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Paged B

15852 BLACK HAWK COUNTY, IOWA:SS

Filed for record Dec 23 1968
at 12:30 P.M. and recorded in
Book 1 Page 88 of Easements
Gerald Schoenfelder Recorder
Dusty Anderson Deputy
No. 230 Waterloo Water Works

EASEMENT

THIS AGREEMENT, made and entered into this 17th day of December, 1968,

by and between GERALD P. SCHOENFELDER, hereinafter referred to as FIRST PARTY, his heirs, personal representatives and assigns, and ROBERT A. BROWN, GLEN A. TIBBITTS, and DICK H. YOUNG, Trustees of the Waterloo Water Works of the City of Waterloo, Iowa, hereinafter referred to as SECOND PARTY, their successor Trustees and assigns;

WITNESSETH:

In consideration of the sum of One (\$1.00) Dollar in hand paid by Second Party to First Party, receipt of which is hereby acknowledged, and the covenants and agreements herein contained, First Party hereby grants and conveys to Second Party an easement for the purposes herein set forth over the following described property of the First Party, to wit:

A strip of land 30.00 feet in even width lying in the NE Fractional 1/4 and the SE 1/4 of Section 2-88-13, Waterloo, Black Hawk County, Iowa, said 30.00 feet being measured normally outward from a closed parcel of land described as follows:

Commencing at the intersection of the Southwesterly right-of-way line of U. S. Highway 218 with the East line of said Section 2-88-13, said right-of-way line being 60.00 feet normally distant Southwesterly from the center line of U. S. Highway 218; thence N. 35° 20' W along said Southwesterly right-of-way line a distance of 534.43 feet; thence S. 54° 40' W. a distance of 345.00 feet to the point of beginning; thence N. 35° 20' W. a distance of 518.57 feet; thence Westerly along a curve concave Southerly having a radius of 259.87 feet a distance of 435.71 feet; thence S. 48° 36' W. a distance of 1088.11 feet; thence Southerly along a curve concave Easterly having a radius of 412.21 feet a distance of 348.65 feet; thence South a distance of 508.43 feet; thence Southeasterly along a curve concave Northeasterly having a radius of 780.00 feet a distance of 1225.22 feet; thence East a distance of 450.03 feet; thence Northeasterly along a curve concave Northwesterly having a radius of 550.96 feet a distance of 339.76 feet; thence N. 54° 40' E. a distance of 246.41 feet; thence Northeasterly along a curve concave Northwesterly having a radius of 641.06 feet a distance of 611.65 feet; thence North a distance of 370.45 feet; thence Northwesterly along a curve concave Southwesterly having a radius of 550.96 feet a distance of 339.76 feet; thence N. 35° 20' W. a distance of 482.31 feet to the point of beginning.

Also, a part of the SE 1/4 of Section 2-88-13, Waterloo, Black Hawk County, Iowa, described as: Commencing at the intersection of the Southwesterly right-of-way line of U. S. Highway 218 with the East line of said Section 2-88-13, said right-of-way line being 60.00 feet normally distant Southwesterly from the center line of U. S. Highway 218;

DR. BUCKMASTER,
CHER. HOLMES
& LINDENAN
LAWYERS
JANE BLDG. SUITE 200
APAYETTE STREET
WATERLOO, IOWA 50702

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thence N. 35° 20' W. along said Southwesterly right-of-way a distance of 534.43 feet to the point of beginning; thence S. 54° 40' W. a distance of 315.00 feet; thence N. 35° 20' W. a distance of 30.00 feet; thence N. 54° 40' E. a distance of 315.00 feet; thence S. 35° 20' E. a distance of 30.00 feet to the point of beginning,

Also a part of the NE Fractional 1/4 of Section 2-88-13 described as follows: beginning at the Southeast corner of the North 5 acres of that portion of the NE 1/4 of Section 2-88-13 lying Southerly of the junction of the U. S. Highway 218 and Iowa State Highway 412; thence West along the South line of said 5 acres a distance of 374.82 feet; thence South a distance of 310.00 feet; thence East a distance of 20.00 feet; thence North a distance of 295.00 feet; thence East a distance of 365.45 feet to the Southwesterly right-of-way line of U. S. Highway 218; thence N. 35° 20' W. along said Southwesterly line a distance of 18.38 feet to the point of beginning.

