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CHG EA



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Fee Amt: \$27.00 Page 1 of 5
Revenue Tax: \$0.00
Polk County Iowa
TIMOTHY J. BRIEN RECORDER
File# 2007-00052049

BK 11987 PG 217-221

RETURN TO:

Prepared by & Return to: Timothy C. Hogan, 3101 Ingersoll Ave., Des Moines, IA 50312 515-279-9059

MONUMENT SIGN EASEMENT

KNOW ALL PERSONS BY THESE PRESENT that **TRADITION, L.C.**, an Iowa limited liability company ("Grantor"), for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby grants and conveys to **TRADITION COMMERCIAL OWNERS ASSOCIATION**, an Iowa non-profit corporation (the "Association") the easements described in this Monument Sign Easement (the "Easement").

WHEREAS, the Association is an association of the owners of the following described real property (the "Benefited Parcels"):

SEE EXHIBIT "A" ATTACHED HERETO

WHEREAS, Grantor desires to grant certain easement rights to the Association and to burden the real estate described as follows (the "Easement Area"):

SEE EXHIBIT "B" ATTACHED HERETO

NOW, THEREFORE, Grantor hereby grants and conveys to the Association for the benefit of the owners of the Benefited Parcels an easement for constructing, reconstructing, repairing, replacing, enlarging, inspecting and maintaining monument signs located over, under, through, across and within the Easement Area.

This Easement shall be subject to the following terms and conditions:

1. **CONSTRUCTION.** The Association may construct monument signs identifying the development locally known as "Tradition" (the "Monument Signs").
2. **MAINTENANCE.** The Association shall maintain the Monument Signs in good and safe condition, including performance of all routine repairs and maintenance, including maintenance of the painting, brick replacement, landscaping and electric system.
3. **OBSTRUCTIONS PROHIBITED.** Grantor and its successors and assigns shall not erect or cause to be placed within the Easement Area any structure, material, device, thing or matter, or plant or permit to grow any hedge or other vegetative growth which could obstruct the Monument Signs within the Easement Area.

4. **RIGHT OF ACCESS.** The Association 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, without liability to Grantor, any unauthorized fences, structures, obstruction, planting or material placed or erected under, over, on, through, across or within the Easement Area.

5. **LIABILITY.** The Association shall defend, indemnify and hold harmless the owners of the Easement Area (except for Claims [as defined below] resulting from the negligent or intentional acts of such owners) from and against all damages, liabilities, actions, claims, expenses (including, but not limited to, court costs and reasonable attorneys' fees), losses, judgments, liens and causes of action (hereinafter called "Claims") arising from or out of the construction and maintenance of the Monument Signs.

6. **EASEMENT RUNS WITH LAND.** This Easement shall be deemed to run with the land and shall be binding on Grantor and on Grantor's heirs, successors and assigns.

Grantor does HEREBY COVENANT with the Association that (i) Grantor holds the Easement Area by title in fee simple; (ii) Grantor has good and lawful authority to convey the same; and (iii) Grantor covenants to WARRANT AND DEFEND the Easement Area against the claims of all persons whomsoever.

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.

Dated: 8/25/04, 2006

TRADITION, L.C., an Iowa limited liability company

By: _____
John D. Gamble, Secretary

STATE OF IOWA)
)ss:
COUNTY OF DALLAS)

On this 25 day of August, 2006, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared JOHN D. GAMBLE, to me personally known who, being by me duly sworn, did say that he is Secretary of the Iowa limited liability company executing the foregoing instrument; that no seal has been procured by the limited liability company; that the instrument was signed on behalf of the limited liability company by authority of its managers and that JOHN D. GAMBLE acknowledged execution of the instrument to be the voluntary act and deed of the limited liability company by it voluntarily executed.

By: Deborah J. McCoy-Olson
Printed Name: Deborah J. McCoy-Olson
Notary Public in and for said State

