

# COMPARED

Fee 36 <sup>u</sup>

10513

## EASEMENT

WHEREAS, Timbercrest Venture, Ltd., and Iowa Limited Partnership, by its general partner, Creative Land Consultants, Inc., a Nebraska corporation (hereinafter referred to as the "Grantor") is willing to grant a perpetual sanitary sewer easement over certain property owned by the Grantor to THE CITY OF COUNCIL BLUFFS, IOWA (herein referred to as the "Grantee"),

NOW, THEREFORE, in consideration of One Dollar and other valuable consideration, receipt of which is hereby acknowledged, the Grantor, being the owner of the property described in Exhibits 1 through 10, does herewith give and grant unto the Grantee, its successors and assigns, a perpetual sanitary sewer easement over, on, across, under the property as shown on Exhibits 1 through 10, attached hereto and incorporated herein by reference as all set out herein.

1. The scope and purpose of the easement is for the construction, repair, maintenance, replacement and renewal of sanitary sewer pipe lines, including all other related appurtenances, and the transmission through said sewers of sanitary sewage. The Grantee shall have full right and authority to enter upon said easement way in order to perform any of the acts and functions described within the scope and purpose of said easement.

2. By accepting and recording this perpetual easement, the Grantee agrees forthwith to make good or cause to be made good to the owner or owners of the property on which the same were constructed, any or all damage that may be done by reason of negligent changes, alterations, maintenance, inspection, repairs or construction in the way of damage to trees, grounds, buildings or other improvements abutting thereon, including crops, vines and gardens.

3. Grantor herein for itself, its successors and assigns, does hereby covenant and agree with the said Grantee and its successors and assigns that at the time of the execution and delivery of these presents, Grantor is lawfully seized of such premises, and that the Grantor has good right and lawful authority to grant said easement way.

4. This Easement shall be binding upon the successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the Grantor herein, for itself, its successors and assigns, has caused the due execution hereof as of the date and year first above written.

TIMBERCREST VENTURE, LTD.,  
an Iowa limited partnership

BY: CREATIVE LAND CONSULTANTS, INC.,  
a Nebraska corporation, General Partner,

BY: Gene D. Svensen  
Gene D. Svensen, President

Entered for taxation April 10 1979  
Gene D. Svensen  
County Auditor

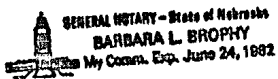
STATE OF IOWA, Pottawattamie County  
Filed for record the 10 day of April  
1979 at 3 o'clock P.M. and recorded  
in book 79 page 18589  
Wibraj Larson  
Recorder  
By John Swanson  
Deputy

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STATE OF NEBRASKA }  
COUNTY OF DOUGLAS } ss.

On this 27 day of March, 1979, before me, a notary public, duly commissioned and qualified, in and for said county and state, personally came Gene D. Svensen, President of Creative Land Consultants, Inc., a Nebraska Corporation, as the sole general partner of Timbercrest Venture, Ltd., an Iowa limited partnership, to me personally known to be the identical person who executed the foregoing Easement, to me personally known to be the officer of said Corporation, and said Corporation to me personally known to be the General Partner of said Limited Partnership, and acknowledged the execution of said Easement, to be his voluntary act and deed as an individual and officer of said Corporation, the voluntary act and deed of said Limited Partnership, and the voluntary act and deed of said Limited Partnership.

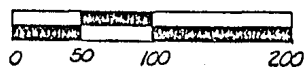
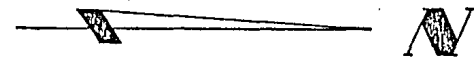
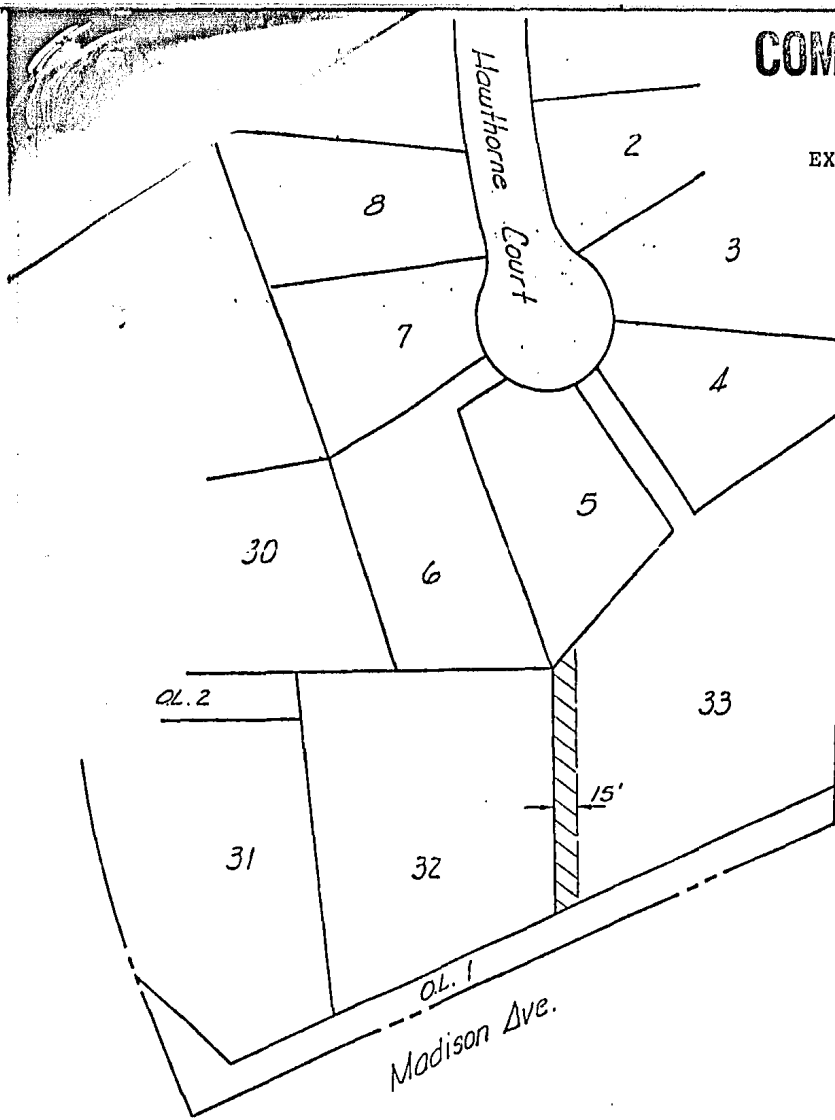
Witness my hand and notarial seal the day and year first above written.