The Southwesterly right-of-way line of U. S. Highway 218 is assumed to bear N. 35° 20' W. and said Southwesterly right-of-way line intersects the East line of said Section 2-88-13 at a point 799.77 feet North of the Southeast corner of the N 1/2 of the SE 1/4 of said Section 2-88-13.

The easement is granted for the purpose of laying, constructing, maintaining, repairing or replacing a water main or mains of such size or sizes as the Second Party may determine from time to time to meet the needs and requirements of the Second Party, and for the flow of water through the same with the right of temporary ingress and egress over such additional adjacent property of the First Party as is necessary to reach said main or mains for the purpose of exercising the rights granted under this easement. A copy of a survey of the above described easement course and the premises to be served thereby prepared by Robert E. Schenk and certified under date of June 28, 1968 is hereto attached marked Exhibit "A" and by this reference made a part hereof.

It is further agreed by and between the parties as follows:

1. In exercising its rights under the aforesaid easement, the Second Party shall have the right, if necessary, to temporarily pile any dirt excavated on adjacent land of the First Party.
2. Second Party agrees to replace or remove any dirt excavated and place any portion of the First Party's premises used by the Second Party, including a reseeded of the same, so as to place said property in substantially the same condition as existed prior to any use thereof by the Second Party and shall maintain the surface of the premises over which this easement is granted in substantially the same condition as existed prior to any use thereof.

3. The First Party reserves and is given the right to use the land over which this easement is granted in any manner which does not interfere with the easement and use granted to the Second Party.

4. Second Party shall lay its water main or mains in the outer 10 feet of the 30 foot easement course hereinabove described and the outer 10 feet of said easement course shall be reserved for the installations of Second Party.


5. The easement granted herein shall continue as long as the easement is used for the purposes herein granted.

6. The easement herein granted is part of a general utility easement to be granted in the future to all public and private corporations and agencies as may have occasion to serve, service or supply said property with water, sanitary sewers, gas, electricity or communication services, and said Second Party shall make use of its easement in such a manner as not to interfere with the use of said property for this future easement.

Any easement hereinafter granted to others for sanitary sewers, gas, electric or other communication services, shall contain a provision that the easement or easements so granted shall not interfere with the use of said property by the second property as provided herein, and that all present and existing laws of the State of Iowa, or ordinances of the City of Waterloo, Iowa, shall be complied with by the grantee of such easement with respect to the location of any installations in proximity to the main or mains installed by second party.

7. Attached hereto marked Exhibit "B" and by this reference made a part hereof, is a cross-section which shows the location of the various utilities within the general utility easement. First Party agrees to attach Exhibit "B" to all other easement agreements entered into with such entity as will supply sanitary sewers, gas, electric or communication services.

WITNESS our hand the day and year first above written.


Gerald V. Schoenfelder

FIRST PARTY

BEDDNER, BUCKMASTER,
BEDDNER, HOLMES
& LINDENMAN
LAWYERS
MONTGOMERY BLDG. - SUITE 200
400 LAFAYETTE STREET
P. O. BOX 2000
WATERLOO, IOWA 50702

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Robert A. Brown

Robert A. Brown

Glen A. Tibbitts

Glen A. Tibbitts

Dick H. Young

Trustees of the Waterloo Water Works of the
City of Waterloo, Iowa



SECOND PARTY

BECKER, BUCKMASTER,
BECKER, HOLMES
& LEIDEMAN
LAWYERS
NORTH SQUARE BLDG. - SUITE 800
622 LAFAYETTE STREET
P. O. BOX 8888
WATERLOO, IOWA 50708

BECKER, BUCKMASTER, BECKER, HOLMES & LEIDEMAN LAWYERS



STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

On this 26 day of August, 1968, before me, the undersigned, a Notary Public in and for said County, in said State, personally appeared Gerald P. Schoenfelder to me known to be the identical person named in and who executed the within and foregoing Instrument and acknowledged that he executed the same as his voluntary act and deed.


Notary Public in and for Hennepin County, Minnesota
STATE NOTARIES
Notary Public, Hennepin County, Minnesota
My Commission Expires Mar. 8, 1974


STATE OF IOWA)
) ss.
COUNTY OF BLACK HAWK)

On this 17 day of ^{DEC.} August, 1968, before me, the undersigned, a Notary Public in and for said County, in said State, personally appeared Robert A. Brown, Glen A. Tibbitts and Dick H. Young, Trustees of the Waterloo Water Works of the City of Waterloo, Iowa to me known to be the identical persons named in and who executed the within and foregoing Instrument and acknowledged that they executed the same as their voluntary act and deed.


