

FILED FOR RECORD THE 10 DAY OF 1989

A.D., 1989 at 3:27 o'clock P

399

WAL-MART PROPERTIES, INC.  
TO  
G.A. DIEDRICK & ELLEN CO.

Campbell Smith  
COUNTY RECORDER

RECORD FEES 15.00

Doc # 3874

RECORD 465

PAGE 81

FILED MARCH 16, 1989

## IOWA-ILLINOIS GAS AND ELECTRIC COMPANY

## GAS EASEMENT

This easement prepared by:

G. A. Diedrick, Davenport  
88-61 (Name—City)

(URBAN)

C. O. No.

City of Ottumwa  
WD 463-328

The undersigned owner (s), WAL-MART PROPERTIES, INC., a Delaware corporation

~~and the undersigned to wit:~~

in consideration of \$ 1.00, hereby grant(s) to IOWA-ILLINOIS GAS AND ELECTRIC COMPANY, an Illinois corporation, its successors and assigns, a perpetual right-of-way easement, for the purpose of constructing, reconstructing, operating, maintaining and removing a pipe line for the transportation of gas, oil, petroleum and other substances and all appurtenances and equipment used and useful in the transportation of such substances, together with the right of ingress and egress, upon, under, over, along and across the real

estate located in the City of Ottumwa, Wapello County, Iowa, described as follows:

The southerly ten (10) feet of the following described property.

SEE LEGAL DESCRIPTION ATTACHED AND BY THIS  
REFERENCE MADE A PART HEREOF.

No building shall be constructed and/or changes shall be made in ground elevation by the grantor within the easement area without written permission from the Company indicating that said construction and/or ground elevation changes will not interfere with Company's rights to operate and maintain its facilities.

Signed, sealed and delivered this 7<sup>th</sup> day of February 1989

WAL-MART PROPERTIES, INC.

Curtis H. Barlow

By: Curtis H. Barlow  
Vice President of Real Estate

By: W. G. Rothwell  
Assistant Secretary

STATE OF \_\_\_\_\_ } ss.  
COUNTY OF \_\_\_\_\_ }

I, \_\_\_\_\_, a Notary  
Public in and for the County and State aforesaid, do hereby certify  
that \_\_\_\_\_

personally known to me to be the same person(s) whose name(s) is  
(are) subscribed to the foregoing instrument, appeared before me this  
day in person and acknowledged that \_\_\_\_\_

signed, sealed and delivered the said instrument as \_\_\_\_\_  
free and voluntary act for the uses and purposes therein set forth.  
Given under my hand and official seal, this \_\_\_\_\_ day of \_\_\_\_\_

A.D. 19

Notary Public in and for said County

(Notarial Seal)

2. STATE OF Arkansas  
County of Benton ss.

On this 7th day of February, A. D. 1989, before me, a Notary Public in and for said county personally appeared Carl H. Bonlaw and W. G. Botwell to me personally known, who being by me duly sworn did say that they are Vice president and Assistant secretary, respectively, of said WAL-MART Properties, Inc. using the seal ~~that said instrument was signed~~ on behalf of said corporation by authority of its Board of Directors, and the said Vice President and Assistant Secretary acknowledged the execution of said instrument to be the voluntary act and deed of said corporation by it voluntarily executed.

(Notarial Seal)

Cathy K. K.  
Notary Public in and for said County

My Commission Expires Oct. 28, 1994

FORM TL-11

GAS EASEMENT  
(URBAN)

