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Doc ID: 019367200006 Type: GEN
Recorded: 12/14/2006 at 08:07:41 AM
Fee Amt: \$32.00 Page 1 of 6
Revenue Tax: \$0.00
Polk County Iowa
TIMOTHY J. BRIEN RECORDER
File# 2007-00052956

BK 11991 PG 319-324

RETURN TO:

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

550638

MONUMENT SIGN EASEMENT

KNOW ALL PERSONS BY THESE PRESENT that NORTHWEST FEDERAL SAVINGS BANK, a United States corporation ("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 a monument sign 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 a sign identifying the development locally known as "Tradition" (the "Monument Sign").
2. **MAINTENANCE.** The Association shall maintain the Monument Sign 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 Sign 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 Sign.

6. **ENFORCEMENT.** Any party to this Agreement may enforce it against any other party by seeking injunctive relief, specific performance, or any other remedy available at law or in equity. In the event of litigation to enforce or interpret the terms of this Agreement, the prevailing party shall be entitled to recover its costs of litigation, including, but not limited to, reasonable attorneys' fees.

7. **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.

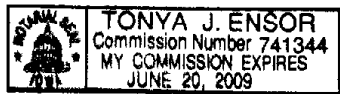
Dated: December 11th, 2006

NORTHWEST FEDERAL SAVINGS BANK,
a United States corporation

By: *Kevin L. Brooks*
Name: Kevin L. Brooks
Title: Market President

STATE OF IOWA)
)ss:
COUNTY OF POLK)

On this 11th day of December, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared Kevin Brooks, to me personally known who, being by me duly sworn, did say that he/she is President of the corporation; that the instrument was signed on behalf of the corporation by authority of its Board of Directors; and that Kevin Brooks as such officer, acknowledged the execution of the instrument to be the voluntary act and deed of the corporation, by it and by him/her voluntarily executed.



By: *Tonya J. Ensor*
Printed Name: Tonya Ensor
Notary Public in and for said State

ACCEPTANCE

The undersigned, having read the foregoing, hereby acknowledges and accepts the terms and obligations set forth herein.

Dated: December 5, 2006

TRADITION COMMERCIAL OWNERS ASSOCIATION

By: [Signature]
John D. Gamble, Secretary

STATE OF IOWA)
)ss:
COUNTY OF POLK)

On this 5 day of December, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared JOHN D. GAMBLE, to me personally known who, being by me duly sworn, did say that he is Secretary of the corporation; that the instrument was signed on behalf of the corporation by authority of its Board of Directors; and that JOHN D. GAMBLE as such officer, acknowledged the execution of the instrument to be the voluntary act and deed of the corporation, by it and by him voluntarily executed.

By: Angela Pfankuch
Printed Name: Angela Pfankuch
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

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:

EXHIBIT "A"
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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

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

EXHIBIT "B"
NORTHWEST FEDERAL SAVINGS BANK
EASEMENT AREA

A PART OF LOT 1, HIGHPOINTE NORTH PLAT 1, AN OFFICIAL PLAT IN THE CITY OF ANKENY, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1, SAID CORNER BEING ON THE SOUTHERLY RIGHT OF WAY LINE OF SW ORALABOR ROAD; THENCE SOUTHEASTERLY ALONG THE WESTERLY RIGHT OF WAY LINE OF SW HIGHPOINTE DRIVE AND A CURVE CONCAVE SOUTHWEST WHOSE RADIUS IS 25.00 FEET, WHOSE ARC LENGTH IS 38.89 FEET AND WHOSE CHORD BEARS SOUTH 44°09'45" EAST, 35.08 FEET; THENCE SOUTH 00°23'55" WEST ALONG SAID WESTERLY RIGHT OF WAY LINE, 7.38 FEET; THENCE NORTH 88°43'25" WEST, 38.00 FEET; THENCE NORTH 00°23'55" EAST, 32.00 FEET TO SAID SOUTHERLY RIGHT OF WAY LINE; THENCE SOUTH 88°43'25" EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 13.38 FEET TO THE POINT OF BEGINNING.