*Barbara L. Brophy*  
Notary Public

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EXHIBIT "1"



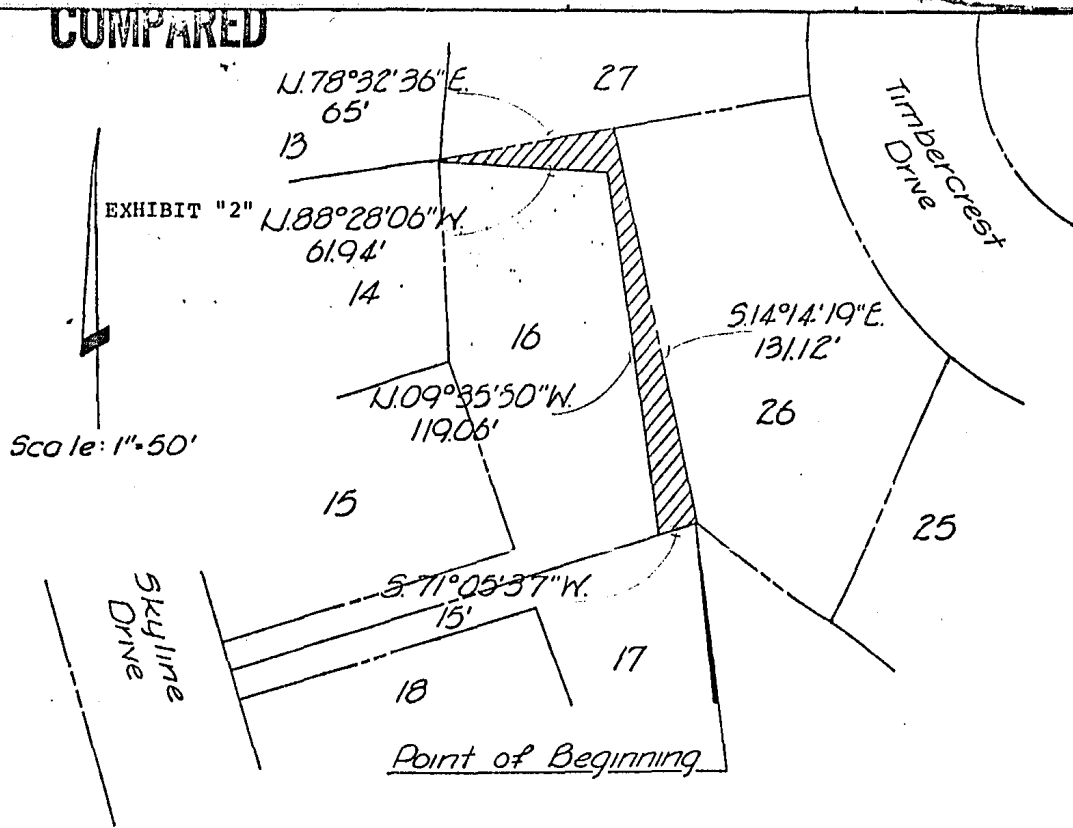
### LEGAL DESCRIPTION

#### PERMANENT SEWER AND DRAINAGE EASEMENT

A permanent sewer and drainage easement located in lot 33, Timbercrest 1st Addition a platted and recorded subdivision located in Pottawattamie County, Iowa, being more particularly described as follows:

The southernmost 15 feet, parallel to the southernmost lot line of said lot 33.