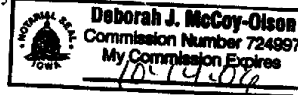


EXHIBIT "A"
TRADITION COMMERCIAL OWNERS ASSOCIATION
BENEFITED PROPERTY

A PART OF THE NORTHEAST QUARTER OF SECTION 34 AND A PART OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 80 NORTH, RANGE 24 WEST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY OF ANKENY, POLK COUNTY, IOWA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 34; THENCE SOUTH 00°27'16" WEST ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, 40.01 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF SW ORALABOR ROAD AND THE POINT OF BEGINNING; THENCE NORTH 89°45'11" EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 67.72 FEET; THENCE SOUTH 69°27'13" EAST CONTINUING ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 168.90 FEET; THENCE NORTH 83°14'48" EAST CONTINUING ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 27.16 FEET; THENCE SOUTH 07°40'59" EAST, 266.05 FEET; THENCE NORTH 89°29'21" WEST, 170.68 FEET; THENCE SOUTHWESTERLY ALONG A CURVE CONCAVE SOUTHEASTERLY WHOSE RADIUS IS 232.50 FEET; WHOSE ARC LENGTH IS 367.28 FEET AND WHOSE CHORD BEARS SOUTH 45°15'19" WEST, 330.27 FEET; THENCE SOUTH 00°00'00" EAST, 18.89 FEET; THENCE SOUTHERLY ALONG A CURVE CONCAVE EASTERLY WHOSE RADIUS IS 232.50 FEET, WHOSE ARC LENGTH IS 107.75 FEET AND WHOSE CHORD BEARS SOUTH 13°16'37" EAST, 106.79 FEET; THENCE SOUTH 26°33'14" EAST, 18.50 FEET; THENCE SOUTHERLY ALONG A CURVE CONCAVE WESTERLY WHOSE RADIUS IS 267.50 FEET, WHOSE ARC LENGTH IS 242.08 FEET AND WHOSE CHORD BEARS SOUTH 00°37'42" EAST, 233.90 FEET; THENCE SOUTH 25°17'49" WEST, 59.84 FEET; THENCE SOUTHWESTERLY ALONG A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 170.00 FEET, WHOSE ARC LENGTH IS 193.33 FEET AND WHOSE CHORD BEARS SOUTH 57°52'37" WEST, 183.08 FEET; THENCE SOUTH 89°32'35" EAST, 56.35 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SW STATE STREET; THENCE NORTHERLY CONTINUING ALONG SAID EASTERLY RIGHT OF WAY LINE AND A CURVE CONCAVE EASTERLY WHOSE RADIUS IS 7514.44 FEET, WHOSE ARC LENGTH IS 67.33 FEET AND WHOSE CHORD BEARS NORTH 00°11' 27" EAST, 67.33 FEET; THENCE NORTH 06°06'25" EAST CONTINUING ALONG SAID EASTERLY RIGHT OF WAY, 253.95 FEET; THENCE NORTH 07°09'31" WEST CONTINUING ALONG SAID EASTERLY RIGHT OF WAY, 302.51 FEET; THENCE NORTH 00°27'48" EAST CONTINUING ALONG SAID EASTERLY RIGHT OF WAY, 457.59 FEET TO SAID SOUTHERLY RIGHT OF WAY OF SW ORALABOR ROAD; THENCE SOUTH 89°30'01" EAST ALONG SAID SOUTHERLY RIGHT OF WAY, 325.21 FEET TO THE POINT OF BEGINNING.

AND

EXHIBIT "A"
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A PART OF THE NORTHEAST QUARTER OF SECTION 34 AND A PART OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 80 NORTH, RANGE 24 WEST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY OF ANKENY, POLK COUNTY, IOWA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST ¼ CORNER OF SAID SECTION 34; THENCE NORTH 00°26'57" EAST ALONG THE EAST LINE OF SAID SECTION 34, A DISTANCE OF 734.06 FEET TO THE NORTHERLY LINE OF TWIN GATES PLAT 2, AN OFFICIAL PLAT AND THE POINT OF BEGINNING; THENCE SOUTH 34°34'41" WEST ALONG SAID NORTHERLY LINE, 388.79 FEET TO THE NORTHWESTERLY CORNER OF SAID TWIN GATES PLAT 2; THENCE NORTHERLY ALONG THE EASTERLY RIGHT OF WAY LINE OF SW STATE STREET AND A CURVE CONCAVE EASTERLY WHOSE RADIUS IS 7514.44 FEET, WHOSE ARC LENGTH IS 1044.65 FEET AND WHOSE CHORD BEARS NORTH 04°33'07" WEST, 1043.81 FEET; THENCE SOUTH 89°32'35" EAST, 55.46 FEET; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 236.00 FEET, WHOSE ARC LENGTH IS 112.78 FEET AND WHOSE CHORD BEARS NORTH 76°46'01" EAST, 111.71 FEET; THENCE NORTH 49°01'03" EAST, 35.18 FEET; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 230.00 FEET, WHOSE ARC LENGTH IS 117.41 FEET AND WHOSE CHORD BEARS NORTH 39°55'16" EAST, 116.14 FEET; THENCE NORTH 25°17'49" EAST, 59.84 FEET; THENCE NORTHERLY ALONG A CURVE CONCAVE WESTERLY WHOSE RADIUS IS 327.50 FEET, WHOSE ARC LENGTH IS 296.38 FEET AND WHOSE CHORD BEARS NORTH 00°37'42" WEST, 286.37 FEET; THENCE NORTH 26°33'14" WEST, 18.50 FEET; THENCE NORTHERLY ALONG A CURVE CONCAVE EASTERLY WHOSE RADIUS IS 172.50 FEET, WHOSE ARC LENGTH IS 79.95 FEET AND WHOSE CHORD BEARS NORTH 13°16'37" WEST, 79.23 FEET; THENCE NORTH 00°00'00" WEST, 18.89 FEET; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE SOUTHEASTERLY WHOSE RADIUS IS 172.50 FEET, WHOSE ARC LENGTH IS 272.50 FEET AND WHOSE CHORD BEARS NORTH 45°15'19" EAST, 245.04 FEET; THENCE SOUTH 89°29'21" EAST, 57.36 FEET; THENCE SOUTH 10°48'29" EAST, 88.76 FEET; THENCE SOUTH 21°38'19" WEST, 210.83 FEET; THENCE SOUTH 09°06'00" EAST, 107.52 FEET; THENCE SOUTH 53°38'44" WEST, 62.06 FEET; THENCE SOUTH 45°14'46" EAST, 201.23 FEET; THENCE SOUTH 13°39'50" WEST, 92.41 FEET; THENCE SOUTH 63°02'34" WEST, 278.53 FEET; THENCE SOUTH 31°32'05" WEST, 115.61 FEET; THENCE SOUTH 24°22'47" WEST, 114.25 FEET; THENCE SOUTH 07°54'02" WEST, 96.61 FEET; THENCE SOUTH 19°00'45" EAST, 195.16 FEET; THENCE SOUTH 37°48'58" EAST, 205.88 FEET TO SAID NORTHERLY RIGHT OF WAY LINE OF TWIN GATES PLAT 2; THENCE SOUTH 34°34'41" WEST, 64.81 FEET TO THE POINT OF BEGINNING.

