

file 2502

STATE OF IOWA, Pottawattamie County  
Filed for record this 21 day of Jan  
1988 at 11:30 o'clock A.M. and recorded  
in book 88 page 15502

COMPARED

ARBOR RIDGE  
PHASE II

TRANSFER AND CONVEYANCE

By John Scintino  
George Jarama  
Recursives  
KNOW ALL MEN BY THESE PRESENTS:

That in consideration of the agreement of the Board of Water Works Trustees of the City of Council Bluffs, Iowa (BOARD) to take over the ownership, maintenance and operation of the water main and all appurtenances thereto caused to be constructed by and/or for TNML Development Company, Inc., ("TNML") over, across and through the 40 foot wide tract of land described in Exhibit 1 attached hereto and by reference made a part hereof pursuant to authority granted TNML by BOARD by Main Extension Agreement dated May 13, 1987, which construction TNML completed in 1987 and at said time was inspected and approved by BOARD'S inspectors as being in accordance with plans and specifications approved by BOARD, TNML hereby sells, assigns, transfers and conveys to the City of Council Bluffs, Iowa (CITY) and to the BOARD, its successors and assigns, for the use and benefit of the Council Bluffs City Water Works, all water mains and appurtenances caused to be constructed in Arbor Ridge, Phase II by TNML pursuant to the aforementioned authority, together with all right-of-way easements, licenses and permits required for the operation, maintenance, relocation or removal of said improvements.

TNML hereby covenants with the CITY and BOARD, their successors and assigns that each condominium located

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in Arbor Ridge, Phase II, is served by a service line which is not transferred to the BOARD and is not BOARD'S responsibility to operate and maintain; that each condominium is separately metered; that the water main and appurtenances hereby transferred to BOARD are in good repair and operating condition; that TNML holds the title, rights and interests in the property, rights and interests hereby sold, assigned, transferred and conveyed free and clear of all liens and encumbrances whatsoever, and has good and lawful authority to sell, assign, transfer and convey same; and TNML covenants to WARRANT AND DEFEND same against the lawful claims of all persons, firms and corporations whomsoever.

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

SIGNED this 14<sup>th</sup> day of January, 1988.

TNML DEVELOPMENT COMPANY, INC.

President

BY: H. Gene McKeown

H. GENE MCKEOWN

Secretary

BY: Robert J. LaBenthal

ROBERT J. LABENTHAL

COMPARED

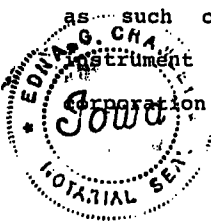
Address 207 Fourth Street

Council Bluffs, Iowa

Telephone No. 323-0530

STATE OF IOWA )  
 ) ss.  
COUNTY OF POTTAWATTAMIE )

On this 14<sup>th</sup> day of January, 1988,  
before me, the undersigned, a Notary Public in and for said  
State, personally appeared H. Gene McKeown and Robert J.  
Laubenthal to me personally known, who being by me duly  
sworn, did say that they are the President and Secretary  
respectively, of said corporation executing the within and  
foregoing instrument; that no seal has been procured by the  
said corporation; that said instrument was signed on behalf  
of said corporation by authority of its Board of Directors;  
and that the said H. Gene McKeown and Robert J. Laubenthal  
as such officers acknowledged the execution of said  
instrument to be the voluntary act and deed of said  
corporation by it and by them voluntarily executed.



Edna G. Crowley  
NOTARY PUBLIC IN AND FOR SAID STATE

My commission expires: August 18, 1989

EXHIBIT # 1

COMPARED COMPARED

**LEGAL DESCRIPTION: Utility Easement for Arbor Ridge Phase II**

A tract of land for utility purposes located in part of Lot 4 of Auditor's Subdivision of the NW1/4NW1/4 and in part of Lot 7 of Auditor's Subdivision of the SW1/4NW1/4, all located in Section 32, Township 75 North, Range 43 West of the 5th Principal Meridian, in the City of Council Bluffs, Pottawattamie County, Iowa. This easement is described in 2 parts. Part 1 is Arbor Ridge Circle, and Part 2 is inclusive of the Cul-De-Sac at the end of Arbor Ridge Circle.

