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No. 10446-81

Robert E. Weerts and Karen W.

Weerts, husband and wife, and

James F. Weerts and Sandra D.

Weerts, husband and wife, as owners,

to

The City of Davenport, an Iowa Corporation.

TEMPORARY AND PERMANENT SANITARY SEWER EASEMENTS

Dated May 14, 1981

Filed July 6, 1981

Consideration \$450.00

**** do hereby convey **** a permanent sanitary sewer easement to be used for the purpose of constructing, reconstructing, relocating, maintaining, enlarging or extending an underground sanitary sewer over, across through and under the following described Scott County real estate:

A part of the N.W. $\frac{1}{4}$ of the S.E. $\frac{1}{4}$ of Section 18, Township 78 North, Range 4 East of the 5th P.M., in the City of Davenport, Iowa, more particularly described as follows: Commencing at the N.W. corner of the S.E. $\frac{1}{4}$ of said Section 18, thence S. 89°53'E. 30 feet along the Northerly line of said S.E. $\frac{1}{4}$ to a point in the Easterly R.O.W. line of Jersey Ridge Road, thence S. 01°04' W. 744 feet along said Easterly R.O.W. line of Jersey Ridge Road, thence S. 89°53' E. 229.79 feet to the point of beginning, thence S. 0°04' W. 20.00 feet, thence S. 89°53' E. 20.00 feet, thence N. 89°53' E. 20 feet, thence N. 89° 53' W. 20 feet to the point of beginning.

Owners agree not to erect, construct or maintain any permanent structure on the above described real estate and to not grow any vegetation other than groundcover on the above described real estate without the written permission of the City of Davenport, Iowa, and further agree that the City of Davenport shall have no duty to maintain vegetation on the real estate after it reestablishes such vegetation subsequent to any construction or repair of the sanitary sewer.

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Owners also convey unto the City of Davenport a temporary construction easement for the purpose of such encroaching, grading, sloping, shaping, cutting, filling and constructing as may be required in connection with the construction of the Jersey Ridge Road/Ridgewood Drive Sanitary Sewer Project over, across, through and under the following described Scott County real estate: A part of the N.W. $\frac{1}{4}$ of the S.E. $\frac{1}{4}$ of Section 18, Township 78 North, Range 4 East of the 5th P.M. in the City of Davenport, Iowa, more particularly described as follows: Commencing at the N.W. corner of the S.E. $\frac{1}{4}$ of said Section 18, thence S. 89°53' E. 30 feet along the Northerly line of said S.E. $\frac{1}{4}$ to a point in the Easterly R.O.W. line of Jersey Ridge Road, thence S. 01°04' W. 744 feet along said Easterly R.O.W. line, thence S. 89°53' E. 219.79 feet to the point of beginning, thence S. 89°53' E. 10.00 feet, thence S. 0°04' W. 20.00 feet, thence S. 89°53' E. 20.00 feet, thence N. 0°04' E. 20.00 feet, thence 89°53' E. 10.00 feet, thence S. 0°04' W. 30.00 feet, thence N. 89°53' W. 40.00 feet, thence N. 0° 04' E. 30.00 feet to the point of beginning.

The temporary easement shall terminate when the City approves and accepts said project or on November 1, 1981, whichever is earlier.

These easements are given upon the express understanding and condition that except for the removal of miscellaneous trees located on the easements, on the completion of any and all construction, reconstruction, or maintenance work by the City of Davenport, the affected real estate shall be restored by the City to the condition it was prior to such work, including the establishment of natural sod; provided, however, that all manholes located on the property shall extend above the surface of the ground.

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Owners covenant that they are the lawful owners of the real estate described in this document, that they have good, right and lawful authority to sell and convey the same, and that they will warrant and defend the real estate against the lawful claims of all persons whomsoever.

Robert E. Weerts (LS)

Karen W. Weerts (LS)

James F. Weerts (LS)

Sandra D. Weerts (LS)

Robert E. Weerts and Karen W. Weerts, husband and wife, acknowledged before John D. McCabe, N.P., Scott County, Iowa on May 14, 1981.
(Seal attached)

James F. Weerts and Sandra D. Weerts, husband and wife, acknowledged before John J. McCabe, N.P., Scott County, Iowa on May 14, 1981.
(Seal attached)