

Prepared By/Return To:

Steven G. Chapman, Iowa Department of Transportation, Property Management, 800 Lincoln Way, Ames, Iowa 50010 (515)239-1157

# State of Iowa

## OFFICE OF THE SECRETARY OF STATE

Easement No. 5970E

### STATE LAND OFFICE

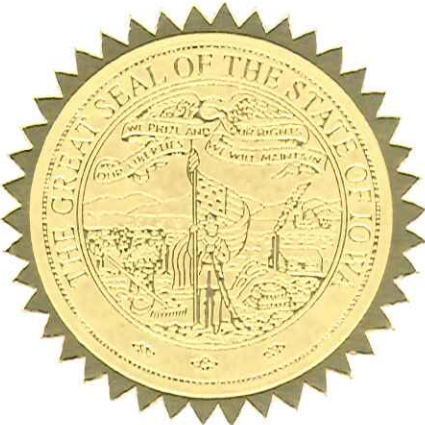
The **STATE OF IOWA**, pursuant to Iowa Code section 306.45, subject to conditions listed in this easement, hereby conveys a permanent easement for levee construction and maintenance to the **City of Council Bluffs, Iowa**, and their heirs, assigns, and successors in interest in real estate in **Pottawattamie County, Iowa**, described as:

A PARCEL OF LAND BEING A PORTION OF LOT 34 IN THE AUDITOR'S SUBDIVISION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28, A PORTION OF LOTS 2 THROUGH 5 AND A PORTION OF LOTS 26 THROUGH 28 ALL IN LIBERTY ACRES, A SUBDIVISION IN THE CITY OF COUNCIL BLUFFS, A PORTION OF LOT 1 IN MID CITY ADDITION AND A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28, ALL IN TOWNSHIP 75 NORTH, RANGE 44 WEST OF THE 5th PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 30 IN SAID AUDITOR'S SUBDIVISION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28, SAID SOUTHEAST CORNER BEING ON THE WEST RIGHT-OF-WAY LINE OF NORTH 35th STREET; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE, NORTH 01 DEGREE 41 MINUTES 41 SECONDS EAST, 686.06 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 70 DEGREES 28 MINUTES 19 SECONDS WEST, 426.71 FEET;

LEGAL DESCRIPTION CONTINUED ON PAGE 2

**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 ~~17th~~ day of April, 2015.

  
Terry E. Branstad, Governor of Iowa

  
Paul D. Pate, Iowa Secretary of State

I hereby certify that the foregoing Easement is recorded in Vol. 27 Page 19 in the State Land Office.

  
Paul D. Pate, Iowa Secretary of State

LEGAL DESCRIPTION CONTINUED FROM PAGE 1

THENCE SOUTH 75 DEGREES 21 MINUTES 24 SECONDS WEST, 122.08 FEET; THENCE SOUTH 75 DEGREES 37 MINUTES 41 SECONDS WEST, 90.60 FEET; THENCE SOUTH 77 DEGREES 31 MINUTES 33 SECONDS WEST, 37.30 FEET; THENCE SOUTH 82 DEGREES 00 MINUTES 58 SECONDS WEST, 51.26 FEET; THENCE SOUTH 83 DEGREES 53 MINUTES 03 SECONDS WEST, 92.38 FEET; THENCE SOUTH 78 DEGREES 48 MINUTES 18 SECONDS WEST, 1106.21 FEET TO A POINT ON THE WEST LINE OF SAID LOT 1; THENCE ALONG SAID WEST LINE AND ALONG IT'S NORTHERLY PROLONGATION, NORTH 01 DEGREE 28 MINUTES 22 SECONDS EAST, 63.48 FEET TO A POINT ON THE EXISTING CENTERLINE OF THE MISSOURI RIVER LEVEE; THENCE ALONG SAID CENTERLINE THE FOLLOWING FIVE (5) COURSES: 1) NORTH 74 DEGREES 25 MINUTES 30 SECONDS EAST, 397.76 FEET; 2) NORTH 66 DEGREES 32 MINUTES 13 SECONDS EAST, 89.80 FEET; 3) SOUTH 89 DEGREES 32 MINUTES 19 SECONDS EAST, 89.39 FEET; 4) NORTH 81 DEGREES 50 MINUTES 36 SECONDS EAST, 601.99 FEET; 5) NORTH 75 DEGREES 25 MINUTES 48 SECONDS EAST, 27.19 FEET TO A POINT ON THE NORTHERLY PROLONGATION OF THE EAST RIGHT-OF-WAY LINE OF NORTH 36th STREET; THENCE ALONG SAID NORTHERLY PROLONGATION, SOUTH 01 DEGREE 22 MINUTES 22 SECONDS WEST, 18.16 FEET TO THE NORTHWEST CORNER OF SAID LOT 5; THENCE ALONG THE NORTH LINE OF SAID LOTS 5 AND 4, NORTH 80 DEGREES 04 MINUTES 28 SECONDS EAST, 164.28 FEET TO THE NORTHEAST CORNER OF SAID LOT 4; THENCE ALONG THE EAST LINE OF SAID LOT 4, SOUTH 01 DEGREE 22 MINUTES 22 SECONDS WEST, 20.00 FEET; THENCE NORTH 75 DEGREES 53 MINUTES 05 SECONDS EAST, 135.27 FEET TO A POINT ON THE EAST LINE OF SAID LOT 2; THENCE ALONG SAID EAST LINE, SOUTH 01 DEGREE 37 MINUTES 00 SECONDS WEST, 15.35 FEET; THENCE NORTH 70 DEGREES 25 MINUTES 26 SECONDS EAST, 426.87 FEET TO A POINT ON THE EAST LINE OF SAID LOT 34; THENCE ALONG SAID EAST LINE, SOUTH 01 DEGREE 41 MINUTES 41 SECONDS WEST, 12.61 FEET TO THE TRUE POINT OF BEGINNING. SAID PARCEL CONTAINS AN AREA OF 2.63 ACRES, MORE OR LESS.