Part 1 A 40-foot-wide tract of land, 20 feet on each side of the following described centerline. Commencing at the Northwest corner of said Section 32; thence S00°04'52"W along the West line of said NW1/4NW1/4 a distance of 973.04 feet to a point on the Southwesterly right-of-way line of Bonham Street; thence S52°07'47"E along said Southwesterly right-of-way line a distance of 34.28 feet to the beginning of a curve concave Southwesterly having a central angle of 16°38'04" and a radius of 651.04 feet; thence Southeasterly along a portion of said curve and along said Southwesterly right-of-way line a distance of 26.00 feet having a chord bearing and distance of S50°59'15"E, 25.99 feet to the centerline of Part 1 and POINT OF BEGINNING; thence S00°04'52"W a distance of 14.25 feet to the beginning of a curve concave Northeasterly having a central angle of 35°34'35" and a radius of 155.84 feet; thence Southeasterly along said curve a distance of 96.77 feet with a chord bearing and distance of S17°42'25"E, 95.22 feet to the end of said curve; thence S35°29'43"E a distance of 84.60 feet to the beginning of a curve concave Southwesterly having a central angle 50°00'00" and a radius of 171.56 feet; thence Southeasterly along said curve a distance of 149.71 feet with a chord bearing and distance of S10°29'43"E, 145.01 feet to the end of said curve and to the beginning of a curve concave easterly having a central angle of 20°00'00" and a radius of 283.56 feet; thence Southerly along said curve a distance of 98.98 feet with a chord bearing and distance of S04°30'17"W, 98.48 feet to the end of said curve; thence S05°29'43"E a distance of 38.24 feet to the beginning of a curve concave Westerly having a central angle of 14°00'00" and a radius of 407.22 feet; thence along said curve a distance of 99.50 feet with a chord bearing and distance of S01°30'17"W, 99.25 feet to the end of said curve; thence S08°30'17"W a distance of 140.32 feet to the beginning of a curve concave Northeasterly having a central angle of 29°00'00" and a radius of 120.71 feet; thence along said curve a distance of 61.10 feet with a chord bearing and distance of S05°59'40"E, 60.45 feet to the end of said curve and to the end of said 40 foot wide easement, said point being the POINT OF BEGINNING of the utility easement described as Part 2.

Part 2 Commencing at the POINT OF BEGINNING for Part 2 as described in Part 1; thence S69°30'17"W a distance of 20.00 feet to the beginning of a curve concave Westerly having a central angle of 45°00'00" and a radius of 40.36 feet; thence Southerly along said curve a distance of 31.70 feet with a chord bearing and distance of S02°00'17"W, 30.89 feet to the end of said curve; thence S24°30'17"W a distance of 45.00 feet to the beginning of a curve concave Northeasterly having a central angle of 90°00'00" and a radius of 45.00 feet; thence Southeasterly along said curve a distance of 70.69

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feet with a chord bearing and distance of  $S20^{\circ}29'43''E$ , 63.64 feet to the end of said curve; thence  $S65^{\circ}29'43''E$  a distance of 80.00 feet to the beginning of a curve concave Northerly having a central angle of  $90^{\circ}00'00''$  and a radius of 45.00 feet; thence Northeasterly along said curve a distance of 70.69 feet with a chord bearing and distance of  $N69^{\circ}30'17''E$ , 63.64 feet to the end of said curve; thence  $N24^{\circ}30'17''E$  a distance of 10.00 feet to the beginning of a curve concave Southwesterly having a central angle of  $90^{\circ}00'00''$  and a radius of 80.00 feet; thence Northwesterly along said curve a distance of 125.66 feet with a chord bearing and distance of  $N20^{\circ}29'43''W$ , 113.14 feet to the end of said curve; thence  $N65^{\circ}29'43''W$  a distance of 45.00 feet to the beginning of a curve concave Northeasterly having a central angle of  $45^{\circ}00'00''$  and a radius of 40.36 feet; thence Northwesterly along said curve a distance of 31.70 feet with a chord bearing and distance of  $N42^{\circ}59'43''W$ , 30.89 feet to the end of said curve; thence  $S69^{\circ}30'17''W$  a distance of 20.00 feet to the POINT OF BEGINNING.

NOTE: The West line of the NW1/4 of said Section 32 is assumed to bear  $S00^{\circ}04'52''W$  for this description.

NOTE: Attached is a plat showing the proposed utility easement to be filed at a later date.

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