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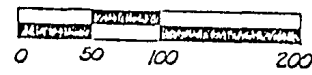
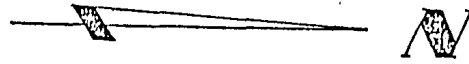
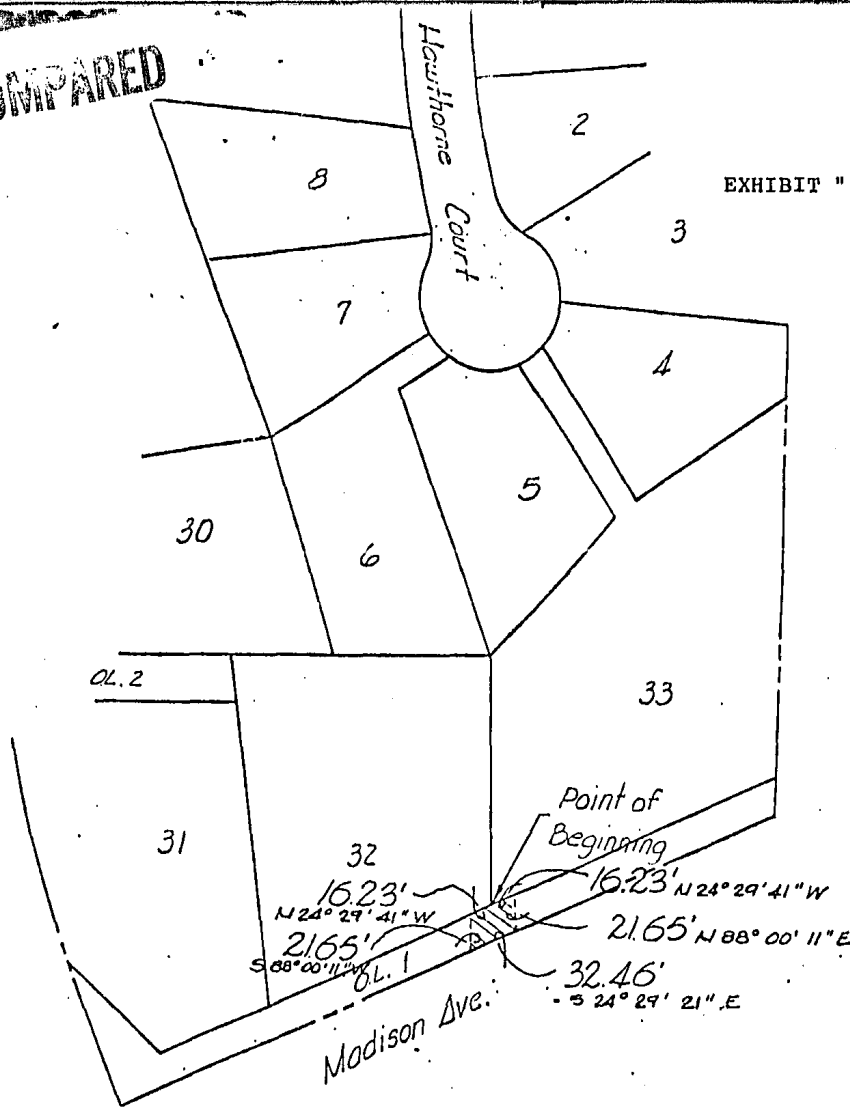
LEGAL DESCRIPTION  
PERMANENT SEWER AND DRAIN EASEMENT

A permanent sewer and drainage easement situated in part of the north 15 feet and the east 15 feet of Lot 16, Timbercrest 1st Addition, a platted and recorded Subdivision located in Pottawattamie County, Iowa, being more particularly described as follows;

Beginning at the southeast property corner of Lot 16, Timbercrest; thence south 71°05'37" west (assumed bearing) along the south property line of said Lot 16, a distance of 15 feet; thence north 09°35'50" west, a distance of 119.06 feet; thence north 88°28'06" west, a distance of 61.94 feet to the northwest property corner of said Lot 16; thence north 78°32'36" east along the north property line of said Lot 16, a distance of 65 feet to the northeast property corner of said Lot 16; thence south 14°14'19" east along the east property line of said Lot 16, a distance of 131.12 feet to the point of beginning.

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EXHIBIT " 3"