# EXHIBIT "A" PERMANENT EASEMENT

PAGE 1 OF 2  
PARCEL NO.     1    

ACQUIRED FROM     IOWA DEPARTMENT OF TRANSPORTATION    

**LEGAL DESCRIPTION**

A PARCEL OF LAND BEING A PORTION OF LOT 34 IN THE AUDITOR'S SUBDIVISION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28, A PORTION OF LOTS 2 THROUGH 5 AND A PORTION OF LOTS 26 THROUGH 28 ALL IN LIBERTY ACRES, A SUBDIVISION IN THE CITY OF COUNCIL BLUFFS, A PORTION OF LOT 1 IN MID CITY ADDITION AND A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28, ALL IN TOWNSHIP 75 NORTH, RANGE 44 WEST OF THE 5th PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 30 IN SAID AUDITOR'S SUBDIVISION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28, SAID SOUTHEAST CORNER BEING ON THE WEST RIGHT-OF-WAY LINE OF NORTH 35th STREET;

THENCE ALONG SAID WEST RIGHT-OF-WAY LINE, NORTH 01 DEGREE 41 MINUTES 41 SECONDS EAST, 686.06 FEET TO THE TRUE POINT OF BEGINNING;

THENCE SOUTH 70 DEGREES 28 MINUTES 19 SECONDS WEST, 426.71 FEET;

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THENCE SOUTH 75 DEGREES 37 MINUTES 41 SECONDS WEST, 90.60 FEET;

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THENCE ALONG SAID EAST LINE, SOUTH 01 DEGREE 41 MINUTES 41 SECONDS WEST, 12.61 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 2.63 ACRES, MORE OR LESS.

NOTE: SEE SHEET 2 OF 2 FOR DRAWING EXHIBIT

CONTRACT DATED \_\_\_\_\_

CONSIDERATION \$ \_\_\_\_\_

SUBDIVISION \_\_\_\_\_

LOT(S) \_\_\_\_\_

ACQUIRED BY \_\_\_\_\_

0 s.f.

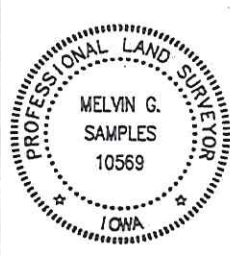
TEMPORARY EASEMENT

ACRE

2.63

PERM. EASEMENT



	<p>I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.</p> <p style="text-align: right;"><i>Melvin G. Samples</i>      MAY 8, 2014 _____ MELVIN G. SAMPLES      DATE</p> <p>LICENSE NUMBER <u>    10569    </u></p> <p>MY LICENSE RENEWAL DATE IS DECEMBER 31, <u>    2014    </u></p> <p>PAGES OR SHEETS COVERED BY THIS SEAL: SHEETS <u>1 OF 2 AND SHEET 2 OF 2</u></p>
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POTTAWATTAMIE COUNTY

