

COMPARED ✓

Pottawattamie County, IA 2007-016281  
Recorder John Sciortino  
Book-Page: 2007-016281  
File Time: 10/10/2007 @ 02:25:41 PM  
Rec-\$15.00 Aud-\$0.00 RMA-\$1.00 ECM-\$1.00  
Current Transfer Tax Paid: \$0.00



R Fee 15.00  
A Fee \_\_\_\_\_  
T Tax \_\_\_\_\_

Prepared by: Craig A. Knickrehm, ISBA #18671, Walentine, O'Toole, McQuillan & Gordon, P.O. Box 540125, Omaha, NE 68154-0125  
\* Return to: Todd Cook, 13233 Wabash Avenue, Council Bluffs, IA 51503-7065

**EASEMENT FOR SANITARY SEWER**

For the consideration of One and 00/100 (\$1.00) Dollars and other good and valuable consideration in hand paid by Terry Uhl, Larry Uhl, and Todd Cook, as tenants in common, the owners of the North Half (N1/2) of Lot 5 and 6, Block 32, Everett's Addition, Council Bluffs, Pottawattamie County, Iowa, hereby grant to Terry Uhl, Larry Uhl, and Todd Cook, as tenants in common, being the owners of the South Half (S1/2) of Lots 5 and 6, Block 32, Everett's Addition, Council Bluffs, Pottawattamie County, Iowa, and their successors and assigns, a permanent easement for the purpose of constructing, reconstructing, repairing, enlarging and maintaining a sanitary sewer together with necessary appurtenances thereto in, to, on, over and across the following described real estate.

The West 10.00 Feet of the East 35.00 Feet of the N1/2 of Lots 5 and 6, Block 32, Everett's Addition, Council Bluffs, Pottawattamie County, Iowa ("Easement Area")

This easement shall be subject to the following terms and conditions:

1. **ERECTION OF STRUCTURES PROHIBITED:** Grantor shall not erect any structure over or within the Easement Area without obtaining the prior written consent of the owner of the South Half (S1/2) of Lots and 5 and 6, Block 32, Everett's Addition, Council Bluffs, Pottawattamie County, Iowa.
2. **CHANGE OF GRADE PROHIBITED:** Grantor shall not change the grade, elevation, or contour of any part of the Easement Area without obtaining the prior written consent of the owner of the South Half (S1/2) of Lots and 5 and 6, Block 32, Everett's Addition, Council Bluffs, Pottawattamie County, Iowa.
3. **RIGHT OF ACCESS:** The owner of the South Half (S1/2) of Lots 5 and 6, Block 32, Everett's Addition, Council Bluffs, Pottawattamie County, Iowa, shall have the right of access to the Easement Area and have all rights of ingress and egress reasonably necessary for the use and enjoyment of the Easement Area as herein described.
4. **SURFACE RESTORATION:** In the event surface restoration is necessary, the owner of the South Half (S1/2) of Lots 5 and 6, Block 32, Everett's Addition, Council Bluffs, Pottawattamie County, Iowa, shall be responsible to restore any surface disturbed by repairs to the sanitary sewer contained within the Easement Area.

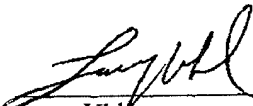
5. **DUTY TO REPAIR:** The owner of the South Half (S1/2) of Lots 5 and 6, Block 32, Everett's Addition, Council Bluffs, Pottawattamie County, Iowa, agrees that any improvements outside of the Easement Area which may be damaged as a result of any entry made through an exercise of any right of access to the Easement Area shall be repaired at no expense to the Grantor.
6. **EASEMENT RUNS WITH LAND:** This easement shall be deemed to run with the land and shall be binding on Grantor and on Grantor's successors and assigns.

Grantors do hereby covenant with grantees, and successors in interest, that grantors hold the real estate by title in fee simple; that they have good and lawful authority to sell and convey the real estate; that the real estate is free and clear of all liens and encumbrances except as may be above stated; and grantors covenant to warrant and defend the real estate against the lawful claims of all persons except as may be above stated. Each of the undersigned hereby relinquishes all rights of dower, homestead and distributive share in and to the easement.

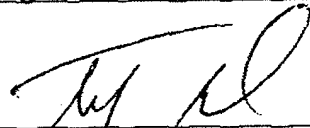
Words and phrases herein including acknowledgement hereof, shall be construed as in the singular or plural number and as masculine or feminine gender, according to context.

DATED this 9 day of October, 2007.


By:

  
 Larry Uhl  
 1218 So. 61st  
 Omaha, NE 68106

By:

  
 Terry Uhl  
 107 Dorset  
 Council Bluffs, IA 51503

By:

  
 Todd Cook  
 13233 Wasbash Avenue  
 Council Bluffs, IA 51503

Notarial Seal Iowa  
 Glenda Doupe  
 Commission No. 224169  
 My Commission Expires:  
 March 16, 2008

STATE OF IOWA

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