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STATE OF IOWA, Pottawattamia County  
Filed for record 12/6/52 by J. J. Smith  
1974 at 4:05 P.M. in book 78 page 1091

DECLARATION OF EASEMENT

Dorothy Leonard  
Not Public  
W. W. Karso  
Deputy

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, GREAT DAY DEVELOPMENT CORPORATION, a corporation, is the owner of record of:

✓ Lots 3 and 4, Auditor's subdivision of part of the SW $\frac{1}{4}$  of the NE $\frac{1}{4}$ , Lot 2 and 4, Auditor's subdivision of the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$ , Lot 11 Auditor's subdivision of the NW $\frac{1}{4}$  of the NE $\frac{1}{4}$  and part of Lot 3 Auditor's subdivision of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 6-T74N-R43W of the 5th P.M., Pottawattamia County, Iowa,

and

WHEREAS, it is prudent and necessary to establish and create an easement for the purpose of installing and maintaining a sanitary sewer easement.

NOW, THEREFORE, GREAT DAY DEVELOPMENT CORPORATION, Grantor herein, for and in consideration of the benefits inuring to it as owner does hereby covenant and agree for itself, its successors and assigns, as follows:

1. Great Day Development Corporation, Grantor herein, hereby established and created an easement over, upon and through the following described premises:

✓ A 15.00 foot wide permanent sanitary sewer easement through that part of Lots 3 and 4, Auditor's subdivision of part of the SW $\frac{1}{4}$  of the NE $\frac{1}{4}$ , Lot 2 and 4 Auditor's subdivision of the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$ , Lot 11 Auditor's subdivision of the NW $\frac{1}{4}$  of the NE $\frac{1}{4}$  and part of Lot 3 Auditor's subdivision of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 6-T74N-R43W of the 5th P.M., Pottawattamia County, Iowa, described as follows: Commencing at the NE corner of said Lot 4; thence N 30°36'41" W (assumed bearing) on the northeasterly line of said Lot 3, 4.63 feet to the point of beginning; thence S 15°52'34" E, 191.42 feet; thence S 74°07'26" E, 15.00 feet; thence N 15°52'34" W, 194.85 feet to a point on the southwesterly line of an existing sanitary sewer easement; thence S 38°48'44" E on the southwesterly line of said existing sanitary sewer easement, 5.03 feet; thence N 51°11'16" E on the southeasterly line of said existing sanitary sewer easement, 13.05 feet to a point on the northeasterly line of said Lot 3; thence S 30°36'41" E on the northeasterly line of said Lot 3, 4.01 feet to the point of beginning.

(a) Said easement is granted for the purposes of installing, repairing, maintaining, altering, and operating a sanitary sewer through said described area.

(b) Said easement shall inure to the benefit of Lots 1 through 5, inclusive, Auditor's subdivision of part of the SW $\frac{1}{4}$  of the NE $\frac{1}{4}$ , Lot 2 and 4 Auditor's subdivision of the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$ , Lot 11 Auditor's subdivision of the NW $\frac{1}{4}$  of the NE $\frac{1}{4}$  and part of Lot 3 Auditor's subdivision of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 6-T74N-R43W of the 5th P.M., Pottawattamia County, Iowa. Said easement is not intended nor should it be construed as creating

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any rights in or for the benefit of the general public.

2. The easement hereinabove granted shall run with the land and shall bind the Grantor herein, and may not be rescinded, altered or modified without the express written consent of the owners of record of Lots 1 through 5, inclusive, Auditor's subdivision of part of the SW $\frac{1}{4}$  of the NE $\frac{1}{4}$ , Lot 2 and 4 Auditor's subdivision of the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$ , Lot 11 Auditor's subdivision of the NW $\frac{1}{4}$  of the NE $\frac{1}{4}$  and part of Lot 3 Auditor's subdivision of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 6-T74N-R43W of the 5th P.M., Pottawattamie County, Iowa.

Attest:

[Signature]  
Secretary

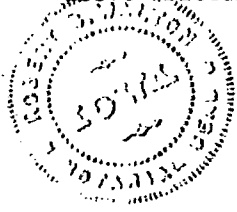
GREAT DAY DEVELOPMENT CORPORATION

By [Signature]  
President

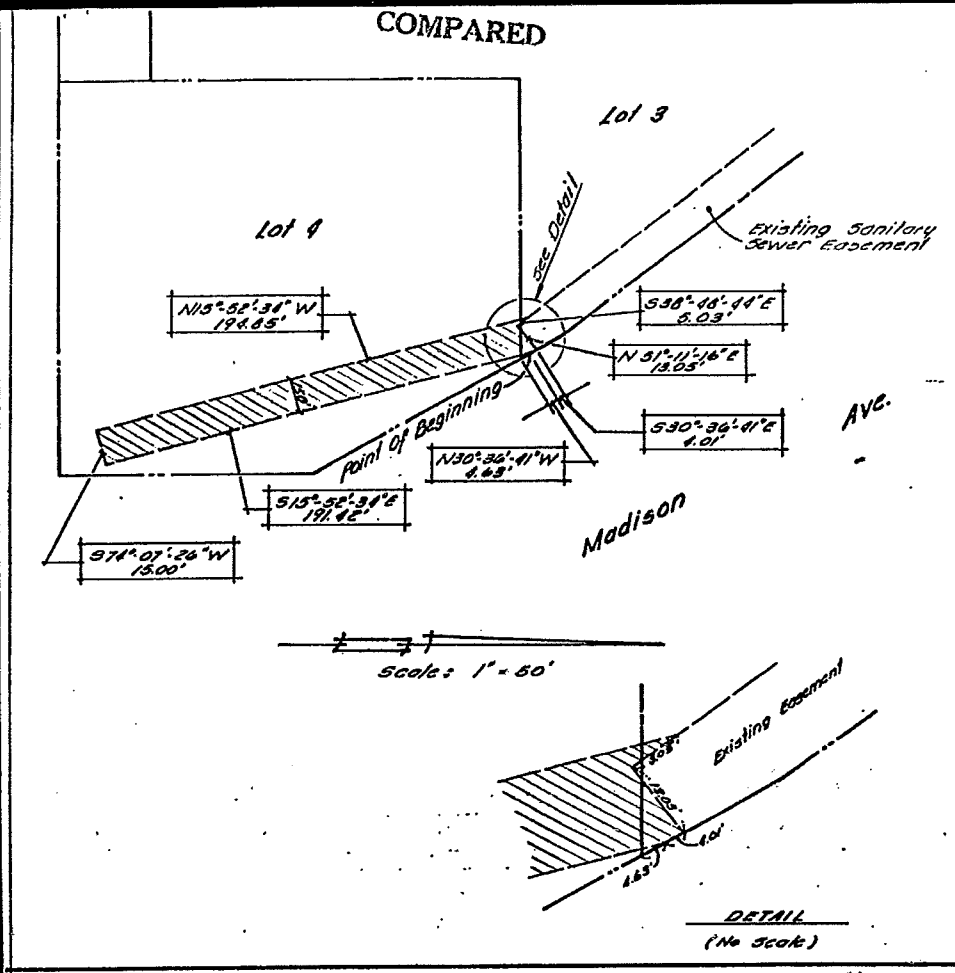
IOWA )  
STATE OF ~~NEBRASKA~~ )  
POTTAWATTAMIE )  
COUNTY OF DOUGLAS )

On this 24 day of June, 1977, before me, a Notary Public in and for said County, personally appeared [Signature], President, and [Signature], Secretary, of GREAT DAY DEVELOPMENT CORPORATION, to me known to be the identical persons and such officers of said corporation, whose names are affixed to the above and foregoing instrument, and they acknowledged the execution thereof to be their voluntary act and deed as such officers, and the voluntary act and deed of said corporation.

Witness my hand and Notarial Seal the day and year last above written.



[Signature]  
Notary Public



**LEGAL DESCRIPTION**

A 15.00 foot wide permanent sanitary sewer easement through that part of Lots 3 and 4, Auditor's subdivision of part of the SW $\frac{1}{4}$  of the NE $\frac{1}{4}$ , Lot 2 and 4 a Auditor's subdivision of the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$ , Lot 11 Auditor's subdivision of the NW $\frac{1}{4}$  of the NE $\frac{1}{4}$  and part of Lot 3 Auditor's subdivision of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 6-T74N-R45W of the 5th P.M., Pottawattamie County, Iowa, described as follows: Commencing at the N.E. corner of said Lot 4; thence N 30° 36' 41" W (assumed bearing) on the northeasterly line of said Lot 3, 4.63 feet to the point of beginning; thence S 15° 52' 34" E, 191.42 feet; thence S 74° 07' 26" W, 15.00 feet; thence N 15° 32' 34" W, 194.85 feet to a point on the southwesterly line of an existing sanitary sewer easement; thence S 38° 48' 44" E on the southwesterly line of said existing sanitary sewer easement, 5.03 feet; thence N 51° 11' 16" E on the southeasterly line of said existing sanitary sewer easement, 13.05 feet to a point on the northeasterly line of said Lot 3; thence S 30° 36' 41" E on the northeasterly line of said Lot 3, 4.01 feet to the point of beginning.