Notary Public in and for Black Hawk County, Iowa
Kenneth I. Stover


ROBINSON ENGINEERING CO.

Professional Engineers and Land Surveyors
428 East 4th Street
WATERLOO, IOWA 50703

Phone:
233-8551

September 6, 1968

Revision to Paragraph 4 of the Easement
to the Waterloo Water Works
from Gerald P. Schoenfelder

4. Second Party shall lay its water main or mains in the inter ten (10) feet of the outer twenty-two and five tenths (22.5) feet of the thirty (30) foot easement course hereinabove described and the inner ten (10) feet of the outer 22.5 feet of said easement course shall be reserved for the installations of Second Party.


W. P. Ottesen

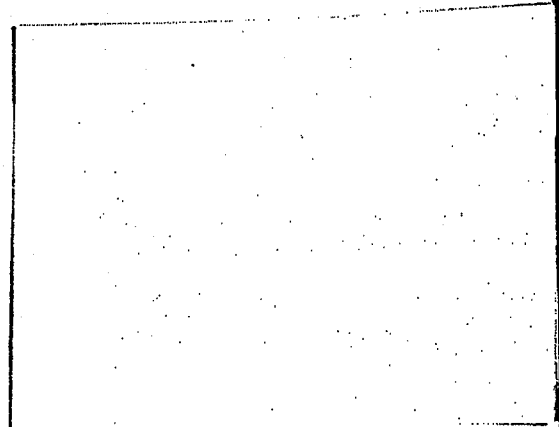
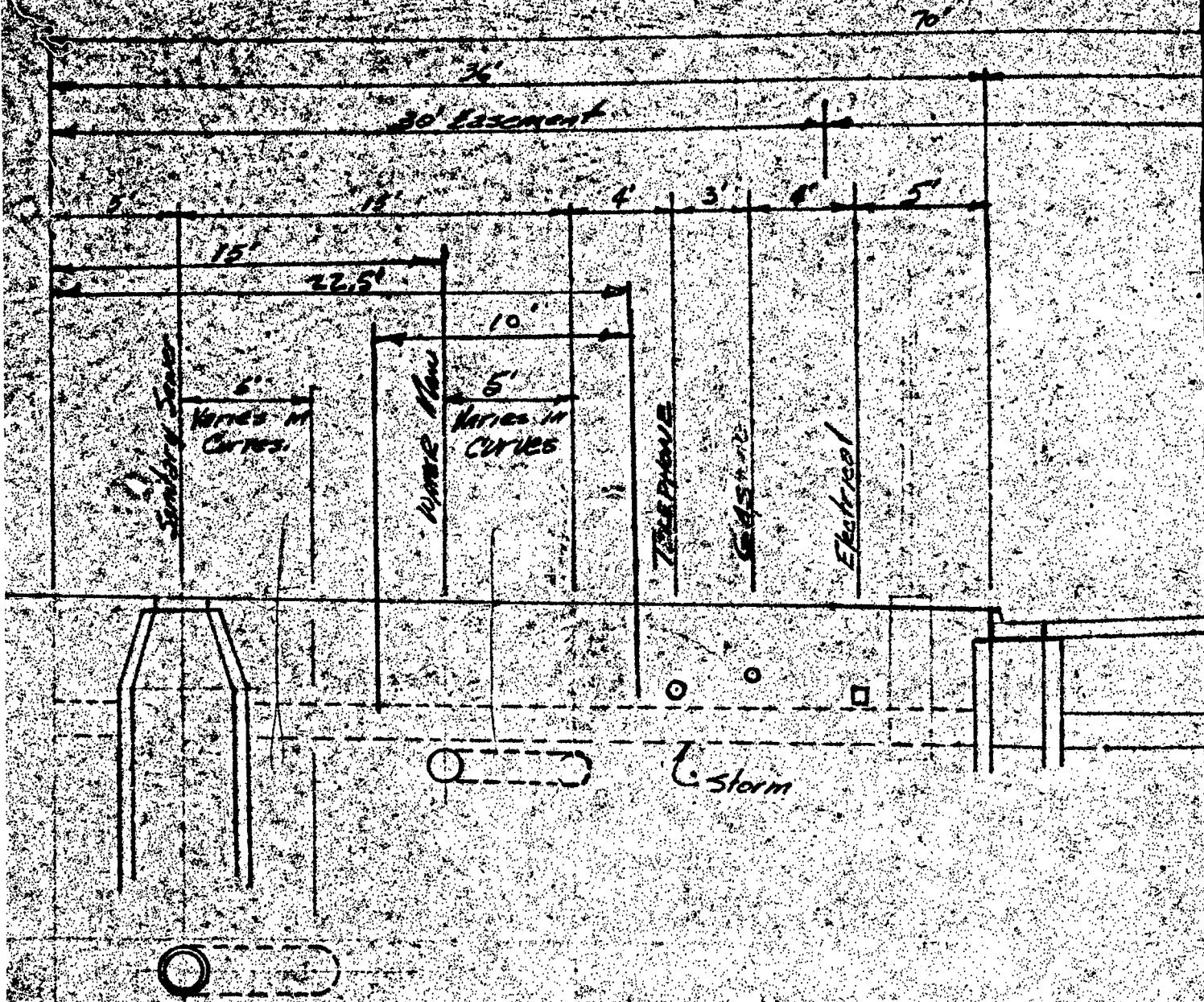
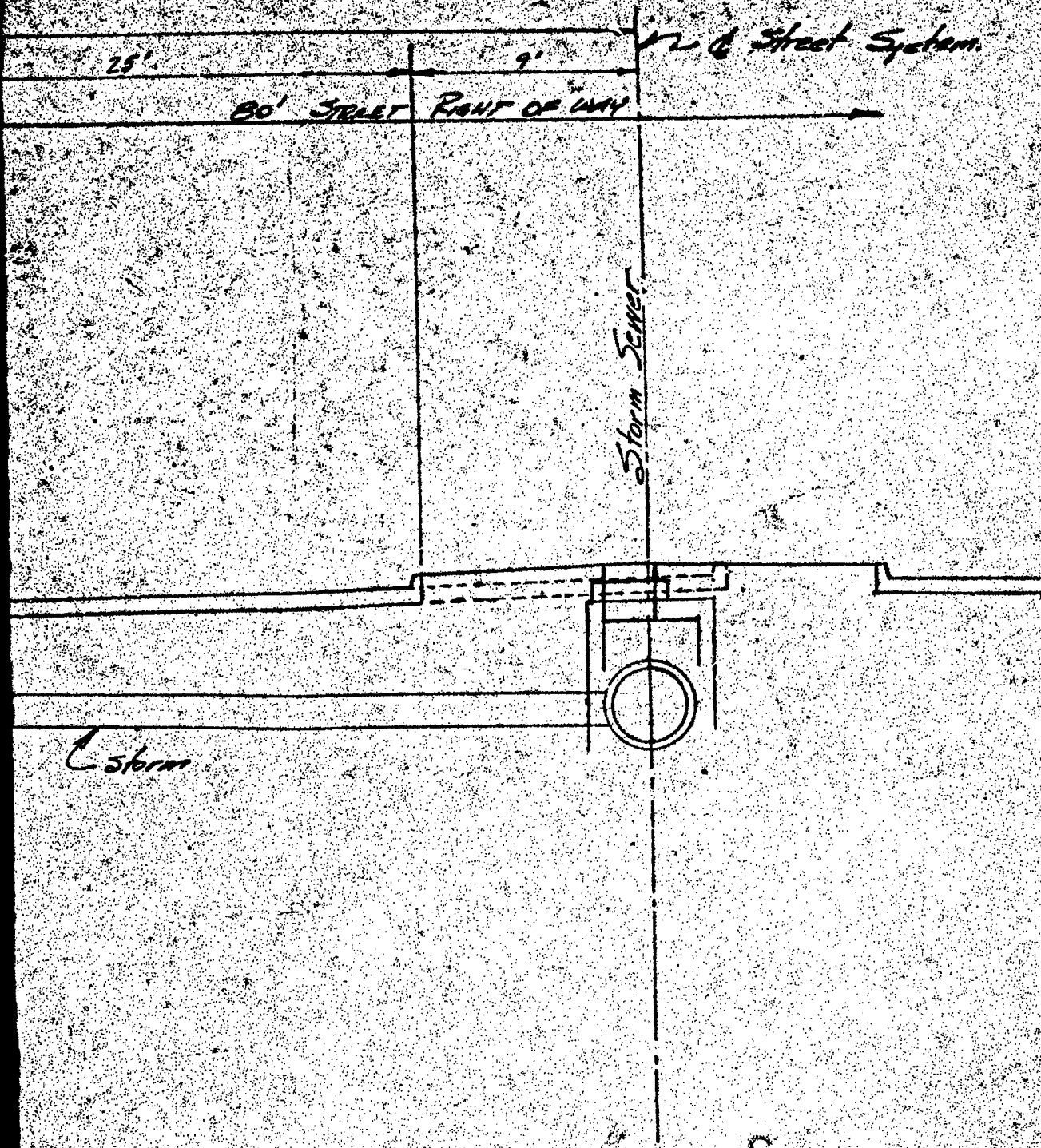


Exhibit "B"



Red lines on sketch made by Robinson Engineering Co. as agent of Crossroads Center, Inc per instructions of Gerald P. Schoenfelder, Pres.

BOX 1 NE 388



UTILITY ALIGNMENT IN 30' EASEMENT

CROSSROADS CENTER INC.

WATERLOO, IOWA

1600

NORTH LINE - SEC. 2 - 88-13

U.S. ROAD LINE COURSE BY ASSOCIATION No. 216

NORTH 5 ACRES

EAST 837.41

365.49

15

120'

301.87

301.87

90° EASEMENT

300'

90'

30'

TAXI A CENTER LINE 90'

544.57

110.00

WEST 115.00

BEARING DATA
A = 80° 47' 50"
B = 10 30'
C = 20'
D = 100.00'

At 90° INTERSECTIONS:
A = 90°
B = 20'
C = 31.42'

Curve #1 A = 90° 00' N PL Tan. 249.06 CL Tan. 244.58 S PL Tan. 200.00 N PL Rad. 259.87 CL Rad. 319.87 S PL Rad. 179.57 N PL Len. 435.71 CL Len. 360.55 S PL Len. 381.59	Curve #2 A = 48° 36' N PL Tan. 199.72 CL Tan. 168.05 S PL Tan. 150.00 N PL Rad. 412.21 CL Rad. 372.21 S PL Rad. 332.21 N PL Len. 349.65 CL Len. 315.72 S PL Len. 281.79	Curve #3 A = 90° N PL Tan. 700.00 CL Tan. 700.00 S PL Tan. 700.00 N PL Rad. 700.00 CL Rad. 700.00 S PL Rad. 700.00 N PL Len. 1099.96 CL Len. 1162.39 S PL Len. 1229.22	Curve #4 A = 30° 20' N PL Tan. 150.00 CL Tan. 162.74 S PL Tan. 175.48 N PL Rad. 470.96 CL Rad. 510.96 S PL Rad. 550.96 N PL Len. 290.43 CL Len. 315.10 S PL Len. 339.76	Curve #5 A = 30° 20' N PL Tan. 150.00 CL Tan. 162.74 S PL Tan. 175.48 N PL Rad. 470.96 CL Rad. 510.96 S PL Rad. 550.96 N PL Len. 290.43 CL Len. 315.10 S PL Len. 339.76	Curve #6 A = 24° 53' 40" N PL Tan. 191.17 CL Tan. 204.00 S PL Tan. 200.00 N PL Rad. 366.09 CL Rad. 306.09 S PL Rad. 946.09 N PL Len. 376.31 CL Len. 393.69 S PL Len. 411.07	Curve #7 A = 48° 32' 45" N PL Tan. 141.96 CL Tan. 160.00 S PL Tan. 179.04 N PL Rad. 314.81 CL Rad. 354.81 S PL Rad. 394.81 N PL Len. 266.73 CL Len. 300.63 S PL Len. 334.52	Curve #8 A = 54° 36' N PL Tan. 290.60 CL Tan. 310.60 S PL Tan. 331.59 N PL Rad. 561.06 CL Rad. 501.06 S PL Rad. 641.06 N PL Len. 536.32 CL Len. 573.40 S PL Len. 611.65
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Curve #1 A = 39° 20' N PL Tan. 150.00 CL Tan. 162.74 S PL Tan. 175.48 N PL Rad. 470.96 CL Rad. 510.96 S PL Rad. 550.96 N PL Len. 290.43 CL Len. 315.10 S PL Len. 339.76	Curve #2 A = 30° 20' N PL Tan. 137.26 CL Tan. 150.00 S PL Tan. 162.74 N PL Rad. 450.96 CL Rad. 470.96 S PL Rad. 510.96 N PL Len. 265.76 CL Len. 290.43 S PL Len. 315.10	Curve #3 A = 24° 53' 40" N PL Tan. 191.17 CL Tan. 204.00 S PL Tan. 200.00 N PL Rad. 366.09 CL Rad. 306.09 S PL Rad. 946.09 N PL Len. 376.31 CL Len. 393.69 S PL Len. 411.07	Curve #4 A = 48° 32' 45" N PL Tan. 141.96 CL Tan. 160.00 S PL Tan. 179.04 N PL Rad. 314.81 CL Rad. 354.81 S PL Rad. 394.81 N PL Len. 266.73 CL Len. 300.63 S PL Len. 334.52
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Description

