

# State of Iowa

## OFFICE OF THE SECRETARY OF STATE

Easement No. 5948E

## STATE LAND OFFICE

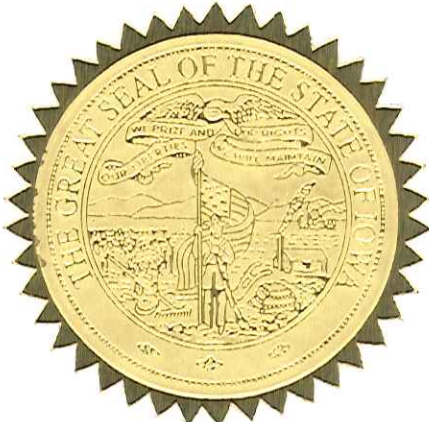
The **STATE OF IOWA**, pursuant to Iowa Code section 306.45, subject to conditions listed in this easement, hereby conveys a permanent easement for the purpose of constructing, reconstructing, inspecting, repairing, replacing, enlarging, maintaining, removing, accessing and operating a water main together with necessary appurtenances thereto, both above and below ground, under, over, and through and across said Permanent Easement area to **City of Council Bluffs, Iowa for the use and benefit of the Board of Water Works Trustees of the City of Council Bluffs, Iowa** and their heirs, assigns, and successors in interest in real estate in **Pottawattamie County, Iowa**, described as:

See Exhibit "A", Plat of Survey Pages 1 of 2 and 2 of 2 attached hereto and by this reference made a part hereof.

The Grantee for itself, its personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree, as a covenant running with the land, that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this easement for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provisions of similar services or benefits, the Grantee shall maintain and operate such facilities and services in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

That in the event of breach of any of the above nondiscrimination covenants, the Iowa Department of Transportation, acting for the State of Iowa, shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of Iowa Department of Transportation, acting for the State of Iowa, and its assigns.

**CONDITIONS:** Consideration for the grant of this easement pursuant to Iowa Code section 306.45 is set forth in the certificate of **the Right of Way Director of the Iowa Department of Transportation** filed with the State Land Office. This easement is subject to the conditions imposed by Iowa Code sections 306.24, and 306.45, and to all other conditions imposed by law, and to the right of a utility association, company or corporation to continue in possession of a right of way in use at the time of this conveyance.

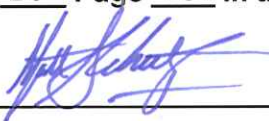


I, **Terry E. Branstad**, Governor of the State of Iowa, have caused this instrument to be issued and the Great Seal of the State of Iowa to be affixed at Des Moines, on this 25<sup>th</sup> day of November, 2014.

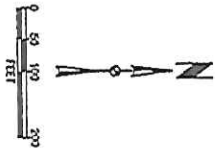
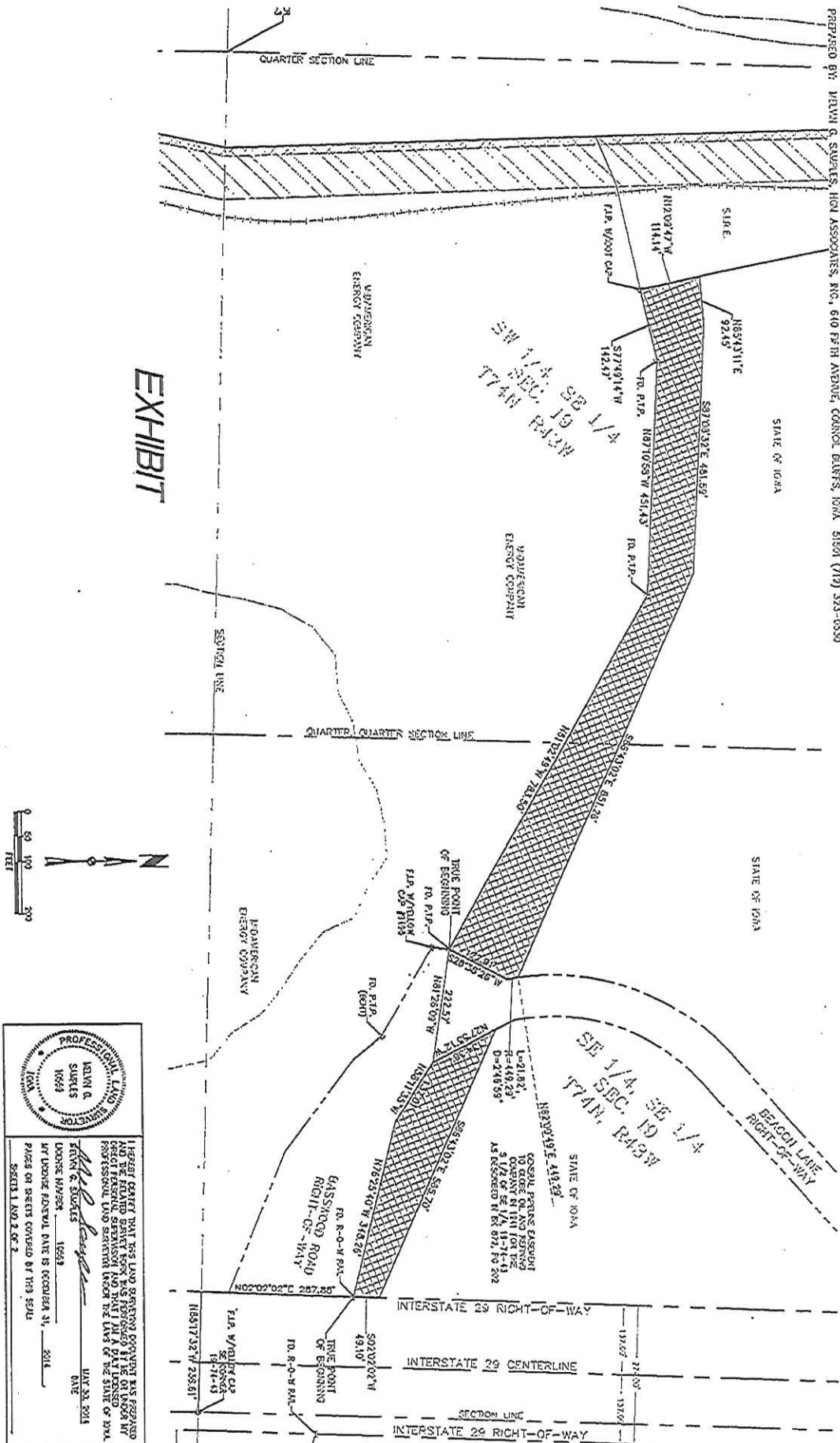
  