LEGAL DESCRIPTION

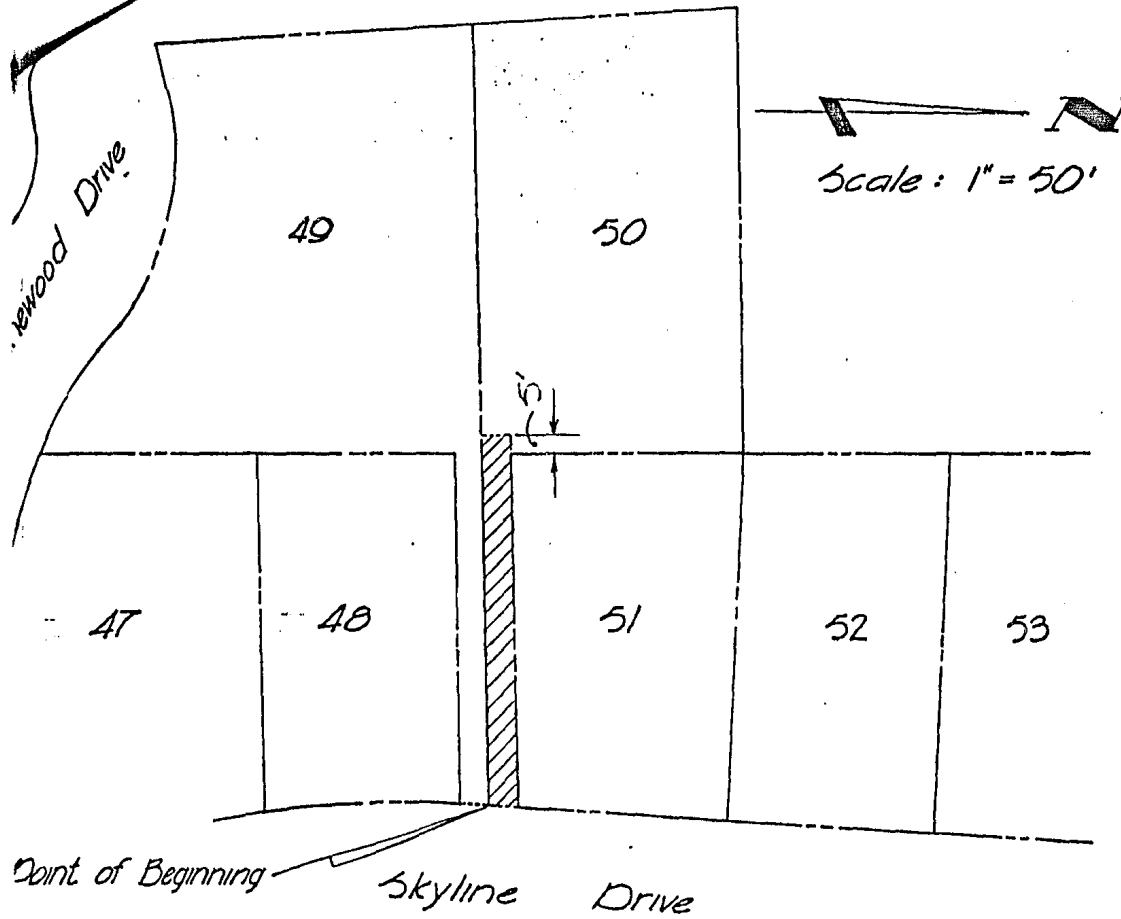
PERMANENT SEWER AND DRAINAGE EASEMENT

A permanent sewer and drainage easement located in Outlot 1, Timbercrest 1st Addition, a platted and recorded subdivision located in Pottawattamie County, Iowa, being more particularly described as follows:

Beginning at the northeasterlymost corner of lot 32, Timbercrest 1st Addition; thence North 24°29'41" West (assumed bearing) along the westerly line of said outlot 1, a distance of 16.23 feet; thence North 88°00'11" East, a distance of 21.65 feet, to a point on the easterly line of said outlot; thence South 24°29'41" East, along said easterly lot line, a distance of 32.46 feet; thence South 88°00'11" West, a distance of 21.65 feet, to a point on the westerly line of said outlot; thence North 24°29'41" West, along said westerly lot line, a distance of 16.23 feet to the point of beginning.

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EXHIBIT "4"



LEGAL DESCRIPTION

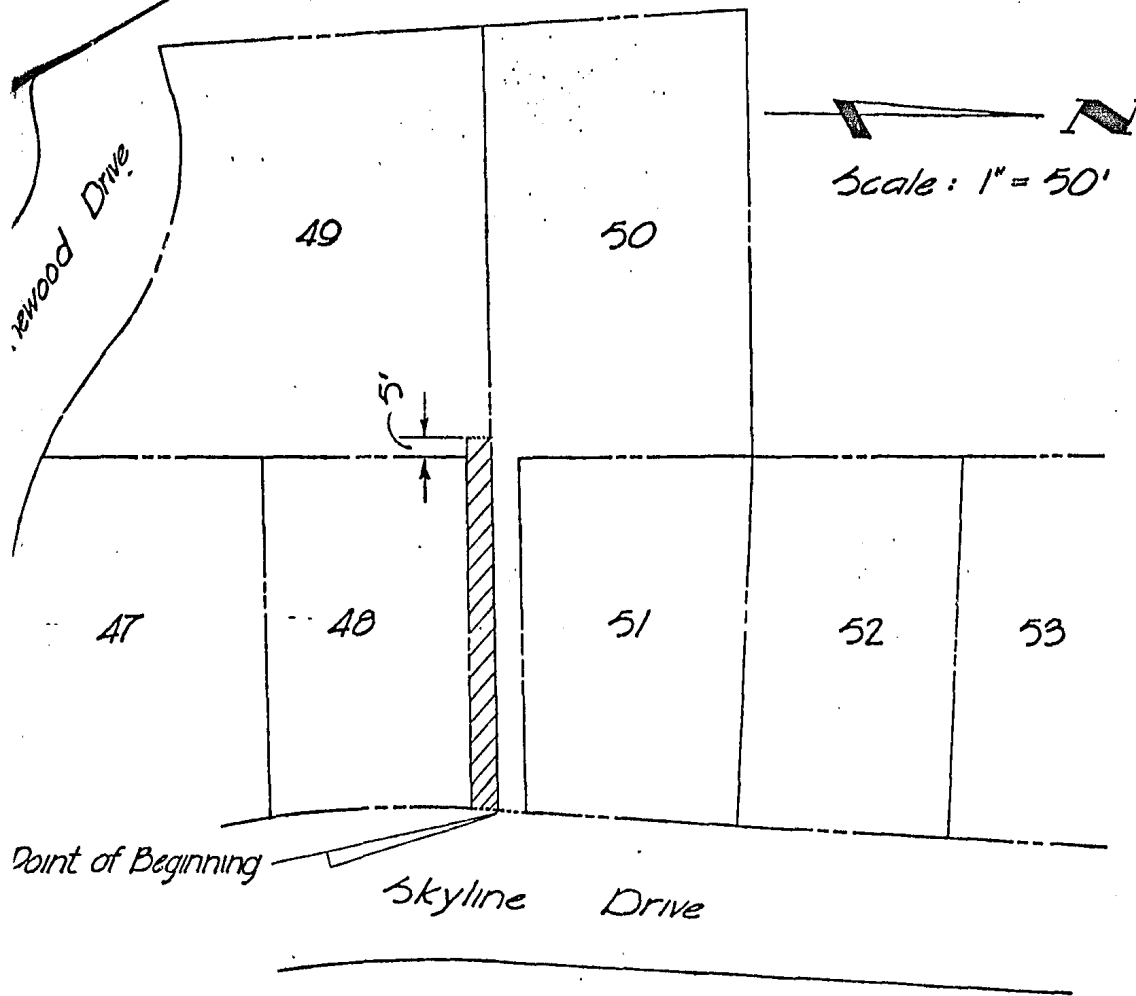
PERMANENT SEWER AND DRAINAGE EASEMENT

The following is a legal description of a permanent sewer and drainage easement located in Lot 50, Timbercrest 1st Addition, a platted and recorded subdivision located in Pottawattamie County, Iowa, being more particularly described as follows:

Beginning at the southeasterlymost corner of said lot 50; thence westerly along the southerly lot line of said lot, a distance of 122.17 feet; thence northerly, perpendicular to the last described line, to a point of intersection with the extension of the southerly lot line of lot 51, Timbercrest 1st Addition; thence easterly along said extended lot line to the southeasterlymost corner of said lot 51; thence southerly a distance of 10.02 feet along the easternmost lot line of said lot 50 to the point of beginning.

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EXHIBIT "5"



## LEGAL DESCRIPTION

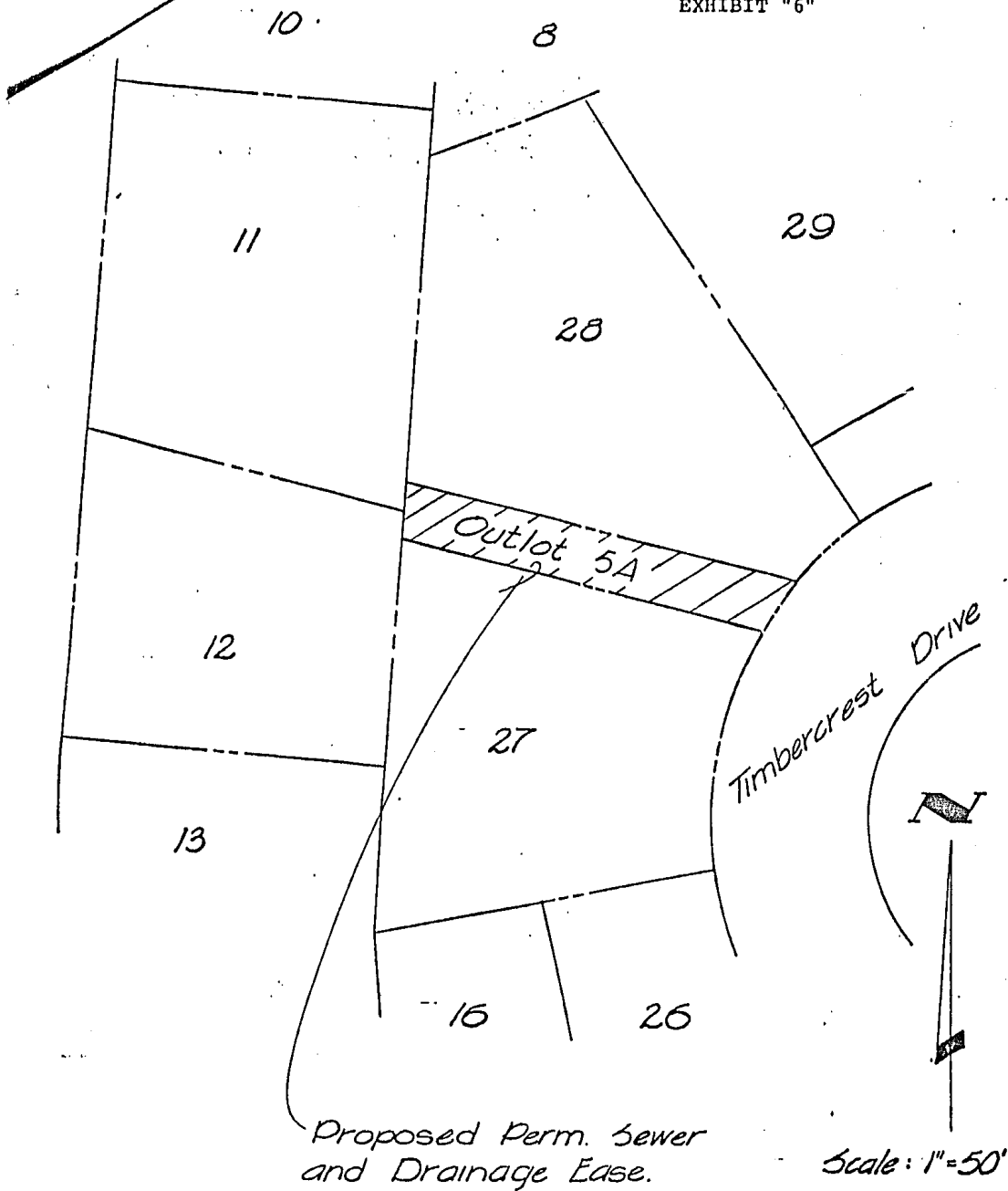
### PERMANENT SEWER AND DRAINAGE EASEMENT

The following is a legal description of a permanent sewer and drainage easement located in lot 49, Timbercrest 1st Addition a platted and recorded subdivision located in Pottawattamie County, Iowa, being more particularly described as follows:

Beginning at the northeasterlymost corner of said lot 49; thence southerly along the easterlymost lot line of said lot 49, a distance of 10.02 feet to the northeasterlymost corner of lot 48, Timbercrest 1st Addition; thence westerly along the northernmost lot line of said lot 48 to the northwesterlymost corner of said lot 48; thence westerly on an extension of said northernmost lot line a distance of 5 feet; thence northerly, perpendicular to the last described line, to an intersection with the northernmost lot line of said lot 49; thence easterly along the northernmost lot line of said lot 49 to the point of beginning.

