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Fee Amt: \$14.00 Page 1 of 2
Revenue Tax: \$0.00
Polk County Iowa
JULIE M. HAGGERTY RECORDER
File# 2011-00014318

BK 13555 PG 762-763

RETURN TO:

Prepared by, and when recorded return to: Jennifer Drake, Hubbell Realty Company, 6900 Westown Parkway, West Des Moines, Iowa 50266, (515) 280-2057

SPACE ABOVE THIS LINE FOR RECORDER

**PARTIAL VACATION AND RELEASE OF
SANITARY SEWER EASEMENTS**

KNOW ALL MEN BY THESE PRESENTS: That the **TUSCANY OWNERS ASSOCIATION**, an Iowa non-profit corporation, ("HOA"), in consideration of **TUSCANY RESERVE, LLC**, an Iowa limited liability company, granting sanitary sewer easements to the HOA, and other good and valuable consideration, the receipt of which is hereby acknowledged by the HOA, does hereby vacate and release unto **TUSCANY RESERVE, LLC**, that part of the perpetual Sanitary Sewer Easements granted to the HOA as shown on the Final Plat of Tuscany Plat 1, described as follows:

1. A ten foot (10.0') strip of land used for Private Sanitary Sewer Easement that is to be abandoned located in the Southern 5.00 feet, parallel and adjacent to the Southern line of Lot 10 and the Northern 5.00 feet, parallel and adjacent to the Northern line of Lot 9, all in the Official Plat of Tuscany Plat 1, now including in and forming a part of the City of Altoona, Polk County, Iowa, more particularly shown on said Tuscany Plat 1.
2. A ten foot (10.0') strip of land used for Private Sanitary Sewer Easement that is to be abandoned located in the Southern 5.00 feet, parallel and adjacent to the Southern line of Lot 11 and the Northern 5.00 feet parallel, and adjacent to the Northern line of Lot 10, all in the Official Plat of Tuscany Plat 1, now including in and forming a part of the City of Altoona, Polk County, Iowa, more particularly shown on said Tuscany Plat 1.
3. A ten foot (10.0') strip of land used for Private Sanitary Sewer Easement that is to be abandoned located in the Southern 5.00 feet, parallel and adjacent to the Southern line of Lot 13 and the Northern 5.00 feet parallel, and adjacent to the Northern line of Lot 12, all in the Official Plat of Tuscany Plat 1, now including in and forming a part of the City of Altoona, Polk County, Iowa, more particularly shown on said Tuscany Plat 1.
4. A ten foot (10.0') strip of land used for Private Sanitary Sewer Easement that is to be abandoned located in Lots 1, 2, 13, and 14, described as:

Beginning at the Northeast corner of Lot 13, thence Northwesterly along a 57 foot radius curve concave Easterly, 5.21 feet (chord bearing N16°12'37"W, 5.21 feet); thence N89°56'30"W, 155.32 feet; thence N44°56'32"W, 115.19 feet; thence S45°03'28"W, 10.00 feet; thence S44°56'32"E, 119.38 feet; thence N89°59'21"E, 162.79 feet; thence Northwesterly along a 57 foot radius curve concave Easterly, 5.20 feet (chord bearing N21°26'32"W, 5.21 feet) to the Point of Beginning; all in the Official Plat of Tuscany Plat 1, now including in and forming a part of

the City of Altoona, Polk County, Iowa, more particularly shown on said Tuscany Plat 1.

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

Signed this 29th day of July, 2010.

TUSCANY OWNERS ASSOCIATION

By: *Joseph F. Pietruszynski*
Joseph F. Pietruszynski, Vice President

By: *Jennifer L. Drake*
Jennifer L. Drake, Secretary

STATE OF IOWA)
)SS.
COUNTY OF DALLAS)

On this 29th day of July, 2010, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Joseph F. Pietruszynski and Jennifer L. Drake, to me personally known, who, being by me duly sworn, did say that they are the Vice President and Secretary, respectively, of Tuscany Owners Association; that the foregoing instrument was signed on behalf of said corporation by authority of its Board of Directors, and that the said Joseph F. Pietruszynski and Jennifer L. Drake, as such officers, acknowledged the execution of the foregoing instrument to be the voluntary act and deed of said corporation by it and by them voluntarily executed.



Tina M. Newbury
Notary Public in and for said State