acknowledge that they executed the same voluntary act and deed for the purpose therein set forth.



Richard A. Miller
Notary Public in and for Polk

County, Iowa

Richard A. Miller

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EXHIBIT A

Permanent Easement:

A perpetual easement and right-of-way under, through and across a tract of land ten (10) feet in width in Lot 8 of Golf and Country Club Plat 10 in Section 3, Township 78 North, Range 25 West of the 5th Principal Meridian, with said tract of land centered on a line more particularly described as follows: Commencing at a point on the west line of Lot 10 of Golf and Country Club Plat 10 at a distance of ten and five tenths (10.5) feet south of the northwest corner of said Lot 10; thence west a distance of one hundred twenty (120) feet parallel to the north line of Lot 7 of Golf and Country Club Plat 10 with said north line having an assumed true bearing of N 88° 28' W with all subsequent bearings referenced therefrom; thence N 0° 00' E a distance of two hundred twenty-one and six tenths (221.6) feet; thence N 0° 19' E a distance of four hundred sixteen and eight tenths (416.8) feet; thence S 88° 22' E a distance of one hundred ten and nine tenths (110.9) feet; thence S 83° 32' E a distance of forty-six and six tenths (46.6) feet; thence N 0° 00' E a distance of ten (10) feet to the south right-of-way line of Interstate Highway 235; all now included in and forming a part of the City of West Des Moines, Polk County, Iowa.

Temporary Easement:

During construction, the easement described above shall be increased to fifty (50) feet in width located on said described line as shown on attached plat.