

INST. NO. 19858
POLK COUNTY, IOWA
FILED FOR RECORD

OCT 26 1983

AT

A.M.
P.M.

PERMANENT EASEMENT

Easement No. _____

KATHY SHINE HOLSCHEM, Recorder
By [Signature] Deputy

That we, the undersigned, RANDY MILLER ~~and~~ ~~MILLER & MILLER~~, as tenant only, of the County of Polk, State of Iowa, in consideration of \$ 420.00 in hand paid by the CITY OF ANKENY, IOWA, the receipt of which is hereby acknowledged, do hereby sell, grant and convey unto the City of Ankeny, Iowa, a municipal corporation, in the County of Polk, State of Iowa, an easement under, through and across the following described real estate:

Ankeny
10-3-83
A continuous tract of land in the southwest fractional quarter of Section 18, Township 80 North, Range 23 West of the 5th P.M., Polk County, Iowa, with the west line of said southwest fractional quarter having an assumed true bearing of N 00°00'E, with all subsequent bearings referenced therefrom, with said tract being more particularly described as follows:

A tract of land 60.0 feet in width west of the west right-of-way line of Interstate 35, beginning at a point 282.1 feet north of the south line of said section; thence northerly approximately 1,065.3 feet along the west right-of-way line of Interstate 35 to a point on the north line of the southwest fractional quarter of the southwest fractional quarter of said section.

Further, the undersigned hereby grants unto the CITY OF ANKENY, IOWA, a temporary easement, during the period of construction only, over and across the following described real estate:

A temporary easement during construction of the sanitary sewers, but not thereafter, shall be 200.0 feet in width west of the west right-of-way line of Interstate 35. The temporary easement shall also include a tract of land 40.0 feet in width and north of a line beginning at a point 282.1 feet north of the southwest corner of said Section 18 and 33.0 feet east of the west line of said Section 18; thence N 90°00'E, a distance of 378.1 feet.

That said easements are granted unto the CITY OF ANKENY, IOWA, for the purpose of the construction, installation and maintenance of a sanitary sewer. In connection herewith it is specifically agreed that by this easement, the CITY OF ANKENY, IOWA, shall have the right to enter upon said premises as shall be necessary to construct, reconstruct, inspect, repair, operate and maintain and service any and all of said improvements and all appurtenances thereof, together with the right to use and operate said improvements as it deems necessary. The said municipal corporation shall restore said described land to a satisfactory condition after construction and/or maintenance in substantially the same condition as prior to entry.

The within easement grant shall be binding upon the heirs, assigns and transferees of the owners herein and shall be perpetual unto the CITY OF ANKENY, IOWA, except that the construction easements, above described, shall be for the period of construction only.

92

The undersigned property owners warrant with the City, and its successors in interest, that they hold said real estate by title and fee simple; that they have good and lawful authority to sell and convey the same; and further covenant to warrant and defend the said premises against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, we have hereunto affixed our hands this 11 day of October, 1983.

Randy B. Miller
RANDY MILLER ~~and~~ ~~MILLER & MILLER~~
amb RMB

STATE OF IOWA)
) SS:
COUNTY OF FOLK)

On this 11th day of October, 1983, before me, the undersigned, a Notary Public in and for said County and State, personally appeared RANDY MILLER ~~and~~ ~~MILLER & MILLER~~ amb RMB to me personally known to be the identical persons named in and who executed the within and foregoing instruments, and acknowledged that he executed the same as his voluntary act and deed.

Rosaine R. Elias
Notary Public in and for said
County and State



Res # 256-83

Copy Pat Buck

RESOLUTION AUTHORIZING PAYMENT FOR ACQUISITION
OF CERTAIN INTEREST IN REAL ESTATE

BE IT RESOLVED, this council by previous resolution has authorized the construction of the 1983 sanitary sewer improvement project; and

WHEREAS, the aforesaid project cannot be completed without the acquisition of the property hereinafter described; and

WHEREAS, the council feels it to be in the best interest of the City to acquire said real estate for the price or prices set opposite the description of the same.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Ankeny, Iowa, that the City Clerk should be and she is hereby authorized and directed to make payment to those parties whose names appear below in the amount said opposite their names for the acquisition of the real estate hereinafter described:

<u>Titleholder</u>	<u>Legal Description</u>	<u>Amount</u>
<u>ELWELL'S, INC.:</u>		\$7,000.00 # 11534 10-17-83
	Three tracts of land in the southeast quarter of the southeast quarter of Section 14, Township 80 North, Range 24 West of the 5th Principal Meridian, Polk County, Iowa, and a tract of land in Lot 9, Parkview Terrace Plat 3, an official plat in the City of Ankeny, Polk County, Iowa, with the east line of said southeast quarter of Section 14 having an assumed true bearing of N 00°00'W	
<u>LEONARD J. AND VIOLA STRUTHERS:</u>		\$1,500.00 # 11535 10-17-83
	A tract of land in Lot 5, Block 3, Town of Ankeny, an official plat in the City of Ankeny, Polk County, Iowa.	
<u>RANDY MILLER</u>		\$450.00 # 11535 10-17-83
	A continuous tract of land in the southwest fractional quarter of Section 18, Township 80 North, Range 23 West of the 5th P.M., Polk County, Iowa, with the west line of said southwest fractional quarter having an assumed true bearing of N 00°00'E, with all subsequent bearings referenced therefrom.	

DATED this 17th day of October, 1983, at Ankeny Iowa.

Mayor
MAYOR, City of Ankeny

BOOK 5299 PAGE 187

" Res # 256-83 (10-17-83)

ATTEST:

John L. Gains
City Clerk