Utilities Easement

A STRIP OF LAND 30.00' IN EVEN WIDTH LYING IN THE SE 1/4 OF SECTION 2-88-13, WATERLOO, BLACK HAWK COUNTY, IOWA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTHWESTERLY R-O-W LINE OF U.S. HIGHWAY 218 WITH THE EAST LINE OF SAID SECTION 2-88-13, SAID R-O-W LINE BEING 60.00' NORMALLY DISTANT SOUTHWESTERLY FROM THE E OF U.S. HIGHWAY 218; THENCE N. 39° 20' W. ALONG SAID SOUTHWESTERLY R-O-W LINE A DISTANCE OF 494.43'; THENCE S. 54° 36' W. A DISTANCE OF 425'; THENCE S. 39° 20' E. A DISTANCE OF 390' TO THE POINT OF BEGINNING; THENCE S. 54° 36' W. A DISTANCE OF 756'; THENCE S. 39° 20' E. A DISTANCE OF 30'; THENCE N. 54° 36' E. A DISTANCE OF 756'; THENCE N. 39° 20' W. A DISTANCE OF 30' TO THE POINT OF BEGINNING.

A strip of land 30.00 feet in even width lying in the NE Fractional 1/4 and the SE 1/4 of Section 2-88-13, Waterloo, Black Hawk County, Iowa, said 30.00 feet being measured normally outward from a closed parcel of land described as follows:

Commencing at the intersection of the Southwesterly right-of-way line of U.S. Highway 218 with the East line of said Section 2-88-13, said right-of-way line being 60.00 feet normally distant Southwesterly from the center line of U.S. Highway 218; thence N. 39° 20' W. along said Southwesterly right-of-way line a distance of 534.43 feet; thence S. 54° 36' W. a distance of 345.00 feet to the point of beginning; thence N. 39° 20' W. a distance of 518.57 feet; thence Westerly along a curve concave Southerly having a radius of 259.87 feet a distance of 435.71 feet; thence S. 48° 36' W. a distance of 1088.11 feet; thence Southerly along a curve concave Easterly having a radius of 412.21 feet a distance of 349.65 feet; thence South a distance of 508.43 feet; thence Southwesterly along a curve concave Northeasterly having a radius of 780.00 feet a distance of 1229.22 feet; thence East a distance of 450.03 feet; thence Northeasterly along a curve concave Northwesterly having a radius of 550.96 feet a distance of 339.76 feet; thence N. 54° 40' E. a distance of 246.41 feet; thence Northeasterly along a curve concave Northwesterly having a radius of 641.06 feet a distance of 611.65 feet; thence North a distance of 370.45 feet; thence Northeasterly along a curve concave Southwesterly having a radius of 550.96 feet a distance of 339.76 feet; thence N. 39° 20' W. a distance of 482.31 feet to the point of beginning.

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Also a part of the NE Fractional 1/4 of Section 2-88-13 described as follows: beginning at the Southeast corner of the North 5 acres of that portion of the NE 1/4 of section 2-88-13 lying South of the junction of U.S. Highway 218 and Iowa State Highway 412; thence West along the South line of said 5 acres a distance of 374.82 feet; thence South a distance of 310.00 feet; thence East a distance of 20.00 feet; thence North a distance of 295.00 feet; thence East a distance of 365.45 feet to the Southwesterly right-of-way line of U.S. Highway 218; thence N. 39° 20' W. along said Southwesterly line a distance of 18.38 feet to the point of beginning.

