

WHEN RECORDED RETURN TO:

City of Ankeny
Attn: City Clerk
410 West First Street
Ankeny, IA 50023

Preparer Information: Amy S. Beattie, Brick Gentry, P.C., 6701 Westown Parkway, Suite 100, West Des Moines, IA 50266
(515) 274-1450

TEMPORARY CONSTRUCTION EASEMENT

KNOW ALL BY THESE PRESENTS:

That A & G Properties LC (hereinafter called "Grantor") in consideration of mutual benefit and other valuable consideration in hand paid by the City of Ankeny, Iowa does hereby convey unto the City of Ankeny, Iowa, a municipal corporation, in the County of Polk, State of Iowa (hereinafter called "Grantee"), a temporary construction easement over, under, across, and through the following described real estate:

See Attached Exhibit "A"

That said easement is granted unto the City of Ankeny, Iowa, for the purpose of the access, construction, installation, and maintenance of the following described public improvement:

W 1st STREET SIDEWALK UPGRADE – PHASE 2

In connection herewith it is specifically agreed that by this easement, the Grantee shall have the right to enter upon said premises as shall be necessary to construct, inspect, and repair, any and all of said improvements and all appurtenances thereto, together with the right to use said improvements as it deems necessary.

The Grantee shall restore said described land to a satisfactory condition after construction and/or repair in satisfactory condition pursuant to the plan for the public improvement.

This easement shall be for the period of time necessary to construct this improvement and will expire upon the earlier of the date of final acceptance of the project by the City Council of the Grantee or September 30, 2017; provided, however, the Grantee shall have the right to access the real estate after said date for the sole purpose of seeding and surface restoration. Such access shall not interfere with the rights of tenants in possession or Grantor to the use and enjoyment of said real estate.

The Grantee acknowledges the sign on the Grantor's property, has placed protection of the sign in its construction plans and agrees that any problems due to construction shall be corrected timely and at the expense of the Grantee.

The Grantee agrees that the Grantor's property including parking lot, outside of the temporary construction easement, shall not be used to park construction vehicles.

The Grantee has placed alternating driveways in its construction plans and agrees that one driveway shall remain open at all times and at no time shall a gravel driveway be installed on the property.

The Grantor does hereby covenant with the said Grantee, that said Grantor holds said real estate by title and fee simple; that they have good and lawful authority to sell and convey the same, subject to restrictive covenants, easements, encumbrances and liens of record.

IN WITNESS WHEREOF, we have hereunto affixed our hands this _____ day of May 2017.

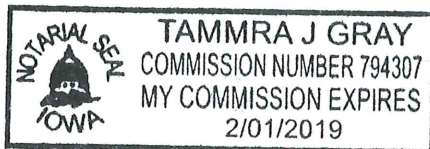
GRANTOR:

A & G Properties LC

By: [Signature]
Name: Tony George
Title: President

STATE OF IOWA, COUNTY OF POLK, ss:

On the 24 day of May 2017, before me, a Notary Public in and for the said State, personally appeared Tony George, to me personally known, who, being by me duly sworn, did say that that person is owner of said limited liability company and that said instrument was signed on behalf of the said limited liability company by authority of its managers and the said A & G Properties acknowledged the execution of said instrument to be the voluntary act and deed of said limited liability company by it voluntarily executed.



[Signature]
Notary Public in and for said State of Iowa
My Commission Expires 2-1-19

ACCEPTANCE BY CITY

STATE OF IOWA, COUNTY OF POLK, ss:

I, Pamela DeMouth, City Clerk of the City of Ankeny, Iowa, do hereby certify that the within and foregoing Easement was duly approved and accepted by the City Council of said City by Resolution No. _____, passed on the _____ day of _____, 2017, and this certificate is made pursuant to authority contained in said Resolution.

Signed this _____ day of _____, 2017.

City Clerk of the City of Ankeny, Iowa