

**RECORDING INFORMATION ABOVE**  
Ret Killon Communications Consultants, Inc. P.O. Box 82 Roodhouse, IL 62082 1-800-301-6872  
RAW # 99-2098

**EASEMENT AGREEMENT**

The undersigned Grantor(s) for and in consideration of One Thousand and no/100 (\$1000.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant and convey unto U S WEST Communications, Inc., a Colorado Corporation, hereinafter referred to as "Grantee" whose address is 700 W. Mineral Avenue, Littleton, Colorado, its successors, assigns, lessees, licensees and agents a perpetual easement to construct, reconstruct, modify, change, add to, operate, maintain and remove such telecommunications facilities, electrical facilities and gas facilities, and appurtenances, from time to time, as Grantee may require upon, over, under and across the following described land situated in the County of Pottawattamie, State of Iowa, which the Grantor owns or in which the Grantor has any interest, to wit:

Legal Description: (Deed Document 71-88938 recorded 3-8-71)

A part of the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 4, Township 74, North, Range 43 West of the 5<sup>th</sup> P.M., and a part of the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 5, Township 74, Range 43 West of the 5<sup>th</sup> P.M., Pottawattamie County, Iowa, more fully described as follows: Commencing at the Southeast corner of the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of said Section 4, that being the point of beginning; thence West along the South line of the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of said Section 4 and the South line of the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 5, a total distance of 1633.5 feet; thence North 0°01'30" West, a distance of 800.00 feet; thence East and parallel to the South line of the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 5, and the South line of the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of said Section 4, a distance of 1633.5 feet to a point on the East line of the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of said Section 4; thence South 0°01'30" East a distance of 800.00 feet to the point of beginning. (The tract of land contains 30.0 acres and is subject to public roads as now established. The South line of the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of said Section 4 and the South line of the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 5 are assumed to bear East-West for this description.)

Easement Description:

See Exhibit "A" (Survey Plat of 20'x30' site)

Grantor further conveys to Grantee the following incidental rights:

Grantee shall indemnify Grantor for all damage caused to Grantor as a result of Grantee's negligent exercise of the rights and privileges herein granted. Grantee shall have no responsibility for pre-existing environmental contamination or liabilities.

BK 100PG44:819

Grantor covenants that they are the fee simple owner of said land or in which the Grantor has any interest and will warrant and defend title to the land against all claims.

Grantor hereby covenants that no excavation, building, structure or obstruction will be constructed, erected, built or permitted on said easement area and no change will be made by grading or otherwise to the surface or subsurface of the easement area or to the ground immediately adjacent to the easement area.

The rights, conditions and provisions of this easement shall inure to the benefit of and be binding upon the heirs, executor, administrators and assigns of the respective parties hereto.

Job # 92GD808  
County: Pottawattamie  
Section: 5 Township: 74N

Exchange: CNBLIAWA  
1/4 Section: SE  
Range: 43W

RG 01-0751  
(1-98)

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Initial

BK 100PG44820

accordance with the applicable rules of the American Arbitration Association, and Judgment upon the award rendered by the arbitrator may be entered in any court having jurisdiction thereof. The arbitration shall be conducted in the county where the property is located.

Dated this 9<sup>th</sup> day of March, 2000.

Lewis Central Community School Board

By: [Signature]

Title: Board President

Attest: Anna M. Boehm  
Secretary

Seal

**ACKNOWLEDGMENT**

STATE OF Iowa )  
COUNTY OF Polk ) SS

The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of March, 2000, by Joseph D. Thurston of Lewis Community School Board, a Board President, on behalf of the organization.

By: Anna M. Boehm  
Notary Public  
My Commission expires: June 22, 2001



SEAL

BK 100PG 44821

Prepared by KENNY'S SURVEYING, 3611 7TH AVENUE, COUNCIL BLUFFS, IOWA (712) 323-3221

LAND SURVEYOR'S CERTIFICATE  
"PLAT OF SURVEY"

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BOOK NO. 121 PAGE NO. 42 LOCATION SEC. 5-74-43, POTT. CO., IA  
CLIENT KILLION COMM. CONSULTANTS, INC. DRAWN BY VRS PROJECT NO. I.00-040

