

Roll 674 Image 6901-6904

Document 18369 Type EASMT Pages 4

Date 5/16/2005 Time 9:14 AM

Rec Amt \$22.00

PATRICK F GILL, AUDITOR AND RECORDER  
WOODBURY COUNTY IOWA



STATE: IOWA  
COUNTY: WOODBURY  
CITY: SIOUX CITY  
SECTION: 8  
TOWNSHIP: 88  
RANGE: 47W  
PARCEL #: N/A  
SUBDIVISION: LAKEPORT COMMONS  
PROJECT #: 2004-1820568  
TYPE: DISTRIBUTION-ELECTRIC AND GAS

Prepared by and return to: David A. Lane, SC-3 MidAmerican Energy Company- PO Box 778, Sioux City, Iowa 51102- Ph. 712-277-7574- FAX: 712-277-7360-  
Email - dalane@midamerican.com

## MidAmerican Energy Company Underground Electric and Gas Easement

The undersigned owner (s), **LAKEPORT COMMONS, L.L.C., an Iowa limited liability company** and the undersigned tenant (s), NONE, in consideration of \$1.00, hereby grant (s) to MidAmerican Energy Company, an Iowa corporation, its successors and assigns, a perpetual right-of-way easement, for the purpose of constructing, reconstructing, operating, maintaining and removing underground wires and cables for the transmission and distribution of electric energy and for communication and electrical controls, including the necessary appurtenances under and on the surface of the ground, and for the purpose of constructing, reconstructing, operating, maintaining and removing a pipe line for the transportation of natural gas and all appurtenances and equipment used and useful in the transportation of natural gas, together with the right of ingress and egress and the right to clear and keep clear from the property within the easement any buildings, trees, brush, saplings, bushes, plantings or other obstructions as may be necessary for the purposes for which this easement is granted, in, under, over, across, and along the real estate located in the City of Sioux City, Woodbury County, Iowa described as follows:

### LEGAL DESCRIPTION:

All of Lakeport Commons, an addition to the City of Sioux City, Woodbury County, Iowa, according to the recorded plat thereof, filed and recorded on May 16, 2005, in Roll          Image         ; Document No. 18368 and in Plat Env # 690 A & B Book          page         .

### EASEMENT DESCRIPTION:

See Exhibit "A" attached hereto and made a part hereof by reference.

No building shall be constructed and/or changes shall be made in ground elevation by the grantor within the easement area without written permission from the Company indicating that said construction and/or ground elevation changes will not interfere with Company's rights to operate and maintain its facilities.

Damages to property, real or personal of the undersigned, their successors and assigns, by the Company, after the initial installation, while constructing or maintaining the lines shall be paid by the Company to the party damaged.

**SPECIAL PROVISIONS:**

**1. Company acknowledges that a portion of the easement area may be covered with concrete and/or asphalt curbing, driveway and other hard surfacing (hereinafter collectively referred to as the "Hard Surfacing"). The Hard Surfacing shall be constructed by Grantor after consultation with Company in such a manner that it minimizes the interference with the Company's right to use this easement as set forth herein to the maximum extent practicable. Prior to commencing construction of the Hard Surfacing or undertaking maintenance of the Hard Surfacing that may interfere with Company's rights to enjoy the Easement, Grantor shall provide Company with plans and specifications for Company's approval.**

Signed, sealed and delivered this 6th day of MARCH 2005.

LAKEPORT COMMONS, L. L. C.

By: [Signature]  
Jerry J. Johnson

Its: Manager

STATE OF IOWA )

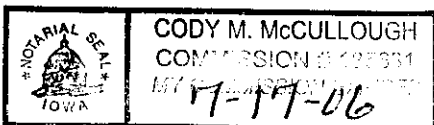
) Ss

COUNTY OF WOODBURY

On this 6th day of MARCH, 2005, before me, a notary Public in and for said State, personally appeared Jerry J. Johnson, to me personally known, who being by me duly sworn did say that that person is the Manager (insert title of executing member) of said limited liability company and that said instrument was signed on behalf of the said limited liability company by authority of its managers and the said Jerry J. Johnson acknowledged the execution of said instrument to be the voluntary act and deed of said limited liability company by it voluntarily executed.

[Signature]  
Notary Public in and for said State

My commission expires: 7-17-06



Signed sealed and delivered this 15<sup>th</sup> day of March, 2005

**MidAmerican Energy Company**

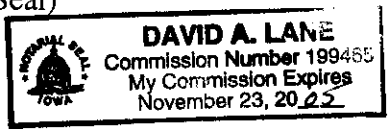
By: [Signature] 5015  
James J. Howard, Vice President, Regulatory Affairs

STATE OF IOWA )  
 ) Ss.  
COUNTY OF WOODBURY )

On this 15<sup>th</sup> day of March, A.D. 2005, before me, a Notary Public in and for said county personally appeared James J. Howard to me personally known, who being by me duly sworn did say that he the vice president of regulatory affairs of MidAmerican Energy Company, an Iowa corporation; 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 the said James J. Howard acknowledged the execution of said instrument to be the voluntary act and deed of said corporation by it voluntarily executed.