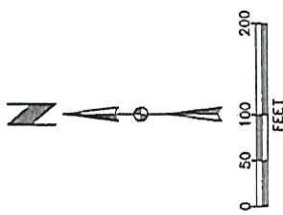
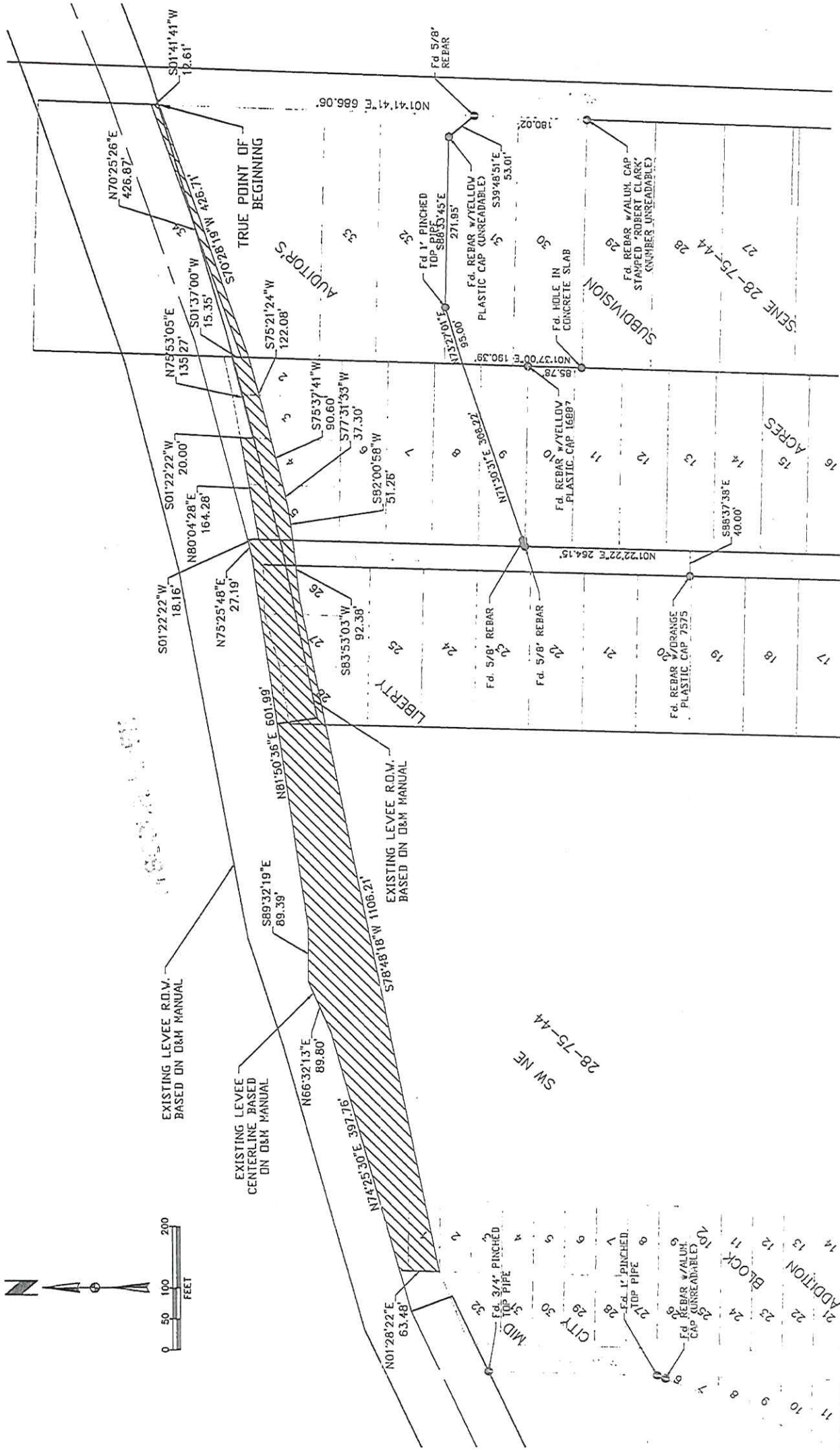
PROJECT NO. 150414-001

DATE DRAWN 04-30-14 DRAWN BY DEF

C:\Users\jgibson\Documents\150414-001\150414-001.dwg

# EXHIBIT "A" PERMANENT EASEMENT

ACQUIRED FROM IOWA DEPARTMENT OF TRANSPORTATION



POTTAWATTAMIE COUNTY

PROJECT NO. 150414-001

CONTRACT DATED \_\_\_\_\_

CONSIDERATION \$ \_\_\_\_\_

BLOCK(S) \_\_\_\_\_ SUBDIVISION \_\_\_\_\_

TEMPORARY EASEMENT 0 s.f. ACQUIRED BY \_\_\_\_\_

PERM. EASEMENT 2.63 ACRE

