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Fee Amt: \$22.00 Page 1 of 4
Revenue Tax: \$0.00
Polk County Iowa
JULIE M. HAGGERTY RECORDER
File# 2015-00044875

BK **15356** PG **364-367**

RETURN TO:

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

SPACE ABOVE THIS LINE FOR RECORDER

SANITARY SEWER EASEMENT

KNOW ALL MEN BY THESE PRESENTS: That **TUSCANY TWINHOMES, LLC** an Iowa limited liability company and **TUSCANY RESERVE, LLC**, an Iowa limited liability company, (hereinafter to be collectively referred to herein as "Grantor"), in consideration of the sum of One Dollar (\$1.00) to be paid by the City of Altoona, Iowa, and other good and valuable consideration, the receipt of which is hereby acknowledged by the Grantor, does hereby sell, grant and convey unto the **CITY OF ALTOONA, IOWA**, an Iowa municipal corporation, ("City"), perpetual Sanitary Sewer Easements under, over, through and across the estate described on the attached Exhibit A, (hereinafter the "Easement Area"), for the purpose of the City constructing, reconstructing, repairing, enlarging and maintaining the sanitary sewer, together with necessary appurtenances thereto, over, under, through and across said Easement Area.

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

1. **Erection of Structures Prohibited.** Grantor shall not erect any structure, building, or fence over or within the Easement Area without obtaining the prior written approval of the City Engineer.
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 City Engineer.
3. **Maintenance of Easement.** Each owner or occupant of a Lot upon which this Easement Area lies shall keep and preserve that portion of the Easement Area within such owner or occupant's property in good repair and condition at all times, and shall not plant or permit to grow any trees or vegetative growth which might reasonably be expected to obstruct or impair the sanitary sewer.
4. **Right of Access.** The City 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, including, but not limited to, the right to remove any unauthorized obstructions or structures placed or erected on the Easement Area.
5. **Easement Runs With Land.** This Easement shall be deemed to run with the land and shall be binding upon Grantor and Grantor's successors and assigns.
6. **Maintenance.** The City shall not be responsible for any maintenance of the land located within the Easement Area whatsoever and that responsibility shall remain with the Grantor, its grantees, assigns or transferees. The City may, however, perform such maintenance should it determine in its sole discretion such maintenance is needed.

STATE OF IOWA)
)SS.
COUNTY OF DALLAS)

This instrument was acknowledged before me on September 10th, 2014 by Joseph F. Pietruszynski and Jennifer L. Drake as a Vice President and an Assistant Secretary, respectively, of Hubbell Realty Company, an Iowa corporation and the Managing Member of **Tuscany Reserve, LLC**, an Iowa limited liability company.

Sarah Cutshall
Notary Public in and for said State



EXHIBIT A
SANITARY SEWER EASEMENT
LEGAL DESCRIPTION

A thirty foot Public Sanitary Sewer Easement being a part of Lots 1 Thru 12 and Lot A of Tuscany Townhomes Plat 1 and Outlot V and Outlot Y of Tuscany Plat 1 both being included in and forming a part of the City of Altoona, Polk County, Iowa being more particularly described as follows:

Commencing at the Southeast of Lot 2 of Tuscany Townhomes Plat 1; thence N00°18'22"W, 15.39 feet to the Point of Beginning; thence S89°41'29"W, 2.00 feet; Thence N00°18'22"W, 173.54 feet; thence N89°41'29"E, 30.00 Feet; thence S00°18'22"E, 74.99 feet; thence N89°41'38"E, 506.38 feet; thence N81°26'33"E, 276.11 Feet; thence S08°33'27"E, 30.00 feet; thence S81°26'33"W, 278.27 Feet; thence S89°41'38"W, 508.55 Feet; thence S00°18'22"E, 68.55 feet; thence S89°41'29"W, 28.00 Feet to the Point of Beginning.