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Revenue Tax: \$0.00
Polk County Iowa
JULIE M. HAGGERTY RECORDER
File# 2016-00016013

BK **16142** PG **567-574**

RETURN TO:

Prepared by: David L. Wetsch, 974 - 73rd Street, Suite 20, Des Moines, IA 50324 *513-223-6000*
~~Return Address:~~ City Clerk - City Hall, 5160 Maple Drive, Suite A, Pleasant Hill, IA 50327
Title of Document: Easement for Temporary Street Turn-Around, Construction, Overland Flowage, Grading, Storm Sewer, Sanitary Sewer, and Water Main
Grantor's Name: Sunrise Developing Company a/k/a Sunrise Developing Co., Inc.
Grantee's Name: City of Pleasant Hill, Iowa
Legal Description: Below on this page

Project: Activity ID #
Project Location: Parcel # - Address

**COMBINED TEMPORARY EASEMENT FOR STREET TURN-AROUND,
CONSTRUCTION, OVERLAND FLOWAGE, GRADING, STORM SEWER,
SANITARY AND WATER MAIN AND OVERLAND FLOWAGE**

(Dedication Incident to Platting)

SUNRISE DEVELOPING COMPANY a/k/a SUNRISE DEVELOPING CO., INC., an Iowa corporation (hereinafter referred to as the "Grantor") in consideration of One Dollar (\$1.00) and other good and valuable consideration, does hereby grant and convey unto the City of Pleasant Hill, Iowa, a municipal corporation (hereinafter referred to as the "City"), a Temporary Street Easement and a Temporary Construction, Overland Flowage, Grading, Storm Sewer, Sanitary Sewer and Water Main Easement over and across the following described property:

1. Temporary Construction and Street Turn-Around:

Commencing at the Southwest Corner of Gladbury Park Plat 4, an Official Plat of the City of Pleasant Hill, Polk County, Iowa; thence North 86° 56' 51" West, 85.51 feet along the South line of the Northwest Fractional Quarter of Section 3, Township 78 North, Range 23 West of the 5th P.M., to the Point of Beginning; thence South 3° 29' 12" East, 150.00 feet; thence North 86° 56' 51" West, 130.85 feet; thence North 3° 29' 12" West, 150.00 feet; thence South 86° 56' 51" East, 130.85 feet along the South line of the Northwest Fractional Quarter of said Section 3 to the Point of Beginning, containing 0.45 acres, more or less;

2. Temporary Overland Flowage and Grading:

2a) Overland Flowage:

Commencing at the Southwest Corner of Gladbury Park Plat 4, an Official Plat of the City of Pleasant Hill, Polk County, Iowa; thence North $86^{\circ} 56' 51''$ West, 216.36 feet along the South line of the Northwest Fractional Quarter of Section 3, Township 78 North, Range 23 West of the 5th P.M., to the Point of Beginning; thence South $3^{\circ} 29' 12''$ East, 150.00 feet; thence North $86^{\circ} 56' 51''$ West, 378.33 feet; thence North $3^{\circ} 03' 09''$ East, 149.02 feet; thence South $86^{\circ} 56' 51''$ East, 361.25 feet along the South line of the Northwest Fractional Quarter of said Section 3 to the Point of Beginning, containing 1.27 acres, more or less.

2b) Grading:

Commencing at the Southwest Corner of Gladbury Park Plat 4, an Official Plat of the City of Pleasant Hill, Polk County, Iowa; thence North $86^{\circ} 56' 51''$ West, 216.36 feet along the South line of the Northwest Fractional Quarter of Section 3, Township 78 North, Range 23 West of the 5th P.M., to the Point of Beginning; thence South $3^{\circ} 29' 12''$ East, 150.00 feet; thence North $86^{\circ} 56' 51''$ West, 378.33 feet; thence North $3^{\circ} 03' 09''$ East, 149.02 feet; thence South $86^{\circ} 56' 51''$ East, 361.25 feet along the South line of the Northwest Fractional Quarter of said Section 3 to the Point of Beginning, containing 1.27 acres, more or less.

2c) Overland Flowage:

Commencing at the Southwest Corner of Gladbury Park Plat 4, an Official Plat of the City of Pleasant Hill, Polk County, Iowa; thence North $86^{\circ} 56' 51''$ West, 829.56 feet along the South line of the Northwest Fractional Quarter of Section 3, Township 78 North, Range 23 West of the 5th P.M., to the Point of Beginning; thence South $3^{\circ} 03' 09''$ West, 50.00 feet; thence North $86^{\circ} 56' 51''$ West, 50.00 feet; thence North $3^{\circ} 03' 09''$ West, 50.00 feet; thence South $86^{\circ} 56' 51''$ East, 50.00 feet along the South line of the Northwest Fractional Quarter of said Section 3 to the Point of Beginning, containing 0.06 acres, more or less.

3. Temporary Construction:

Commencing at the Southwest Corner of Gladbury Park Plat 4, an Official Plat of the City of Pleasant Hill, Polk County, Iowa; thence North $86^{\circ} 56' 51''$ West, 829.56 feet along the South line of the Northwest Fractional Quarter of Section 3, Township 78 North, Range 23 West of the 5th P.M., to the Point of Beginning; thence South $3^{\circ} 03' 09''$ West, 50.00 feet; thence North $86^{\circ} 56' 51''$ West, 50.00 feet; thence North $3^{\circ} 03' 09''$ West, 50.00 feet; thence South $86^{\circ} 56' 51''$ East, 50.00 feet along the South line

of the Northwest Fractional Quarter of said Section 3 to the Point of Beginning, containing 0.06 acres, more or less.

4. Temporary Storm Sewer:

4a) Temporary Storm Sewer:

Commencing at the Southwest Corner of Gladbury Park Plat 4, an Official Plat of the City of Pleasant Hill, Polk County, Iowa; thence North $86^{\circ} 56' 51''$ West, 829.56 feet along the South line of the Northwest Fractional Quarter of Section 3, Township 78 North, Range 23 West of the 5th P.M., to the Point of Beginning; thence South $3^{\circ} 03' 09''$ West, 50.00 feet; thence North $86^{\circ} 56' 51''$ West, 50.00 feet; thence North $3^{\circ} 03' 09''$ West, 50.00 feet; thence South $86^{\circ} 56' 51''$ East, 50.00 feet along the South line of the Northwest Fractional Quarter of said Section 3 to the Point of Beginning, containing 0.06 acres, more or less;

4b) Temporary Storm Sewer:

Commencing at the Southwest Corner of Gladbury Park Plat 4, an Official Plat of the City of Pleasant Hill, Polk County, Iowa; thence North $86^{\circ} 56' 51''$ West, 110.72 feet along the South line of the Northwest Fractional Quarter of Section 3, Township 78 North, Range 23 West of the 5th P.M., to the Point of Beginning; thence South $3^{\circ} 29' 12''$ East, 40.00 feet; thence North $86^{\circ} 56' 51''$ West, 20.13 feet; thence North $3^{\circ} 29' 12''$ East, 40.00 feet; thence South $86^{\circ} 56' 51''$ East, 20.13 feet along the South line of the Northwest Fractional Quarter of said Section 3 to the Point of Beginning, containing 800 square feet, more or less;

4c) Temporary Storm Sewer:

Commencing at the Southwest Corner of Gladbury Park Plat 4, an Official Plat of the City of Pleasant Hill, Polk County, Iowa; thence North $86^{\circ} 56' 51''$ West, 480.91 feet along the South line of the Northwest Fractional Quarter of Section 3, Township 78 North, Range 23 West of the 5th P.M., to the Point of Beginning; thence South $3^{\circ} 03' 09''$ West, 40.00 feet; thence North $86^{\circ} 56' 51''$ West, 30.00 feet; thence North $3^{\circ} 03' 09''$ East, 40.00 feet; thence South $86^{\circ} 56' 51''$ East, 30.00 feet along the South line of the Northwest Fractional Quarter of said Section 3 to the Point of Beginning, containing 1,200 square feet, more or less.

5. Temporary Water Main:

5a) Temporary Water Main:

Commencing at the Southwest Corner of Gladbury Park Plat 4, an Official Plat of the

City of Pleasant Hill, Polk County, Iowa; thence North $86^{\circ} 56' 51''$ West, 150.98 feet along the South line of the Northwest Fractional Quarter of Section 3, Township 78 North, Range 23 West of the 5th P.M., to the Point of Beginning; thence South $3^{\circ} 29' 12''$ East, 25.00 feet; thence North $86^{\circ} 56' 51''$ West, 35.23 feet; thence North $3^{\circ} 29' 12''$ East, 25.00 feet; thence South $86^{\circ} 56' 51''$ East, 35.23 feet along the South line of the Northwest Fractional Quarter of said Section 3 to the Point of Beginning, containing 875 square feet, more or less.

5b) Temporary Water Main:

Commencing at the Southwest Corner of Gladbury Park Plat 4, an Official Plat of the City of Pleasant Hill, Polk County, Iowa; thence North $86^{\circ} 56' 51''$ West, 440.91 feet along the South line of the Northwest Fractional Quarter of Section 3, Township 78 North, Range 23 West of the 5th P.M., to the Point of Beginning; thence South $3^{\circ} 03' 09''$ West, 25.00 feet; thence North $86^{\circ} 56' 51''$ West, 40.00 feet; thence North $3^{\circ} 03' 09''$ East, 25.00 feet; thence South $86^{\circ} 56' 51''$ East, 40.00 feet along the South line of the Northwest Fractional Quarter of said Section 3 to the Point of Beginning, containing 1,000 square feet, more or less.

6. Temporary Sanitary Sewer:

6a) Sanitary Sewer:

Commencing at the Southwest Corner of Gladbury Park Plat 4, an Official Plat of the City of Pleasant Hill, Polk County, Iowa; thence North $86^{\circ} 56' 51''$ West, 110.72 feet along the South line of the Northwest Fractional Quarter of Section 3, Township 78 North, Range 23 West of the 5th P.M., to the Point of Beginning; thence South $3^{\circ} 29' 12''$ East, 150.00 feet; thence North $86^{\circ} 56' 51''$ West, 50.33 feet; thence North $3^{\circ} 29' 12''$ West, 150.00 feet; thence South $86^{\circ} 56' 51''$ East, 50.33 feet along the South line of the Northwest Fractional Quarter of said Section 3 to the Point of Beginning, containing 7,500 square feet, more or less.

6b) Sanitary Sewer:

Commencing at the Southwest Corner of Gladbury Park Plat 4, an Official Plat of the City of Pleasant Hill, Polk County, Iowa; thence North $86^{\circ} 56' 51''$ West, 485.91 feet along the South line of the Northwest Fractional Quarter of Section 3, Township 78 North, Range 23 West of the 5th P.M., to the Point of Beginning; thence South $3^{\circ} 03' 09''$ West, 40.00 feet; thence North $86^{\circ} 56' 51''$ West, 40.00 feet; thence North $3^{\circ} 03' 09''$ East, 40.00 feet; thence South $86^{\circ} 56' 51''$ East, 40.00 feet along the South line of the Northwest Fractional Quarter of said Section 3 to the Point of Beginning, containing 1,600 square feet, more or less.

Easement Area 1 shall be for the purpose of constructing a Temporary Street Turn-Around for the purpose of constructing a temporary street turn-around and general construction activity. Easement Area 2 shall be for the purpose of grading, and altering the existing contours of the Easement Area to create and thereafter maintain an Overland Flowage Easement that will capture the water flowing from an adjoining development and redirecting such water back onto such adjoining property. Easement Area 3 shall be for the purpose of permitting construction of certain facilities and structures with the accompanying rights of ingress and egress. Easement Area 4 shall be for the construction, installation and maintenance of storm sewer facilities and structures. Easement Area 5 shall be for the construction, installation and maintenance of water main facilities and structures. Easement Area 6 shall be for the construction, installation and maintenance of sanitary sewer facilities and structures. The adjoining property is being platted as "Prairie Creek Plat 1" by Prairie Creek Enterprises, L.L.C., an Iowa limited liability company. Said adjoining parcel is legally described as:

A parcel of land partly in Lot Nineteen (19) of the Official Plat of the W ½ of Section 3, T78N, R23W and partly in Lot One (1) of the Official Replat of the N ½ of Section 9 and the S ½ of Section 4, all in T78N, R23W of the 5th P.M., now included in and forming a part of the City of Pleasant Hill, Polk County, Iowa, identified as Parcel "E" on Plat of Survey, Exhibit "A" of State Land Patent filed in Book 15299, Page 349, more particularly described as follows:

Commencing at the W 1/4 Corner of said Section 3; thence S 86° 56' 51" E, 438.60 feet on the North line of the SW 1/4 of said Section 3; thence S 00° 40' 07" E, 219.66 feet to the Point of Beginning; thence continuing S 00° 40' 07" E, 947.40 feet; thence N 85° 50' 41" W, 636.16 feet; thence N 43° 38' 33" E, 424.06 feet; thence Northeasterly 681.00 feet, along a 4070.28 foot radius curve, concave Northwesterly, the chord for which bears N 29° 05' 46" E and has a length of 680.20 feet, to the Point of Beginning, containing 5.91 acres.

The six Easements are granted for the purpose of the City and/or Prairie Creek Enterprises, L.L.C., constructing, reconstructing, repairing, replacing, enlarging, inspecting and maintaining a Temporary Street Turn-Around, Construction, Overland Flowage, Grading, Storm Sewer, Sanitary Sewer and Water Main Easements over and across the six Easement Areas.