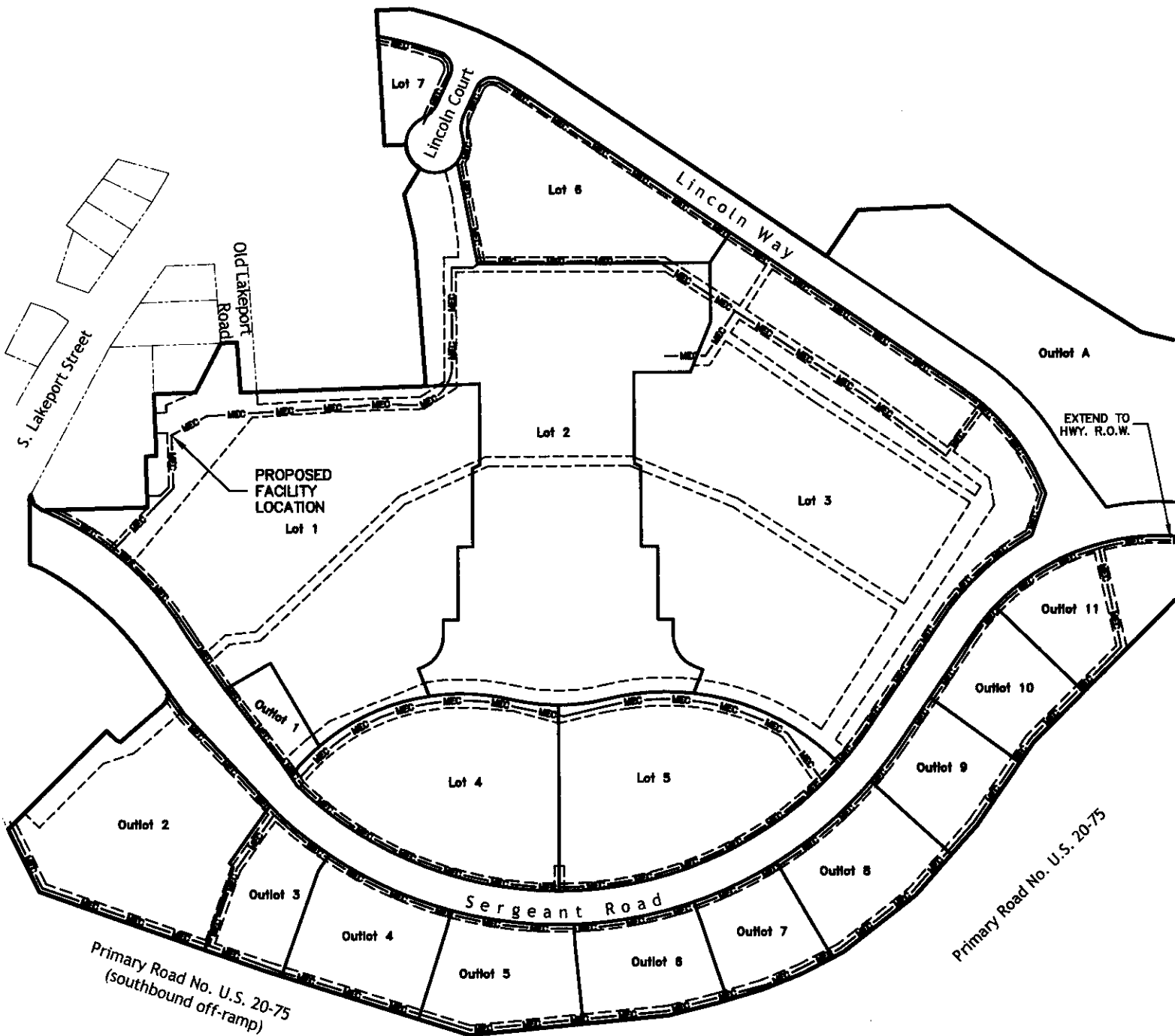
[Signature]  
Notary Public in and for said State

(Notarial Seal)

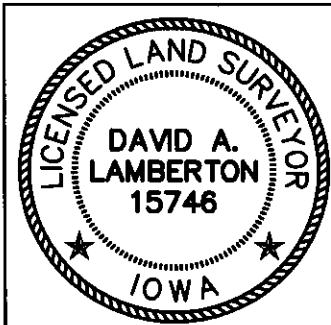


**EXHIBIT "A"**  
**EASEMENT SKETCH**

Part of Lakeport Commons Addition  
Sioux City, Woodbury County, Iowa



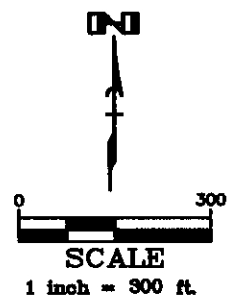
**NOTE:**  
SEE PAGE 2 OF RECORDED SUBDIVISION  
PLAT FOR EASEMENT DIMENSIONS



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision, and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

*David A. Lambertson* 5/10/05  
**DAVID A. LAMBERTSON License No. 15746 DATE**

My license renewal date is December 31, 2004  
Pages or sheets covered by this seal: 1 of 1  
Survey performed at the request of: Lakeport Commons, LLC



**DeWild Grant Reckert & Assoc. Co.**  
Consulting Engineers  
4425 Singing Hills Blvd., Suite 300, Sioux City, Iowa.  
Tel. 712-266-1554 Fax. 712-266-1707 51106

Date of Drawing: 5/10/05  
Drawn By: DAL Approved: DAL  
Drawing - P:\P\253060\dwg\253060ease2.dwg

Project No. 253060  
Sheet 1 of 1