TO THE OFFICE OF COUNTY RECORDER

**KENNY'S SURVEYING**

3611 7th Ave. - Council Bluffs, Iowa 51501

David L. Stookey

Phone: (712) 323-3221  
(800) 201-3511

**KILLION COMMUNICATIONS CONSULTANTS, INC.**

302 W. PALM ST.

ROADHOUSE, IL 62082

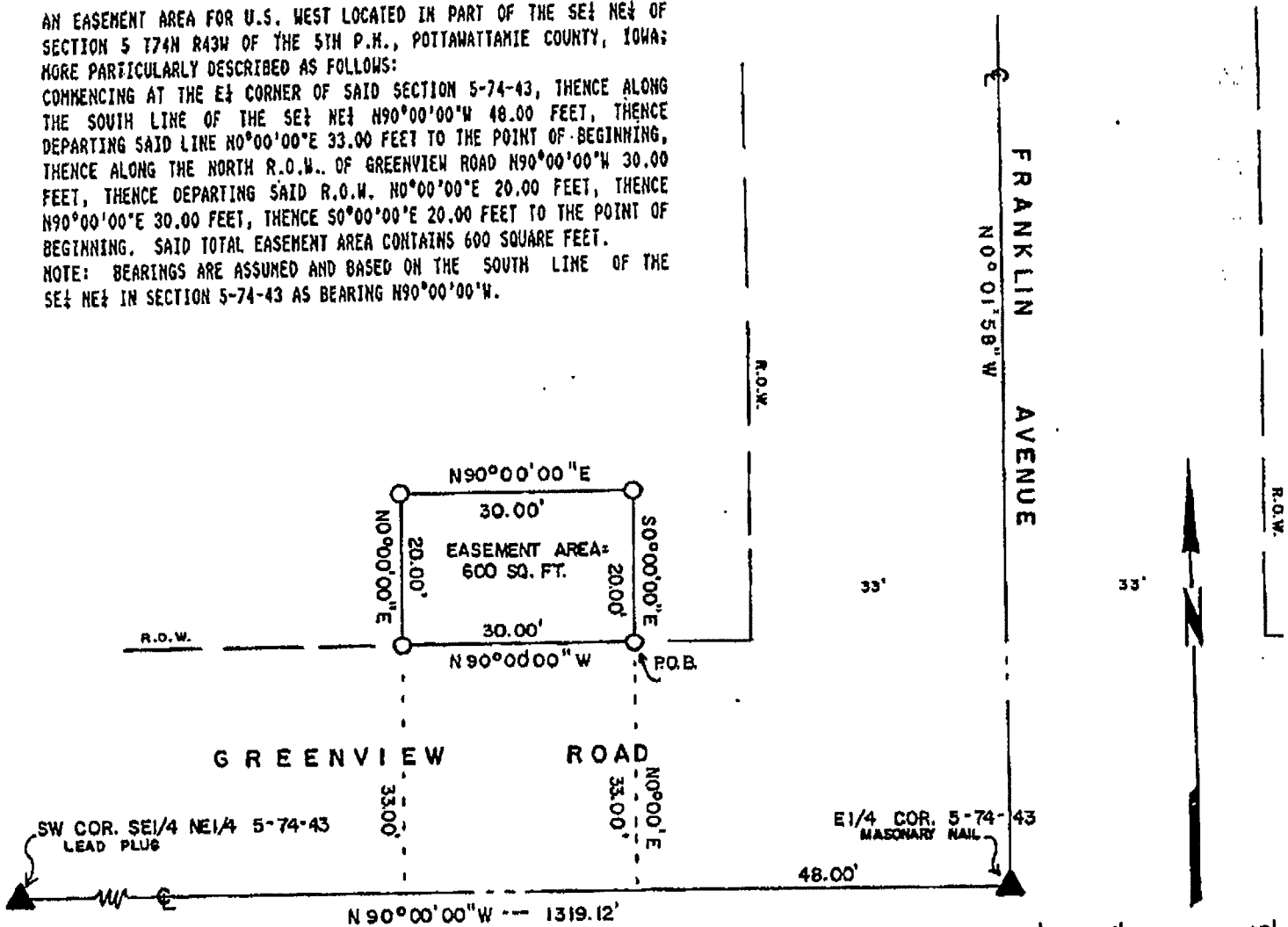
% JON BAKER

LEGAL DESCRIPTION

AN EASEMENT AREA FOR U.S. WEST LOCATED IN PART OF THE SE 1/4 NE 1/4 OF SECTION 5 T44N R43W OF THE 5TH P.M., POTTAWATTAMIE COUNTY, IOWA; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE E 1/4 CORNER OF SAID SECTION 5-74-43, THENCE ALONG THE SOUTH LINE OF THE SE 1/4 NE 1/4 N90°00'00"W 48.00 FEET, THENCE DEPARTING SAID LINE N0°00'00"E 33.00 FEET TO THE POINT OF BEGINNING, THENCE ALONG THE NORTH R.O.W. OF GREENVIEW ROAD N90°00'00"W 30.00 FEET, THENCE DEPARTING SAID R.O.W. N0°00'00"E 20.00 FEET, THENCE N90°00'00"E 30.00 FEET, THENCE S0°00'00"E 20.00 FEET TO THE POINT OF BEGINNING. SAID TOTAL EASEMENT AREA CONTAINS 600 SQUARE FEET.

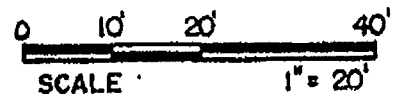
NOTE: BEARINGS ARE ASSUMED AND BASED ON THE SOUTH LINE OF THE SE 1/4 NE 1/4 IN SECTION 5-74-43 AS BEARING N90°00'00"W.



**LEGEND**

▲ SECTION CORNER FOUND

○ PIN SET--5/8" X 18" REBAR W/CAP 19780



LAND SURVEYOR'S CERTIFICATE:

I hereby certify that this land survey was made in accordance with the laws of the State of Iowa.