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 Areas without obtaining the prior written approval of the City Engineer.
2. PLANTINGS. The planting of trees and shrubs is prohibited within the Easement Areas.
3. CHANGE OF GRADE PROHIBITED. Grantor shall not change the grade, elevation or

contour of any part of the Easement Areas without obtaining the prior written consent of the City Engineer.

4. RIGHT OF ACCESS. The City, its agents, contractors, employees and assigns shall have the right of access to the Easement Areas and have all rights of ingress and egress reasonably necessary for the use and enjoyment of the Easement Areas as herein described, including, but not limited to, the right to remove any unauthorized plantings or structures placed or erected on the Easement Areas.
5. EASEMENT RUNS WITH LAND. The Easements described above shall be deemed to run with the land and shall remain in effect until such time as the property owned by Grantor is platted. In the interim, the Easements created under this instrument shall be binding on Grantor and on Grantor's successors and assigns.
6. APPROVAL BY CITY COUNCIL. These Easements shall not be binding until it has received final approval and acceptable by the Pleasant Hill City Council by Resolution, which approval and acceptance shall be noted on this Easement instrument by the City Clerk.
7. SPECIAL PROVISIONS. Prairie Creek Enterprises, L.L.C., shall be authorized to enter upon the Easement Areas for purposes of constructing the necessary improvements required by the City of Pleasant Hill incident to the final platting of "Prairie Creek Plat 1". Prairie Creek Enterprises, L.L.C., shall be responsible for all costs associated with all City of Pleasant Hill required improvements in the six Easement Areas, as well as the maintenance of such Easement Areas until such time as Grantor plats Grantor's property.

Grantor does hereby covenant with the City that Grantor holds said real estate described in these Easements by Title in Fee Simple; that Grantor has good and lawful authority to convey the same; and said Grantor covenants to warrant and defend the said premises against the lawful claims of all persons whomsoever.

Each of the undersigned hereby relinquishes all rights of dower, homestead and distributive share, if any, in and to the interests conveyed by this Easement.

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

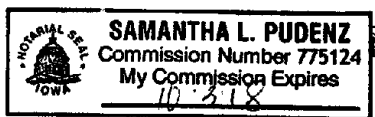
Signed this 21st day of June, 2016.

SUNRISE DEVELOPING COMPANY
a/k/a SUNRISE DEVELOPING CO., INC.

By: Donna Thomas
Donna Thomas, President

STATE OF IOWA)
)ss
COUNTY OF POLK)

This instrument was acknowledged before me on June 21st, 2016, by Donna Thomas, as President of Sunrise Developing Company a/k/a Sunrise Developing Co., Inc.



Samantha Pudenz
NOTARY PUBLIC - STATE OF IOWA

APPROVED AS TO FORM:

Brad Skinner
~~Janet Colson~~ Brad Skinner
Assistant City Attorney

ACCEPTANCE:

I, Dena Spooner, City Clerk of the City of Pleasant Hill, Iowa, do hereby certify that the within and foregoing Easement was duly approved and accepted by the City Council of said City of Pleasant Hill by Resolution and Roll Call No. DB0916-01, passed on August 9, 2016, 2016, and this certificate is made pursuant to authority contained in said Resolution.

Signed this 9th day of August, 2016.

Dena Spooner
~~Janet Colson~~ Dena Spooner
City Clerk of the City of Pleasant Hill, Iowa

RESOLUTION #080916-01

A RESOLUTION APPROVING ACCEPTANCE OF EASEMENTS FROM SUNRISE DEVELOPMENT COMPANY

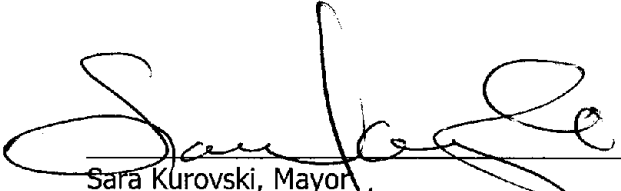
WHEREAS, the Pleasant Hill City Council has reviewed and approved the Preliminary Plat for Prairie Creek Plat 1; and

WHEREAS, the development of the Plat requires temporary easements from the adjacent property owner to the project; and

WHEREAS, the attached easement documents have been prepared for City acceptance;

THEREFORE, BE IT RESOLVED, that the City Council of Pleasant Hill, Iowa, in Polk County, Iowa, does hereby approve and accept the attached easements from Sunrise Developing Company.

ADOPTED this 9th day of August 2016.


Sara Kurovski, Mayor

ATTEST:


Dena Spooner, City Clerk/Finance Director