THE ABOVE TO BE KNOWN AS LOTS 1 – 6 IN TRADITION PLAT 1, ANKENY, POLK COUNTY, IOWA.

AND

LOTS 1 – 6 IN TRADITION PLAT 2, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF ANKENY, POLK COUNTY, IOWA.

AND

LOT 2 IN HIGHPOINTE NORTH PLAT 1, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF ANKENY, POLK COUNTY, IOWA.

EXHIBIT "B"
EASEMENT AREA

A PART OF THE NORTHEAST ¼ OF SECTION 34, TOWNSHIP 80 NORTH, RANGE 24 WEST OF THE 5TH P.M., CITY OF ANKENY, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 34; THENCE SOUTH 00°27'16" WEST, 40.01 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF SW ORALABOR ROAD; THENCE NORTH 89°30'01" EAST ALONG SAID SOUTHERLY LINE, 225.21 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 45°28'54" WEST, 141.38 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SW STATE STREET; THENCE NORTH 00°27'48" EAST ALONG SAID EASTERLY RIGHT OF WAY LINE, 100.00 FEET TO SAID SOUTHERLY RIGHT OF WAY LINE; THENCE SOUTH 89°30'01" EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 100.00 FEET TO THE POINT OF BEGINNING.

AND

A PART OF THE NORTHEAST ¼ OF SECTION 34, TOWNSHIP 80 NORTH, RANGE 24 WEST OF THE 5TH P.M., CITY OF ANKENY, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWESTERLY CORNER OF TWIN GATES PLAT 2, AN OFFICIAL PLAT; THENCE NORTHERLY ALONG THE EASTERLY RIGHT OF WAY LINE OF SW STATE STREET AND A CURVE CONCAVE EASTERLY WHOSE RADIUS IS 7514.44 FEET, WHOSE ARC LENGTH IS 1110.65 FEET AND WHOSE CHORD BEARS NORTH 04°18'01" WEST, 1109.64 FEET TO THE POINT OF BEGINNING; THENCE NORTHERLY CONTINUING ALONG SAID EASTERLY RIGHT OF WAY LINE AND A CURVE CONCAVE EASTERLY WHOSE RADIUS IS 7514.44, WHOSE ARC LENGTH IS 67.33 FEET AND WHOSE CHORD BEARS NORTH 00°11'27" EAST, 67.33 FEET; THENCE SOUTH 39°32'35" EAST, 88.00 FEET; THENCE NORTH 89°32'35" WEST, 56.35 FEET TO THE POINT OF BEGINNING.

AND

THE NORTH 32.00 FEET OF THE EAST 32.00 FEET OF LOT 1, TRADITION PLAT 2, AN OFFICIAL PLAT IN THE CITY OF ANKENY, POLK COUNTY, IOWA.

AND

THE NORTH 26.00 FEET OF THE WEST 38.00 FEET OF LOT 2, TRADITION PLAT 2, AN OFFICIAL PLAT IN THE CITY OF ANKENY, POLK COUNTY, IOWA.