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EXHIBIT "6"



## LEGAL DESCRIPTION

### PERMANENT SEWER AND DRAINAGE EASEMENT

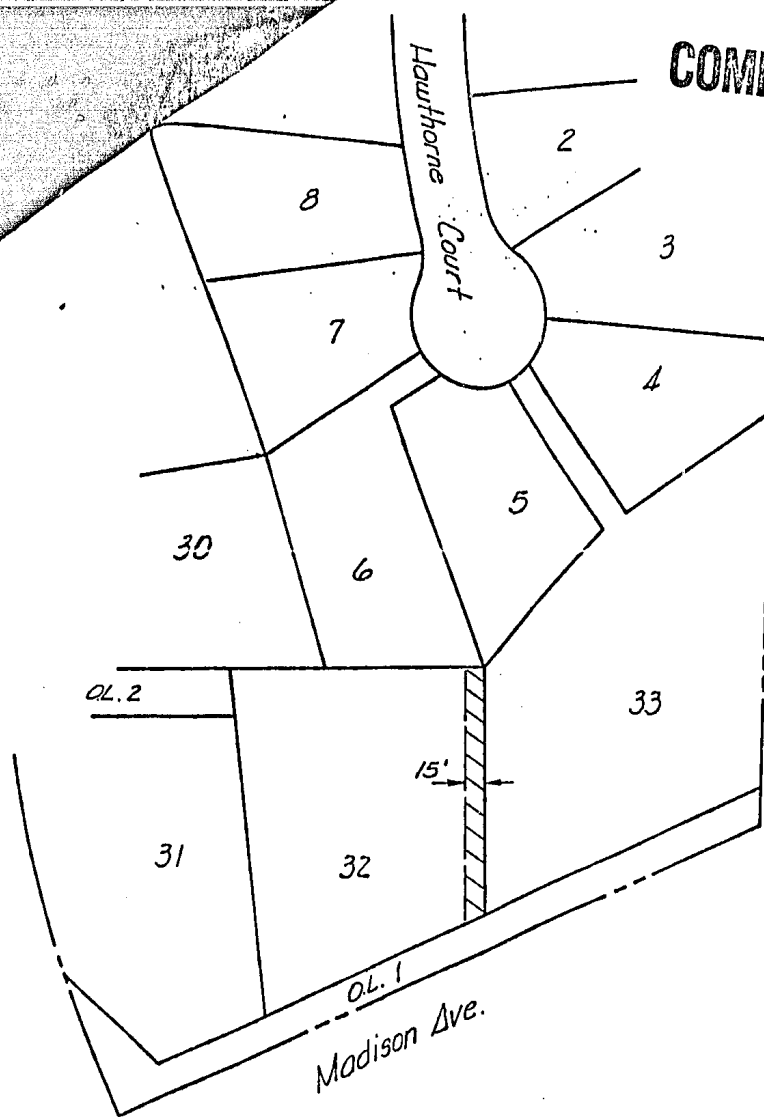
The following is a legal description of a permanent sewer and drainage easement located in Outlot 5A, Timbercrest, 1st Addition, a platted and recorded subdivision in Pottawattamie County, Iowa, being more particularly described as follows:

All of outlot 5A.



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EXHIBIT "7."



## LEGAL DESCRIPTION

### PERMANENT SEWER AND DRAINAGE EASEMENT

A permanent sewer and drainage easement located in Lot 32, Timbercrest 1st Addition, a platted and recorded subdivision located in Pottawattamie County, Iowa, being more particularly described as follows:

