

INST # 5428
RECORDING FEE 25⁰⁰
AUDITOR FEE
RMA FEE

COMPLETED
FILED FOR RECORD
POTTAWATTAMIE CO. IA.
02 SEP 16 AM 11:31

JOHN SCIORTINO
RECORDER

Prepared for Council Bluffs City Water Works, 2000 N. 25th St., P. O. Box 309, Council Bluffs, IA 51502, telephone (712) 328-1006 by Douglas P. Drummey, General Manager. Reviewed and approved by legal counsel for the Board of Water Works Trustees of the City of Council Bluffs, Iowa.

EASEMENT AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT Oakridge Estates, L.L.C., a Nebraska limited liability company, for good and sufficient valuable consideration, receipt of which is hereby acknowledged, does hereby grant and convey unto the City Of Council Bluffs, Iowa, for the use and benefit of the Council Bluffs City Water Works, a permanent non-exclusive easement at least fifty (50) feet in width, over, across and through the following described real estate situated in the City of Council Bluffs, Pottawattamie County, Iowa, to-wit

See Exhibit "A"

including the perpetual right to enter upon said real estate, at any time that it may see fit, and construct, inspect, maintain, repair, replace and operate or remove underground pipe lines and/or mains for the purpose of conveying water over, across, through and under said real estate, together with the right to excavate and refill ditches and/or trenches for the location of said pipe lines and/or mains, and the further right to remove trees, bushes, undergrowth, and other obstructions interfering with the location, construction and maintenance of said pipe lines and/or mains.

The said City Water Works shall properly and promptly refill any excavations made on said premises after the purpose of said excavation has been fulfilled and shall leave the premises in the same general condition as it was in before the said City Water Works went upon the same; further, that if any fences or existing structures are moved for the purpose of laying, maintaining, operating or replacing said main, such fences and structures shall be promptly replaced by said City Water Works upon completion of the work requiring such removal.

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In further consideration for the good and sufficient valuable consideration received by the undersigned, the undersigned agrees that it will not place any permanent structures upon or over said easement without first obtaining the written consent of said City Water Works; further, the undersigned covenants with Grantee that it is lawfully seized and possessed of the real estate above described; that it has good and lawful right to convey it, or any part thereof, that it is free from all encumbrances, and that it will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.

As a part of the consideration of this grant, the undersigned does hereby release any and all claims for damages from whatsoever cause incidental to the exercise of the rights herein granted.

Words and phrases herein, including the acknowledgement, shall be construed as in the singular or plural number, and as masculine, feminine or neuter gender, according to the context.

All provisions of this Agreement shall inure to the benefit of and be binding upon and applicable to the successors, personal representatives, heirs, and assigns of the parties hereto the same as if they were in all instances named herein.

DATED this 28th day of August, 2002

OAKRIDGE ESTATES, L.L.C.

By: FIRST MANAGEMENT, INC., a Nebraska corporation, Managing Member

By: Randall Wieseler
Randall Wieseler

1941 S. 42nd Street, Suite 550
Omaha, Nebraska, 68108

Telephone: 402.344.4600

LEGAL DESCRIPTION
R.O.W. EASEMENT
OAKRIDGE ESTATES

A tract of land located in the SW 1/4 of Section 24, Township 75 North, Range 44 East of the 5th P.M. P.M., Pottawattamie County, Iowa, more particularly described as follows:

Commencing at the Southeast corner of Lot 22, Oakridge Estates, a subdivision located in said SW 1/4 of Section 24, said point also on the West right-of-way line of Park Wild Drive; thence Northerly along said West right-of-way line of Park Wild Drive on a curve to the left with a radius of 115.00 feet, a distance of 23.86 feet, said curve having a long chord which bears N 06°22'12" W (assumed bearing), a distance of 23.82 feet; thence N 00°34'28" W along said West right-of-way line of Park Wild Drive, a distance of 11.56 feet to the point of intersection of said West-right-of-way line of Park Wild Drive and the North right-of-way line of said Park Wild Drive said point also being the point of beginning; thence N 00°34'28" W, a distance of 164.04 feet; thence Northwesterly on a curve to the left with a radius of 275.00 feet, a distance of 46.83 feet, said curve having a long chord which bears N 05°27'10" W, a distance of 46.77 feet; thence N 10°19'53" W, a distance of 332.16 feet; thence Northwesterly on a curve to the left with a radius of 225.00 feet, a distance of 47.32 feet, said curve having a long chord which bears N 16°21'21" W, a distance of 47.23 feet; thence N 22°22'50" W, a distance of 148.47 feet; thence Northwesterly on a curve to the right with a radius of 275.00 feet, a distance of 48.15 feet, said curve having a long chord which bears N 17°21'52" W, a distance of 48.09 feet; thence N 12°20'53" W, a distance of 177.27 feet; thence Northeasterly on a curve to the right with a radius of 200.00 feet, a distance of 127.89 feet, said curve having a long chord which bears N 05°58'17" E, a distance of 125.73 feet; thence N 24°17'28" E, a distance of 47.45 feet; thence S 65°42'32" E, a distance of 50.00 feet; thence S 24°17'28" W, a distance of 47.45 feet; thence Southerly on a curve to the left with a radius of 150.00 feet, a distance of 95.92 feet, said curve having a long chord which bears S 05°58'17" W, a distance of 94.30 feet; thence S 12°20'53" E, a distance of 177.27 feet; thence Southeasterly on a curve to the left with a radius of 225.00 feet, a distance of 39.40 feet, said curve having a long chord which bears S 17°21'52" E, a distance of 39.35 feet; thence S 22°22'50" E, a distance of 148.47 feet; thence Southeasterly on a curve to the right with a radius of 275.00 feet, a distance of 57.83 feet, said curve having a long chord which bears S 16°21'21" E, a distance of 57.73 feet; thence S 10°19'53" E, a distance of 332.16 feet; thence Southerly on a curve to the right with a radius of 325.00 feet, a distance of 55.34 feet, said curve having a long chord which bears S 05°27'10" E, a distance of 55.28 feet; thence S 00°34'28" E along the West line and the Northerly extension thereof of Lot 21, said Oakridge Estates, a distance of 160.65 feet to a point on said West line of Lot 21, Oakridge Estates, said point also being the point of intersection of the West right-of-way line of Park Wild Drive and said North right-of-way line of Park Wild Drive; thence S 85°33'09" W along said North right-of-way line of Park Wild Drive, a distance of 50.11 feet; to the point of beginning.

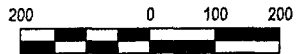
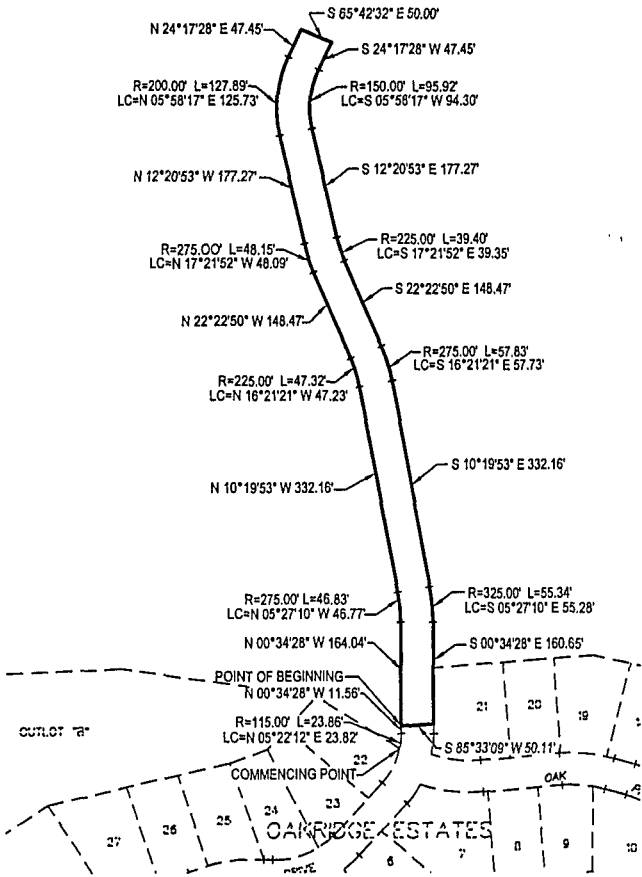
Said tract of land contains an area of 56,352 square feet or 1.294 acres, more or less.

Job No. 2000032.01
 Date: 05/20/2002

E & A CONSULTING GROUP, INC.
 12001 "Q" STREET
 OMAHA, NEBRASKA 68137

COMPALED

EXHIBIT "A"



1 inch = 200 ft.

SEE SHEET 2 OF 2 FOR LEGAL DESCRIPTION

SHEET 1 OF 2



E&A CONSULTING GROUP, INC.
 ENGINEERS • PLANNERS • SURVEYORS
 12001 Q STREET OMAHA, NE 68137 PHONE: (402) 995-4700

R.O.W EASEMENT EXHIBIT

Drawn by: LDD Chkd by: _____ Date: _____ Chkd by: _____ Date: _____
 Job No.: 2000032.01 Date: 05/20/2002 Book No.: _____