

COMPARED

BILL OF SALE AND ASSIGNMENT OF EASEMENTS

KNOW ALL MEN BY THESE PRESENTS: That BENNETT AVENUE DEVELOPMENT CORPORATION, A Corporation, having its principal place of business in the City of Council Bluffs, Pottawattamie County, Iowa, sells, assigns and transfers to the CITY OF COUNCIL BLUFFS, A Municipal Corporation, all of its sanitary sewer facilities more particularly described in the written contract between the parties dated November 13, 1967.

Bennett Avenue Development Corporation further transfers, assigns and conveys to the City of Council Bluffs all of its right, title and interest in and to the easements within which its facilities, including main line sewer, trunk line and main extensions, are situated, including those within the streets described in such contract and the streets within the subdivisions described in such contract.

Bennett Avenue Development Corporation further transfers, assigns and conveys to the City of Council Bluffs all of its right, title and interest in and to the easements over, across and through the following described real estate situated in Pottawattamie County, Iowa, to-wit:

A strip of land 25' in width adjacent to the abandoned right-of-way of the Chicago, Rock Island and Pacific Railroad Company, through the following described property and the abandoned right-of-way of the railroad lying contiguous thereto:

STATE OF IOWA, POTTAWATTAMIE COUNTY
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Dec 15

Donath, Lester

for

William Larson

Deputy

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Lots 2 and 3, Auditor's Subdivision of the SE $\frac{1}{4}$ NW $\frac{1}{4}$,
 Lots 5 and 7 and part of Lot 4, Auditor's Subdivision
 of the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Lot 4, Auditor's Subdivision of the
 SE $\frac{1}{4}$, SW $\frac{1}{4}$, Lot 4 and part of Lots 1 and 2, Auditor's
 Subdivision of the SW $\frac{1}{4}$ SW $\frac{1}{4}$, all in Section 32, Township
 75 North, Range 43 West of the 5th P.M.;

Lots 2 and 5, Auditor's Subdivision of the SE $\frac{1}{4}$ SE $\frac{1}{4}$,
 Section 11, Township 75 North, Range 43 West of the
 5th P.M.;

Lots 2 and 4, Auditor's Subdivision of the NW $\frac{1}{4}$ NW $\frac{1}{4}$,
 part of the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Lot 5, Auditor's Subdivision
 of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and Lot 2 of the Auditor's Subdivision
 of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ all in Section 5, Township 74 North,
 Range 43 West of the 5th P.M.;

Lot 6 in the Auditor's Subdivision of the NE $\frac{1}{4}$ NE $\frac{1}{4}$,
 Lot 6 in the Auditor's Subdivision of the SE $\frac{1}{4}$ NE $\frac{1}{4}$,
 part of Lots 2 and 3, Auditor's Subdivision of the
 NE $\frac{1}{4}$ SE $\frac{1}{4}$, part of Lot 2 of the Auditor's Subdivision
 of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ and part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ all in Section
 6, Township 74 North, Range 43 West of the 5th P.M.;
 and;

Part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and part of the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section
 7, Township 74 North, Range 43 West of the 5th P.M.;

Bennett Avenue Development Corporation further transfers,
 assigns and conveys to the City of Council Bluffs all of its right,
 title and interest in and to an easement 15' in width through
 parts of Lot 3, Auditor's Subdivision, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 32,
 Township 75, Range 43 West.

Bennett Avenue Development Corporation further transfers,
 assigns and conveys to the City of Council Bluffs all of its right,
 title and interest in and to easements in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$,
 Section 12, Township 74, Range 44 West.

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Bennett Avenue Development Corporation further transfers, assigns and conveys to the City of Council Bluffs all of its rights under certain license agreements with Chicago, Milwaukee, St. Paul and Pacific Railroad Company and Chicago, Rock Island and Pacific Railroad Company for the installation of its sanitary sewer facilities along, over and across the rights-of-way of such railroad companies.

Bennett Avenue Development Corporation further transfers, assigns and conveys to the City of Council Bluffs all of its rights, under a written contract with the Iowa State Highway Commission, for the relocation of a portion of the facilities herein transferred and the City of Council Bluffs agrees to carry out such relocation in accordance with the provisions of such contract and as shall be required by the Iowa State Highway Commission.

This bill of sale and assignment shall be subject to the terms and conditions of such written contract between the parties dated November 13, 1967.

Dated this 15th day of November, 1967.

BERNETT AVENUE DEVELOPMENT CORPORATION

By Leonard A. Ranch President

R. S. Halton Secretary

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STATE OF IOWA)
)
POTTAWATTAMIE COUNTY) ss.

Now on this 15th day of November, 1967, before me, a Notary Public in and for said County and State, personally appeared Leonard Ranch and Robert S. Walton, to me personally known and who being first duly sworn on oath depose and state that they are the President and Secretary respectively of Bennett Avenue Development Corporation; that they executed the foregoing instrument on behalf of such corporation by authority of its Board of Directors and that such instrument is the voluntary act and deed of Bennett Avenue Development Corporation.


Thomas Finley
Notary Public