

COMPARED

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STATE OF IOWA, Pottawattamie County
Filed for record this 26th day of August
1974 at 7:30 AM in Book 76 page 3308
Book 76 page 3308

DECLARATION OF EASEMENT

1851

Donald Larson
Notary Public

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, GREAT DAY DEVELOPMENT CORPORATION, a corporation, organized and existing under and by virtue of the laws of the State of Nebraska (hereinafter called "Grantor") is the owner of real estate located in Pottawattamie County, Iowa, and designated Parcel A and Parcel B on Exhibit One attached hereto and incorporated herein by reference, and

WHEREAS, Grantor is developing said property for commercial purposes, and

WHEREAS, Grantor deems it prudent that an easement for ingress and egress be granted on and over a portion of Parcel A designated as Parcel A-1, as more particularly shown on Exhibit One attached hereto and incorporated herein by reference, to serve the balance of Parcel A and all of Parcel B, and

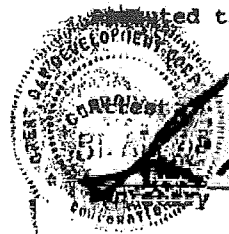
WHEREAS, such easement on Parcel A-1 will allow the maximum use of the balance of Parcel A and all of Parcel B, and will allow greater access to the general public, and will enhance the development of said land.

NOW, THEREFORE, Grantor does hereby create and establish the following easement:

1. Grantor does hereby establish and create in, upon and over Parcel A-1, as above defined, for the benefit of the balance of Parcel A and all of Parcel B, a nonexclusive easement, right and privilege of use for automobile and pedestrian ingress, egress, and passage upon and over Parcel A-1, as above defined, for the benefit of the balance of Parcel A and all of Parcel B.

2. This easement shall run with the land and shall be binding upon the Grantor, its successors and assigns.

IN WITNESS WHEREOF, Great Day Development Corporation has caused this instrument this 30th day of March, 1974.


[Signature]

GREAT DAY DEVELOPMENT CORPORATION

By *[Signature]*
President

STATE OF NEBRASKA)
COUNTY OF DOUGLAS) ss.

On this 30 day of March, 1974, before me, a Notary Public in and for said County, personally appeared H. Lee Gaudier, President, and Lavin Gaudier, Secretary, of GREAT DAY DEVELOPMENT CORPORATION, known to me to be said President and Secretary of said corporation, whose names are affixed to the above and foregoing instrument, and acknowledged the execution thereof to be their voluntary act and deed as such President and Secretary and the voluntary act and deed of said corporation.


NOTARY PUBLIC
STATE OF NEBRASKA

WITNESS my hand and Notarial Seal the day and year last aforesaid.

[Signature]
Notary Public

COMPARED

EXHIBIT ONE

Parcels of land located within the County of Pottawattamie,
State of Iowa:

PARCEL A:

Commencing at the S.E. Corner of the North 34.04 rods of the S.W. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of Section 6T74NR43 West of the 5th P.M., Pottawattamie County, Council Bluffs, Iowa, thence N 90° 00' E 479.0 feet, thence N 0° 57' W 110.00 feet, thence N 30° 35' W along the Westerly right-of-way line of Madison Avenue, as now established, 77.0 feet to the point of beginning thence N 30, 35' E 50.00 feet, thence N 38° 47' W 175.00 feet, thence S 59° 54' W 200.25 feet, thence S 30° 35' E 225.0 feet, thence N 59° 25' E 225.0 feet to the point of beginning, said parcel of land being subject to a 40.0 foot mutual easement for ingress and egress, 50.0 feet in length and whose center line lies along the Northerly line of the above described parcel of land, said easement begins at the N.E. Corner of said parcel of land and runs for a distance of 50.0 feet in a Westerly direction along the northerly line of said parcel, and also subject to a 40.0 foot wide mutual easement for ingress and egress, 50.0 feet in length, and whose center line lies along the Southerly line of the above described parcel of land, said easement begins in the S.E. Corner of said parcel of land, and runs for a distance of 50.0 feet in a Westerly direction along the Southerly line of said parcel.

PARCEL B:

The North 34.04 Rods (561.66') of the East 47 Rods (775.5') of the Southwest 1/4 of the Northeast 1/4; Lot 11 in the Auditor's Subdivision of the Northwest 1/4 of the Northeast 1/4; the Southerly part of Lot 3 in the Auditor's Subdivision of the Northeast 1/4 of the Northeast 1/4; and Lots 2 and 4 in the Auditor's Subdivision of the Southeast 1/4 of the Northeast 1/4 of Section 6T74NR43 West of the 5th P.M., Pottawattamie County, Council Bluffs, Iowa, except legally established highway right-of-ways, (except that part commencing at the Southeast corner of the North 34.04 Rods of the Southwest 1/4 of the Northeast 1/4 of Section 6T74NR43 West of the 5th P.M., Pottawattamie County, Council Bluffs, Iowa, thence North 90° 00' East 479.0', thence North 0° 57' West 110.0', thence North 30° 35' along the Westerly Right-of-Way line of Madison Avenue as now established, 77.0' to the point of beginning, thence North 30° 35' West 50.0', thence North 38.47' West 175.0', thence South 59° 54' West 200.25', thence South 30° 35' East 225.0', thence North 59° 25' East 225.0' to the point of beginning.)

PARCEL A-1:

A permanent easement for ingress and egress located in part of the NE $\frac{1}{4}$ of Section 6, T74N, R43W of the 5th P.M., Pottawattamie County, Iowa described as follows: Commencing at the point of intersection of the North line of the NE $\frac{1}{4}$ of said Section 6 and the Westerly R.O.W. line of relocated Madison Avenue; thence N 38° 48' 44" W (assumed bearing) on the Westerly R.O.W. line of said relocated Madison Avenue, 133.94 feet; thence S 59° 43' 10" W, 50.57 feet to the point of beginning; thence S 38° 48' 44" E on a line 50.0 feet West of and parallel to the Westerly R.O.W. line of said relocated Madison Avenue, 50.56 feet; thence S 59° 43' 10" W, 49.35 feet; thence S 68° 22' 41" W, 23.0 feet; thence S 64° 58' 55" W, 48.86 feet; thence N 21° 37' 19" W, 52.57 feet; thence W 68° 22' 41" E, 70.00 feet; thence N 59° 43' 10" E, 54.03 feet to the point of beginning.