Terry E. Branstad, Governor of Iowa

  
Matt Schultz, Iowa Secretary of State

I hereby certify that the foregoing Easement is recorded in Vol. 26 Page 181 in the State Land Office.

  
Matt Schultz, Iowa Secretary of State

**EXHIBIT**



**PROFESSIONAL LAND SURVEYOR**  
 KEVIN G. SAWYER  
 IOWA  
 00643

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT HAS BEEN PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF IOWA. MY LICENSE NUMBER IS 00643. THE DATE OF MY EXPIRING LICENSE IS 12/31/2014.

*Kevin G. Sawyer*  
 KEVIN G. SAWYER  
 DATE: MAY 20, 2014

BY UNDER FEDERAL DATE IS OCCURRED BY: \_\_\_\_\_  
 PROFESSIONAL LAND SURVEYOR FROM THE STATE OF IOWA.  
 PLOTTED ON SHEET COVERED BY THIS SET:  
 SERIAL LAND 2 OF 2

<p>1 OF 2</p> <p>160014</p> <p>4/14</p> <p>1/1/14</p>	<p><b>COUNCIL POINT SOUTH WATER TRANSMISSION MAIN IMPROVEMENTS</b></p> <p>THE COUNCIL BLUFFS WATER WORKS</p> <p>COUNCIL BLUFFS, IOWA</p> <p><b>STATE OF IOWA PERMANENT EASEMENT</b></p>	<p>DATE: _____</p> <p>BY: _____</p> <p>DESIGNED BY: _____</p> <p>CHECKED BY: _____</p> <p>DATE: _____</p>	<p><b>hgm</b></p> <p>ASSOCIATES, INC.</p> <p>ENGINEERING ARCHITECTURE SURVEYING</p> <p>council bluffs iowa</p>	<p><small>This drawing is hereby made available by HGM Associates, Inc. for use only in connection with the project for which it was prepared. No reproduction, distribution, or use of this drawing is permitted without the written consent of HGM Associates, Inc. The drawing is not to be used for any other purpose without the written consent of HGM Associates, Inc.</small></p>
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EXHIBIT "A"

WEST PARCEL LEGAL DESCRIPTION — PERMANENT EASEMENT

A PARCEL OF LAND BEING A PORTION OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 74 NORTH, RANGE 43 WEST OF THE 5<sup>th</sup> PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 19; THENCE ALONG THE SOUTH LINE OF SAID SECTION 19, NORTH 88 DEGREES 17 MINUTES 32 SECONDS WEST, 236.61 FEET TO A POINT ON THE WEST RIGHT—OF—WAY LINE OF INTERSTATE 29; THENCE ALONG SAID WEST LINE, NORTH 02 DEGREES 02 MINUTES 02 SECONDS EAST, 287.88 FEET TO THE SOUTHEAST CORNER OF A PARCEL ACQUIRED BY THE STATE OF IOWA THROUGH CONDEMNATION FOR CONSTRUCTION ASSOCIATED WITH INTERSTATE 29 AND DESCRIBED ON PAGE 3 OF 3, EXHIBIT "A", BOOK 2008, PAGE 4345; THENCE ALONG THE SOUTH AND WEST LINES OF SAID PARCEL, SAID LINES ALSO BEING THE NORTH AND EAST RIGHT—OF—WAY LINES OF BASSWOOD ROAD AS IT TRANSITIONS TO BEACON LANE, THE FOLLOWING TWO COURSES:

- NORTH 76 DEGREES 25 MINUTES 40 SECONDS WEST, 348.26 FEET;
- NORTH 58 DEGREES 11 MINUTES 35 SECONDS WEST, 137.01 FEET;

THENCE NORTH 81 DEGREES 26 MINUTES 09 SECONDS WEST, 222.57 FEET TO THE SOUTHEAST CORNER OF A SECOND PARCEL ACQUIRED BY THE STATE OF IOWA THROUGH CONDEMNATION FOR CONSTRUCTION ASSOCIATED WITH INTERSTATE 29 AND DESCRIBED ON PAGE 2 OF 3, EXHIBIT "A", BOOK 2008, PAGE 4345 AND THE TRUE POINT OF BEGINNING; THENCE ALONG THE SOUTH LINES OF SAID PARCEL THE FOLLOWING THREE COURSES:

- NORTH 61 DEGREES 02 MINUTES 49 SECONDS WEST, 783.50 FEET;
- NORTH 87 DEGREES 10 MINUTES 58 SECONDS WEST, 451.43 FEET;
- SOUTH 77 DEGREES 49 MINUTES 14 SECONDS WEST, 142.47 FEET;

TO THE SOUTHEAST CORNER OF PARCEL "A" AS DESCRIBED IN BOOK 107, PAGE 2750; THENCE ALONG THE EAST LINE OF SAID PARCEL "A", NORTH 12 DEGREES 09 MINUTES 47 SECONDS WEST, 114.14 FEET; THENCE NORTH 85 DEGREES 43 MINUTES 11 SECONDS EAST, 92.45 FEET; THENCE SOUTH 87 DEGREES 08 MINUTES 32 SECONDS EAST, 481.59 FEET THENCE SOUTH 66 DEGREES 43 MINUTES 02 SECONDS EAST, 851.26 FEET TO A POINT ON THE WEST RIGHT—OF—WAY LINE OF BEACON LANE AND THE BEGINNING OF A NON—TANGENTIAL CURVE, CONCAVE EASTERLY, TO WHICH A RADIAL LINE BEARS NORTH 82 DEGREES 00 MINUTES 49 SECONDS EAST, 449.29 FEET; THENCE SOUTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 02 DEGREES 46 MINUTES 59.0 SECONDS, 21.82 FEET; THENCE SOUTH 28 DEGREES 38 MINUTES 26 SECONDS WEST, 122.91 FEET TO THE TRUE POINT OF BEGINNING; SAID PARCEL CONTAINS 3.089 ACRES, MORE OR LESS.

EAST PARCEL LEGAL DESCRIPTION — PERMANENT EASEMENT

A PARCEL OF LAND BEING A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 74 NORTH, RANGE 43 WEST OF THE 5<sup>th</sup> PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 19; THENCE ALONG THE SOUTH LINE OF SAID SECTION 19, NORTH 88 DEGREES 17 MINUTES 32 SECONDS WEST, 236.61 FEET TO A POINT ON THE WEST RIGHT—OF—WAY LINE OF INTERSTATE 29; THENCE ALONG SAID WEST LINE, NORTH 02 DEGREES 02 MINUTES 02 SECONDS EAST, 287.88 FEET TO THE SOUTHEAST CORNER OF A PARCEL ACQUIRED BY THE STATE OF IOWA THROUGH CONDEMNATION FOR CONSTRUCTION ASSOCIATED WITH INTERSTATE 29 AND DESCRIBED ON PAGE 3 OF 3, EXHIBIT "A", BOOK 2008, PAGE 4345 AND THE TRUE POINT OF BEGINNING; THENCE ALONG THE SOUTH AND WEST LINES OF SAID PARCEL, SAID LINES ALSO BEING THE NORTH AND EAST RIGHT—OF—WAY LINES OF BASSWOOD ROAD AS IT TRANSITIONS TO BEACON LANE, THE FOLLOWING THREE COURSES:

- NORTH 76 DEGREES 25 MINUTES 40 SECONDS WEST, 348.26 FEET;
- NORTH 58 DEGREES 11 MINUTES 35 SECONDS WEST, 137.01 FEET;
- NORTH 27 DEGREES 55 MINUTES 12 SECONDS WEST, 134.38 FEET;

THENCE SOUTH 66 DEGREES 43 MINUTES 02 SECONDS EAST, 565.70 FEET TO A POINT ON SAID WEST RIGHT—OF—WAY LINE OF INTERSTATE 29; THENCE ALONG SAID WEST LINE, SOUTH 02 DEGREES 02 MINUTES 02 SECONDS WEST, 49.10 FEET TO THE TRUE POINT OF BEGINNING; SAID PARCEL CONTAINS 0.977 ACRES, MORE OR LESS.

Pottawattamie County  
Project IMN-29-3(65)54—0E-78  
Parcel 601

Plat of Survey Page 2 of 2