to  
IOWA-ILLINOIS GAS AND ELECTRIC COMPANY

STATE OF \_\_\_\_\_  
\_\_\_\_\_ COUNTY

Filed for record \_\_\_\_\_

\_\_\_\_\_, 19\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

and recorded in Book \_\_\_\_\_

of \_\_\_\_\_

page \_\_\_\_\_

\_\_\_\_\_, Recorder

\_\_\_\_\_, Deputy

LEGAL DESCRIPTION

8

A part of Government Lot Four (4), in Section Twenty-three (23), Township Seventy-two (72) North, Range Fourteen (14) West of the 5th P.M., in the City of Ottumwa, Wapello County, Iowa together with a part of the Accretions belonging to said part of Government Lot Four (4), being otherwise known and described as a part of Auditor's Lot One (1), a part of Auditor's Lot Three (3) and a part of Auditor's Lot Five (5) of said Government Lot Four (4) located in a part of the Southeast Quarter (SE $\frac{1}{4}$ ) of said Section 23, ALSO, a part of Government Lot One (1), in Section Twenty-six (26), Township Seventy-two (72) North, Range Fourteen (14) West of the 5th P.M., in the City of Ottumwa, Wapello County, Iowa, together with all of the accretions belonging to said part of Government Lot One (1), being otherwise known and described as a part of Auditor's Lot One (1) and a part of Auditor's Lot Two (2) of said Government Lot One (1) located in the Northeast Quarter (NE $\frac{1}{4}$ ) of said Section 26, being more particularly described as follows, to-wit:

A part of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section 23 and also a part of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 26, all in Township 72 North, Range 14 West of the 5th P.M., in the City of Ottumwa, Wapello County, Iowa, described as follows, to-wit: Commencing at the North One-quarter (N $\frac{1}{4}$ ) corner of said Section 26; thence North 89° 55' 50" East along the North line of said Section 26, a distance of 52.01 feet to the Southeast Corner of the right of way acquired by the State of Iowa by Warranty Deed from David J. Thorne and Anna Thorne, filed for Record on the 5th Day of February 1963 in Book 307, Page 376 in the Office of the Recorder, Wapello County, Iowa, said point also being the point of beginning of the Tract of Land herein described; thence North 00° 40' 30" East along the East right of way line of Quincy Ave., a distance of 49.58 feet; thence leaving the said right of way line and running South 89° 53' East, a distance of 184.80 feet; thence North 00° 07' East, a distance of 235.00 feet; thence North 89° 53' West, a distance of 182.51 feet to a point on the said East right of way line of Quincy Ave.; thence North 00° 40' 30" East along the said East right of way line of Quincy Ave., a distance of 65.00 feet; thence leaving the said right of way line and running South 89° 53' East, a distance of 181.88 feet; thence North 00° 07' East, a distance of 193.00 feet to a point on the South right of way line of U. S. Highway No. 34 as found described of Record in said Book 307, Page 376; thence South 89° 53' East along the said South right of way line of U. S. Highway No. 34 as found described in Book 307, Page 376 and also found described in Book 307, Page 378, in the said Office of the Recorder, Wapello County, Iowa on a line that is 135 feet normally distant Southerly from centerline of Primary Road No. U. S. 34, a distance of 534.00 feet; thence leaving the said right of way line and running South 00° 07' West, a distance of 566.00 feet; thence North 89° 53' West, a distance of 104.00 feet; thence South 00° 07' West, a distance of 159.70 feet; thence South 89° 53' East, a distance of 150.00 feet; thence South 00° 07' West, a distance of 190.00 feet; thence South 45° 07' West, a distance of 14.14 feet; thence North 89° 53' West, a distance of 778.14 feet to a point on the East right of way line of the said Quincy Ave., said point also being 30.00 feet East of the West line of the said Northeast Quarter (NE $\frac{1}{4}$ ) of Section 26; thence North 00° 14' 30" East along the said East right of way line of Quincy Ave., a distance of 64.70 feet; thence leaving the said right of way line and running South 89° 53' East, a distance of 188.00 feet; thence North 00° 07' East, a distance of 270.00 feet; thence North 89° 53' West, a distance of 187.41 feet to a point on the said East right of way line of Quincy Ave.; thence North 00° 14' 30" East along the said East right of way line of Quincy Ave., a distance of 48.36 feet to a point on the North line of the said Northeast Quarter (NE $\frac{1}{4}$ ) of Section 26; thence North 89° 55' 50" East along the said North line of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 26, a distance of 22.01 feet to the point of beginning, containing 536,786.53 square feet or 12.322 acres.