

**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 St. Anne's by the Fields Episcopal Church of Ankeny (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 1<sup>st</sup> 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 November 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 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 18 day of May, 2017.

**GRANTOR:**

**St. Anne's by the Fields Episcopal Church of Ankeny**

By: Mary Oliver  
Name: Mary Oliver  
Title: Senior Warden

**STATE OF IOWA, COUNTY OF POLK, ss:**

On the 18 day of May, 2017, before me, a Notary Public in and for the said State, personally appeared Mary Oliver to me personally known, who, being by me duly sworn, did say that that person is Senior Warden of said domestic non-profit corporation and that said instrument was signed on behalf of the said domestic non-profit corporation by authority of its managers and the said Mary Oliver acknowledged the execution of said instrument to be the voluntary act and deed of said domestic non-profit corporation by it voluntarily executed.

Greg Skinner  
Notary Public in and for said State of Iowa

My Commission Expires



**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