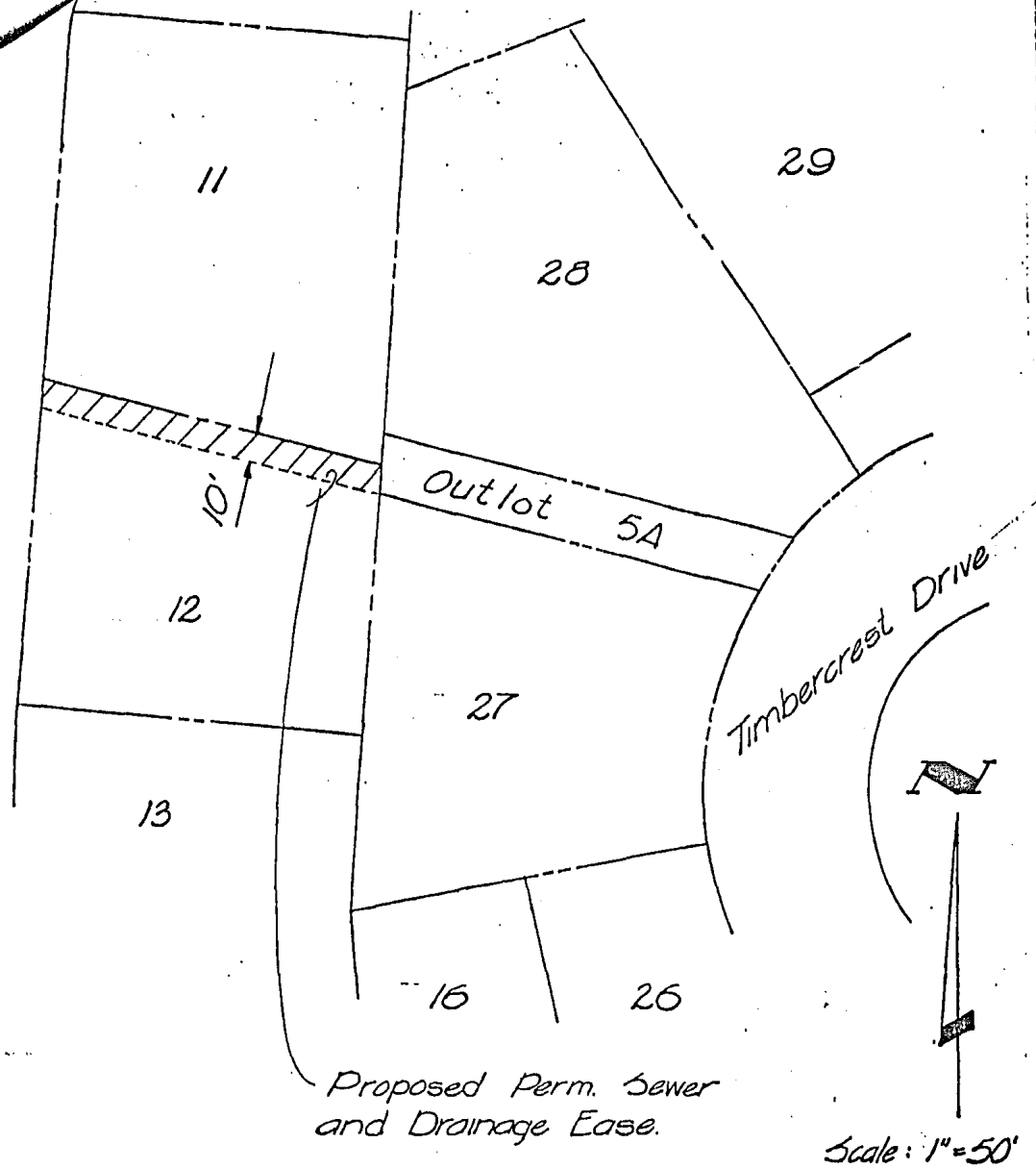
The North 15 feet parallel to the North lot line of said lot 32.

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EXHIBIT "8"



*Proposed Perm. Sewer and Drainage Ease.*

Scale: 1" = 50'

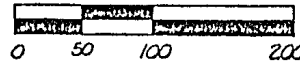
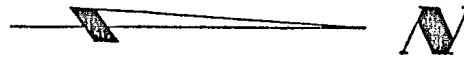
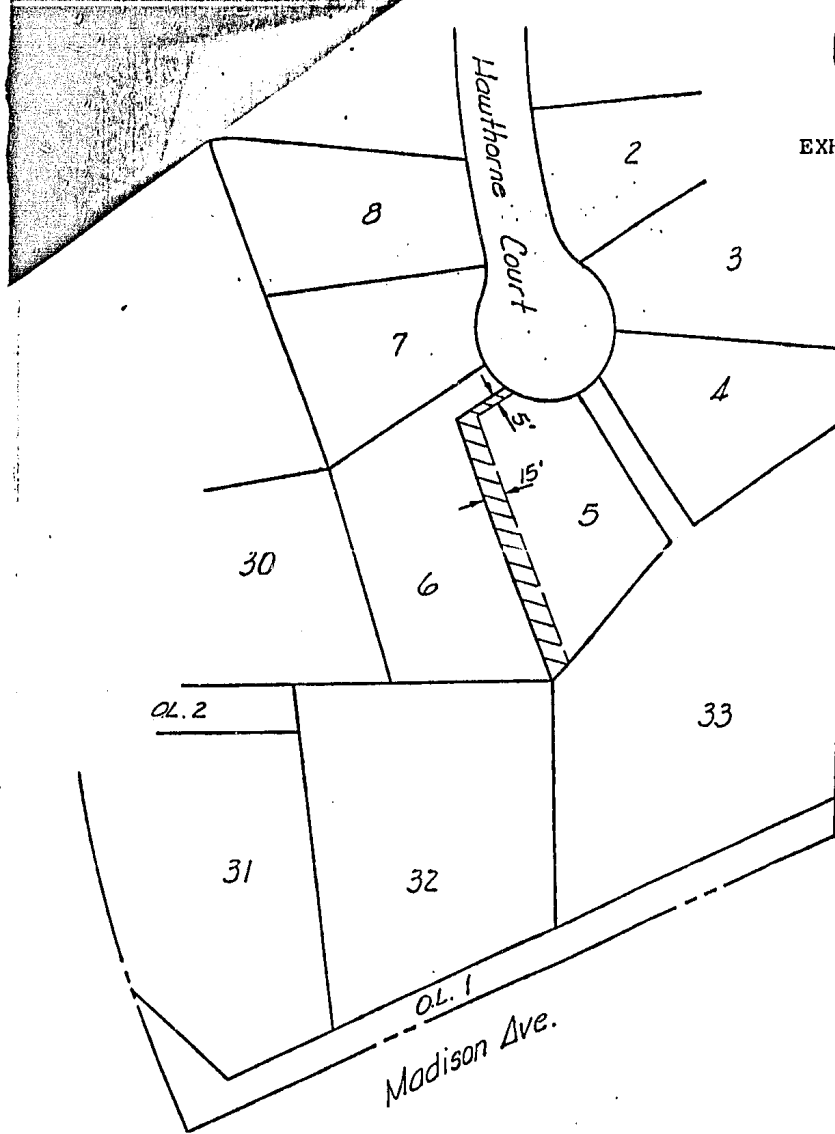
LEGAL DESCRIPTION  
PERMANENT SEWER AND DRAINAGE EASEMENT

The following is a legal description of a permanent sewer and drainage easement located in lot 12, Timbercrest, 1st Addition, a platted and recorded subdivision in Pottawattamie County, Iowa, being more particularly described as follows:

The northernmost 10 feet of said Lot 12, parallel to the northernmost lot line.

