

Handwritten initials: JJ, Ch

FILED FOR RECORD
POLK COUNTY, IOWA

01 SEP -7 P 2: 17.2

TIMOTHY J. BRIEN
RECORDER

INST # 023808
RECORDING FEE 31.00
AUDITOR FEE 5.00

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CONSTRUCTION AND PERMANENT EASEMENT

KNOWN BY ALL MEN THESE PRESENTS:

THAT ESSEX CORPORATION, a Nebraska corporation, fee simple title owner of the land described on Exhibit "A", attached hereto, incorporated by reference herein and made a part hereto, ("GRANTOR"), for and in consideration of the sum of One Dollar (\$1.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, does grant and convey unto The Reserve, A Non-Profit Corporation, ("GRANTEE"), and to its successors and assigns, a construction and permanent easement, which shall run with the land, for purposes of constructing, maintaining and repairing a garage ("Garage") on land described on Exhibit "B" ("Permanent Easement Area"), attached hereto, incorporated by reference herein and made a part hereto, for the benefit of land purchased by Grantee described on Exhibit "C".

TO HAVE AND TO HOLD unto Grantee, its successors and assigns, together with the right of ingress and egress from the Permanent Easement Area for the purpose of constructing, inspecting, maintaining, repairing, replacing or removing Garage at the will of the Grantee.

It is further agreed as follows:

1. Grantee will replace or rebuild any and all improvements damaged by Grantee in exercising its rights of constructing, inspecting, maintaining, repairing, replacing or using Garage. Grantee, for itself its heirs, successors and assigns, hereby indemnifies and holds harmless Grantor from and against any and all damages to Grantor's improvements on the Permanent Easement Area caused by the Grantee exercising its above rights.
2. This easement is also for the benefit of any contractor, agent, employee, or representative of the Grantee and any of construction and work under this instrument.
3. Grantor for itself and its executors and administrators does confirm that Grantor is well seised in fee of the property and has the right to grant and convey this easement in the manner and form aforesaid. Grantor, its successors and assigns, shall warrant and defend this easement to said Grantee and its assigns against the lawful claims and

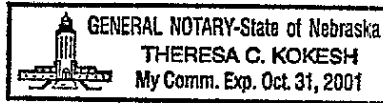
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Prepared By: **RETURN TO:**
Please return to:
Howard Fredrick Hahn
Gross & Welch, P.C.
2120 S. 72nd Street, #800
Omaha, NE 68124

BK8979PG209

STATE OF NEBRASKA)
)SS
COUNTY OF DOUGLAS)



On this 29th day of August, 2001, before me, the undersigned, a notary public in and for said state, personally came Bart A. Votava known to me to be the identical person whose name is affixed to the foregoing instrument, and acknowledged the execution thereof to be his authorized and voluntary act and deed.

Witness my hand and notarial seal the day aforesaid.

Theresa Kokesh
Notary Public

75-59/279962

BK 8979P6211

EXHIBIT "A"

AN IRREGULAR SHAPED PORTION OF PARCEL "B" IN OUTLOT "X", COLBY WOODS WEST PLAT No. 6, AN OFFICIAL PLAT, URBANDALE, POLK COUNTY, IOWA AS SHOWN AT BOOK 8850 PAGE 634 IN THE OFFICE OF THE POLK COUNTY RECORDER AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID PARCEL "B"; THENCE, N90°00'00"E ALONG THE NORTH LINE OF SAID PARCEL "B", A DISTANCE OF 205.28 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N90°00'00"E ALONG THE NORTH LINE OF SAID PARCEL "B", A DISTANCE OF 39.28 FEET; THENCE, N54°00'20"E ALONG THE NORTHERLY LINE OF SAID PARCEL "B", A DISTANCE OF 165.80 FEET; THENCE, S88°34'39"E ALONG THE NORTHERLY LINE OF SAID PARCEL "B", A DISTANCE OF 235.81 FEET TO THE NORTHEAST CORNER OF SAID PARCEL "B"; THENCE S06°24'08"W ALONG THE EAST LINE OF SAID PARCEL "B", A DISTANCE OF 324.82 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL "B"; THENCE, S60°01'02"W ALONG THE SOUTHERLY LINE OF SAID PARCEL "B", A DISTANCE OF 207.55 FEET; THENCE, N29°58'24"W, A DISTANCE OF 94.30 FEET; THENCE, N60°01'36"E, A DISTANCE OF 60.33 FEET; THENCE, N29°58'24"W, A DISTANCE OF 56.67 FEET; THENCE, S60°01'36"W, A DISTANCE OF 60.33 FEET; THENCE, N29°58'24"W, A DISTANCE OF 235.67 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND BEING SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS OF RECORD.

SAID TRACT OF LAND CONTAINS 2.63 ACRES MORE OR LESS.

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EXHIBIT "B"

AN IRREGULAR SHAPED PORTION OF PARCEL "B" IN OUTLOT "X", COLBY WOODS WEST PLAT No. 6, AN OFFICIAL PLAT, URBANDALE, POLK COUNTY, IOWA AS SHOWN AT BOOK 8850 PAGE 634 IN THE OFFICE OF THE POLK COUNTY RECORDER AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID PARCEL "B"; THENCE, N90°00'00"E ALONG THE NORTH LINE OF SAID PARCEL "B", A DISTANCE OF 205.28 FEET; THENCE, S29°58'24"E, A DISTANCE OF 235.67 FEET TO THE POINT OF BEGINNING; THENCE, N60°01'36"E, A DISTANCE OF 60.33 FEET; THENCE, S29°58'24"E, A DISTANCE OF 56.67; THENCE, S60°01'36"W, A DISTANCE OF 60.33 FEET; THENCE, N29°58'24"W, A DISTANCE OF 56.67 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND BEING SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS OF RECORD.

SAID TRACT OF LAND CONTAINS 0.08 ACRES MORE OR LESS.

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EXHIBIT "C"

AN IRREGULAR SHAPED PORTION OF PARCEL "B" IN OUTLOT "X", COLBY WOODS WEST PLAT No. 6, AN OFFICIAL PLAT, URBANDALE, POLK COUNTY, IOWA AS SHOWN AT BOOK 8850 PAGE 634 IN THE OFFICE OF THE POLK COUNTY RECORDER AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID PARCEL "B"; THENCE, N90°00'00"E ALONG THE NORTH LINE OF SAID PARCEL "B", A DISTANCE OF 205.28 FEET; THENCE S29°58'24"E, A DISTANCE OF 386.64 FEET TO THE SOUTHERLY LINE OF SAID PARCEL "B"; THENCE, S60°01'02"W ALONG THE SOUTHERLY LINE OF SAID PARCEL "B", A DISTANCE OF 135.95 FEET; THENCE, N29°58'24"W ALONG THE SOUTHERLY LINE OF SAID PARCEL "B", A DISTANCE OF 7.00 FEET; THENCE, S60°01'36"W ALONG THE SOUTHERLY LINE OF SAID PARCEL "B", A DISTANCE OF 320.50 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL "B"; THENCE, N00°02'45"E ALONG THE WEST LINE OF SAID PARCEL "B", A DISTANCE OF 556.92 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND BEING SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS OF RECORD.

SAID TRACT OF LAND CONTAINS 3.32 ACRES MORE OR LESS.

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