INST #20737		COMPARE
RECORDING FEE	FILED FOR RECORD POTTAWATTAMIE CO. IA.	
AUDITOR FEE	01 1185 0 7	

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JOHN SCIORTINO RECORDER

MAR 2 3 2004

AFFIDAVIT

STATE OF IOWA) so COUNTY OF POTTAWATTAMIE)

RMA FEE 1.00 ECOM 5.00

I, Douglas P. Drummey, General Manager of the Council Bluffs Water Works, Council Bluffs, Iowa, being first duly sworn on oath, depose and state that the attached "Exhibit A" is a true and accurate copy of a Resolution, approved on the 20th day of February 2001 and signed by the Board of Water Works Trustees of the Council Bluffs City Water Works.

"Exhibit A" is the disclaimer of any further or future need for said easement located in Oak Ridge Estates Subdivision and traversing Lots 6, 7, 8, 9, 10, 11 and 12 in the City of Council Bluffs, Pottawattamie County, Iowa.

Further affiant sayeth not.

Dated: March 19, 2004.

SIGNATURE J. Summe

Subscribed and sworn to before me this 22nd day of March, 2004.

KAREN A WISNISKI
Commission Number 222006
MY COMMISSION EXPIRES
DEV. J. 16, 2005

Motary Public in and for said STATE

RESOLUTION OF DISCLAIMER OF INTEREST IN AN EASEMENT TRAVERSING THE OAK RIDGE ESTATES SUBDIVISION IN THE CITY OF COUNCIL BLUFFS, IOWA

WHEREAS, during the construction of the Oak Ridge Estates Subdivision infrastructure an existing ten-inch water line was replaced thus negating the need for the easement for the existing main traversing Lots 6, 7, 8, 9, 10, 11, and 12 in the subdivision, said easement having been granted to the City of Council Bluffs, Iowa for the use and benefit of the Council Bluffs City Water works by The United States National Bank of Omaha on October 17, 1977 as recorded in Book 78, Page 8452 in the Office of the Pottawattamie County Recorder more fully described as follows:

A permanent easement twenty-five (25) feet in width over, across and through the following described real estate situated in the City of Council Bluffs, Pottawattamie County, Iowa to-wit: Commencing at the Southeast (SE) corner of the Southwest quarter (SW¼) of Section 24, T75N, R44W, of the 5th P.M., Pottawattamie County, Iowa, Thence West on the South line of said Southwest Quarter (SW¼) of Section 24 for 154.60 feet to the true point of beginning of the easement hereinafter described: Thence turning a deflection angle of 820 48' 30" to the right and running Northwesterly for 241.61 feet. Thence turning a deflection angle of 450 03' to the left and running Northwesterly for 100.0 feet. Thence turning a deflection angle of 490 31' to the left and running Southwesterly for approximately 347 feet terminating at the East right of way line of Parkwild Drive.

NOW, THEREFORE, BE IT RESOLVED that the Board of Water Works Trustees of the Council Bluffs City Water Works disclaims any further or future need for said easement and agrees that the City of Council Bluffs, Iowa may vacate same.

AYE: MITCHELL, HILL, JOHNSON, CARRITHERS AND HEINRICH NAY: ABSENT: Adopted and approved this 20th day of February 2001. CHAIRMAN ATTEST: SECRETARY MEMBERS BOARD OF WATER WORKS TRUSTEES

Filed and recorded this 20th day of February 2001.

SECRETARY