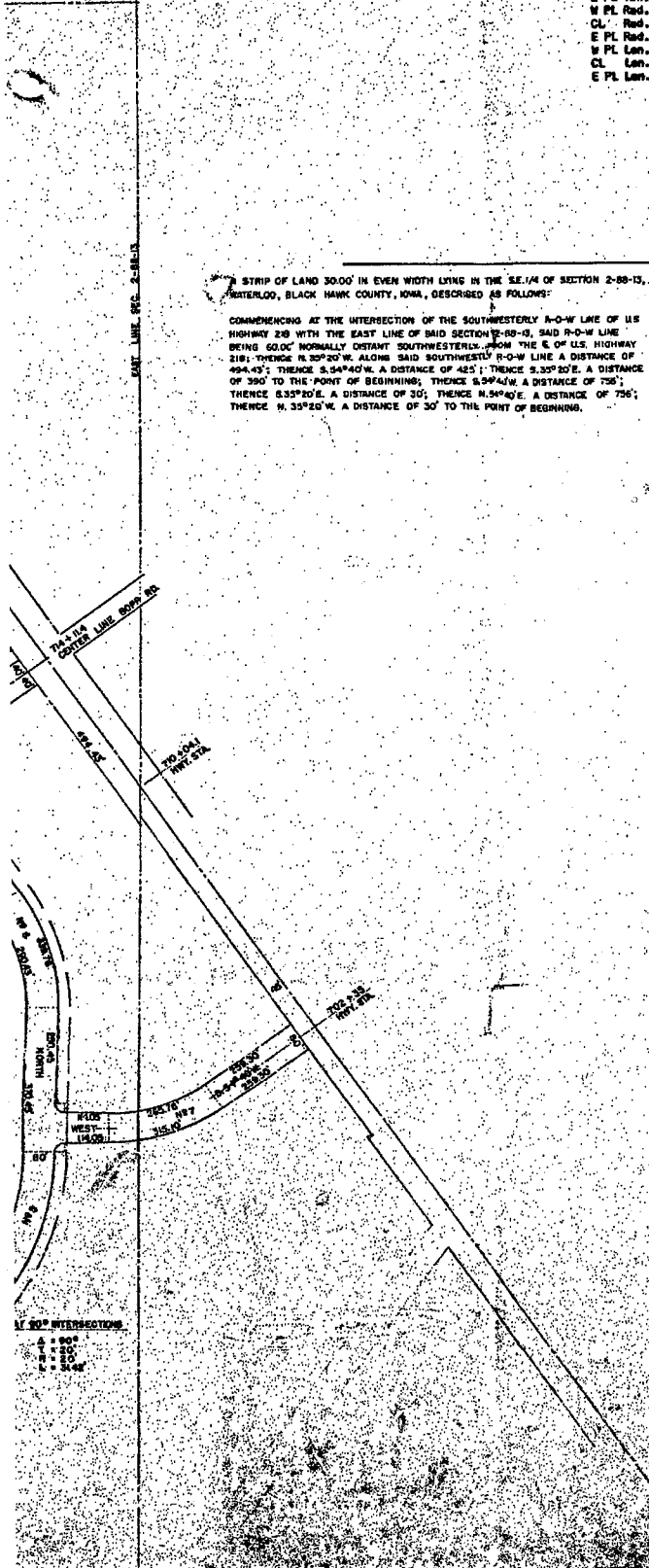
The Southwesterly right-of-way line of U.S. Highway 218 is assumed to bear N. 39° 20' W. and said Southwesterly right-of-way line intersects the East line of said Section 2-88-13 at a point 799.77 feet North of the Southeast corner of the NE 1/4 of the SE 1/4 of said Section 2-88-13.

I hereby certify that I am a duly registered professional engineer and land surveyor under the laws of the State of Iowa and that this plat was prepared under my direct personal supervision.

Date JUNE 29, 1968 Iowa Reg. No. 3641

Robert E. Schenk
Robert E. Schenk

Exhibit A



WATERLOO, IOWA

F. L. ROADS CENTER INC.

Description

Utilities Easement

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I hereby certify that I am a duly registered professional engineer and land surveyor under the laws of the State of Iowa and that this plat was prepared under my direct personal supervision.

Date JUNE 28, 1968

Iowa Reg. No. 3641

Robert E. Schenk
Robert E. Schenk

Exhibit A