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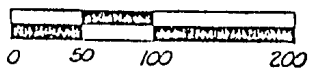
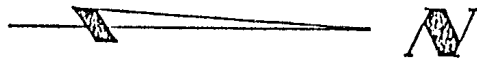
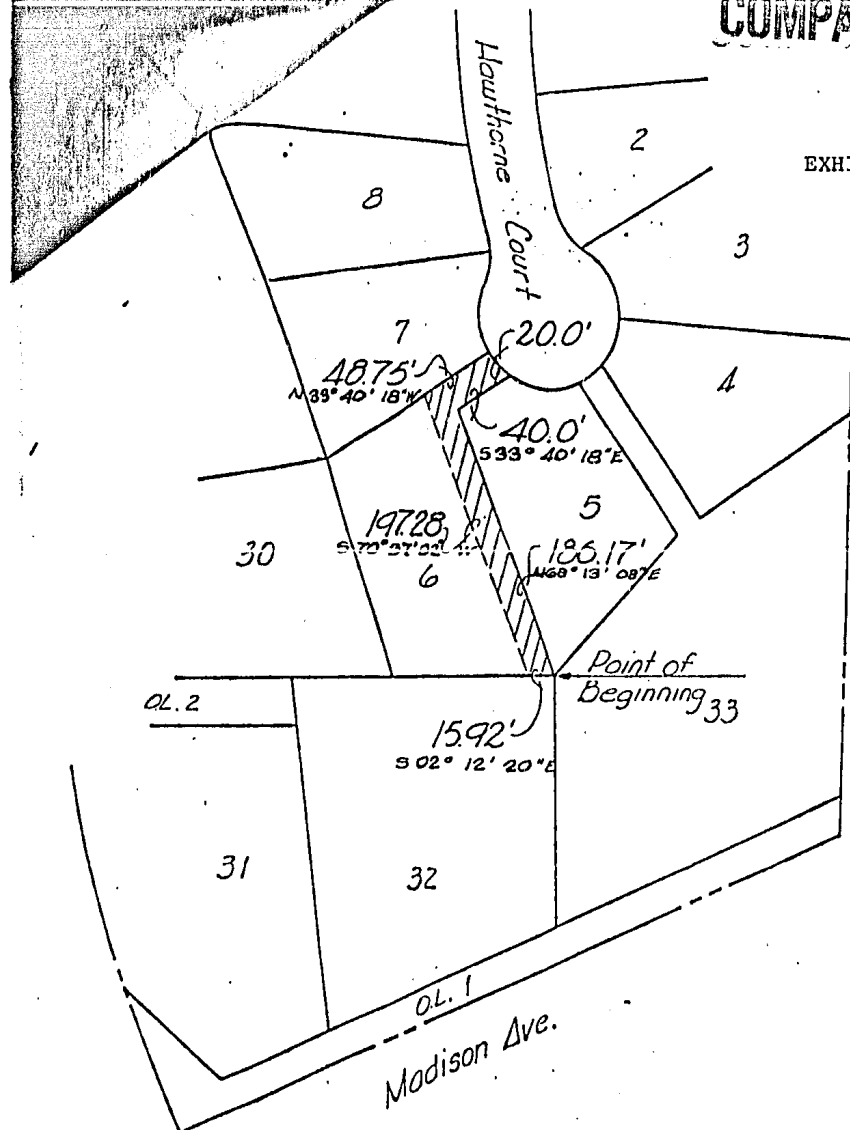
EXHIBIT "9"



## LEGAL DESCRIPTION PERMANENT SEWER AND DRAINAGE EASEMENT

A permanent sewer and drainage easement located in lot 5, Timbercrest 1st Addition, a platted and recorded subdivision located in Pottawattamie County, Iowa, being more particularly described as follows:

The southeasterly 15 feet, parallel to the southeasterly lot line; and also the westerly 5 feet, parallel to the westernmost lot line common to lots 5 and 6, all in said lot 5.



LEGAL DESCRIPTION  
PERMANENT SEWER AND DRAINAGE EASEMENT

A permanent sewer and drainage easement located in Lot 6, Timbercrest 1st Addition, a platted and recorded subdivision located in Pottawattamie County, Iowa, being more particularly described as follows:

Beginning at the northeasterlymost corner of said lot 6; thence South 02°12'20" East, (assumed bearing) along the east line of said lot 6, a distance of 15.92 feet; thence South 70°37'02" West, a distance of 197.28 feet; thence North 33°40'18" West, a distance of 48.75 feet; thence northeasterly on a curve to the left, having a radius of 50 feet, an arc distance 20.00 feet; thence South 33°40'18" East a distance of 40.00 feet; thence North 68°13'08" East, a distance of 186.17 feet to the point of beginning.