

COMPARED

Pottawattamie County, IA 2008-007803
Recorder John Sciortino
Book-Page: 2008-007803
File Time: 06/02/2008 @ 08:39:55 AM
Rec-\$25.00 Aud-\$0.00 RMA-\$1.00 ECM-\$1.00
Current Transfer Tax Paid: \$0.00



R Fee 25.00

A Fee _____

T Tax _____

Prepared by & Return to: KATHLEEN SCHOMER KOHORST, Attorney at law, (AT0004393),
P.O. BOX 722, HARLAN, IA 51537 (712-755-3156)

ACCESS EASEMENT

KNOW ALL MEN BY THESE PRESENTS: That Homegrown Investments, L.L.C., a limited liability company, (Grantor), in consideration of the sum of One Dollar (\$1.00), paid to them by the City of Shelby, Iowa, a municipal corporation, (Grantee), receipt of which is hereby acknowledged, does hereby grant to the said City of Shelby, Iowa, an ingress and egress easement for public use as a street over the following described real estate now owned by Homegrown Investments, L.L.C., in the County of Pottawattamie, State of Iowa, to-wit:

An access easement 20.00 feet wide over a portion of a parcel of land located in the Southeast Quarter of the Fractional Northwest Quarter of Section 4, Township 77 North, Range 40 West of the 5th Principal Meridian, Pottawattamie County, Iowa, said parcel of land is described on a Warranty Deed of record at the Pottawattamie County Recorder's Office in Book 2007, Page 012058, the easement is more particularly described as follows:

Commencing at the Northeast Corner of the Fractional Northwest Quarter of said Section 4; thence South 02° 03'03" West (All bearings referenced to Grid North Iowa State Plane Coordinate System, South

Zone) along the East line of said Fractional Northwest Quarter a distance of 1795.60 feet; thence North 87° 56'57" West a distance of 71.22 feet to a point on the West right-of-way line of East Street, said point being the point of beginning; thence South 02° 26'03" West along said West right-of-way line a distance of 73.79 feet; thence South 08° 08'41" West along said West along said West right-of-way line a distance of 140.40 feet to the Northeast Corner of a parcel of land described on a deed in Book 98 Page 57159 at the Pottawattamie County Recorder's Office; thence South 86° 50'10" West along the North line of said parcel of land a distance of 20.08 feet; thence North 08° 08'41" East a distance of 141.15 feet; thence North 02° 26'03" East a distance of 72.66 feet; thence South 87° 56'57" East a distance of 20.00 feet to the point of beginning.

1. Said right of ingress and egress to the public, shall be for the limited purpose of accessing said Grantee's real estate known as Agri Symbol Park, described as follows:

A tract of land located in the Northwest ¼ of Section 4, Township 77 North, Range 40 West of the 5th P.M., Pottawattamie County, Iowa and being described as follows: Commencing at the North ¼ corner of said Section 4, thence South 0°58'49" West along the East line of said Northwest 1/4, 1775.30 feet; thence North 89°01'11" West, 70.00 feet, said point being on the West right of way line of Iowa Highway No. 168; thence South 0°58'49" West along said right of way line, 95.00 feet; thence South 6°35'49" West along said right of way line, 140.40 feet to the point of beginning; thence continuing South 6°35'49" West along said right of way line, 60.57 feet to a point on the Northerly right of way line of Interstate Highway No. 80; thence South 45°58'09" West along said right of way line, 174.47 feet; thence South 72°03'46" West along said right of way line, 49.57 feet; thence North 0°58'49" East, 200.82 feet; thence South 88°40'10" East, 176.17 feet to the point of beginning, and containing 0.56 acres (24,307 sq. ft.) more or less.

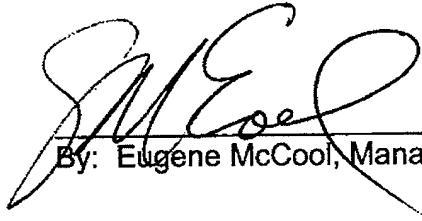
2. The Grantor, its successors, grantees and assigns, as members of the public, may also use and enjoy the access easement as above described.

3. Grantee shall maintain the said access easement in good order and repair.

4. This access easement shall run with the land and shall be binding upon the parties hereto, its successors, grantees and assigns.

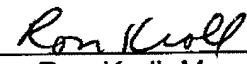
GRANTOR:

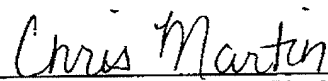
Homegrown Investments, L.L.C.


By: Eugene McCool, Manager

GRANTEE:

The City of Shelby, Iowa


By: Ron Kroll, Mayor

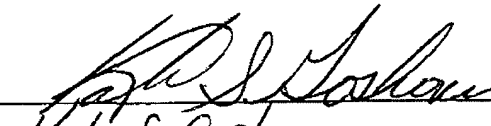

By: Chris Martin, City Clerk

AT0004393



STATE OF IOWA, COUNTY OF POTTAWATTAMIE, ss:

On this _____ day of _____, before me, a Notary Public in and for the said State, personally appeared Eugene McCool, to me personally known, who being by me duly sworn did say that that person is Manager (Insert title of executing member) of said limited liability company, that ~~(the seal of said limited liability company is the seal of said)~~ (no seal has been procured by the said) limited liability company and that said instrument was signed ~~(and sealed)~~ on behalf of the said limited liability company by authority of its managers and the said Eugene McCool acknowledged the execution of said instrument to be the voluntary act and deed of said limited liability company by it voluntarily executed.



Katie S. Goshorn, Notary Public in and for said State.



(Section 558.39, Code of Iowa)

Acknowledgment: For use in the case of limited liability companies



STATE OF IOWA, COUNTY OF POTTAWATTAMIE, ss:

On this 21st day of May 2008, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Ron Kroll and Chris Martin, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Shelby, Iowa; a municipal corporation; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council, as contained in Ordinance No. Resolution 5-08 passed by Resolution of the City Council under Roll Call No. _____ of the City Council on the 6 day of May 2008, _____; and Ron Kroll and Chris Martin acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

Katie S. Goshorn
Katie S. Goshorn, Notary Public in and for said State.

(Section 558.39, Code of Iowa)

Acknowledgment: For use in the case of municipalities

