

# COMPARED

2456

## EASEMENT

We, Herbert E. Andersen and Phyllis J. Andersen, husband and wife, of the City of Council Bluffs, County of Pottawattamie, State of Iowa, owners of land described as follows, to-wit:

A part of the abandoned Right-of-Way of the Chicago Rock Island and Pacific Railroad; a part of the Auditor's Subdivision Lots 6 and 7 of the Southwest 1/4 Northwest 1/4, and a part of Lot 2 of the Northwest 1/4, Southwest 1/4 all in Section 5; a part of Lots 7 and 8 of the Southeast 1/4 Northeast 1/4 and a part of Lot 3 of the Northeast 1/4 Southeast 1/4 of Section 6 all in Township 74 North, Range 43 West, Pottawattamie County, Iowa, in the City of Council Bluffs, which is more particularly described as follows:  
Commencing at the West quarter corner of said Section 5 thence N 08°17'45" W, 6.67 feet to the Point of Beginning; thence N 39°19'15" W, 145.00 feet; thence N 49°40'00" E, 190.30 feet; thence S 50°53'05" E, 299.34 feet; thence S 16°23'40" W, 273.42 feet; thence N 89°47'10" W, 398.58 feet; thence N 41°30'25" E, 286.69 feet to the Point of Beginning. Said parcel contains 124,759 square feet (2.864 acres).

In consideration of ONE DOLLAR (\$1.00), receipt of which is acknowledged, hereby grant, bargain sell, convey to James P. Ziolkowski and Carmen F. Ziolkowski, of the City of Council Bluffs, County of Pottawattamie, State of Iowa, grantee, the following:

The right to install, repair, maintain, alter and operate a sanitary sewer in, into, upon, over, across, and under a strip of land not to exceed 10 feet on the most direct route from grantees' property hereinafter described to public sewer along the rear lot line of grantors' property provided that cast iron pipe is used under any building to be constructed.

This easement is for the benefit of and appurtenant to that land, or any portion thereof, in the County of Pottawattamie, State of Iowa, described as follows:

A part of Auditor's Subdivision Lots 6 and 7 SE 1/4 NE 1/4 and a part of Auditor's Subdivision Lot 3 NE 1/4 SE 1/4 in Section 6, Township 74, Range 43, in the City of Council Bluffs, Iowa, which is more particularly described as follows:  
Commencing at the E 1/4 corner of said Section 6 thence N 08°17'45" W, 6.67 feet to the Point of Beginning; thence S 41°30'25" W, 286.69 feet; thence N 89°47'10" W, 235.49 feet to a point at which tangent to a curve bears N 23°10'00" W, thence Northwesterly 147.97 feet on a 318.13 foot radius curve to the right; thence N 49°49'00" E, 322.52 feet; thence S 39°19'15" E, 145.00 feet to the Point of Beginning. Said parcel contains 65,340 square feet (1.500 acres).

In witness whereof, we have hereto set our hands this 16<sup>th</sup> day of August, 1983.

STATE OF IOWA, County of Pottawattamie,  
I, John Scirtino, Recorder,  
do hereby certify that the foregoing is a true and correct copy of the original as recorded in Book 4617 on page 16.

Herbert E. Andersen  
Herbert E. Andersen  
Phyllis J. Andersen  
Phyllis J. Andersen

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STATE OF IOWA }  
POTTAWATTAMIE COUNTY } SS.

We, Herbert E. Andersen and Phyllis J. Andersen, being first duly sworn upon oath do depose and state that we are the Grantors in the above and foregoing Easement; that we have read the same, know the contents thereof and that the same is true and correct as we verily believe.

Herbert E. Andersen  
Herbert E. Andersen

Phyllis J. Andersen  
Phyllis J. Andersen



Subscribed and sworn to before me this 6<sup>th</sup> day of <sup>August</sup> ~~July~~, 1983.

Luta R. Murphy  
Notary Public