

Pottawattamie County, IA 2011-016517
Recorder John Sciortino
Book-Page: 2011-016517
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Rec-\$5.00 Aud-\$0.00 RMA-\$1.00 ECM-\$1.00
Current Transfer Tax Paid: \$0.00

R Fee 500
A Fee 2
T Tax _____



COMPARED

Prepared by and return to David L. Jungmann, AT0004117, 113 W. Iowa St., P.O. Box 329, Greenfield, Iowa 50849, Phone #(641) 743-6195

RIGHT OF WAY EASEMENT
Easement B350406

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of one dollar (\$1.00) and other good and valuable consideration paid to Wise Motel Inc. Hereinafter referred to as GRANTOR, by Regional Water, an Iowa nonprofit corporation, hereinafter referred to as GRANTEE, the receipt of which is hereby acknowledged, the Grantor does hereby grant, bargain, sell, transfer and convey unto the Grantee, its successors and assigns, a perpetual easement with the right to erect, construct, install and lay and there after use, operate, inspect, repair, maintain, replace and remove a water pipeline and other related appurtenances over, across, and through the land of the Grantor in Pottawattamie County, Iowa, said land being described as follows:

A tract of land in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 4, Township 77, Range 38 West of the 5th P.M., described as follows: Commencing at the center of Section 4, Township 77 North and Range 38 West of the Fifth P.M., thence North along the West line of the NE $\frac{1}{4}$ of Section 4-77-38 a distance of 1,320 feet thence East along the North line of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ a distance of 341 feet to the point of the beginning; thence continuing East along the North line of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 400 feet thence South and parallel to the West line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 1,320 feet thence West along the South line of said NE $\frac{1}{4}$ a distance of 400 feet, thence North and parallel to the West line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 1320 feet to the point of beginning.

AND

Commencing at the center of Section 4, Township 77 North, Range 38, this being the point of beginning, thence North along the West line of the NE $\frac{1}{4}$ of Section 4, Township 77 North, Range 38, a distance of 1,320 feet, thence East along the North line of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 4 a distance of 341 feet, thence South and parallel to the West line of said SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, a distance of 1,320 feet, thence West along the South line of said NE $\frac{1}{4}$, a distance of 341 feet, to the point of beginning, except therefrom the following described tract:

Commencing at the center line of Section 4, Township 77 North, Range 38, thence N on the West line of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, a distance of 650 feet to the point of beginning, thence North a distance of 140 feet, thence East 341 feet, thence South 140 feet, thence West 341 feet to the point of beginning.

and further excepting therefrom the following described real estate:

Commencing at the center of Section 4, Township 77, Range 38, Pottawattamie County, Iowa, thence N 0°00' E along the $\frac{1}{4}$ Section line 650.00 feet; thence N 90°00' E 75.00 feet to the point of beginning, thence continuing N 90°00' E 200.00 feet; thence S 0°00' W 106.50 feet; thence N 90°00' E 66.00 feet; thence S 0°00' W 283.33 feet to the northerly right of way line of Interstate Highway No. 80; thence along said right of way line N 62°21.5' W 232.92 feet; thence N 34°45.5' W 104.65 feet; thence N 0°00' E 195.82 feet to the point of beginning. That said deed is recorded in Book 94, Page 46705 in the office of the Pottawattamie County Recorder.

Together with the right of ingress and egress over the adjacent lands of the Grantor, and their successors and assigns for the purpose of this easement.

The consideration herein above recited shall constitute payment in full for any damages to the land of the Grantor, his/her successors and assigns, by reason of the installation, operation, maintenance of the structure or improvements referred herein. The grantee covenants to maintain the easement in good repair so that no unreasonable damage will result from its use to the adjacent land of the Grantor, his/her successors and assigns.

The grant and other provisions of this easement shall constitute a covenant running with the land for the benefit of the Grantee, its successors and assigns.

IN WITNESS WHEREOF, THE Grantor has executed this instrument this 15 day of December, 2011

KELLY L. WISE, PRES.
Wise Motels, Inc.

STATE OF IA, COUNTY OF Pottawattamie: ss

On this 15 day of December, 2011 before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared _____ of Wise Motels, Inc. to me known to be the person named in and who executed the foregoing instrument, and acknowledged that he/she executed the same as his/her voluntary act and deed.

NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE

